

February 23, 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, and Winneberger. There was no quorum. 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, Montco Planning and David Harrower, Observer.

1. Upon motion of Mr. Cross, seconded by Mr. Leighton, the minutes of January 26 were accepted.
2. The Commission reviewed the Zoning Hearing Board Agenda for March 9, 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. Pulley, was present to discuss the appeal. He noted that he wants to modify his Appeal to add another storage trailer to the site that will be used by a local college. There would be no water or sewer hook-ups to either trailer. He stated that in 2004 the Zoning Hearing Board

approved an addition for 4,000 or 5,000 square feet which was not built due to rock. Mr. Pulley said he has a new neighbor who made no objections to the proposed improvements.

Mr. Lynch discussed the various conditions. He asked if Mr. Pulley had signed permission from the neighbor in some form other than an email stating his plan was uncontested. Mr. Lynch then read the Building and Zoning Committee recommendation of February 3, 2009 to the Planning Commission:

“The Building and Zoning Committee at its February 3, 2009 meeting voted to recommend to the ZHB that the ZHB grant the Zoning Relief requested under this Appeal subject to the following conditions:

- a. That the Applicant submit a letter/document from SEPTA that documents that York Road Realty Co., has the right to use portions of the SEPTA R/W for access to “The Old York Road Skating Rink” building and for installing/maintaining a 6’ high, chain link fence with the SEPTA R/W.
- b. That the proposed sign be located to the northwest quadrant of the intersection of Church Road with Bosler Road.
- c. That the Applicant obtain a PennDOT Highway Occupancy Permit for the the proposed sign.
- d. That the Applicant obtain approval of the proposed sign location from the Cheltenham Township Police Highway Safety Unit”.

Mr. Pulley stated he would comply with the B/Z conditions.

Mr. Lynch noted that the two (2) existing signs at the corner of Church and Bosler Roads were illegal, and suggested that Mr. Pulley get together with the owners of the Medical Office Building for a joint sign at this location.

The next topic was storm water management. Mr. Pulley said stormwater management will be addressed, via underground seepage beds.

Mr. Cross questioned accessibility. Mr. Pulley stated that the building would be ADA fully compliant. Mr. Pulley said the current ramp was too steep and that a new path of travel was approved by the State. Mr. Pulley noted the sidewalk is mentioned in SEPTA's Right-of-Way Agreement.

Mr. Cross made a motion of No Action and Mr. Leighton seconded the motion.

APPEAL NO. 3317 – Appeal of Arcadia University, owner of premises known as 318 S. Easton Road, Glenside, PA (a/k/a “Oak Summit Apartments”), from the decision of the Zoning Officer for the following Zoning Relief in order to construct and operate a one (1) storey parking garage (83 parking spaces on second level) for the use of the faculty, staff and students of Arcadia University:

- a. Variances from the rules and regulations of Article XIV, entitled “M-3 Multiple Dwelling and Office Districts,” of Chapter 295 of the Cheltenham Code, as follows:
 - i. From CCS 295-89. for the construction and operation of a parking garage (as a primary use) instead of one of the permitted enumerated uses.
 - ii. From CCS 295-93.A.(1) for a lesser front yard setback of 15' instead of the minimum required 35'.
 - i. From CCS 295-93.B. for a lesser side yard setback of 8' instead of the Minimum required 15'.
 - ii. From CCS 295-94. for a lesser Green Space Landscape Buffer Strip Width of 8' instead of the minimum required 10'.

- a. A Variance from the rules and regulations of the “Steep Slope Conservation District” as outlined in CCS 295-167. for any steep slope disturbance caused by the construction of the proposed parking garage.

Mr. Lynch stated that the hearing for Appeal is closed and no additional testimony will be taken at the March 9, 2009 Hearing.

APPEAL NO. 3319: Appeal of CJK Development LLC, owner of premises known as the Melrose Shopping Center (a\k\ a CTRERP Block 87D, Unit 048 and Block 087E, Unit 001) from the following actions of the Township:

- a. From the Notice of Violation, dated August 20, 2008, issued by the Zoning Officer stating that the 6" high, white plastic fencing along both the western (Block 87D, Unit 048) and eastern (Block 87E, Unit 001) parcels of Dewey Road frontages is in violation of Cheltenham Code Section 295-223. which limits fencing within the required front yard setback area to 4' in height with said fencing being 50% open.
- b. From the revocation of the CJK's building permit No. 08-3307 for 6' high, white plastic fencing along both the western and eastern parcels Dewey Road frontages as set forth in the letter of David M. Lynch, P.E., P.L.S., Director-Engineering, Zoning and Inspections, dated December 24, 2008.

