

The Planning Commission ("PC") meeting was held tonight at the Township Administration Building. The following Planning Commission members were present: Messrs. Cross, Leighton, Winneberger and DiBenedetto. Also present was ex-officio member David Harrower. Also present was David M. Lynch, Director of Engineering, Zoning & Inspections; and Hannah Mazzaccaro from Montgomery County Planning Commission.

1. Acceptance of the minutes of the June 27, 2011 Meeting.

Mr. Leighton made a Motion for acceptance of the June 27, 2011 Planning Commission Meeting Minutes; Mr. Cross seconded the Motion; the Motion passed.

2. Review of Zoning Hearing Board Agenda for August 8, 2011.

APPEAL NO. 3406 –(Continued) Appeal of Salus University (formerly "Pennsylvania College of Optometry" ("PCO"), owner of premises known as 8340, 8360 and 8380 Old York Road and 50 Breyer Drive, Elkins Park, PA, from the Decision of the Zoning Officer for the following Zoning Relief in order to erect two (2) free-standing signs: one on the Township Line Road frontage of premises and one on the Old York Road frontage of the premises; said free-standing signs having a sign area of 53.83 SF (7.68'H x 7.01'W) and a sign height of 8.68'; said premises being within the Class C-1 Commercial District:

- a. Applicant requests a Determination from the Zoning Hearing Board that the Premises is subject to the signage requirements in CCS 295-197.C.(1) which includes properties located within the C-1 Commercial District where there is an individual or single use of property.
- b. If the ZHB rules in the affirmative on Item a., above, Applicant requests the following variances from CCS 295-197.C.(1)(a):
 - i. For aforesaid signs being the fourth and fifth free-standing signs on the premises instead of the maximum permitted one (1) free-standing sign.
 - ii. For aforesaid signs having a sign area of 53.83 ± SF instead of the maximum permitted 50 S.F.
- c. In the alternative to Items a. and b., above, Applicant requests a Determination from the ZHB that the premises is subject to the signage requirements of CCS 295-197.A. which includes "Institutional Uses" in residential and multiple dwelling Zoning Districts.
- d. If the ZHB rules in the affirmative on Item c., above, Applicant requests the following variances from CCS 295-197.A.(4):
 - i. For aforesaid signs being the fourth and fifth free-standing signs on the premises instead of the maximum permitted three (3) free-standing signs (one per street frontage).
 - ii. For aforesaid signs having a sign area of 53.83 ± SF instead of the maximum permitted 20 SF.

- iii. For aforesaid signs having a sign height of 8.68' instead of the maximum permitted 4'.
- iv. For aforesaid signs being internally illuminated instead of the required external illumination.

No one was present for this application.

Mr. Lynch stated that this appeal had been presented previously at the June 27, 2011 PC meeting and that the PC had moved to take No Action on the Appeal.

At the July 11, 2011 ZHB Meeting Mr. Gold had to recuse himself as he had a relationship with the sign company; consequently, the applicant's attorney requested a continuance to the August 8, 2011 ZHB meeting.

Mr. Lynch stated that the Zoning Relief being requested and documentation therefore has not changed.

Mr. Winneberger made a Motion to reaffirm previous recommendation of No Action; Mr. DiBenedetto seconded the Motion; the Motion passed.

APPEAL NO. 3409: Appeal of Kyung-Yun Shumaker, owner of premises known as 7437 Coventry Avenue Melrose Park, PA 19027, from the Decision of the Zoning Officer for the following Zoning Relief in order to use two (2) rooms as an acupuncture clinic:

- c. A Variance from the Rules and Regulations of the Class R-4 Residence District as outlined in CCS 295-36. in order to operate an acupuncture clinic instead of one of the enumerated permitted uses.
- b. A Determination as to the amount of required off street parking.

Ms. Yun-Shumaker was present for this application.

Mr. Lynch stated that what's permitted in R4 by right as an Accessory Use is " a professional office for a lawyer, doctor, dentist, chiropractor and any other practioner of the healing arts for humans, as licensed by the Commonwealth of Pennsylvania...". Ms. Yun-Shumaker stated that Acupuncture is governed as a healing profession by the Commonwealth of Pennsylvania. Mr. Lynch stated that he will check this with the Township Solicitor, and if the Solicitor agrees that this is a permitted use, then Mr. Lynch stated he will withdraw this appeal and refund the Zoning fee.

Mr. Cross stated that the Township would like proof of Ms. Yun-Shumaker's license. Ms. Yun-Shumaker stated that she will provide a copy of her license after she graduates in August.

Mr. Winneberger made a Motion for No Action; subject to the conditions of applicant obtaining her Acupuncture License and the legal use being confirmed by the Township Solicitor; Mr. Cross seconded the Motion; the Motion passed.

