

**December 28, 2009
Township Building**

The Planning Commission ("PC") meeting was held tonight in Curtis Hall at Curtis Arboretum. The following Planning Commission members were present: Messrs. Cross, Gordon, Brockington, Goldfarb, Greenberg and Winneberger; also present were David M. Lynch, Director of Engineering, Zoning & Inspections and David Harrower, Observer.

1. Acceptance of the minutes for the November 23, 2009 meeting

Mr. Cross made a Motion to accept the minutes; Mr. Winneberger seconded the Motion; the Motion passed.

2. Review of Zoning Hearing Board Agenda for January 11, 2010.

Appeal No. 3358: Appeal of Kyung Soon Kim, Owner of Premises known as 1001 W. Cheltenham Avenue, Melrose Park, PA (a\k\ a the "Elkins Building"), from the decision of the Zoning Officer for the following Zoning Relief in order to operate a School for Acupuncture 3625 ± SF on the first floor of the Premises:

- a. A special exception in accordance with the Rules and Regulations of the Class RO Residence and Office District as outlined in CCS 295-28.C. for the use of portion of the premises on the first floor as a School for Acupuncture.
- b. A determination that there is sufficient off-street parking at the premises.
- c. In the alternative to b., above, a variance from the Rules and Regulations of "Parking and Loading" as outlined in CCS 295-221.D. and H. so as to permit the existing 57 off-street parking spaces to service the building including the proposed School for Acupuncture.
- d. A modification of the Decision for ZHB Appeal No. 3304 so as to substitute a School for Acupuncture in place of a "English as a Second Language" school.

David Sander, Esq., was present to discuss this Application on behalf of the Applicant; Mr. Sander stated he was substituting for Peter Friedman who was on vacation and was not fully up to speed on this Application.

Mr. Sander stated that the Application was for Zoning Relief for a School for Acupuncture that would occupy approximately 3600 SF on the first floor of the Elkins Building.

Mr. Sanders noted that Zoning Relief for an English as a Second Language (“ESL”) that would have occupied approximately 3500 SF of the second floor of the Elkins Building was granted under ZHB Appeal No. 3304 in 2008; unfortunately, the ESL school never materialized.

Discussion ensued on the Application; key queries made by the PC were:

- * How many students would attend?
- * What would be the hours of operation?
- * Is the parking adequate?
- * Would massages be offered to the public?

Mr. Sander stated that, although he could not specifically answer any of the queries the impact of the School for Acupuncture should be similar to that of the ESL School which already received Zoning Relief.

Mr. Lynch stated that if massages were performed either on students or the public, Chapter 179, entitled “Massage Establishments”, of the Cheltenham Code imposed certain requirements upon the massage facilities that would have to be complied with.

Mr. Sanders stated that the Applicant would comply with all Township regulations.

Mr. Winneberger made the Motion of “No Action” on this Application; however, if Zoning Relief is granted for this Application, that the Zoning Relief be conditioned on the hours of operation, class size, parking requirements and compliance with Township requirements being satisfactorily addressed; Mr. Brockington seconded the Motion; the Motion passed.

3. Review of Zoning Hearing Board Agenda for January 19, 2010

APPEAL NO. 3336 (Continued and Amended) – Appeal of Matrix Ashbourne Associates, L.P., owner of premises known as 1100 Ashbourne Road, Cheltenham, PA (a/k/a “Ashbourne Country Club”), from the Decision of the Zoning Officer for Zoning Relief in order to develop an Age Restricted Community on the premises consisting of the following:

- a. Sixty-eight (68) clusters on which Applicant will construct, depending upon market demand, either two (2) single-family residences with a 19’ side yard setback per cluster or three (3) carriage residences per cluster.
- b. Three (3), 3-story condominium buildings with twenty-four (24) residences per building.

Applicant is willing to limit the total number of Age Restricted Residences in the Age Restricted Community to 246.

