

**October 26, 2009  
Township Building**

The Planning Commission meeting was held tonight in the Township Administration Building. The following Planning Commission members were present: Messrs. Leighton, Greenberg, Cross, Gordon and Winneberger; also present were David M. Lynch, Director of Engineering, Zoning & Inspections, Carmen G. Reitano, Assistant to the Director of Engineering, Zoning & Inspections, Ms. Mazzacarro, Montco Planning Consultant and Mr. David Harrower, Observer.

**1. Acceptance of the minutes for the September 24, 2009 meeting**

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

**2. Review of CTDA 07-06 Record Plan Cheltenham Square Mall-Commercial Renovations 2007/2008- 2305 Cheltenham Avenue. (Amended)**

Mr. Brian DeBenedittis from Thor Equities was present to discuss this application.

Mr. Lynch stated that the Applicant wants to amend CTDA 07-06 to extend the completion deadlines for milling/overlaying the Mall parking field, upgrading the Mall exterior lighting and installing additional security cameras to 2015.

Mr. Reitano stated that Fire Marshal O'Neil had no objection to the extension and that Police Chief Norris had no objection to the extension provided an additional security camera was installed to cover a blind spot by the vacant Value City building.

Mr. Reitano stated that when the two remaining pad sites are developed the Shade Tree Advisory Committee would like to see a detailed landscape plan prior to permits being issued. Mr. Lynch stated for the record that any subsequent developments need amended Land Development plans as well as a detailed landscaping plan and the property owner will need to complete a zoning application.

Mr. Winneberger made a Motion that the Planning Commission recommend approval of the proposed extension request to 2015 provided that an additional security camera be installed to cover the Value City blind spot. Mr. Cross seconded the Motion; the Motion passed.

**3. Review of Zoning Hearing Board Agenda for November 9, 2009 and November 17, 2009**

**APPEAL NO. 3354:** Appeal of Spin, Inc. owner of premises known as 7797 Spring Avenue, Elkins Park, PA, from the decision of the Zoning Officer for a variance from the Rules and Regulations of

“Yard Regulations” as outlined in CCS 295-220.A. for the addition of a second driveway onto Spring Avenue and for the addition of approximately 775 SF of impervious paving within the required front yard setback area.

Mr. Cross recused himself from the review as he is the project architect.

Mr. David Lecino CEO of Spin, Inc. was present to discuss this application. Mr. Lecino discussed the benefits of being allowed to add a front driveway to the front of the premises. Mr. Lecino explained that this would remove the employee cars from being parked on the street and minimize foot traffic and noise from employees parking and walking through the neighborhood. This also allows the facilities van to be parked on the premises instead of being parked on the street. Mr. Lecino stated that Regan, Kline and Cross have been hired to draw up a plan. Mr. Lynch expressed concerns regarding stormwater management and stated that an underground seepage bed was needed. Mr. Lynch also stated that he doesn't usually accept permeable concrete as a stormwater management facility and that Applicant would have to acquire additional zoning relief subject to land development plan document changes.

Margot Weiner of 7705 Chapel Road- stated that although she would prefer that the SPIN facility be elsewhere, the increase of on-site parking will address a major neighborhood concern. Mr. Winneberger concurred with this.

Mr. Gordon made a Motion that the Planning Commission take no action on this Appeal, but that if the ZHB does grant zoning relief said zoning relief be subject to the following conditions:

- a. That stormwater management be adequately addressed
- b. That Land Development Plan be submitted to the Township for its review and approval.

Mr. Greenberg seconded the Motion; the Motion passed.

**APPEAL NO. 3352:** Appeal of “Our Community Cooperative of Cheltenham Township, Inc.” Equitable owner of the premises known as 7909 High School Road, Elkins Park, PA from the decision of the Zoning Officer for the following, Zoning Relief in order to construct a 15.33' x 23.25' addition to the southeast corner of the existing building:

- a. Zoning Relief from the Rules and Regulations of the Class C3 Commercial and Business District as outlined in Article XVII of Chapter 295 of the Cheltenham Code, as follows:
  - i. A variance from CCS 295-121.A. for a lesser front yard setback of zero feet instead of the minimum required 15' from the High School Road frontage of the premises.
  - ii A variance from CCS 295-124. for lesser “Green Area” than required.
  - iii A determination that whatever non-conformities that currently exist from CCS 295-121., CCS 285-124. and CCS 295-125. may remain.
- b. Variances from the Rules and Regulations of “Signs” as outlined in CCS 295-197.C.(1) (a), as follows:

- i. For the Parallel Wall Sign (text: "Creekside"; Sign Area = 36.5 SF) facing Montgomery Avenue.
  - ii. For the Projecting Wall Sign (text: "Creekside"; Sign Area= 100 SF) facing High School Road.
  - iii. For the Property Wall Sign extending above the roof line.
- c. A variance from the Rules and Regulations of "Parking and Loading" as outlined in CCS 295-221.H. for lesser parking spaces than required.

