

*Cheltenham Township, believing that public input is appropriate on any items coming before the Commissioners, will recognize any citizen wishing to address a specific item prior to the vote on that issue. In order to be recognized, please raise your hand.*



## **AGENDA**

### **COMMISSIONERS' MEETING**

**Wednesday, February 20, 2013**

**Curtis Hall**

**7:30 p.m.**

1. Pledge of Allegiance.
2. Roll Call.
3. Approval of the Board of Commissioners' Regular Meeting Minutes dated January 23, 2013.
4. Acceptance of the Executive Summary Financial Report of the Manager/Secretary for the month of January, 2013.
5. Acceptance of the Accounts Paid Report for the month of January, 2013.
6. Presentation of a Resolution to retired Pennsylvania 154<sup>th</sup> District State Representative Lawrence H. Curry in recognition of his service to the State and the Township.
7. Presentation of a Posthumous Resolution honoring the late Peter Stern for his contributions to the Township.
8. PUBLIC HEARING: To receive any and all comments regarding an amendment to Chapter 295 of the Township Code entitled "Zoning" to allow for the creation of a Riparian Corridor Conservation District (see attached).
9. PUBLIC HEARING: To receive any and all comments regarding a request from the CreekSide Co-op for support of its application to the Pennsylvania Liquor Control Board for an E-License and consider adoption of a Resolution (see attached).
10. Review of the Public Works Committee Regular Meeting Minutes dated February 13, 2013.
  - a. Consider the award of a Professional Services Contract for design and construction management engineering services for Interceptor A Sanitary Sewer Replacement Project, Phases 2A, 2B, and 3.

11. Review of the Public Safety Committee Regular Meeting Minutes dated February 9, 2013.
  - a. Adoption of an Ordinance amending Chapter 285 thereof, entitled “Vehicles and Traffic”.
  - b. Adoption of a Resolution adopting the Montgomery County Hazard Mitigation Plan Amendments.
12. Review of the Public Affairs Committee Regular Meeting Minutes dated February 9, 2013.
  - a. Adoption of a Resolution appointing Bryan T. Havir to the Board of the Cheltenham Township Industrial Development Authority (“IDA”).
  - b. Adoption of a Resolution appointing the Director of Fiscal Affairs as the Township Treasurer.
13. Review of the Building and Zoning Committee Regular Meeting Minutes dated February 9, 2013.
  - a. Consider scheduling a Public Hearing on May 16, 2012 regarding an amendment to the Township Zoning Code, Chapter 295, relating to the Lloyd Tract, a/k/a Laverock Hill, 1777 Willow Grove Avenue.
14. Review of the Parks and Recreation Committee Regular Meeting Minutes dated February 13, 2012.
15. Review of the Pension Board Regular Meeting Minutes dated February 1, 2013.
16. Old Business.
17. New Business.
  - a. Appointment(s) to citizens’ committees.
  - b. ANNOUNCEMENT that the delivery of Recycling Carts to residents for use in the Automated Recycling Program will commence on April 1, 2013.
18. Citizens’ Forum.
19. Adjournment.



\_\_\_\_\_  
Bryan T. Havir  
Township Manager

**CHELTENHAM TOWNSHIP**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP  
OF CHELTENHAM, CHAPTER 295, THEREOF, ENTITLED  
“ZONING,” CREATING AN ARTICLE XXXIV, ENTITLED “RIPARIAN CORRIDOR  
CONSERVATION DISTRICT”**

**SECTION 1. The Board of Commissioners hereby adopts the following as Chapter 295, Zoning, Article XXXIV, Riparian Corridor Conservation District:**

**§295-247. Legislative intent.**

In expansion of the community development objectives contained in Article I, Section 295-1, of this chapter and in support of the goals and recommendations of the Cheltenham Township Comprehensive Plan, the Cheltenham Township Open Space Plan, and all other adopted plans relating to environmental and water resource management in Cheltenham Township, it is the intent of this article to provide reasonable controls governing the conservation, management, disturbance, and restoration of riparian corridors under authority of Article I, Section 27 of the Pennsylvania Constitution, Act 247, the Municipalities Planning Code, as amended, and other Commonwealth and Federal statutes. In addition, the specific intent and purposes of this article are to:

