

Township Building
November 26, 2007

The regular meeting of the Planning Commission was held tonight in the Township Administration Building. The following members were present: Messrs. Cross, and Greenberg. Also present were: Mr. David Lynch, Director of Engineering, Zoning & Inspections and David I. Harrower, Observer.

Due to a lack of a quorum an informal meeting was held.

Mr. Cross presided over the meeting.

1. The minutes of the October 22, 2007 meeting were accepted as presented.
2. The following appeals to be heard at the November 28, 2007 and December 10,

2007 Zoning Hearing Board meetings were discussed:

APPEAL NO. 3253 – 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 his determination that the parking of school buses is not permitted by the Grant of Zoning Relief under ZHB Appeal No. 725.
- c. 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.
- d. 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.
- e. 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.
- f. 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.

- 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 were present to discuss this Application.

Mr. Cross requested Mr. Carmen Reitano, Assistant to the Director of Engineering, Zoning and Inspections, to provide a summary of the occurrences at this property.

Mr. Reitano stated that, as a result of several complaints he was instructed to do a surveillance of this property. He stated he observed bus drivers arriving at the site at approximately 5:45 AM and noise from the buses starting at 6:30 AM and ending at approximately 7:30 AM. The noise was generated from the buses back-up signals and horns honking when the buses pulled out of the site. There is also concern that diesel fumes from the buses backing-up will destroy vegetation along the perimeter of the lot. Approximately 65 to 70 buses park on the residential parcel; another 45 to 50 buses park on the north lot in the G Zoning District.

Mr. Lynch stated this Appeal is a Zoning issue. He stated that in July 2007 residents inquired as to why the Township permitted buses to be parked in an R-4 Zoning District. Mr. Lynch explained that during 1999-2001 a large number of buses parked on the north side of the property got flooded and the Township permitted temporary parking on the south side of the parcel, as the Township was under the impression that the Glenside Area Flood Protection Project would be under construction within a few years. As a result of a complaint Mr. Lynch had Mr. Reitano inspect the site and it was ascertained that the property was not in compliance with zoning. A Notice of Violation was issued on September 24, 2007 and the Applicant filed this appeal. Mr. Lynch stated Items a. and b. of the appeal asserts that he was in error in issuing a Notice of Violation Letter and the remaining items are requests for Zoning Relief.

Mr. Lynch stated the Cheltenham Township Zoning Hearing Board Appeal No. 725

Decision allows the parking of 240 cars at the site in order to accommodate businesses located on the north side of the parcel.

Residents and the Commissioners are opposed to the school buses being parked at the site.

Mr. Michael Ryan, 402 Glenside Avenue, stated buses have been parked at the site since 1982 or 1983.

Mr. Lynch stated Laidlaw has been leasing the property from Heidmann Trust and the Heidmann Trust contends that the parking of school buses at this site is an educational use.

Mr. Lynch stated he is under the impression that this site has been utilized for the parking of school buses since 1999, not 1983-1984.

Mr. Cross inquired if Laidlaw is seeking alternative locations.

Mr. Harrower stated the most logical location to park the buses would be the High School.

Mr. Lynch stated that in August 2007, Mr. Gary Bixby, Cheltenham School District, stated there were discussions relating to the parking of 30 to 35 buses at the High School site. Residents in that area have since voiced their opposition.

Appeal No. 725 was discussed and it is the opinion of the Commission that the parking of school buses at this site poses a serious imposition on the residents.

The Commission recommends that Appeal 3253 be denied and concurs with Mr. Lynch that this property is in violation of zoning.

APPEAL NO. 3251 (Continued) – Appeal of Glenside Fire Company No. 1, owner of premises known as 210 W. Glenside Avenue, Glenside, PA, from the Decision of the Zoning Officer for the following Zoning Relief in order to install a 8' L x 4' W x 7.5' H, 100 KW @ 60 Hz. back-up electric generator along the northwest property line of the premises (said premises being within the Class R-5 Residence District):

- a. Variances from the rules and regulations of the Class R-5 Residence District as outlined in CCS 295-46. as follows:
 - i. From CCS 295-46.B.(2) for a lesser side yard setback of 1' instead of the minimum required 20'.
 - ii. From CCS 295-46.C. for a lesser rear yard setback of 7.5' instead of the minimum required 25'.
- b. A Special Exception in accordance with the rules and regulations of “Non-conforming Uses” as outlined in CCS 295-227.C. for expansion of the non-conforming use of the premises.

No representatives were present for the Applicant.

Mr. Lynch stated this Application was presented at the October 22, 2007 Planning Commission meeting at which time it was recommended that it be denied. At the November 19, 2007 Zoning Hearing Board meeting the Applicant requested and was granted a Continuance to the December 10, 2007 ZHB meeting.

