

**July 26, 2010
Curtis Hall**

The Planning Commission ("PC") meeting was held tonight at Curtis Hall at Curtis Arboretum. The following Planning Commission members were present: Messrs. Leighton, Brockington, Winneberger, and Greenberg; also present were ex-officio members Laughlin, Harrower and DiBenedetto, and Carmen G. Reitano, Assistant Director of Engineering, Zoning & Inspections;

1. Acceptance of the minutes of the June 28, 2010 Meeting.

Mr. Winneberger made a Motion to accept the June 28, 2010 minutes, The Motion was seconded by Mr. Goldfarb; the Motion passed.

2. Review of Zoning Hearing Board Agenda for July 12, 2010.

Appeal No. 3376: Appeal of Gregg Moritz, Owner of Premises known as 1006 Melrose Avenue, Elkins Park, PA 19027, from the decision of the Zoning Officer for the following Zoning Relief in order to add a 16' x 16' deck to the rear of the premises:

- 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 295-38 for a greater building area of 25.16% instead of the maximum permitted 20%.
 - ii. From CCS 295-39.B. (2) a zero foot width side yard setback instead of the minimum required 20' from the southeast property line.
- b. In the alternative to a. ii, above, a variance from the Rules and Regulations of "Non-conforming Uses" as outlined in CCS 295-227.K. for expansion of the Non-conforming structure.

Gregg Moritz, owner of premises, was present for this application. Mr. Moritz explained that they received a permit for a new deck but later decided it was too small and wanted to construct a larger deck. During the permit review process Mr. Moritz was informed the deck required zoning relief.

Mr. Reitano discussed during the building permit review process that an analysis will be performed to see if any additional fireproofing or fire separation would be required. The clearances between the deck and any adjacent structures will be reviewed by the Building and Zoning Department and the site plan will be corrected to more clearly identify any dimensional errors on the plan. Mr. Moritz stated that the legal description on the appeal notice states a zero foot setback and noted this is incorrect and it's more like a 8' setback.

Mr. Reitano suggested that the applicant prepare a plan to and reflect the proposed deck and clarify the dimensions from the property lines.

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

Appeal No. 3377: Appeal of Terry Stern, owner of premises known as 914 Stratford Avenue, Melrose Park, PA 19027, from the decision of the Zoning Officer for the following Zoning Relief in order to construct a 22' W x 30' L, 2 car garage in the rear of the Premises:

- 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 295-39. A. (1) for a lesser front yard setback of $3.75 \pm$ instead of the minimum permitted 40' from the Moseley Avenue frontage of the Premises.
 - ii. From CCS 295-39.B. (1) for a lesser side yard setback of 5' instead of the minimum permitted 10' from the Southeast property line.

Mr. Terry Stern, owner of the premises was present for the application.

Mr. Stern stated that his contractor said that the width of the garage should be 24' wide and not the 22' wide dimension indicated in the legal description in order to fit two cars in the garage.

Mr. Winneberger questioned if the design of the garage was the same as the neighbors; Mr. Stern confirmed that it was. Mr. Stern stated that the existing shed that is currently in the location of the proposed garage will be torn down.

Mr. Reitano noted that the change from 22' to 24' will change the relief requested but that the issue still remains relief from the front and side yard setbacks. The application should be corrected to reflect the actual setback relief required and presented at the Building and Zoning meeting.

Mr. Brockington made a Motion of No Action; Mr. Greenberg seconded the Motion; the Motion passed.

Appeal No. 3378: Appeal of Sheri Reed and Alan Bush, owners of Premises known as 605 Arbor Road, Cheltenham, PA 19012, from the Decision of the Zoning Officer for the following Zoning Relief:

- a. Variances from the Rules and Regulations of "Fences and Walls" as outlined in CCS 295-223. for solid fencing higher than the permitted 4' high, 50% open fencing within the required front yard setback along the Walden Road frontage of the premises, as follows:
 - i. For $48 \pm$ LF of proposed 6' high, solid wood fence (7.25' to 8' high including retaining wall).
 - ii. For $67 \pm$ LF of proposed 6' high, solid wood fence.
- b. A Variance from the Rules and Regulations of the Class R-5 Residence District as outlined in CCS 295-46.A. (1) for a lesser front yard setback of 14.67' for a proposed gazebo instead of the minimum permitted 40'.

No one was present to discuss this application.

Mr. Reitano summarized the history of this application from a complaint made to the Building and Zoning office, stating a fence was being installed without a permit. He also discussed the fence regulations for height and fence material types permitted by Township Ordinance. This 6' high solid fence was being installed on top of a newly constructed retaining wall approximately 2' high making the top of the fence approximately 8' high on the street frontage side. The finish grade elevation on the property side was changed to bring the existing grade up to the top of the retaining wall, (2' above the existing sidewalk). Fences are measured from the finish grade to the top of the fence post as well as its location on properties. In this installation the fence wall became an 8' high solid wall along the sidewalk within the front yard setback and a 6' high fence on the property side.

Mr. Reitano also stated that the applicant has completed the fence installation by changing the finish grade, adding a retaining wall and installing the solid 6' in the front yard and has submitted a request for zoning relief.

Mr. Leighton questioned the height of a retaining wall that triggers an engineers' approval. Mr. Reitano confirmed that the height is 3' before a sealed drawing is required.

Mr. Laughlin questioned what recourse the Township has if a resident does work without permits and finishes the project. Mr. Reitano stated that once an applicant is made aware of the violation he has the right to apply for zoning relief and that the process stops any further action until zoning is approved or denied. The owner also has a chance to appeal the ZHB decision if it is denied.