- A. Improve surface water quality by reducing the amount of nutrients, sediment, organic matter, pesticides, and other harmful substances that reach watercourses, wetlands, and water bodies by using scientifically- proven processes including filtration, deposition, absorption, adsorption, plant uptake, and denitrification, and by improving infiltration, encouraging sheet flow, and stabilizing concentrated flows.
- B. Improve and maintain the safety, reliability, and adequacy of the water supply for domestic, agricultural, commercial, industrial, and recreational uses along with sustaining diverse populations of aquatic flora and fauna.
- C. Preserve and protect areas that intercept surface water runoff from upland sources and function to remove or buffer the effects of associated nutrients, sediment, organic matter, pesticides, or other pollutants prior to entry into water bodies, as well as provide wildlife habitat, moderate water temperature in water bodies, and provide opportunities for passive recreation.
- D. Regulate the land use, siting, and engineering of all development to be consistent with the intent and objectives of this ordinance and accepted conservation practices, and to work within the carrying capacity of existing natural resources.

- E. Assist in the implementation of pertinent state laws concerning erosion and sediment control practices, specifically Erosion Control, of the Pennsylvania Clean Streams Law, Act 394, P.L. 1987, Chapter 102 of the Administrative Code (as amended October 10, 1980 Act 157 P.L.), Title 25, and any subsequent amendments thereto, as administered by the Pennsylvania Department of Environmental Protection and the Montgomery County Conservation District.
- F. Conserve the natural features important to land or water resources such as headwater areas, groundwater recharge zones, floodway, floodplain, springs, streams, wetlands, woodlands, prime wildlife habitats and other features that provide recreational value or contain natural amenities that exist on developed and undeveloped land.
- G. Work with floodplain, steep slopes, and other ordinances that regulate environmentally sensitive areas to minimize hazards to life, property, and riparian features.
- H. Support the goals and practices of Stormwater Management Plan for the Tookany/Tacony-Frankford Designated Watershed, as adopted by Cheltenham Township and as amended.
- I. Recognize that natural features contribute to the welfare and quality of life of the Cheltenham Township residents.
- J. Conserve natural, scenic, and recreation areas within and adjacent to riparian areas for the community's benefit.

**§295-248. Applicability.**

- A. The Riparian Corridor Conservation District is an overlay district that applies to lands adjacent to streams, including any adjacent wetlands, and/or water bodies draining into the identified stream, as specifically delineated in §295-249 herein.
- B. The Riparian Corridor Conservation District regulations shall apply when:
  - 1. A plan is submitted for Land Development and/or the Subdivision of Land.
  - 2. A Building Permit application is submitted for construction of a new structure and/or an expansion of an existing structure within 100' of a mapped stream.
- C. Lots containing legal structures in existence at the time of adoption of this Article shall not be subject to the requirements of this Article unless and until they are the subject of either B.1 or B.2 listed above. Existing non-conforming uses and structures shall be permitted to expand to the extent permitted by this Chapter.
- D. Any lands within one-hundred feet (100') of a stream that are wholly separated from that stream by a public or private street shall be considered outside the Riparian Corridor Conservation District and the regulations contained in this article shall not apply.