Said premises being within the Class C-3 Commercial and Business Zoning District.

Mr. Lynch noted the following:

1. The Shopping Center was constructed in the mid-1950's.
2. Shortly after the construction of the Shopping Center chain link fencing with green slats was installed along the Dewey Road Frontage of the Shopping Center, varying in height from 8' to 15'.
3. The fencing was non-conforming as to zoning at the time of installation. There is no record of zoning relief ever being obtained for the original fencing.
4. In 2001 the then Owner of the Shopping Center, Peskin Realty, applied for zoning relief for the Dunkin Donuts under ZHB Appeal No. 2875; zoning relief was granted under ZHB Appeal No. 2875 for the existing fencing.
5. In May, 2008 the current owners applied for and were issued a permit for replacement fencing along the Dewey Road Frontage, the replacement fencing was to be a solid 6' high white PVC fence. Mr. Lynch, as Zoning

Officer, deemed the replacement fencing to conform with previous zoning decision.

6. In subsequent discussions with the Township Solicitor on the replacement fencing the Township Solicitor opined that the replacement fencing did not comply with the requirements of the decision for ZHB Appeal No. 2875.
7. On August 20, 2008 Mr. Lynch issued a Notice of Violation Letter on the fencing.
8. On December 24, 2008 Mr. Lynch issued a letter revoking the building permit for the replacement fencing.
9. The Civil Appeal Hearing on the Notice of Violation is scheduled for March 3, 2009 at 10:00 a.m. in Magisterial District Justice McHugh's Court.

Mr. Doug Schleicher, the attorney for CJK, said the mistake was discovered after the fence was installed at a cost of forty thousand dollars. He said the issue was brought up 2008 when people said it was not in good repair.

Mr. Lichtman said he obtained a permit in May 2008. He said that after it was installed the Township Solicitor said it did not meet the Code and the owner met with Mr. Lynch. Mr. Lichtman said in fairness the western part of the property used to be a 15' fence with and HVAC units visible on the building. He said that CJK thought that the conversations pertaining to the fence were going smoothly and then were notified of a court hearing because they were in violation and the permit was revoked in December. He said CJK was interested in a nice clean fence. Because of the space under the fence CJK had hired a person to come every day and clean any debris. Discussion ensued regarding the fence height in relation to the loading dock. The

previous fence was deteriorating and was galvanized. They had put up a good quality fence which would be low maintenance and hoped the Zoning Hearing Board would support the application. Mr. Lynch asked if they could paint the fence?

Mr. Cross stated that the PVC would not hold up to the painting.

Mr. Cross suggested putting shrubbery in front of it and would the Township be amenable to it.

Ms. Myra Taksa, the neighbor at 109 Dewey Road said her house faces the fence. She stated that she had recently been mugged in front of her house and she blames the replacement fencing on this. She is concerned that the fence will lower her property values. She said she cannot see someone hiding behind the fence but they can see her when she is at her door.

Mr. Winneberger talked about the width of the loading dock. It is 100' loading dock and can it be blocked off.

Mr. Cross spoke about HVAC units which are usually noisy and an eyesore.

Mr. Cross asked if this is a legal non-conforming fence. He said it is up to the court to decide regarding landscaping the fence and fencing the loading dock.

Discussion ensued regarding planting ivy as a shield.

Mr. Lichtman made a proposal to fix a broken portion of the fence and landscape the bottom of the fence which the owner is willing to do.

Mr. Winneberger made a motion to take no action subject to the conditions mentioned that the fence be repaired and landscaping be planted.

Mr. Leighton seconded the motion.

Bob Elfant, a neighbor, questioned why can't the owner come back with renderings and discuss them with the neighbors.

APPEAL NO. 3320: Appeal of Raymond Massey, Jr., owner of premises known as 8126 New Second Street, Elkins Park, PA for the following zoning relief for the noted improvements on the Premises (said premises being within the Class R-4 Residence District.):

- A. A variance from the Rules and Regulations of “Yard Regulations” as outlined in CCS 295-220.C. for a lesser rear yard setback of one (1) foot instead of the required 15’ for a 8’ x 10’ shed.
- B. A variance from the Rules and Regulations of the “Steep Slope Conservation District” as outlines in CCS 295-167. for the construction of 110± L.F. Keystone retaining wall instead of one of the enumerated permitted uses.

Mr. Lynch stated that the Applicant wants to construct the retaining wall along the driveway to address longstanding erosion problems he has had with the steep bank adjacent to the driveway; and that he needs the shed for additional storage.

Mr. Winneberger made a motion for No Action; Mr. Leighton seconded the motion.