Mr. Hal Lichtman was present to represent this Applicant.

Mr. Lynch stated that zoning relief is being sought for additional signage and for a minor building expansion for the adaptive reuse of the former Ashbourne Market into a community based food co-operative.

Mr. Lichtman stated that this will not be used as a Farmer's Market but as a community food co-operative; the building expansion is to provide a open seating area.

Mr. Cross asked about deliveries; Mr. Lichtman replied deliveries will be received at a loading dock at the rear of the building. Mr. Lichtman stated that the Economic Development Task Force Design Committee had reviewed the building elevation and has approved same with the condition that the projecting canopy sign bump out 5 feet from the building instead of the Zoning Code maximum of 4. Mr. Lynch noted the legal notice does not include that particular relief but that it can be added at the ZHB meeting.

Mr. Lichtman also requested Land Development be waived for the project as the building expansion is only 360± SF and as the existing site is completely impervious; he noted that some lawn area is being added to the site; Mr. Lynch stated that he is not aware of any drainage problems.

Mr. Leighton asked about noise; Mr. Lynch said the standard HVAC notes could be made conditions to any grant of zoning relief.

Mr. Cross made the following Motions:

- a. That the Planning Commission recommend approval of this appeal subject to the following conditions:
  - i. That deliveries be made to the rear of the building.
  - ii. That no signage be placed on the windows
  - iii. That the standard HVAC notes be incorporated.
  - iv. That the projecting canopy be extended to 5'
  - v. That landscaping be maintained in the green area.

The Motion was seconded by Mr. Winneberger; the Motion passed.

- b. That the Planning Commission recommend that the Land Development requirements for this project be waived; the Motion was seconded by Mr. Winneberger; the Motion passed.

**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 subdivide the premises into two (2) lots: an Age Restricted Community lot consisting of 76.471± acres and a Preservation Overlay Community lot consisting of 28.004± acres and develop the two lots as follows:

- A. The Age Restricted Community will consist 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.

- B. The Preservation Overlay Community will have a total of ninety-six (96) single family residences in thirty-two (32) clusters (3 carriage residences per cluster).

The following Zoning Relief is required:

- 1. Age Restricted Community lot:
  - 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:
    - i. 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.
    - ii. 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:
    - i. 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 required parking spaces which equals 504 parking spaces.
    - iii. In the alternative to 1.c.ii., 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 it 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:

- i. A Special Exception in accordance with CCS 295-242.B. for the Age Restricted Development (with clubhouse and associated recreation).
  - ii. A Variance from CCS 295-243.B.8.a. to permit sanitary sewer facilities and stormwater management facilities within the floodplain.
  - iii. A Variance from CCS 295-243.B.8.c. to permit sanitary sewer facilities crossing the Tookany Creek.
  - iv. A Variance from CCS 295-243.B.8.d. to permit development within areas having a slope of 15% or greater.
  - v. A Variance from CCS 295-243.B.8.e. to permit sanitary sewer facilities and stormwater management facilities within Riparian Buffer areas.
  - vi. 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.
  - vii. A Variance from CCS 295-244. for a minimum distance between buildings of 18.5’ instead of the minimum required 30’.
  - viii. 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 1.e., 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.
2. Preservation Overlay Community:
- 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:
    - i. 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.
    - ii. 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:
    - i. From CCS 295-221.F. for a greater amount of parking of 352 parking spaces instead of the maximum permitted 120% of the required parking spaces which equals 231 parking spaces.

- ii. In the alternative to 2.c.i., above, a determination that the 160 garage parking spaces are not to be included in the calculation of the total number of parking spaces provided in a Preservation Overlay District as it relates to CCS 295-221.F.
- d. A Variance from the rules and regulations of the Class R-1 Residence District as outlined in CCS 295-9. for a greater building area of 20% Instead of the maximum permitted 10%.
- e. Variances from the rules and regulations of the "Preservation Overlay District" as outlined in CCS 295-189., as follows:
  - i. From CCS 295-189.A.(1) for a greater number of dwelling units: 96 instead of maximum number of dwelling units: 20 permitted by a "Yield Map" based upon the R-1 Zoning Requirements in conjunction with the Planned Cluster Development Requirements.
  - ii. From CCS 295-189.B. for a lesser tract property line setback of 20' instead of the minimum required 75'.
- f. Variances from the rules and regulations of "Planned Cluster Development" as outlined in CCS 295-226., as follows:
  - i. From CCS 295-226.B.(2)(b) for 100 % of the dwelling units being townhouses instead of the maximum permitted 25%.
  - ii. From CCS 295-226.B.(4) for the submission of Concept Plans at the zoning appeal stage of the project instead of detailed Sub-division/Land Development plans conforming with the requirements of Chapter 260 of the Cheltenham Code.
  - iii. From CCS 295-226.B.(5) for not submitting an Environmental Impact Statement at the zoning appeal stage of the project.
  - iv. From CCS 295-226.C.(1)(e)[2] "Table of Minimum Distance Between Buildings", as follows:
    - (1) For a minimum back to back distance of 40' instead of the required 60'.
    - (2) For a minimum side to side distance of 20' instead of the required 30'.
- g. In the alternative to 2.f., above, a determination that the requirements of the "Planned Cluster Development" as outlined in CCS 295-226. do not apply to the Preservation Overlay Development lot.