Mr. Laughlin questioned whether a citation had been issued for this property or not, Mr. Reitano stated that he Mr. Spector posted a stop work order right before the project was finished.

Mr. Leighton questioned whether a licensed and registered contractor was used. Mr. Reitano stated that he believed it was not a professional contractor, probably just someone the owner hired to do the work.

Mr. Reitano stated that to his knowledge the Gazebo requested was only proposed and there was no definite place for it as of yet.

Mr. Brockington made a Motion of Denial; Mr. Leighton seconded the Motion; the Motion passed.

Appeal 3379: Appeal of Southeastern Pennsylvania Transportation Authority (SEPTA), prospective tenant at premises known as 2450 Shoppers Lane, Wyncote, PA 19095 (a/k/a Cheltenham Mall), from the Decision of the Zoning Officer for the following Zoning Relief in order to utilize approximately 24,000 S.F. of existing parking area at the northern corner of Cheltenham Mall as a Temporary Bus Loop while SEPTA reconstructs the existing Bus Loop at the corner of the intersection of Cheltenham Avenue and Ogontz Avenue; the Temporary Bus Loop will be in operation for a maximum of 15 months starting October 1, 2010:

- 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 295-108. for the Temporary Bus Loop instead of one of the enumerated permitted uses.
 - ii. In the alternative to a.i., above, a determination that the Temporary Bus Loop is an accessory use to the Cheltenham Mall and thus permitted in accordance with CCS 295-108.K.

Mr. Ed Peers was present to discuss the application. Mr. Retiano stated that SEPTA wants to use a portion of Cheltenham Square Mall's parking lot and access road, Shoppers Lane as a temporary turn around for their buses until the Bus Loop project is completed.

Mr. Winneberger questioned how this would affect parking at the mall. Mr. Peers stated that the temporary loop would take up 100 unused spaces in the rear of the mall and there would also be temporary bus shelters installed.

Mr. Winneberger questioned what length of time was being requested for this project. Mr. Peers stated a minimum of 8 months is being requested, but he is asking for a maximum of 15 months.

Mr. Winneberger stated his concern regarding the loss of parking spaces to mall patrons during the holiday season and questioned whether SEPTA looked into alternate sites. Mr. Peers stated that they looked at the front of the

mall, but the mall owner declined as he has a new tenant coming in. Another location that was considered was too small and the owner did not want to lease it to SEPTA.

Mr. Leighton stated that a left hand turn is being removed and restriping an area that is already a very busy and congested area does not make the access to the Mall or the turn around any safer.

Mr. Brockington questioned where the pedestrians were supposed to walk, Mr. Peers stated that they are adding additional cross walks to facilitate pedestrian and bus passenger access to the mall and the buses.

Mr. Peers stated that not a lot of people would be getting off at the loop, as the mall is not their destination when riding the lines that go through that area.

Mr. DiBenedetto questioned the use of water-filled barriers to protect riders waiting at the bus shelters. Mr. Peers stated that these types of barriers are used on the highways and are very safe.

Mr. Peers stated that the toilet facilities are not the typical porta johns, but rather a locked trailer only accessible to the bus operators.

Mr. Brockington stated that this is a very busy area/intersection and that during the holiday season it will only be worse. Mr. Brockington also stated that buses blocking 309 and Ogontz Avenue attempting to turn into the Mall will create a bottleneck. Mr. Peers stated that he does not believe this is an issue.

Mr. Joe Lewis, a concerned resident, stated that when he and his wife purchased their property they knew they would have to deal with the mall. What they did not anticipate was having to deal with SEPTA. Mr. Lewis stated that the area is very congested and that a high volume of cars constantly goes through there, some at high rates of speed. Mr. Lewis feels that the only thing that can be done is to add a crosswalk bridge over 309 and urges this be done prior to someone being hurt.

Mr. Peers stated that they are putting in additional cross walks and will have a supervisor on duty 16 hours a day.

Mrs. Delores Wingo stated her objections to the Bus Turn Around being located on the mall property. She stated her concerns of noise and air pollution from buses idling, strangers now being introduced on to the mall parking lot and adjacent to her and her neighbor's backyard. She also objected that the mall and SEPTA had decided that the only place this turn around was acceptable was adjacent to her neighborhood.

A discussion ensued pertaining to other locations that SEPTA has looked into for this project and how traffic would be impacted on Shoppers Lane.

Mr. Reitano noted that Shoppers Lane is not a public road but a private driveway and that Cheltenham Square mall is responsible for it and providing additional security and traffic controls.

Mr. Winneberger questioned the maximum number of buses parked at one time. Mr. Peers stated the maximum number will be 9 buses at any one time and 1-6 buses throughout the day. They will be running on the same schedule they run on today at the existing bus turn around.

Mr. Brockington pointed out that 3 area schools also use Shoppers Lane and that older children walk on Shoppers Lane to get to areas like Lynnwood Gardens.

Mr. DiBenedetto stated that at first the project looks like it makes sense but is a very busy area that a lot of people use.

Mr. Winneberger stated he doesn't see how this would work because this is a very busy area and congested.

Mr. Brockington made a Motion of Denial; Mr. Leighton seconded the Motion; the Motion passed.

3. Old Business

None

4. New Business

Mr. Joel Perilstein of 1778 E. Willow Grove Avenue stood up and passed out a position paper from a committee against the Laverock Hill Development. Mr. Reitano stated that Mr. Perilstein and his position statement should be submitted to the Township.

5. Adjournment

Mr. Winneberger made a motion for adjournment; Mr. Brockington seconded the Motion. The Motion passed. The meeting adjourned at 9:20 P.M.



David G. Kraynik
Township Manager

Per: Holly Nagy