**§295-249. Boundary definition, zone determination and interpretation.**

A. Boundary application. The Riparian Corridor Conservation District is an overlay district that applies to lands adjacent to streams, wetlands, and water bodies, as specified in the following table:

<b>Water Feature</b>	<b>Minimum Corridor Width</b>
<p><b>1. Mapped Streams</b> As mapped on the adopted “Cheltenham Township Riparian Corridor Conservation District Map,” (<i>Attachment A, as amended</i>) including any adjacent wetlands and/or water bodies draining into the identified stream.</p>	<p><b>Zone One:</b> Minimum width of 25 feet from each defined edge of the stream at bank full flow, measured perpendicular to the edge of the stream.</p> <p><b>Zone Two:</b> Minimum width of 75 feet from the outer edge of Zone One, measured perpendicular to the edge of Zone One, or equal to the extent of the 100-year floodplain<sup>1</sup>, or 25 feet beyond the outer edge of a wetland along the stream, whichever is greater.</p>
<p><b>2. Unmapped Streams</b> Any perennial stream<sup>2</sup>, located on a site survey prepared by a design professional licensed in the Commonwealth of Pennsylvania, including any adjacent wetlands and/or water bodies draining into the identified stream.</p>	<p><b>Zone One:</b> Minimum width of 25 feet from each defined edge of the stream at bank full flow, measured perpendicular to the edge of the stream.</p> <p><b>Zone Two:</b> Minimum width of 75 feet from the outer edge of Zone One, measured perpendicular to the edge of Zone One, or equal to the extent of the 100-year floodplain<sup>1</sup>, or 25 feet beyond the outer edge of a wetland along the stream, whichever is greater.</p>

<sup>1</sup>100-year floodplain shall be defined according to the criteria of Zoning Code Article XXI, Floodplain Conservation District.

<sup>2</sup>A “perennial stream” shall mean any waterway that has continuous flow in parts of its bed all year round.

B. Zone Designation Adjustment for Steep Slopes. Where steep slopes in excess of 15 percent are located within Zone Two (as defined in Section §295-249.A. above), Zone One shall be extended to include the steeply sloped area. Steep slopes shall be determined according to the criteria of Zoning Code Article XXII, Steep Slope Conservation District. Final determination of steep slope area shall be at the discretion of the Township Zoning Officer.

C. Zone One and Zone Two boundary locations shall be measured from the defined edge of the stream channel at bank-full flow, or from the defined top of bank, whichever is greater. In cases where a stream is channeled using stone or concrete walls, or some other method, the inner edge of the top of the wall shall define the edge of the stream channel.

- D. When a submission, as identified in §295-248.B, is made to Cheltenham Township, it shall be the applicant's responsibility to identify and accurately locate all streams, wetlands, and water bodies on the applicant's site and within 100 feet of the applicant's property boundaries. All Zone One and Zone Two Riparian Corridor boundaries, as defined and adjusted in Sections §295-249.A and B and §295-250, shall also be identified by the applicant. Plans for Land Development and Subdivision of Land shall be prepared by a design professional licensed in the Commonwealth of Pennsylvania, and shall be reviewed by the Township Zoning Officer for correctness.
- E. **Boundary Dispute.** The Zoning Officer, Township Engineer and/or other such advisors selected by the Board of Commissioners, shall make all determinations related to the boundaries of the Riparian Corridor Conservation District. Any party that alleges there is an error in any such determination, or other decision or determination under this Article, may appeal to the Zoning Hearing Board as provided in Article XXVII.
- F. **Terminology.** Technical terminology used in this article shall be interpreted to have the meanings used and recognized by the Pennsylvania Department of Environmental Protection. Interpretation and final determination shall be made by the Township Zoning Officer.

#### **§295-250. Boundary Adjustments**

The boundaries of the Riparian Corridor Conservation District, as identified in §295-249, shall be adjusted in compliance with the following:

- A. All properties measuring less than one acre shall be permitted to reduce Zone One to ten feet (10'), and Zone Two to an additional twenty-five feet (25'), measured from the edge of Zone One, for a total buffer width of thirty-five feet (35').
- B. If any structure legally existing at the time of the passing of this article lies within one hundred feet (100') of the defined edge of a stream, in whole or in part, Zone Two requirements shall not apply. Zone One requirements shall apply as specified herein (10' for properties less than one acre; 25' for properties greater than one acre).
- C. If any parking lot or driveway legally existing at the time of the passing of this article lies within twenty-five feet of the defined edge of a stream (and/or within Zone One), and that parking area or driveway is proposed to be redeveloped or reconfigured as part of a Land Development application, the proposed paved area shall not encroach upon the stream buffer any more than the existing paved area already does. The proposed paved area shall be located a minimum of five feet (5') away from the defined edge of the stream, even if the existing paved area is closer to the stream, and the remaining five (or more) feet shall be vegetated. This requirement only applies when the paved area is the subject of a land development application; this does not apply to regular maintenance such as re-paving of an existing parking lot or driveway.