Mr. Don Epstein, Mr. William Stapleton, Mr. Stuart Appel and Mr. Peter Friedman were present to discuss this application.

Mr. Lynch stated that the proposed site layout has not changed from that presented to the Planning Commission at its August meeting; Mr. Lynch informed the Commission that the Township had retained Ken Amey, AICP, Planning Consultant, to assist it in reviewing the proposal.

Mr. Friedman stated that the new plan included the following:

- \* Reduced density to 342 Units
- \* Increased front yard set back

- \* Eliminated Apartments
- \* Added carriage homes
- \* Instead of 11 three (3) story buildings- now only three (3)
- \* Relocated three (3) story buildings to center of property
- \* 3 entrances/exits
- \* Open space went from 43% to 53%
- \* Shifted building area off back ridge by 200' from the steep slope.

Mr. Friedman stated that a traffic impact study as well as a fiscal analysis study have been made and that the project would yield annual positive tax revenue of 1.8 million dollars. Mr. Friedman estimates project build-out would take about 7 years.

Applicant is asking for relief of the required cartway of 24' to 22' to reduce impervious surface. Applicant is also asking for relief of minimum distance between buildings from the required 30' to 18'-20' for the single family homes.

Mr. Joe Vescovich was present with his concerns for the community. Mr. Vescovich is concerned that Ashbourne will be clear cut like Wyngate and there will be no up keep. Fears that Age Restricted housing is not as much of a need as anticipated and that the project will be abandoned. Mr. Lynch states that the developer can complete this as a whole or phase it.

Mr. Cross stated that the Planning Commission needs the Fire Marshal's analysis regarding reduced separation for housing. Mr. Vescovich questioned how you can build a house or a road on a steep slope. Mr. Appel responded that a great amount of the steep slopes are man made. The roads are not on steep slopes.

Mr. Robert Shaw resident of 913 Ashbourne Road is concerned about seeing the backs of houses. fences, grills etc. Mr. Appel states that the Home Owner's Association will have very strict control of landscaping etc. Mr. Shaw believes that a 100' setback is not enough. Ms. Aline Roy resident of 3 Beryl Road suggested having driveway accesses in the back similar to the houses along the frontage of Tookany Creek Parkway. Mr. Lynch asked that if the Tookany Creek model is used- would the residents be okay with the front of houses facing the road without sidewalk? Mr. Shaw stated there should be a sidewalk for kids up Ashbourne Road.

Ms. Mazzaccaro said that the density is a big improvement over the previous plan of 485 units. Ms. Mazzaccaro asked if an environmental impact study is required, Mr. Lynch stated that he has no statutory power to ask for such.

( **Following the meeting Mr. Lynch went over the Planned Cluster Development Section of the** )  
( **Zoning Code and found CCS 295-226.E. which does require an Environmental Impact** )  
( **Study ("E.I.S."). The E.I.S. along with other relevant documentation must be presented** )  
( **to the Board of Commissioners at a Conditional Use Hearing on the proposed use of the** )  
( **Planning cluster option for the property.** )

Mr. Cross is concerned about the Sanitary Sewer capacity, Stormwater management and no assurances that there will be enough EDU's for the project.

Mr. Vescovich suggested that a 3D model be provided. Mr. Leighton believes a 3D model would address concerns about views.

Mr. Stapleton has no objection to Cheltenham Township having a role in the Home Owner's Association.

Mr. Gordon stated that he is very disappointed in the layout of the community; it's very internally focused. There is no usable green open space in the community. Mr. Gordon encouraged a smarter design.

Mr. Leighton asked if it's possible to see houses/buildings instead of lot lines; he would be interested in seeing the public reaction.

Mr. Winneberger sees no reason to change his August 2009 comments; Mr. Winneberger feels as though this is still way too dense- doesn't like the wall of buildings along Ashbourne Road .He sees no difference in this plan from the previous plan.

Mr. Cross stated that he agrees with Mr. Gordon, Mr. Winneberger and the residents- this project is way over built. The requests for variances are indicative of being over built. Lacks creativity and has too much of an urban grid feel.

Mr. Winneberger made a Motion for denial of this Appeal; the Motion was seconded by Mr. Gordon; the Motion passed.

**4. Appeal No. 3328  
Appeal No. 3353**

Mr. Lynch inform the Commission that both of these Appeals had been continued to the December 14, 2009 ZHB meeting.

**5. Old Business**

None

**6. New Business**

None

**7. Adjournment**

The meeting adjourned at 10:00 P.M.

David G. Kraynik  
Township Manager

Per: Holly Nagy