APPEAL NO. 3410: Appeal of New Cingular wireless PCS, Prospective tenant at premises known as 7900 Old York Road Elkins Park, PA 19027(A/K/A "Elkins Park House") from the Decision of the Zoning Officer for the following Zoning Relief in order to upgrade an existing wireless communications facility by adding three (3) new antennas and by placing additional equipment with the existing equipment room:

- a. A Variance 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 proposed wireless communications facility upgrade instead of one of the enumerated permitted uses.
 - ii. From CCS 295-95. for a structure height of 108' ± above grade level ("AGL") instead of the maximum permitted 85' AGL.

Mr. Steve Vallo, Esq., was present on behalf of AT&T Wireless.

Mr. Vallo stated that more equipment is going into the equipment room and that the antennas are being swapped out to accommodate antennas for 4G service. Mr. Cross asked if the number of antennas are the same, Mr. Vallo confirmed the number wasn't changing and that the new antennas will be a foot lower than the existing antennas.

Mr. Winneberger made a Motion of No Action; Mr. Cross seconded the Motion; the Motion passed.

APPEAL NO. 3411: Appeal of Scott Goss, owner of premises known as 111 Waverly Road, Wyncote, PA 19095, from the Decision of the Zoning Relief in order to construct a one and two storey addition (434 ± SF) to the rear of the residence:

- a. 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 295-38. for a Greater Building Area of 29.64% instead of the maximum permitted 20% (the existing Building Area is 23.47%).
 - ii. Special Exceptions in accordance with CCS 295-39.B.(1), as follows:
 1. For a lesser side setback of 6' ± from the northeast corner of the addition to the easterly property line instead of the minimum required 10'.
 2. For a lesser aggregate side yard setback of 15.5' ± instead of the minimum required 30'.

Mr. and Mrs. Goss and Alfred Jones, Architect, were present for the application.

Mr. Lynch noted that 111 Waverly Road is a legal nonconforming lot: Minimum Required Lot Area of 10,000 SF versus actual Lot Area of 7038 SF; Minimum Required Lot Width of 70' versus actual Lot Width of 51'.

Mr. Cross noted that most of the properties on this section of Waverly are legal nonconforming lots.

Mr. Lynch stated that this appeal is for the construction of a one and two storey addition to the rear of the residence.

Mr. Cross asked if there had been any discussions with immediate neighbors. Mr. Goss said yes, and that the neighbors had no problems with it. Mr. Cross recommended that Mr. Goss obtain letters from neighbors stating support for the project.

Mr. Lynch stated that an underground seepage bed will be required.

Mr. Cross suggested taking photos of the other additions on other houses in the neighborhood to present to the Zoning Hearing Board.

Mr. Winneberger made a Motion of No Action; Mr. Leighton seconded the Motion; the Motion passed.

APPEAL NO. 3412: Appeal of Elkins Associates, LLC, owner of premises known as 7870 Spring Avenue, Elkins Park, PA 19027 from the Decision of the Zoning Relief in order to use the front portion of the first floor as a book and music shop:

- a. A Variance from the Rules and Regulations of the Class M-2 Multiple Dwelling District as outlined in CCS 295-80. for the Proposed Retail Use instead of one of the enumerated permitted uses.
- b. A Determination as to the number of required off-street parking spaces.

No one was present for this application.

Mr. Lynch stated that the previous use was a photography studio for 10-12 years. The building has been occupied as office use for a long time. Mr. Lynch further stated that just because something has been there for a number of years it does not automatically morph into a legal use of the property. Mr. Lynch stated that according to a 1927 land atlas the property is shown as residential.

Mr. Cross stated that no improvements are being done to the building and that this appeal is about use and putting it on the record.

Mr. Winneberger made a Motion to take No Action; Mr. DiBenedetto seconded the Motion; the Motion passed.

APPEAL NO. 3414: 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. Micheal Yanoff, Esq., was present for this application.

Mr. Lynch stated that the Township has no regulations on dog parks. Mr. Yanoff stated that the dog park will be gated and the owners will be required to clean up after pets. Mr. Cross asked if there would be any lighting. Mr. Yanoff stated that no lighting is required because the hours of operation would be from dawn to dusk only. Mr. Yanoff stated that out of 1095 units about 125 units (10%) have dogs. Mr. Yanoff also stated that the lease rules forbid dogs larger than 35 lbs and that the tenants are required to put down a pet deposit.

Mr. Winneberger made a Motion of No Action; However if the ZHB grants the requested Zoning Relief, the said Zoning Relief be subject to the following conditions:

- a. That the Dog Park be fenced with a 4' high chain link fence with the pet entry points having a self-closing, self latching gates.
- b. That the hours of operation be limited to from dawn to dusk.
- c. That no lighting be permitted.
- d. That all dead trees in Dog Park footprint be removed.
- e. That Dog Park be landscaped in accordance with Shade Tree Advisory Commission Recommendations.
- f. That appropriate receptacles be provided for animal waste and that these containers be emptied daily.
- g. That the Dog Park be well maintained.