APPEAL NO. 3321: Appeal of Beth Sholom Congregation, owner of premises known as 8231 Old York Road, Elkins Park, PA, (a\k\ a “Beth Sholom Synagogue”), from the decision of the Zoning Officer for the following Zoning Relief for the expansion of the playground at the southwest corner of the premises and for making the access walkway on the northeast side of the building handicapped accessible:

- 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 Special Exception in accordance with CCS 295-36.C. for the existing playground.
 - ii. A Special Exception in accordance with CCS 295-36.C. for expansion of the existing playground.
 - iii. A Variance from CCS 295-39.A. (1) for the installation of new playground equipment within the required front yard setback area.
 - iv. A Special Exception in accordance with CCS 295-36.C. for expansion of the accessway on the northeast side of the building.

Mr. Lynch noted that this Appeal is for the expansion of the existing playground and for making the existing accessway on the northeast side of the building handicapped accessible.

Mr. Winneberger made a motion for No Action; Mr. Leighton seconded the motion.

APPEAL NO. 3322: Appeal of Montgomery Signs, Inc. on behalf of Janney Montgomery Scott LLC, tenant at 8101 Washington Lane, Wyncote, PA, (a\k\ a “One Washington Square”) from the decision of the Zoning Officer for a variance from the Rules and Regulations of “Signs” as outlined in CCS 295-197.A. (3) for a 3’ high x 9.08’ long (text “Janney”) parallel wall sign instead of no permitted parallel wall signage. Said premises being within the Class R-O Residence and Office District.

Mr. Lynch stated that Applicant needs the new sign as Janney Montgomery Scott, LLC is re-branding itself.

Mr. Winneberger made a motion for No Action; Mr. Leighton seconded the motion.

APPEAL NO. 3323: Appeal of Breyer Woods Condominium Association, owner of Breyer Woods Condominium, Elkins Park, PA (located at west quadrant of intersection of Township Line Road with Old York Road), from the decision of the Zoning Officer for a Variance from the rules and regulations of “Fences and Walls” as outlined in CCS 295-223. for 230 ± L.F. of 6’ high, solid fencing within the front yard setback area along the Township Line Road frontage of the premises (Near Condo Units 111-114) instead of the permitted 4’ high, 50% open fencing.

Mr. Lynch stated that the Applicant wants to install the fencing to address security and privacy concerns of the Breyer Woods residents as non-residents are cutting through the property at this location.

Mr. Winneberger made a motion for No Action; Mr. Leighton seconded the motion.

APPEAL NO. 3324: Appeal of Frederick Robinson, II, owner of premises known as 7325 Keenan Street, LaMott, PA (a\k\ a CTRERP Block, 193, Unit 037), from the decision of the Zoning Officer for a variance from the Rules and Regulations of the Class R-7 Residence District as outlined in CCS 295-58. for a lesser lot area of 3400 Sq. Ft. instead of the required 3500 Sq. Ft. for new Lot B (a building lot) being created by the subdivision of the premises into two (2) lots.

Mr. Lichman was representing Mr. Robinson who said there are many lots in the area that are non-conforming.

Mr. Winneberger made a motion to take No Action; Mr. Leighton seconded the motion.

APPEAL NO. 3325 – Appeal of Phuong M goc Trinh and Chuong Trinh, owners of premises known at 1101 Ashbourne Road, Cheltenham, PA, from the decision of the Zoning Officer for the following Zoning Relief for the noted improvements of the premises:

- a. Variances from the rules and regulations Article VII, entitled “R-4 Residence Districts,” of Chapter 295 of the Cheltenham Code, as follows:
 - iii. From CCS 295-39.(1) and (2) for a lesser front yard setback than the minimum required 40' for the following:
 1. For a 8' x 10' aluminum shed (Item 16 on Site Plan)
 2. For a 3' x 5' plywood shed (Item 15)
 3. For a 8' x 8' octagon gazebo (Item 14)
 4. For a 4' x 4' tween plywood shed (Item 13)
 5. For a 9.5' x 10.5' treehouse w/gazebo (Item 12)
 6. For a 7' x 10' swing gazebo (Item 11)
 7. For a 2.5' x 4.5' vinyl shed (Item 10)
 8. For a 8' x 10" vinyl shed (Item 9)
 9. For a 11' x 18' pond/bridge area (Item 8)
 10. For a 2.5' x 4.5' vinyl shed (Item 7)
 - iv. From CCS 295-39.B.(1) for a lesser rear yard setback than the minimum required 10' for the following:
 1. For the back yard deck (Irregular shape) (Item 4 and 6)
 2. For the canopy over backyard deck (Irregular shape) (Item 5)
 3. For a 3' x 5' plywood shed (Item 3).