**§295-251. Uses permitted in the Riparian Corridor Conservation District.**

The following uses are permitted in the Riparian Corridor Conservation District in compliance with the requirements of this article, provided that they are in compliance with the provisions of the underlying district and are not prohibited by any other code or chapter:

**A. Uses permitted within both Zone One and Zone Two:**

1. Open space uses that are primarily passive in character, including wildlife sanctuaries, nature preserves, forest preserves, fishing areas, and passive areas of public and private parklands.
2. Walking paths and recreational trails, constructed in compliance with Chapter 102, Title 25, of the Pennsylvania Administrative Code, entitled "Erosion and Sediment Control." Trails shall be located a minimum of five feet (5') away from of the defined edge of a stream, except that periodic look-out points shall be permitted to allow users access to the stream.
3. Maintenance of vegetation and plant materials, including gardening, landscaping, tree and shrub pruning, and lawn mowing and edging.
4. Streambank stabilization and channel restoration activities as approved and/or conducted by the Township of Cheltenham.
5. Corridor crossings, by special exception only, for driveways, roadways, paved trails, railroads, and utilities, provided the stream crossing design standards and mitigation requirements of §295-254 are satisfied.

**B. Uses permitted within Zone Two only (not permitted within Zone One):**

1. New /proposed accessory structures having an area equal to or less than 400 square feet and otherwise meeting the dimensional requirements of the underlying zoning district. New/proposed accessory structures shall not be located within Zone One, except as allowed in §295-250 herein, including but not limited to sheds, and garages.
2. Required yard areas proposed as part of a Subdivision or Land Development shall be permitted in Zone Two but shall not include any lands located in Zone One. Required yard areas shall be measured from the edge of Zone One where it is closest to the proposed structure and/or building envelope.
3. Active recreation areas such as ball fields, playgrounds, golf courses, swimming pools, and sports courts, provided these uses are designed in a manner that will not permit accelerated erosion as defined and regulated Chapter 290 of the Township Code – Watershed Stormwater Management.
4. Centralized sewer and/or water lines and public utility transmission lines. When proposed as part of a subdivision or land development, the mitigation requirements of §295-254 shall be satisfied. In all cases, utility lines shall be located at least thirty-five

feet (35') from Zone One, or a minimum of sixty feet (60') from the top of the stream bank, whichever is greater.

**§295-252. Uses specifically prohibited in the Riparian Corridor Conservation District.**

Any use or activity not authorized in §295-251 shall be prohibited within the Riparian Corridor Conservation District, and the following uses and activities are specifically prohibited:

- A. Roads and driveways, except where permitted as corridor crossings in compliance with §295-254.
- B. Parking lots, except as permitted in compliance with §295-250.
- C. Subsurface sewage disposal areas.
- D. Storm water detention basins.

**§295-253. Inspections of the Riparian Corridor Conservation District**

Cheltenham Township shall have the right to inspect lands within or adjacent to an identified Riparian Corridor Conservation District when:

- A. A plan is submitted for Land Development or Subdivision of Land.
- B. A Building Permit application is submitted for construction of a new structure and/or an expansion of an existing structure within one hundred feet (100') of a mapped stream.
- C. The Riparian Corridor Conservation District may also be inspected periodically by Cheltenham Township for compliance with an approved restoration plan, excessive or potentially excessive erosion, or at any time when the presence of an unauthorized activity or structure is brought to the attention of the Township.

