

The Planning Commission ("PC") meeting was held tonight at Curtis Hall. The following Planning Commission members were present: Messrs. Gordon, Winneberger, Brockington, Greenberg, Leighton and Goldfarb and also present was ex-officio members Di Benedetto, Harrower and Laughlin. Also present was David M. Lynch, P.E., P.L.S. retiring Director of Engineering, Zoning & Inspections, Patrick J. Duffy, P.E., Director of Engineering, Zoning & Inspections Designate and Hannah Mazzaccaro, Montgomery County Planning Commission.

1. Re-organization

Mr. Lynch opened the meeting at 7:30 PM and asked for nominations for Chair of the Planning Commission. Mr. Winneberger nominated Mr. Cross for Chair; Mr. Goldfarb seconded the nomination.

Mr. Lynch asked if there were any other nominations for Chair; there were none. Mr. Lynch requested that Mr. Cross be elected by acclamation; Mr. Winneberger made the Motion for election of Mr. Cross as PC Chair by acclamation; Mr. Goldfarb second the Motion; the Motion passed.

Mr. Lynch asked if there were any nominations for Vice- Chair of the Planning Commission. Mr. Goldfarb nominated Mr. Winneberger Vice-Chair; Mr. Brockington seconded the nomination for Vice-Chair. Mr. Lynch asked if there were any other nominations for Vice-Chair; there were none.

Mr. Lynch requested that Mr. Winneberger be elected by acclamation; Mr. Goldfarb made the Motion for election of Mr. Winneberger as PC Vice-Chair by acclamation; Mr. Brockington second the Motion; Mr. Winneberger was elected by acclamation.

Mr. Lynch then turned over the gavel to Mr. Winneberger.

2. Acceptance of the minutes of the January 23, 2012 Meeting.

Mr. Harrower stated the following comments were made by Mr. Laughlin that were not included in the previous minutes.

Mr. Laughlin also commented that the proposal to convert the historical buildings to professional office space is not an acceptable use in a residential district and that the Developer should consider the conversion of those buildings to residential condominium units. In addition, Mr. Laughlin commented that the design of a 3-roadway ingress & egress system is a safety concern and the previous proposals of a single access point should be re-considered.

Mr. Winneberger made a Motion to approve the minutes amended to include Mr. Laughlin's comments; Mr. Brockington seconded the Motion; the Motion passed.

3. Zoning Hearing Board Agenda for March 12, 2012

APPEAL NO. 3431: Appeal of Arcadia University, 450 S. Easton Road, Glenside, PA 19038 from the Decision of the Zoning Officer for a variance from CCS 295-194.D.(5) to allow the erection of a maximum of thirty-three (33) banners, maximum sign size of 1.96'L x 10.23'H (20.05 SF), to be erected on utility poles along both sides of Easton Road from Springhouse Lane to the SEPTA overpass just northeast of Glenside Avenue.

Mr. Hal Lichtman was present on behalf of Arcadia to present the application.

Mr. Lichtman stated that Arcadia would like to add banners to the new Township light standards along Easton Road. Mr. Lichtman stated that there are 33 light standards and that Arcadia would like to put banners on 17 of them. Mr. Lichtman stated that the poles are owned by the Township and the Right of Way is owned by the County.

Mr. Lynch stated that the Township Manager informed him that the Township endorses this project. Mr. Lynch stated that the banner designs, colors and sizes will be submitted to the Township for approval.

Mr. Lynch stated that the Appeal is for a maximum of 33 banners to allow flexibility in the placement and number of banners.

Mr. Laughlin asked if other institutions are interested in using the banner space. Mr. Lynch stated that to his knowledge the WON Institute and PITC on Easton Road has shown some interest.

Mr. DiBenedetto asked if the poles are able to accommodate banners on both sides. Mr. Lichtman stated that the poles are designed to get banners on one side.

Mr. Harrower expressed concern regarding Arcadia taking all of the banner space down the Glenside Business Corridor. Mr. Lynch stated that the banners would be regulated by the Township and the Township can specify how many banners are allowed. Mr. Lynch advises against making the number of allowed banners a condition, and suggests allowing the Township to regulate how many banners and when to allow for special occasions.

Mr. Laughlin asked if the Township has to pay to have the banners changed out. Mr. Lichtman stated that Arcadia will be responsible for moving their banners.

Mr. Laughlin suggested Arcadia make mention of Glenside somewhere in their banners. Mr. Lichtman stated that he will take the suggestion to Arcadia.

Mr. David Cohen a member of the EDTF stated that the EDTF strongly encourages the project and he knows there are members of the Glenside Business community who are also in support.

Mr. Leighton stressed the need for graphic consistency to prevent it from looking like a mixture of various banners.

Mr. Winneberger stated that the Appeal in front of committee tonight just pertains to Arcadia at this point. Other organizations and institutions will have to make a request in front of the Planning Commission as well.

Mr. Goldfarb made a Motion to approve; Mr. Brockington seconded the Motion; the Motion passed.

4. Discussion of Proposed Townhouse Development at Kerlin Farms- 1050 Ashbourne Road.

Mr. Jay Ochroch and Mr. John DiBenedetto were present to speak on behalf of this proposed development.