Mr. Lynch stated the Applicant is requesting zoning approval to install a very large generator which will need to be exercised once a week. The Fire Company is currently investigating the feasibility of placing an adequate sized unit in the basement of the Fire House.

Mr. Greenberg stated that at the October 22, 2007 meeting additional information was requested.

Mr. Michael Ambrose, Esq., representing his son and daughter-in-law, adjacent property owners, inquired as to why this Appeal is again being presented before the Planning Commission and the Building and Zoning Committee if the ZHB granted a continuance. He stated the Fire Company stated it would investigate other alternatives and has since been informed that that there may be adequate room for a unit where the fire trucks are parked. If this is feasible, Zoning Relief will not be necessary and this Appeal would be moot. The neighbors are supportive of this alternative location for the unit.

The Commission reiterates its previous recommendation of denial of Appeal No. 3251.

APPEAL NO. 3254 – Appeal of James and Valene Best, owners of residence known as 264 Ashbourne Road, Elkins Park, PA, from the Decision of the Zoning Officer for a

Variance from the rules and regulations of the Class R-5 Residence District as outlined in CCS 295-43. in order to use the premises as a Two-Family Semi-Detached Dwelling (a "Duplex") instead of one of the permitted enumerated uses.

Mr. Richard Berlinger, Esq., and Mr. James Best, owner, were present to discuss this Application.

Mr. Berlinger presented photos of the properties and stated the owner who resides at 262 Ashbourne Road has recently acquired 264 Ashbourne Road. He stated that Mrs. Best suffers from a severe pesticide allergy and must be notified when pesticides are sprayed. The residence at 264 Ashbourne Road was purchased due to the uncertainty of the new owners receptiveness to the allergy sensitivity of Mrs. Best. He stated the residence is in a deteriorated condition. Mr. & Mrs. Best are requesting Zoning Relief in order to convert the single family residence into a duplex because the cost of the acquisition and to rehab the property will surpass the value of the house. It was stated the dwelling will need two kitchens and two bathrooms. Parking will not be an issue as a 20' x 40' on-site parking area is being proposed. Parking will be perpendicular to the street. Pervious pavers were considered but it was ascertained would not be feasible.

Parking in respect to Albright Avenue was discussed.

Ms. Linda Riley, 266 Ashbourne Road, stated Albright Avenue is a 100 foot long, extremely narrow street. She stated the area is currently very congested and this appeal will add to the congestion and have a negative impact on the area. She stated the impervious surface and occupancy will be doubled.

Ms. Irene Campbell, 7743 Albright Avenue, adjacent property owner concurred with Ms. Riley's sentiments regarding the street being narrow and parking concerns. She stated that by adding more vehicles on the street it will become difficult entering/exiting the site. She also stated paving the area will detract from the beauty of the area.

Mr. Harrow expressed his concern with potential change of ownership in the future.

Mr. Cross stated the Applicant is requesting that the current non-conforming use of the dwelling be increased.

In regards to the parking at the site, Mr. Berlinger stated no one can predict the future as the dwelling consists of six bedrooms.

Mr. Lynch suggested that since parking is at a premium a larger lot, to accommodate 10 or more vehicles, be constructed at 264 Ashbourne Road and neighbors be permitted to utilize the additional parking spaces.

Mr. Cross stated green space in this area is at a premium.

Mr. Greenberg recommends that Conditions be imposed if Zoning Relief is granted.

Mr. Best stated that he intends to remain at his current residence and considered renting the house in question as a single family residence, but with the mortgage being more than doubled, this would not be financially feasible. In addition to rehabbing the property, diseased trees have also been removed. He stated most of the parking in this area is not legal and that by offering on-site parking the property would be more desirable.

The Commission recommends denial of Appeal No. 3254 because the Applicant failed to prove a hardship and also because of the neighbors concerns.

APPEAL No. 3255 – Appeal of Janet Benton and David Updike, owners of premises known as 118 Webster Avenue, Wyncote, PA, from the Decision of the Zoning Officer for the following Zoning Relief in order to replace an existing shed addition and second-storey porch addition on the rear of the premises with a new ground level deck (18.5±' x 15±') and second level deck (15.1±' x 9.5±');

- a. Variances 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. From CCS 295-36. for expansion of a legal non-conforming structure.
 - ii. From CCS 295-39.B.(2) for a zero width side yard setback for the ground level deck instead of the minimum required 20'.
 - iii. From CCS 295-39.B.(2) for a 2.1±' wide side yard setback for the second level deck instead of the minimum required 20'.

- b. A variance from the rules and regulations of CCS 295-229.K. for expansion of a legal non-conforming structure.

No representatives were present to discuss this Application.