The following Zoning Relief is required:

- a. A Variance from the rules and regulations of the “Floodplain Conservation District” as outlined in CCS 295-156. so as to allow construction or development within the floodplain area.
- b. Variances from the rules and regulations of the “Steep Slope Conservation District” as outlined in Article XXII of the Cheltenham Code, as follows:
 - a. From CCS 295-167. for the construction of free-standing structures, building and retaining walls, internal accessways, driveways, parking areas, swimming pools, sanitary sewers, stormwater management facilities, other underground utilities and landscaping.
 - b. From CCS 295-168. for not submitting plans conforming to the stated Lines and Grades Plan(s) requirements.
- c. Variances from the rules and regulations of “Parking and Loading” as outlined in CCS 295-221., as follows:
 - a. From CCS 295-221.C.(2)(c) for a lesser aisle width of 22’ instead of the minimum required 24’.
 - ii. From CCS 295-221.F. for a greater amount of parking of 917 parking spaces instead of the maximum permitted 120% of the

- iii. required parking spaces which equals 504 parking spaces.
In the alternative to 3.b., above, a determination that the 80 off-street guest parking spaces, the 42 clubhouse parking spaces, the 10 public trail parking spaces and the 310 garage parking spaces are not to be included in the calculation of the total number of parking spaces provided in an Age Restricted Community as relates to CCS 295-221.F..
- d. Zoning Relief from the rules and regulations of the "Age Restricted Overlay District" as outlined in Article XXXIII of Chapter 295 of the Cheltenham Code, as follows:
 - a. A Special Exception in accordance with CCS 295-242.B. for the Age Restricted Development (with clubhouse and associated recreation).
 - b. A Variance from CCS 295-243.B.8.a. to permit sanitary sewer facilities and stormwater management facilities within the floodplain.
 - c. A Variance from CCS 295-243.B.8.c. to permit sanitary sewer facilities crossing the Tookany Creek.
 - d. A Variance from CCS 295-243.B.8.d. to permit development within areas having a slope of 15% or greater.
 - e. A Variance from CCS 295-243.B.8.e. to permit sanitary sewer facilities and stormwater management facilities within Riparian Buffer areas.
 - f. A Variance from CCS 295-244. for a minimum distance between buildings of 18.5' instead of the minimum required 30'.
 - g. A Variance from CCS 295-245.L.4. for the rear and side facades of the proposed residences to be vinyl siding or other materials such that the exterior wall and detail materials of the side and/or rear facades of a residence have less than the required 75% of brick, stone (natural or manmade), stucco, wood or other approved materials.
- e. A Variance from the entirety of the rules and regulations of the "Preservation Overlay District" as outlined in Article XXIV of Chapter 295 of the Cheltenham Code.
- f. In the alternative to 5., above, an interpretation that the rules and regulations of the "Preservation Overlay District" as outlined in Article XXIV of Chapter 295 of the Cheltenham Code are not applicable due to the provisions of the last sentence of CCS 295-241.

Don Epstein and William Stapleton of Matrix Ashbourne Associates were present to discuss the Application. See Attachment A for Matrix's amended Concept Plan.

Mr. Epstein stated that the current amended application is for an Age-Restricted Community ("ARC") that would have no more than 246 units; the current ARC is identical with the previous ARC with the exception that the proposed northwest entrance (across from Haines Road) has been eliminated to preserve trees.

Mr. Epstein stated that the Preservation Overlay Community has been withdrawn; he stated that Matrix intended to subdivide the property into two parcels; the current ARC lot and an undeveloped lot; he noted that Matrix is working on plans for the undeveloped lot and will submit them at a later date.

Mr. Lynch noted that when he prepared the current legal notice he did not treat the southeast boundary of the ARC as a subdivision line as Applicant's counsel, Peter Friedman, Esq., had informed that there was no subdivision at this time.

Mr. Lynch stated that, if the southeast boundary is to be a subdivision line, a variance from CCS 295-244. for a side yard setback of 25' instead of the minimum required 50' for Age Restricted Community Clusters 47 through 54 will be required and the Appeal amended to include the same.

Mr. Ken Amey, the Planner retained by the Township for this Appeal, was also present to discuss this application. See Attachment B for Mr. Amey's Concept Plan.

