

The Planning Commission ("PC") meeting was held tonight at the Township Administration Building.

The following Planning Commission members were present: Messrs. Cross, Leighton, Gordon, Goldfarb, Brockington, Laughlin and DiBenedetto. Also present was ex-officio member David Harrower. Also present was David M. Lynch, Director of Engineering, Zoning & Inspections.

**1. Acceptance of the minutes of the July 25, 2011 Meeting.**

Mr. Cross made a Motion for acceptance of the July 25, 2011 Planning Commission Meeting Minutes; Mr. Brockington seconded the Motion; the Motion passed.

**2. Review of Zoning Hearing Board Agenda for September 12, 2011.**

**APPEAL NO. 3413:** Appeal of Montgomery Court Realty Co., L.P., owner of premises known as 7803 Montgomery Avenue, Elkins Park, PA 19027, from the Decision of the Zoning Officer in order to operate a Private Ambulance Service from the premises

- a. A Determination that the storage of Private Ambulance on the premises overnight is not a function of the operation of a Private Ambulance Service and thus permitted as a legal nonconforming use of the premises per the grant of relief under ZHB Appeal No. 1563.
- b. In the alternative to a, above, a Determination, pursuant to "Nonconforming Uses" as outlined in CCS 295-227.F., that the operation of a Private Ambulance Service is of the same class of use as the previously approved nonconforming use(s) and thus permissible.
- c. In the alternative to a. and b., above, a Variance from the Rules and Regulations of the Class R-5 Residence District as outlined in CCS 295-43. for the operation of a Private Ambulance Service instead of one of the enumerated permitted uses.

Ms. Francine Boone, Esq., was present for this application.

Mr. Lynch stated that he received complaints about a private ambulance service being operated from this property.

Mr. Lynch stated that the issue is whether or not the parking (storage) of an Ambulance (s) at the Property is a function of the Private Ambulance Service.

Ms. Boone stated that this service is strictly for transport of patients in non emergency situations and that there are no sirens or lights when leaving the bay. Ms. Boone stated that there are a total of 4 ambulances and 3 employees in a 11 car garage. Ms. Boone noted for the record that she believes the Notice of Violation was issued in error.

Ms. Boone stated that all record keeping and employee services are ran out of the 1135 W. Cheltenham Avenue office. Ambulances are dispatched on Montgomery Avenue from the Cheltenham Avenue office location. Ms. Boone stated that the ambulances do not return to the Montgomery Avenue property until the end of the day. She noted any repairs to the ambulances were done at a Ford Dealership.

Ms. Boone asserted that parking of vehicles overnight is not a function of an ambulance service, and that a function of a business is employees on site, contracting clients, etc.

Mr. Cross stated that it seems to be that there isn't a full fledged business being operated from this location.

Ms. Boone stated that the Zoning Relief was previously granted for a public garage and that the Zoning Code says motor vehicles and does not list a specific kind. Mr. DiBenedetto stated that the worse case scenario is that this becomes a depot.

Mr. Lynch stated that storage parking overnight of the ambulances is part of the operation.

Mr. Laughlin asked if non conforming use includes minor repair? Mr. Lynch stated that he was advised by Township legal council that the last received zoning relief trumps everything prior to that.

Mr. Leighton made a Motion of No Action with the following conditions:

- Non emergency transport only.
- No sirens at any time.
- Garage door down at all times except to move vehicles in and out.
- Ambulances can make one trip in and one trip out each day.
- No maintenance or repair to be done on site.
- No parking on sidewalk or the street.
- No other functions of private ambulance business to be performed on property.

Mr. DiBenedetto seconded the Motion; the Motion passed.

**APPEAL NO. 3414:** (Continued) Appeal of Fairfield Wyncote, LLC, owner of premises known as 8460 Limekiln Pike, Wyncote, PA 19095 (a\k\ a Building No. 1 at the "Towers at Wyncote" apartment complex), from the Decision of the Zoning Relief in order to construct and operate a 75' x 132' (9,900 SF) Dog Park for the use of the residents of the Apartment Complex only:

- a. A Determination that a Dog Park is a "customary" accessory use for a Multiple Dwelling and thus permitted per CCS 295-98.D.
- b. In the alternative to a, above, a Special Exception in accordance with the Rules and Regulations of CCS 295 98.E. as the proposed Dog Park is of the same general character as any of the enumerated permitted uses.
- c. In the alternative to a. and b., above, a Variance from the Rules and Regulations of the Class C-1 Commercial District as outlined in CCS 295-98. for the proposed Dog Park instead of one of the enumerated permitted uses.

