

The Planning Commission ("PC") meeting was held tonight at the Township Administration Building Boardroom. The following Planning Commission members were present: Messrs. Cross, Leighton, Winneberger, Goldfarb, Greenberg and also present was ex-officio member Harrower. Also present was Carmen G. Reitano, Assistant to the Director of Engineering, Zoning & Inspections.

**1. Acceptance of the minutes of the May 21, 2012 Meeting.**

Mr. Winneberger made a Motion to approve the minutes Mr. Goldfarb seconded the Motion; the Motion passed.

**2. Review of Zoning Hearing Board Agenda for July 9, 2012.**

**APPEAL 3438: (Continued)** Appeal of Vlademiro J. Fichera, owner of residence known as 133 E. Glenside Ave., Glenside, PA 19038, zoned G Manufacturing and Industrial Districts from the decision of the Zoning Officer for Zoning Relief in order to convert a Single Family Semidetached Dwelling into a Two Family Semidetached Dwelling. The Single Family Semidetached Dwelling is presently a legal non-conforming residential use, since residential use is not permitted within the G District.

The site has adequate space for (3) on site parking spaces for the proposed use as certified in a letter from Jeffrey E. Fazler, P.E. (applicant's engineer) dated June 11, 2012.

The following Zoning Relief is required:

- a. A Variance from the rules and regulations of CSS 295-135 to allow a Two Family Semidetached Dwelling residential use in the G Zoning District.
- b. A determination that the parking requirement is for a semidetached dwelling (2 spaces per unit) as opposed to for a multi-family dwelling (1.5 spaces per unit) from CSS 295-221.H.
- c. A Variance from the rules and regulations of CSS 295-221.H, if determined that two (2) parking spaces per unit is required, to not require a fourth on site parking space.

No one was present for this application.

Mr. Reitano stated that the applicant is requesting a variance to have 3 parking spaces instead of the required 4.

Mr. Leighton asked if there was a rule regarding parking in front yards. Mr. Reitano stated that there are no Township regulations against such.

Discussion ensued regarding points on plan. Mr. Reitano stated that the line of sight is even with the outside of the edge of the building and that anyone coming out of driveway has a clear view of the road.

Mr. Harrower stated that he drove past the property recently and noted that all three spaces are already marked out. Why come in front of the Planning Commission if the project has already been completed? Mr. Reitano stated that the applicant jumped the gun with his contractor and missed the parking requirement for the 4<sup>th</sup> parking space.

Mr. Winneberger made a motion of No Action; Mr. Goldfarb seconded the motion; the motion passed.

**APPEAL 3440:** Appeal of Charles Norton, owner of property known as 653 Green Briar Road, Elkins Park, PA 19027, zoned R-5 Residence District, from the decision of the Zoning Officer for Zoning Relief in order to allow the parking of two (2) Class 3 commercial tow trucks in a residential driveway.

The following Zoning Relief is required:

- a. A Variance from the requirements under CSS 295-233.3.C to allow the parking of two (2) Class 3 commercial tow trucks in a residential driveway.

Mr. Charles Norton was present for the Application.

Mr. Reitano stated that Mr. Norton is requesting relief for parking 2 class 3 commercial tow trucks in a residential driveway.

Mr. Norton stated that he works for the Temple PD and he needs the trucks to respond to accidents and breakdowns on campus. Mr. Norton stated that he is on call 24/7.

Mr. Cross asked if there were any complaints from neighbors. Mr. Norton stated that there has been no real reaction and he's on friendly terms with all of his neighbors. Mr. Cross recommending getting as many positive letters from the neighbors supporting Mr. Norton's parking the tow trucks as possible. Mr. Cross asked if both trucks are used in the daytime. Mr. Norton stated that he and his daughter leave in both trucks around 6 AM and do not come back home until around 7-8PM.

Mr. Cross asked if Mr. Norton leaves the trucks idling. Mr. Norton stated that the trucks are not designed to idle for excessive amounts of time and are meant to shut off and restart when needed.