Mr. Amey stated that he was retained by the Township at the end of September and the Commissioners had concerns regarding traffic and to preserve as much open space as possible. Mr. Amey stated that he also met with Representatives of CC4A and their concerns were storm water management, sanitary sewer, open space and traffic. Mr. Amey also met with the Developer. Mr. Amey stated that his plan attempted to create as much setback as possible, tried to minimize impacts on Steep Slope areas, Riparian Buffers and the Flood Plain. Mr. Amey suggested using a ring road so that street tree plantings would create a visual buffer along Ashbourne Road.

Mr. Amey stated that he tried to make the development as compact as possible and his current plan preserves approximately 70% as Open Space. Mr. Amey stated his plan is for the entire property. Mr. Amey stated the housing would be a mix of twins, duplexes, and townhomes; no multifamily or single family detached homes are provided. Mr. Amey envisions this as Age Restricted Housing only because that's the use the current ordinance allows.

Mr. Amey noted that his development concept provides a 4 acre central parcel that could be used for non-residential uses: a restaurant, neighborhood commercial, etc. depending upon community and developer input.

Mr. Mitch Zygmund Felt noted that Mr. Amey, during the various Abington Township Meetings on the Baderwood Project, had stated that there is no market for Age-Restricted Housing at this time and wonders why Mr. Amey would think this would be a feasible option if there isn't a market for the product; Mr. Amey responded that the market may change as the economy improves.

Mr. Vescovich questioned whether Mr. Amey's plan had the same amount of units as Mr. Epstein's plan. Mr. Amey confirmed there were.

Mr. Amey stated that having a recreational center for an Age Restricted Housing Development is not as essential as once thought. Mr. Amey strongly suggests that this not be a gated community so the non-residential area can serve and draw on the surrounding community.

Mr. Epstein states this is the first time he has viewed Mr. Amey's presentation and plan. Mr. Epstein also stated that his land planner is out of town and that at all previous meetings the public expressed concerns about commercial uses inside of the development.

Resident Eileen Rudnick questions whether or not legally the first parcel can be developed without plans being made for second parcel? Mr. Lynch stated that the Township Staff and Township Solicitor have had preliminary discussions on this and do not think that piecemeal development of the parcel is appropriate; Zoning Relief should be obtained for the entire parcel, not a portion.

Mr. Lynch stated that, if no further continuances are requested, Building and Zoning will make the non-binding recommendation to the Zoning Hearing Board at its January 6, 2010 meeting. The Planning Commission minutes will be presented to the Building and Zoning Committee.

Mr. Vescovich expressed concerns regarding the cul-de-sac's and fire emergency access. Mr. Cross stated that will be vetted through the Fire Marshal. Mr. Epstein stated that he would not agree to sprinklering each unit.

Mr. Winneberger stated that the Developer is developing according to what the Ordinance will allow not what's best for the community and area. Mr. Winneberger maintains his opinion that the plan is still too dense.

Mr. Gordon noted that density in general isn't bad, but is in this case. Mr. Gordon is frustrated that this is the not the best that can be done.

Mr. Harrower stated that he hopes future plans will clearly show and address all environmental issues and demonstrated how emergency access is to be addressed.

Mr. Goldfarb stated that if everyone would put their heads together they could make this work; he noted that there had been considerable community opposition to the Breyer Woods Townhome development, but now that community is considered one of the most desirable in the Township.

Mr. Brockington stated that there is still not enough information for him to make a reasonable decision.

Mr. Cross stated that there wasn't enough done to the plan. Mr. Cross stated that the concerns are traffic, density, lack of commitment. Mr. Cross is concerned that he has no idea what this project looks like.

Mr. Winneberger made a Motion to Deny based on comments by the Planning Commission members Mr. Gordon seconded the Motion; the Motion passed.

**4. Review of Cheltenham Township Development Application No. 09-11:
Record Plan Arcadia University Kuch Center Expansion.**

Harold Lichtman was present to discuss this Application. See Attachment C for Montco Planning's Review letter of December 22, 2009.