Mr. Michael Yanoff, Esq., was present to discuss this Application.

Mr. Lynch stated that the applicant had requested a continuance to consider screening and impact on the residents across Ogontz Avenue and Route 309.

Mr. Lynch stated he made a site visit on August 9, 2011; he distributed photographs of the site for the PC's review and noted the following:

- a. The area is already used as a dog walk as evidenced by a dog waste station.
- b. All of the existing trees have been limbed higher than 10'; they do not provide any screening of the area.
- c. The road noise from Ogontz Avenue is very loud; one cannot communicate across Ogontz Avenue by talking or yelling.

- d. Per Benjamin Barnes, Complex Manager, the main usage of the Dog Park would be in the morning, 6 AM to 9 AM and in the late afternoon, 4:30 PM to 6 PM.
- e. During most of the day one would not notice that a Dog Park was there.
- f. There is a potential security issue with screening and someone could hide between the existing Ogontz Avenue fencing and the screening trees.

Mr. Goldfarb made a Motion of No Action; Mr. Gordon seconded the Motion; the Motion passed.

**APPEAL NO. 3415:** Appeal of Dr. Rami E. Geffner, equitable Owner of 8031 Old York Road, Elkins Park, PA 19027 (formerly "Rosenbluth Travel"), from the Decision of the Zoning Officer for a Variance from the Rules and Regulations of "Parking and Loading" as outlined in CCS 295-221.H. for providing zero off-street parking spaces on the premises for a Medical Office instead of the required 5 parking spaces.

David A. Wollman, Esq., was present to discuss the Application.

Mr. Wollman stated that the practice will have a Staff of 4-5 people and that the hours of operation will be 8-5:30 PM with possibly one day going to 7 PM.

Mr. Cross asked if other businesses along this strip have dedicated spaces. Mr. Lynch stated that a couple have 3-4 spaces but most of them do not.

Mr. Leighton stated that there maybe ample spaces in evening but what's lot like during day? Mr. Cross stated that he's never been there when 1 space wasn't available. Mr. Cross stated that he assumes the Nail Salon also uses that lot. Mr. Cross noted that the lot is metered parking.

Mr. Harrower expressed concern about amount of space there. Mr. Cross questioned if parking is not allowed and a variance is not given what's the alternative? Mr. Lynch stated that if variance isn't granted they can't occupy the space. Mr. Wollman stated that if his client is not granted the variance they will not purchase the space.

Mr. Leighton stated that it's better to have the building occupied.

Mr. Goldfarb made a Motion of No Action; Mr. Gordon seconded the Motion; the Motion passed.

**APPEAL NO. 3417:** Appeal of Peter E. Olsho and Jane J. Wilkie, owners of premises known as 325 High Avenue, Melrose Park, PA 19027 from the Decision of the Zoning Officer for the following Zoning Relief in order to place a 8'X16' pre-fabricated shed in the rear yard of the premises:

- a. A Variance from the Rules and Regulations of the Class R-4 Residence District as outlined in CCS 295-39.B.(1) for a lesser Side Yard Setback of 5' for the shed instead of the minimum required 10'.
- b. A Variance from "Yard Regulations" as outlined in CCS 295-220.C. for a lesser Rear Yard Setback of 5' for the shed instead of the minimum required 15'.

Mr. Olsho present for the application.

Mr. Lynch stated that Mr. Olsho wishes to put up a 8x16 shed on the rear of his premises. Mr. Olsho provided a description of his shed plans with the signature of his supporting neighbors on the back.

Mr. Cross asked about the type of materials being used. Mr. Olsho stated that the shed is a prefabricated from Lowes and is made of vinyl. Mr. DiBenedetto asked about the height of shed Mr. Olsho stated that he has two options, either 5' or 6'.

Mr. Cross asked how the shed will be sitting on the ground, Mr. Cross expressed concern about damaging the root system of the surrounding Hemlock Trees. Mr. Olsho stated that more than likely the shed will sit on cinderblocks.

Mr. Olsho stated that he is trying to place the shed in a place that's the least obtrusive for everyone.

Mr. Goldfarb made a Motion of No Action; Mr. Gordon seconded the Motion; the Motion passed.