Mr. Harrower stated that in absence of a complaint he doesn't see a problem with the request.

Mr. Winneberger made a motion of No Action; Mr. Goldfarb seconded the motion; the motion passed.

**APPEAL 3441:** Appeal of New Cingular Wireless PCS, LLC d/b/a AT&T Mobility, 200 North Warner Road, King of Prussia, PA 19046, tenant of property at 450 S. Easton Road (Arcadia University), Glenside, PA 19038, zoned R-1 Residence District, from the decision of the Zoning Officer for Zoning Relief in order to construct an upgrade to the existing rooftop AT&T wireless facility.

The upgrade will consist of the addition of three (3) new "LTE" antennas (one antenna to each of the three existing ballast frames) and an LTE equipment cabinet and 19" rack on the existing rooftop platform within the existing screening wall. The number of antennas will be increased from the current six (6) to the total of nine (9) antennas after the upgrade.

The following Zoning Relief is required:

- a. A Use Variance from the rules and regulations of CSS 295-7 to allow for the addition of three (3) new antennas and rooftop equipment to the existing telecommunications site.
- b. A Dimensional Variance from the requirements under CSS 295-111 to allow the three (3) new antennas at heights of 53 feet, 51 feet and 49 feet respectively. None of the three proposed antennas will be higher than the existing 55 foot high HVAC and telecom equipment structure located on the rooftop. Building height maximum in the R-1 District is 40 feet.

Nicholas A. Cuce, Jr., Esquire was present to discuss the application.

Mr. Cuce stated that the wireless companies are rolling out their 4G LTE equipment, and in order to do that they must upgrade their sites. Mr. Cuce stated that AT&T is requesting an additional 3 antennas and a new equipment cabinet. Mr. Cuce stated that the proposed antennas are longer than the existing ones. The proposed antenna heights are 53' 51' and 43' and the previous 6 antennas are 39' high. Mr. Cuce stated that the new equipment will be placed within a screened area, and will not be visible from the street but the antennas will be. Mr. Cuce stated that the new equipment will not be going above what's currently existing in that location but will be going above what's presently there for AT&T.

Mr. DiBenedetto asked how tall the screen wall is. Mr. Cuce stated 55' above grade. Mr. Reitano stated that the new equipment is lower than the existing HVAC equipment.

Mr. Winneberger made a motion of No Action; Mr. Goldfarb seconded the motion; the motion passed.

**APPEAL 3442:** Appeal of Arcadia University, 450 S. Easton Road, Glenside, PA 19038, owner of property located at 777 Limekiln Pike, Glenside, PA 19038, zoned M-2 Multiple Dwelling District, from the decision of the Zoning Officer for Zoning Relief in order to convert the existing multi-family apartment use to school administrative office use in the existing three-story residential building.

There is no proposed modification to the existing building footprint.

The following Zoning Relief is required:

- a. A Use Variance from the rules and regulations of CSS 295-80 to allow a conversion from an existing multi-family apartment use to a school administrative office use.
- b. A Variance from the rules and regulations of CSS 295-221.H to allow for 30 parking spaces instead of the required 57 parking spaces for the proposed office use.

Mr. Harold Lichtman was present for this application.

Mr. Lichtman stated that the property is located at Limekiln Pike & Church Road. Mr. Lichtman stated that there is currently an existing 2 storey building with a full basement which is currently being used by Arcadia as a residence hall. Due to flooding and other issues, Arcadia wants to transform the building into office space. Mr. Lichtman stated that the plan is to slowly vacate the students to other dorms in the area and eventually use the entire building for office space.

Mr. Lichtman stated that due to the Oak Summit Parking Lot currently being constructed by Arcadia, they are asking for a variance in parking and for the use of the building. Mr. Lichtman stated that it's normal business hours, no weekends or evenings. Mr. Cross asked if there was a change in building footprint. Mr. Lichtman confirmed there were no changes proposed. Mr. Lichtman stated it will be going from 21 apartments to 21 offices. Mr. Cross asked if there was a time table for the conversion process. Mr. Lichtman stated there wasn't anything definite yet.