Mr. Lichtman noted that the Public Works Committee at its December 9, 2009 Meeting tabled this application as the project landscaping had not been adequately addressed.

Mr. Lichtman stated that he had just come from the Shade Tree Advisory Commission ("STAC") meeting and that the STAC had approved the project landscaping with minor comments.

Mr. Cross made a Motion to reaffirm the previous Motion of Approval; Mr. Gordon seconded the Motion; the Motion passed.

**5. Review of Cheltenham Township Development Application No. 09-12:
Record Plan Cheltenham Square Mall-Chick-Fil-A- 2421 W. Cheltenham Avenue.**

Scott Thiapen of Chick-Fil-A, Brian DeBenedittis of Thor Equities, and Cornelius Brown and Emily Marx of Bohler Engineering were present to discuss the Application. See Attachment D for Montco Planning's review letter of December 28, 2009. See Attachment E for Elevations of the Chick-Fil-A Building.

Mr. Lynch stated that this Land Development was for a free-standing, 4600 ± SF, Chick-Fil-A restaurant with Drive-Thru lane fronting on Cheltenham Avenue opposite the TD Bank; Zoning Relief for signage (including a Monument Sign) was granted under ZHB Appeal No. 3347 on August 10, 2009.

Mr. Lynch noted that the previously approved Land Development Plan (CTDA No. 07-06) for the Cheltenham Square Mall had a 4500 ± SF combination retail/restaurant pad site at this location.

Mr. DeBenedittis stated that they had just come from the STAC meeting and that STAC had recommended approval of the project landscaping with minor comments.

Mr. Cross asked what the hours of operation for the restaurant; Mr. Thiapen stated that Chick-Fil-A's standard hours of operation are 6am to 10pm, Monday thru Saturday with the restaurant closed on Sunday.

Ms. Mazzaccaro of Montco Planning stated that the County's primary concern was Pedestrian access since approximately 15% of the Mall's customers came to Mall on foot.

Mr. Thiapen noted that Chick-Fil-A had considered several drive-thru lane configurations and had selected the configuration with the drive-thru lane adjacent to and parallel with Cheltenham Avenue as it only required pedestrians to cross it once, whereas the other configurations required two crossings. Also, pedestrian access was being provided perpendicularly from the sidewalk along Cheltenham Avenue running along the front of the restaurant; this accessway is located just ahead of the drive-thru order station at which all cars must stop to place their meal orders.

Mr. Lynch asked Messers. Thiapen and DeBenedittis if pedestrian accessways could be extended to the Mall proper and to the TD Bank parcel; Messers. Thiapen and DeBenedittis stated that they thought that was doable.

Additionally, Mr. Lynch inquired if Chick-Fil-A would consider constructing a seepage bed sized for the 2-year design storm runoff from the building roof to increase the "Greenness" of the site design (technically no additional Stormwater Management is required as the site is 100% impervious.); Messers Thiapen and DeBenedittis said they would consider this.

Mr. Brockington asked if the Fire Marshal had reviewed the plans. Mr. Lynch stated that he had forwarded the plans to Fire Marshal O'Neill for his review but had not received his review back yet. Mr. Lynch noted that, at a minimum, plans showing the wheel and overhang track of Fire Company's largest apparatus demonstrating that said apparatus could access the site without conflict with curbing, landscaping, structures, the building, etc. would be required.

Mr. Winneberger asked when Chick-Fil-A would start construction. Mr. Thiapen stated that Chick-Fil-A wanted to start construction as soon as all approvals had been obtained; he anticipates an early March start with the grand opening in June or July.

Mr. Winneberger made a Motion to recommend approval of this application subject to the following conditions:

- a. That pedestrian access be addressed to the satisfaction of the Township Engineer.
- b. That the concerns of the Fire Marshal be addressed.
- c. That a Seepage Bed sized for the 2-year design storm runoff from the building roof be provided.

Mr. Brockington seconded the Motion; the Motion passed.

6. Old Business
None

7. New Business
None

8. Adjournment

The meeting adjourned at 10:00 P.M.



David G. Kraynik
Township Manager

Per: Holly Nagy