**§295-254. Corridor Crossing Standards**

All corridor crossings permitted under §295-251, herein, shall incorporate, as required, the following design standards:

- A. The width of the proposed right-of way shall not be greater than the minimum right-of-way width required by the Subdivision and Land Development Ordinance.
- B. Crossings shall be designed to cross the riparian corridor at direct right angles (+/- 10 degrees) in order to minimize disturbance of the corridor.
- C. Crossings shall be separated by a minimum of 1,000 feet of buffer length.



- D. Bridges shall be used when crossings would require a 72-inch or greater diameter pipe. When culverts are installed they shall consist of slab, arch, or box culverts and not corrugated metal pipe. Culverts shall be designed to retain the natural channel bottom to ensure the passage of water during low flow or dry weather periods.
- E. Mitigation Measures. Corridor crossings permitted in §295-251 shall be mitigated by increasing the width of the corridor as replacement for the area lost due to the encroachment, so that the total corridor area (land area within Zone One and Zone Two) for each applicable side of the stream or water body is equal to that required by §295-248.

**SECTION 2.** Nothing in this Ordinance or in the Code of the Township of Cheltenham shall be construed to effect any suit or proceedings in any Court, any rights acquired or liability incurred, any permit issued or any cause or causes of action existing under the said Code prior to the adoption of this amendment.

**SECTION 3.** In all other respects, the Code of the Township of Cheltenham, Chapter 295, entitled "Zoning," is hereby ratified and reaffirmed except where the same is inconsistent with the provisions contained in this Ordinance.

**SECTION 4.** The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision thereof shall be held illegal, invalid or unconstitutional by any Court of competent jurisdiction, such decision of this court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Cheltenham Township Board of Commissioners that this Ordinance would have been adopted if such legal, invalid or unconstitutional section, sentence, clause, part or provisions had not been included herein.

**SECTION 5.** This Ordinance shall take effect and be in force from and after it is approved as required by law.

**ENACTED** into an **ORDINANCE** this 20<sup>th</sup> day of **February, 2013**.

**TOWNSHIP OF CHELTENHAM  
BOARD OF COMMISSIONERS**

BY: \_\_\_\_\_  
Art Haywood, President

ATTEST: \_\_\_\_\_  
Bryan T. Havir, Secretary

**CHELTENHAM TOWNSHIP  
MONTGOMERY COUNTY, PENNSYLVANIA**

**RESOLUTION NO. \_\_\_-13**

**A RESOLUTION APPROVING THE APPLICANT'S REQUEST FOR AN  
ECONOMIC DEVELOPMENT LICENSE FOR THE CREEKSIDE CO-OP**

**WHEREAS**, the CreekSide Co-op has expressed interest in obtaining a "deli beer license" or "E-license" from the Pennsylvania Liquor Control Board; and

**WHEREAS**, the CreekSide Co-op has expressed interest in the idea of selling exclusively "high end artisan" six packs of craft beer; and

**WHEREAS**, the CreekSide Co-op has represented that there are currently no available "E-licenses" in Montgomery County; and

**WHEREAS**, the regulations of the Liquor Control Board provide for issuance of a restaurant or eating place retail dispenser license for the purpose of economic development; and

**WHEREAS**, the Cheltenham Township Board of Commissioners has held a hearing on February 20, 2013, following public notice, on the Applicant's request for an economic development license.

**NOW, THEREFORE**, the Board of Commissioners of Cheltenham Township, duly assembled, **RESOLVES** and **FINDS** as follows:

1. Applicant's name: Our Community Cooperative of Cheltenham Township, Inc. d/b/a CreekSide Co-op. Applicant's address: 7909 High School Road, Elkins Park, PA 19027.
2. Applicant's proposed licensed premises is situated in an area designated for economic development within the Elkins Park East Commercial District.
3. The Cheltenham Township Board of Commissioners finds that the issuance of the "deli beer license" or "E-license" would promote economic development.
4. The Cheltenham Township Board of Commissioners received favorable input and comment from its Economic Development Task Force to support issuance of said license.
5. The Cheltenham Township Board of Commissioners approves of the CreekSide Co-op's request for an economic development license.