Mr. DiBenedetto asked if the Oak Summit Garage is the closest parking. Mr. Lichtman stated that there is on street parking available as well as main campus parking available in addition to Oak Summit Parking.

Mr. Harrower stated that he thinks this is a straightforward reasonable request. Mr. Winneberger stated that it's an improvement over what's there now. Mr. Cross asked if there are students living there now. Mr. Lichtman stated that the current students there will be moving to Oak Summit Dorms or Main Campus Dorms.

Mr. Cross asked what happens to the offices that will be left vacant from the move. Mr. Lichtman stated that the current offices are in educational areas and Arcadia is trying to keep it all educational.

Mr. Winneberger made a motion of No Action; Mr. Greenberg seconded the motion; the motion passed.

**APPEAL 3443:** Appeal of KL Investments, LLC, 1103 Greenhill Court, Ambler PA 19002, owner of property at 8200 Ogontz Ave. known as the Cheltenham Plaza Shopping Center, Cheltenham, PA 19012, zoned C-2 & C-4 Commercial District, from the decision of the Zoning Officer for Zoning Relief in order to construct a proposed building addition and a new building totaling 7,000 SF for any use permitted in the C-2 & C-4 Zoning Districts.

The proposed building addition is in the C-2 district and subject to the C-2 requirements. The proposed new building is predominately in the C-2 district with a small portion in the C-4 district. The proposed new building will be subject to the C-2 zoning district requirements. The overall site fronts on Ogontz Avenue and abuts Limekiln Pike at the rear of the site.

The following Zoning Relief is required:

- a. A Special Exception under CSS 295-111.A.(1) to allow the depth of the front yard on the rear street line along Limekiln Pike for the proposed new building and the building addition to be decreased from the 40 foot requirement to 5 feet.
- b. A variance from the requirements under CSS 295-163 to allow disturbance of slopes 15% or greater.
- c. A variance from the requirements under CSS 295-168 to not provide a lines and grade plan prepared by a design professional licensed in Pennsylvania delineating the steep slope areas and existing topographic feature requirements.

Peter Friedman, Esq. and Harold Lichtman were present for the application.

Mr. Friedman stated that the appeal is for 2 additional spaces in the Cheltenham Plaza Shopping Center each being about 3,000 to 4,000 SF each. Mr. Friedman stated that it will be used for either retail or office use or any use currently allowed in the C-2 district.

Mr. Friedman stated that the zoning relief being requested is for the dimensional front yard setbacks and steep slope requirements due to possible disruption to the steep slopes during construction.

Mr. Lichtman stated that the possible tenants are not known at this time.

Discussion ensued regarding steep slopes presented on photographs.

Mr. Lichtman stated that the proposed spaces are clear of steep slopes but during construction steep slopes may be affected. Mr. Lichtman stated that the proposed plans will improve the green area space by removing portions of the asphalt lot.

Mr. Cross asked where the project was at for Staff approval on stormwater management. Mr. Lichtman stated that they must get zoning first and that the project hasn't been shown to anyone regarding Land Development. Mr. Lichtman stated that the applicant is aware that they will need EDUs and other various approvals first.

Mr. Harrower asked if there was access behind KFC for this property. Mr. Lichtman confirmed that is one way to access the proposed sites but there are no proposed driveways off of Limekiln Pike.

Mr. Harrower asked the location of the proposed green spaces. Mr. Lichtman stated that almost the entire parcel is currently paved. A lot of asphalt will be removed and replaced with new building and new paving but a lot will be left green. Discussion ensued regarding exact locations on a presented map.

Mr. David Cohen a member of the audience asked if this project included the land around the Billboard. Messer's Friedman and Lichtman stated no, this is a separate property.

Mr. Winneberger made a motion of No Action; Mr. Greenberg seconded the motion; the motion passed.

**APPEAL 3444:** Appeal of 101 Juniper Associates, Inc., owner of property known as 1400 Willow Ave., Elkins Park, PA 19027, zoned R-7 Residence District, from the decision of the Zoning Officer for Zoning Relief in order to convert approximately 2,500 SF of the existing 13,000 SF educational/school use to a senior day care use.