Mr. Leighton seconded the Motion; the Motion passed.

3. Consideration of request for Waiver of Land Development regulations for CTDA No. 11-0530: Dog Park at Towers at Wyncote- 8460 Limekiln Pike

Mr. Winneberger made a Motion to recommend approval of the Request for a Waiver of Land Development regulations for the proposed Dog Park at the Towers at Wyncote subject to the following conditions:

- a. That the Dog Park be fenced with a 4' high chain link fence with the pet entry points having a self-closing, self latching gates.
- b. That the hours of operation be limited to from dawn to dusk.
- c. That no lighting be permitted.
- d. That all dead trees in Dog Park footprint be removed.
- e. That Dog Park be landscaped in accordance with Shade Tree Advisory Commission Recommendations.
- f. That appropriate receptacles be provided for animal waste and that these containers be emptied daily.
- g. That the Dog Park be well maintained.
- h. An Inspection Escrow of \$5000 be set up and funded.

Mr. Cross seconded the Motion; the Motion passed.

4. Consideration of request for Waiver of Land Development regulations for CTDA No. 11-0540: Williams Gas Pipeline relocation for Ashmead Road Bridge replacement.

Mr. Lynch stated that Township intends to replace the Ashmead Road bridge over the Tookany Creek in 2012; construction plans are 95% complete.

Presently there are two (2) 12" diameter high pressure gas pipe lines that are exposed and attached to the underside of the existing bridge.

The pipe line companies (Texas Eastern and Williams Gas Pipeline) have elected to relocate their lines off the bridge for economic and Homeland Security reasons.

Williams Gas Pipeline is requesting a Waiver of the Land Development Regulations.

Mr. Lynch went over Williams' construction plans for the project and noted the following:

- a. Williams must enter into an easement agreement with the Township to cross Township parkland.
- b. Williams has already received approval from the Montgomery County Conservation district for its Erosion and Sediment Control Plan for the project.
- c. There are no Stormwater management issues.
- d. The existing landscaping consists of lawn on the Tookany Creek and of scrub vegetation and weed trees on the other side of the creek. Williams intends to remove eight (8) trees on Township parkland; Williams does not intend to replace these trees as they are within its proposed permanent easement.
- e. Williams states it has already acquired an easement from Mr. Rande Gordon, 111 Ashmead Road, Cheltenham, PA for its project; Mr. Gordon has informed Mr. Kastenhuber that he has not signed the easement yet.
- f. The permanent easement centered on the pipeline is 30' wide.
- g. Williams does not permit any trees within its permanent easement; however, ground cover and shrubs are permitted.
- h. The project is scheduled to take three (3) weeks prior to a gas pipeline "shut-down window" of four (4) days during which the realigned pipeline will be connected to the main pipeline.
- i. The relocated gas pipeline crosses over the Township's Interceptor A (the profile indicates a 3'-9" clearance between the gas and sewer lines.).

After a period of discussion on the merits of the project Mr. Winneberger made a Motion to recommend approval of the Request for Waiver of Land Development regulations for the Williams Gas Pipeline relocation project subject to the following conditions:

- a. That an easement for the gas pipeline be approved by the Board of Commissioners and executed prior to any work being performed.
- b. That the easement for the gas pipeline be subject to the following covenants:
 - i. That the installation of the gas pipeline be in conformance with all applicable codes and regulations.

- ii. That the exact method for the restoration of the south streambank be shown/noted on the plans for the project and be subject to the review and approval of the Cheltenham Township Engineer.
- iii. That short term landscaping be installed by the GRANTEE at the conclusion of the project; said short term landscaping to be in accordance with a Short Term Landscaping Plan prepared by the GRANTEE and reviewed and approved by the Cheltenham Township Shade Tree Advisory Commission ("STAC").
- iv. That a Long Term Landscaping Plan for the project be prepared by the GRANTEE and that said be reviewed and approved by the STAC.
- v. That an Escrow Account be established with GRANTOR for the purpose of implementing the Long Term Landscaping Plan at the conclusion of the Ashmead Road Bridge relocation Project. The GRANTEE shall fund the Escrow Account in the amount of a cost estimate to implement the Long Term Landscaping Plan not later than 2015. GRANTOR will be responsible to implement the Long Term Landscaping Plan.
- vi. That an Escrow Account be established with the GRANTOR for inspection of Erosion and Sediment Control Measures and the short term landscaping. GRANTEE shall fund the Inspection Escrow Account in the amount of \$5000. Any funds remaining in the Inspection Escrow Account at the end of the project shall be returned to GRANTEE.

Mr. Leighton seconded the Motion; the Motion passed.

5. Old Business

None

6. New Business

None

7. Adjournment

Mr. Cross made a Motion for adjournment; Mr. Winneberger seconded the Motion; the Motion passed.

The meeting adjourned at 8:41 P.M.



David G. Kravnik

Township Manager

Per Holly A. Nagy