**DULY ADOPTED**, this 20<sup>th</sup> day of **February, 2013**, by the Board of Commissioners of Cheltenham Township, Montgomery County, in lawful session duly assembled.

**CHELTENHAM TOWNSHIP  
BOARD OF COMMISSIONERS**

By: \_\_\_\_\_  
Art Haywood, President

Attest: \_\_\_\_\_  
Bryan T. Havir, Township Manager  
and Secretary

# CREEK SIDE

## FOOD CO-OP

Board of Commissioners  
Cheltenham Township  
8230 Old York Road  
Elkins Park, PA 19027

January 7, 2012

Re: Request for Township Approval for the Issuance of an Economic Development License to Sell Beer at CreekSide Co-op

Dear Township Commissioners:

As you know, CreekSide Co-op has opened its doors and is fulfilling its mission to spur economic growth and development in the Elkins Park East section of Cheltenham Township. The support of you, our commissioners, has been a key element in the success of the CreekSide project to date. We are writing to once again ask for your help in making CreekSide reach its full potential.

Like any retail business, CreekSide needs to distinguish itself from its competitors if it is to thrive and develop a loyal customer base. One way to do this is to offer products and services that other grocery stores in the immediate area do not. With this in mind, the board of CreekSide Co-op has decided to pursue the acquisition of a "deli-style" license to sell six-packs of beer from the store.

The license we are seeking is called an "Eating Place Retail Dispenser" license (also known as an "E-license" or, more commonly, as a "deli license"). Page 11 of the attached LCB Information Booklet for Retail Licenses contains more detailed information about the E-license.

Through our research and communications with the LCB, we have determined that the Co-op meets the physical and retail operational standards necessary to qualify for an E-license. Unfortunately, due to the LCB's quota system, there are currently no E-licenses allocated to Montgomery County available directly from the LCB. While some large retailers have been able to purchase E-licenses from individuals on the private market, our non-profit Co-op cannot afford this prohibitively expensive alternative.

Fortunately, there is another option. With your help, CreekSide can apply for what is known as an "Economic Development License". This form of E-license is available from the LCB (and not subject to the county quota) within "A municipality that has approved the issuance of a restaurant or eating place retail dispenser license for the purpose of economic development" (see Section 3.101(3) of the enclosed LCB statute).

7909 High School Rd ☐ Elkins Park, PA 19027 ☐ Tel 215-557-4480 ☐ Fax 215-600-807

**Therefore, this letter constitutes a formal request by the board of CreekSide Co-op for the approval by Cheltenham Township for the issuance of an Economic Development License by the LCB to CreekSide Co-op.**

Section 3.102 of the LCB statute (attached) describes the application process for an Economic Development License. One of the listed criteria is that the proposed licensed premises be located within an area "designated for economic development". Elkins Park East is one of the five identified "Main Street" districts within Cheltenham Township, and has been designated for a variety of streetscaping and other improvements to facilitate economic growth. The redevelopment of the derelict Ashbourne Market into CreekSide Co-op is in keeping with the goals of this program. The issuance of the Economic Development License will strengthen CreekSide and allow it to provide another much-sought after service to the community.

We understand that there may be some sensitivity to the sale of beer from the CreekSide store. We therefore carefully polled our members on the question of selling beer at the Co-op. The response has been overwhelmingly in favor this idea. This is clearly a service that the community wants.

Enclosed with this letter is literature from the LCB that described the application and approval process for an Economic Development License. That process includes at least one public hearing on the issue. The statute contemplates your decision within 45 days after the date of this letter. If approved by the Commissioners, CreekSide would then proceed with the application process with the LCB.

Thank you for your continued support in making CreekSide a success. Please let us know what additional information you may require to evaluate our request.

Sincerely,

*Arthur Alexander*

Chair, CreekSide Co-op  
Product Committee