Mr. Lynch presented renderings of the proposed project and stated this is a twin dwelling with an existing deck. The applicant is proposing to remove the existing single level deck and construct a larger footprint, two level deck. This proposal will be presented before the Wyncote BHAR on Monday, December 3, 2007 for review.

Mr. Lynch stated he is not aware if any neighbor opposes the proposed deck.

The Commission takes no action.

APPEAL NO. 3256 – Appeal of Frances Hunter, owner of premises known as 22 Latham Parkway, LaMott, PA, from the Decision of the Zoning Officer for Zoning Relief for the following:

- 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 295-24.A.(1) for a lesser front yard setback of 4.25±' instead of the minimum required 50' for a 8' x 10' Shed No. 1.
 - ii. From CCS 295-24.A.(1) for a lesser front yard setback of 21.5±' instead of the minimum required 50' for a 8' x 10' Shed No. 2.
 - iii. From CCS 295-24.B.(1) for a lesser side yard setback of 12' instead of the minimum required 15' for Shed No. 2
- b. A Variance from the rules and regulations of “Fences and Walls” as outlined in CCS 295-223. for 50±' of 6' high, solid fencing running along the southeast property line of the premises within the required front yard setback area along Willow Avenue instead of the permitted 4' high, 50% open fencing.

Dr. Frances Hunter, Applicant, was present to discuss this Application.

Mr. Lynch stated that this proposed project was presented to the LaMott BHAR for review and it recommended that a Certificate of Appropriateness be issued. He stated this is a double frontage property. A rendering of the rear yard was presented and it was stated the existing shed will be replaced.

There is wrought iron fencing along Latham Parkway and there are numerous carriage houses and garages on the properties.

Mr. Cross recommended that Dr. Hunter either have neighbors appear or write letters in favor of this project.

The Commission takes no action.

APPEAL NO. 3257 – Appeal of the JC Melrose Country Club, owner of premises known as 7600 Tookany Creek Parkway, Cheltenham, PA, from the Decision of the Zoning Officer for a Special Exception in accordance with the rules and regulations of the “Floodplain Conservation District” as outlined in CCS 295-162.C. for the construction of a new pedestrian/golf cart bridge crossing the Tookany Creek within the floodway of the Tookany Creek approximately 1100 feet downstream of the Levick Street Bridge over Tookany Creek; the new bridge replaces a pedestrian/golf cart bridge that had been in approximately the same location that had been removed several years ago due to storm damage; the proposed bridge has already been approved by the Pennsylvania Department of Environmental Protection (said premises being within the Class R-1 Residence District.).

No representatives were present to discuss this Application.

Mr. Lynch stated plans for this project were presented in the year 2005, at which time major improvements to the main campus and the replacement of the tunnel and pedestrian bridge were also proposed. The improvements and tunnel are completed, but due to the required DEP approval for the bridge, it has not been constructed. He stated it will be a Continental Bridge, similar to that installed along the Tookany Parkway across from the Fred Griffin Field. Zoning relief is necessary because the bridge will be constructed within the Floodway, of the Tookany Creek.

The Commission takes no action.

3. The proposed Ordinance creating an Age Restricted Overlay District was discussed (see attached).

Mr. Lynch stated that Ms. Jean Holland, Montco Planner, has plans indicating the locations where the proposed age restricted housing will be permitted. He also stressed the importance that a quorum be present for the December 17, 2007 meeting in order to discuss this Ordinance and render a recommendation.

Mr. Lynch stated that an Ordinance addressing this subject was previously presented to the Planning Commission and after discussion it was recommended that various issues be addressed, including the number of units per acre and aesthetics. He stated that for approximately three to four months a committee consisting of himself, Commissioner Swavola, Township Manager Kraynik, Assistant Township Manager Havar and Ms. Holland, Montco Planning met and developed the proposed Ordinance.

Mr. Lynch read aloud various aspects of the proposed Ordinance. Mr. Cross recommended that there be more assertive wording regarding adaptive reuse and also feels the architectural requirements are too stringent and recommends that §295-444 Development Requirements, Section K, Architectural Guidelines, No. 6, Items c. and d. be struck.

Page 2, Performance Standards, was also discussed and it was stated that permitted maximum height of the buildings in the two or more bedrooms category is excessive.

Mr. Lynch stated this proposed Ordinance will be presented to the following Committees for discussion:

Building & Zoning Committee	December 4, 2007
Public Works Committee	December 11, 2007
Planning Commission	December 17, 2007
Building & Zoning Committee	January 8, 2008
Public Works Committee	January 15, 2008

There will be a Public Hearing on this proposed Ordinance at the January 22, 2008 Board of Commissioners meeting.

4. The meeting adjourned.

David G. Kraynik
Township Manager

Per: Emma Wetzel