**APPEAL NO. 3418:** Appeal of Israel and Michelle Roling, owners of premises known as 7845 Mill Road, Elkins Park, PA 19027, from the Decision of the Zoning Officer for the following Zoning Relief in order to construct a 18.75' x 13.75' (Irr.) addition to the rear of their residence:

a. Zoning Relief from the Rules and Regulations of the Class R-7 Residence District as outlined in Article X of Chapter 295 of the Cheltenham Code, as follows:

- i. A Variance from CCS 295-59. for a greater Building Area of 35.9% instead of the maximum permitted 35%.
- ii. A Special Exception in accordance with CCS 295-60.B.(3) for a lesser Side Yard Setback of 3' from the south property line instead of the minimum required 9' (the southwest front corner of the residence is setback approximately 0.5' from the south property line).

Mr. Roling was present to discuss this application.

Mr. Lynch stated that this application is for an addition on the back of the house.

Mr. DiBenedetto suggested that Mr. Roling speak to the other neighbors. Mr. Laughlin asked if there is rear access to the garage? Mr. Roling stated that the previous property owner converted the garage into a little room. Mr. Roling stated that they park their cars in front of house.

Mr. Cross asked Mr. Rolings about the shed in back. Mr. Roling stated that the small wooden shed was there when he bought the house. Mr. Cross suggested bringing final draft of plan as well of photographs of the existing shed to the ZHB.

Mr. DiBenedetto suggested talking to the neighbors towards the south as the addition would block the light to their house.

Mr. Goldfarb made a Motion of No Action; Mr. Gordon seconded the Motion; the Motion passed.

**APPEAL NO. 3419:** Appeal of Edmund P. Dornheim, owner of premises known as 215 Harrison Avenue, Glenside PA 19038 from the Decision of the Zoning Officer for Zoning Relief for the following:

- a. A Variance from the Rules and Regulations of "Fences and Walls" as outlined in CCS 295-223. for a 8' high, 50% open fence along the rear property line instead of the permitted 6' high, solid or open fencing.
- b. Variances from the Rules and Regulations of the Class R-5 Residence District as outlined in Article VIII of Chapter 295 of the Cheltenham Code, as follows:
  - i. From CCS 295-46.B.(1) for a 9' high arched gateway within the side yard setback area along the southwest property line instead of no permitted structure.
  - ii. From CCS 295-46.C. for a 9' high ached gateway within the rear yard setback area instead of no permitted structure.
- c. Variances from the Rules and Regulations of the "Floodplain Conservation District" as outlined in CCS 295-156., as follows:
  - i. For the 8' high, 50% open fencing.
  - ii. For the two (2) 9' high, arched gateways.

Mr. Dornheim was present for the application.

Mr. Dornheim stated that there is a large waterway running in the back of his property that the Township has put a chain link fence on either side. Mr. Dornheim would like to add an additional fence in front of the Township fence so he can grow things on it to have a visual buffer to block the view of Dunkin Donuts parking lot.

Mr. Lynch pointed out that a child could get through Mr. Dornheim's proposed fence very easily. Mr. Lynch stated that Rudy Kastenhuber, Public Works Superintendent will not approve the removal of the Township fence as it's a safety issue.

Mr. Cross asked if the Township drives on Mr. Dornheim's lawn to access manholes etc. Mr. Dornheim confirmed that they do. Mr. Cross stated that there should be an easement between the Township and Mr. Dornheim to protect his interests.

Mr. Cross asked about the logistics of the Township maintaining the waterway and the Dornheim's right to secure their property.

Mr. Lynch stated that Mr. Dornheim came in and spoke with himself and Mr. Kastenhuber and Mr. Kastenhuber has no objection to a fence being put up on Dornheim's property. Mr. Kastenhuber requested an opening the same size as what is currently there.

Mr. Harrower said that the Committee is sympathetic to Mr. Dornheim's request for a screened fence and acknowledged that the height isn't an issue. Mr. Harrower stated that the Committee needs to see more details and to find out if easements exist and if they do what are the dimension of easements.

Mr. Cross stated that if no easements exist that's a discussion Mr. Dornheim needs to have with the Township.

Mr. Goldfarb made a Motion of No Action; Mr. Gordon seconded the Motion; the Motion passed.