The existing one-story commercial building is an existing legal nonconforming use where 13,000 SF is dedicated for educational/school use, 3,000 SF dedicated for a doctor's office and 2,000 SF dedicated for general office space. There is no proposed structural alteration or modification to the existing building footprint. Parking requirements remain the same for the proposed use compared to the existing educational/school use.

The following Zoning Relief is required:

- a. A Use Variance from the rules and regulations of CSS 295-57 to allow a 2,500 SF conversion from an existing educational/school use to an adult day care center use.

Mr. Peter Friedman, Esq. and Harold Lichtman were present for this application.

Mr. Friedman stated that this is a 1 storey commercial building in the Melrose Park section of the Township. It's located in the R7 District and the uses are nonconforming. The current use is the Albert Career School which has about 18,000 SF. The application is to convert 2,500 SF of the Albert Career School into an Adult Daycare Center.

Mr. Lichtman stated that there currently isn't a use category in the Township code for Adult Daycare facilities. Mr. Lichtman stated that they are applying for a use variance or to be deemed consistent with the current non-conforming status.

Discussion ensued regarding elevations on plan.

Mr. Lichtman stated that there is a dedicated rear access which is on grade. Vehicles would drop off at the rear of the site and wouldn't be crossing traffic or traveling in between parked cars. Mr. Lichtman stated that right now the interior layout consists of a large room and smaller individual classrooms.

Mr. Lichtman stated that there are no parking requirements for an Adult Daycare, so they used regular day care parking regulations. This equals 15 spaces. Mr. Harrower stated that there are ambulatory differences between an adult day care and a child daycare. Mr. Harrower urged a willingness to do more handicapped parking if necessary. Mr. Lichtman stated that there is plenty of parking there already. Most end users would be bussed in on vans.

Mr. Harrower suggested allowing more space for the vans to move around as necessary.

Mr. Cross asked if there are any conflicts in usage during Hours of Operation. Mr. Lichtman stated no, additional bathrooms are being installed and with the separate entrances the center would totally be self sufficient.

Mr. Harrower asked about signage. Mr. Lichtman stated that this hasn't been discussed at this time but the property already has an approved monument sign and a sign would probably be added to that.

Mr. Harrower asked if this is only a senior daycare and not a daycare targeted towards disabilities. Mr. Lichtman stated that a facility targeted towards disabilities would require an entirely different licensing procedure and that this facility is for seniors only.

Mr. Goldfarb made a motion of No Action with the conditions that additional handicap parking be made available and allowances for van maneuvering be made. Mr. Winneberger seconded the motion; the motion passed.

3. Discussion regarding three (3) proposed amendments to the Zoning Code

- a.) **AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF CHELTENHAM, CHAPTER 295, THEREOF, ENTITLED "ZONING", SECTIONS 295-243 AND 295-244, BY LIMITING THE HEIGHT OF BUILDINGS TO NO MORE THAN 3 STORIES ON SITES 10 ACRES OR LESS; DELETING CERTAIN TERMS AND INSERTING NEW TERMS TO CHANGE THE WORD "HOMES" TO "DWELLINGS" AND TO DELETE THE WORDS "OR EQUIVALENT" IN CERTAIN PORTIONS OF THE ORDINANCE; TO REPLACE THE TERMS "HISTORIC RESOURCES WITHIN THE TOWNSHIP", WITH THE TERMS "HISTORIC RESOURCES ON THE TRACT" AND TO REQUIRE THE SUBMISSION OF A BY-RIGHT YIELD PLAN BASED ON THE UNDERLYING ZONING**

Mr. Cross stated that the Planning Commission has reviewed this already. Mr. David Cohen a member of the audience stated that he had a discussion with the Commissioners and stated that it needs to be made clear that multi-storey buildings above 3 storey's cannot be built.

Mr. Cohen stated that this Ordinance still does not address the issue of number of units, just the height of the buildings. Mr. Cohen stated that this is the direction the Commissioners opted to go in.