Mr. Lynch stated that this Appeal is for numerous sheds, gazebo's, etc. on the property and that the Planning Commission previously made a No Action recommendation.

Mr. Winneberger reaffirmed No Action; Mr. Leighton seconded the motion.

3. Review of Cheltenham Township Development Application No. 07-02:
Record Plan American Cancer Society – Hope Lodge – 100 Laurel Avenue (Amended)

Mr. Richard Stoneback, from Charles E. Shoemaker represented the owner. He said the plans were being amended to address the following:

- a. Addition of Reflective Garden for the users of the Hope Lodge to enjoy the outdoors.
- b. Reduction of the width of the North Lodge at the circular driveway from 24'

to 18' as approved by the Township Fire Marshal.

- c. Addition of freestanding emergency generator at south side of building.

Mr. Stoneback stated that the owner would plant whatever landscaping STAC required.

Mr. Winneberger made a motion to approve; Mr. Leighton seconded the motion.

4. Cheltenham Township Development Application No. 07-05: Record Plan Primex Proposed Parking Lot – 431 W. Glenside Avenue (Amended)

Mr. Lynch stated that this plan documented the expansion of the mulch pits and that stormwater management would be implemented as required.

Mr. Winneberger made a motion to approve; Mr. Leighton seconded the motion

5. Cheltenham Township Development Application No. 08-12: Tentative Sketch Plan Laverock- 1729-35 and 1777 E. Willow Grove Avenue.

Mr. Lynch stated that this was an internal presentation of the tentative sketch Plan (“TSP”) to the Planning Commission at the request of the applicant. Based upon input from the Planning Commission and the Board of Commissioners the applicant may amend the TSK and then proceed with the formal TSP review process.

Mr. Lynch made the initial presentation of the project as follows:

- a. The project site is the 10 +/- Acre portion of the 42 +/- Acre Hope Star Lloyd Property that is within Cheltenham Township.
- b. The existing site improvements within Cheltenham Township consist of the Hope Star Lloyd Mansion, its former gardens and an outbuilding.
- c. The TSP proposes the development of the 10 +/- Acres in Cheltenham as a 216 Unit (8 Buildings with separate Clubhouse) Age-Restricted Housing Complex.
- d. The proposed development requires the demolition of the Mansion and formal Gardens.
- e. The proposed development extends 25 feet into Springfield Township.
- f. Access to the proposed development is via two (2) E/E onto E. Willow Grove Avenue (The entire tract can only be accessed via E. Willow Grove Avenue.)
- g. Mr. Lynch noted that the proposed development does qualify for consideration under the Township’s recently adopted Age-Restricted Overlay District as it is over 5 Acres and has over 750 feet of frontage on a State Road.

Mr. Lynch stated that Zoning Relief will be required for the following:

- a. A special exception for the Age- Restricted Housing use.
- b. Steep Slope disturbance.
- c. Preservation Overlay District noncompliance.
- d. As the Township Line must be treated as a property line (as the Cheltenham Township Zoning Regulations do not apply in Springfield Township) all buildings must be setback 50 feet therefrom; the proposed buildings are setback 38 +/-' from the Township Line.
- e. Forty-Eight (48) of the Parking Spaces about the Township Line with the access isle being in Springfield Township. Per CCS 295-244. A 50 foot Parking Lot setback is required from the rear property line – in this case the Township Line.

Mr. Lynch stated that, in his opinion, the proposed development was too dense. Mr. Lynch also noted that zoning relief and land development approval must be obtained from Springfield Township as the proposed development extends into Springfield Township.

Mr. Ross Weiss, Esq., representing the Applicant, stated that, by right, the Applicant could develop the site with 300 age-restricted units but has elected to go with 216 units. Mr. Weiss stated that he did not think the Preservation Overlay District requirements applied as they are not compliant with the Age-Restricted Housing Ordinance requirements and as that Ordinance has a “supersedes” clause. Mr. Weiss stated that after being advised of the historic nature of the Hope Starr Lloyd Mansion and formal gardens, and of the community’s interest in preserving both, the Applicant is willing to consider preserving both provided that Cheltenham Township joins the applicant in approaching Springfield Township for the development of the portion of the property in Springfield Township to compensate for the lost density in Cheltenham Township.

Extensive discussion ensued concerning preservation of the mansion, adverse traffic impacts, adverse impact of the proposed development on surrounding properties, overdevelopment of the property and increased noise.

Mr. Winneberger made a motion that Cheltenham Township work with Springfield Township to develop the entire tract so as to preserve the mansion and formal gardens. Mr. Leighton seconded the motion.

Upon motion of Mr. Cross, seconded by Mr. Leighton, the meeting adjourned.

David G. Kraynik
Township Manager

Per: Marie Henger