**3. Review of Cheltenham Township Development Application No. 11-0560: Record Plan- Aldi Food Market Expansion @ Cheltenham Plaza-8200 Ogontz Avenue and Appeal No. 3416.**

**APPEAL NO. 3416:** Appeal of Aldi, Inc., Tenant at 8200 Ogontz Avenue, Wyncote, PA 19095 (a/k/a "Ogontz Shopping Center"), from the Decision of the Zoning Officer for the following Zoning Relief in order to renovate and expand its Food Market facility on the premises from approximately 15,568 SF to approximately 18,302 SF:

a. Zoning Relief from the Rules and Regulations of the Class C-2 Commercial and Business District as outlined in Article XVI of Chapter 295 of the Cheltenham Code, as follows:

i. A Variance from CCS 295-111.A.(1) for a lesser Front Yard Setback of 33.3' for the proposed building expansion from the Limekiln Pike frontage of the premises instead of the minimum required 40' (the minimum Front Yard Setback from the Limekiln Pike frontage of the existing Aldi's is 19.9').

ii. A Determination that the following nonconformities from CCS 295-114. are legal nonconformities:

1. Green Area of 4.3%.
2. No landscaped buffer strip at least 15' wide abutting entire perimeter of premises.
3. Vehicular parking within 15' of the street lines.
4. Five (5) driveways in excess of 20' width.

iii. In the alternative to a. ii, above, Variances from CCS 295-114., as follows:

1. For a Green Area of 4.3% instead of the minimum required 25%.

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2. For no landscaped buffer abutting the entire perimeter of the premises instead of the minimum required 15' wide landscaped buffer.
3. For vehicular parking within 15' of the street lines instead of no vehicular parking.
4. For five (5) driveways in excess of 20' wide each instead of the permitted two (2) driveways not greater than 20' width each.

b. A Determination that the proposed wall signage on north façade: Aldi logo sign @ 31.2 SF and "Food Market" sign @ 21.3 SF; and on East façade; "Food Market" sign @ 21.3 SF is a continuation of existing non-conforming signage (Zoning Relief for three (3) parallel wall signs was granted under ZHB Appeal No. 3346).

c. In the alternative to b., above, a Variance from CCS 295-197.C.(2) (b) [1] for three (3) parallel wall signs instead of the maximum permitted two (2) signs.

Michael Yanoff, Esq., and Mr. Ron Klos of Bohler Engineering was present to discuss the Appeal and the Land Development.

Mr. Lynch stated that Aldi intends to expand its Food Market by approximately 3000 SF by a 20' expansion on the north side of the building.

Mr. Lynch noted that Zoning Relief was required for a front yard setback encroachment along Limekiln Pike and for signage.

Mr. Klos noted that the zoning legal was incorrect as Aldi is proposing for (4) signs; Mr. Lynch stated that the application for this appeal specified three (3) signs and that the applicant would have to amend its appeal at the ZHB meeting.

Mr. Lynch noted the following about the Land Development Plan:

- a. The overall property boundary is incorrect as it does not properly reflect the recent PennDot 309 taking/road vacation actions.
- b. A portion of the northeast corner of the proposed expansion will be over the Township's Sanitary Sewer easement; however, the sewer is quite deep, this has no impact on the sewer.
- c. There is sufficient parking on the Property; however, the parking tabulation is incorrect.

Mr. Lynch also noted that there is a paved area north of the Dunkin Donuts that is inaccessible from Cheltenham Plaza but had been accessible from the Keystone Billboard property ( tractor trailers had been parking in this area until recently; Keystone has erected fencing to block access.)

Mr. Lynch suggested that, as there is very little landscaping on Cheltenham Plaza that the paving be removed and the area appropriately landscaped; Mr. Lynch noted that the removal of paving would reduce the size of any required seepage beds.

The PC agreed that the paved area should be removed and landscaped; Mr. Yanoff stated he would discuss this with his client.

Mr. Goldfarb made a Motion of No Action on Appeal No. 3416; Mr. Brockington seconded the Motion; the Motion passed.

Mr. Goldfarb made a Motion for approval of CTDA No. 11-0560 subject to the following conditions:

- a. That the property boundary be correctly shown.
- b. That the parking tabulation be corrected.

- c. That the paving of the inaccessible parking area north of the Dunkin Donuts be removed and the entire area landscaped in accordance with the recommendations of the STAC.
  
- 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 10:00 P.M.



David G. Kraynik  
Township Manager

Per Holly A. Nagy