Mr. Cross read from the proposed Ordinance and stated that nothing has really changed. Mr. Harrower stated that the revisions covered the points that were originally addressed by the Planning Commissions first comments. Mr. Cross stated that the first points listed in the ordinance address this and it was also suggested that a by right yield plan be submitted.

Mr. Harrower stated that requiring a By-Right Yield plan is going to be a useful tool.

Mr. Cohen stated that in his mind the Township accepted an incomplete application for Kerlin Farms.

**The suggestion made by the Planning Commission is that all applications for Special Exception under this overlay district should be accompanied with By- Right Yield Plan.**

Mr. Winneberger made a motion of No Action; Mr. Greenberg seconded the motion; the motion passed.

- b.) **AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF CHELTENHAM AMENDING CHAPTER 295, ZONING, OF THE CODE OF ORDINANCES, AS AMENDED FROM TIME TO TIME, BY AMENDING SECTION 225 OF CHAPTER 295 TO ADD A NEW SUBSECTION C TO PROVIDE FOR CERTAIN SPECIALIZED MEDICAL SERVICES BY SPECIAL EXCEPTION IN RESIDENCE DISTRICTS R-5, R-6, R-7 AND R-8**

The Planning Commission made the following comments:

In Paragraph (3), clarify "and a resumption of such use shall be demonstrated to be no longer feasible." Mr. Harrower asked how does the demonstrated no longer feasible use benefit the Township. Mr. Reitano stated that maybe it's the EDU issue driving this paragraph but he doesn't know for sure. Mr. Cross stated that it's probably because once it's on the taxable roll the Township would like to keep it there. Mr. David Cohen a member of the audience stated that it's actually a good hurdle to keep certain things out of residential areas; these listed properties are pretty isolated from the residences.

In Paragraph (5), discussion ensued regarding entrances, ADA Accessibility and parking. Mr. Cross stated that the Township is asking the Zoning Hearing Board to legislate the aesthetics or use of a building and essentially turning the Zoning Hearing Board into designers.

Mr. Cross stated that he found it odd to talk about signage for the property but not about hours of operation. Mr. Cohen stated that he floated the idea of no overnight patients but the Township Solicitor stated it would require a revised publication.

Mr. Cross expressed concerns about off-street parking and hours of operation.

Mr. Goldfarb made a motion of No Action with the recommendations listed below. Mr. Winneberger seconded the motion; the motion passed.

**The Planning Commission recommends striking the following language in paragraph (3) "and a resumption of such use shall be demonstrated to be no longer feasible".**

**The Planning Commission recommends striking the following language in paragraph (5)**

**"For purposes of public health, safety and welfare". The Planning Commission also suggests adding protective language asking a designer to make a case why they are proposing changing the outside of the building.**

- c.) **AN ORDINANCE AMENDING THE CHELTENHAM TOWNSHIP ZONING MAP TO REZONE THE 100 BLOCK OF COTTMAN AVENUE, FURTHER IDENTIFIED AS TAX BLOCK 65, UNITS 69, 88-93, 96, 98 AND 99, CONSISTING OF APPROXIMATELY 1.617 ACRES, FROM THEIR EXISTING ZONING CLASSIFICATION OF "R8" RESIDENCE DISTRICT TO THE CLASSIFICATION OF "C3" COMMERCIAL AND BUSINESS DISTRICT.**

Mr. Reitano stated that all residents in the defined proposed new C-3 District area are in favor. Mr. Cross stated that he didn't see a problem with the request if every resident agrees. Mr. Winneberger stated that the Township has this in other areas as well.

Mr. Winneberger made a motion of approval; Mr. Greenberg seconded the approval; the motion passed.

**4. Old Business**

None

**5. New Business**

None.

**6. Adjournment**

Mr. Cross made a motion for adjournment; Mr. Winneberger seconded the motion, the motion passed. The meeting adjourned at 9:30 P.M.



David G. Kravitz  
Township Manager

Per Holly A. Nagy