Mr. John DiBenedetto gave the following presentation:

My name is John Di Benedetto and I'm the Architect for the Kerlin Farm Townhouse development (formally 1050 Ashbourne Associates LLC) that is being planned by the Owner, Mr. Reuven Niknam. Mr. Niknam grew up in Cheltenham and has a fond attachment to Cheltenham.

Mr. Niknam has extensive experience in real estate development and property management thru his company R&S Properties, Inc LLC. R&S holdings include numerous multi-family apartment buildings in Philadelphia and New Jersey. They also provide property management services for several properties owned by others. Mr. Niknam and his partner Mr. Jacob Bauman are present this evening.

As you know Kerlin Farm is a 7.64 acre parcel and is a property that is rich in history in being one of the remaining parcels from the William Penn Land Grant of the 17th century. Parts of the remains of the original house are extant.

In fact, my involvement in this project started as a preservation interest before I met Mr. Niknam. I was asked to participate in the effort to somehow stop the demolition and restore the structure. When I visited the site, I determined that the structure, which is and has been open to the weather for over 10 years, is frozen in a state of collapse. Portions of the roof & floors have collapsed into the basement. Masonry joints are deteriorated. Structural wood members are rotted and dislodged from the walls. I am of the opinion that the structure has deteriorated beyond the stage of a financially feasible renovation effort.

This opinion is aligned with the opinion of the renowned preservation Architect John Milner and the opinion of a consulting structural Engineer, Joseph Cooke, P.E. I have a letter here from Mr. Cooke that testifies as to the current condition of the structure and the inherent danger to persons who may enter into the farm house for any reason.

It was during this period when I met Mr. Niknam and he retained my firm to design the sub-division.

When the owner learned of the history of the property and the interest of the preservation group, he agreed to delay the demolition work as a gesture to support their efforts. He further offered to sell them the area of land around the house as a separate parcel. They are in the process of soliciting a third party who will illustrate the financial capability to purchase the house and the ability to renovate the structure to an aesthetically presentable and occupiable condition.

I have a letter from Mr. Ed Landau, a Landscape Architect, who is central to these preservation efforts, indicating his support of this project. Also, Ms. Ellen Gartner, an interested Cheltenham resident, is in attendance this evening. Ms. Gartner passionately researched the history of this property and wishes to testify as to her support for the preservation efforts and the project overall.

At this time, I would like to ask Ms. Gartner to present her statement.

Ms. Gartner stated that she became interested in the Kerlin Farms property over 10 years ago and has done extensive research into the history of the Kerlin Farm property and house and has endeavored to share this information with the community; she has a blog on Kerlin Farm at:

<http://heidelbergkerlinfarm.wordpress.com/>

She noted that Kerlin Farm is the last remaining undeveloped William Penn Land Grant parcel.

Ms. Gartner noted the current owner purchased the property at a Sherriff Sale and has graciously delayed demolition of the house to permit the community to try to raise the funds to save the house.

Mr. DiBenedetto continued his presentation.

So, I think it's important for you to know the attitude of the developer. He has been receptive, cooperative and sensitive to the preservation group and has improved the conditions on the site by removing the porch structure that was in a state of collapse, by removing the 19th century addition that was in a state of collapse, by boarding all of the first floor windows and door openings to deter entry by unauthorized persons, by grading the area around the house to decrease tripping hazards, and by installing a temporary fence along Oak Lane to deter entry to the site from that street. He further paid for the removal of weeds and undergrowth along both street frontages.

I have photos of the previous condition and the present condition of the house structure.

One of the first steps in designing this project was to evaluate the old trees on the property to determine their possible historic value, possibly dating from the 17th century.

We retained the services of an Arborist to guide this evaluation, Mr. Bill Graham. Mr. Graham worked at the Morris Arboretum for 33 years in a variety of positions culminating with his post of Chief Arborist and Horticulturist. He currently provides consulting services to the Arboretum as well as the general public and has joined this development team.

Mr. Graham examined the trees on the site and provided a report of his findings and recommendation which is to consider 4 trees worthy of saving. (See Attached Report) (Not included in minutes; attachments are available on the CTWP website.)

You will see on page 4 that the Ginkgo tree has a particular value as a site feature and focal point. You will see in later exhibits this tree's influence on the site design. It is an old, large, and grand specimen. The site design was completed in collaboration with Ritter & Plante Associates who are Civil Engineers, Land Planners and Landscape Architects. Mr. David Plante, P.E. is in attendance this evening and will be available to answer any questions you may have regarding the site plans.

Mr. Harrower asked if it was known if the property ever served as a nursery. Ms. Gartner stated that in 1850 the Haines family started the Cheltenham Nursery on the property. The Haines family brought back clippings from around the country and around the world and planted them on the property.

Mr. Di Benedetto continued with his presentation.

The first site plan I want to share with you is the Neighborhood Context Plan. (See attached plan) (Not included in minutes; attachments are available on the CTWP website.)

We are seeking a zoning change from R-4 to R-7. The R-4 zoning allows for only 20 homes. The site costs for this property are very high. They are estimated to be from \$1.5 to \$2 million dollars.

This plan illustrates the zoning classifications of contiguous properties. As you can see, R-1 & R-4 zoning classifications surround the site, consisting of residential and school uses.

It further illustrates the site design for 50 townhouses, access into the site from Ashbourne & Oak Lane Roads, the roadway layout within the site that is shaped in deference to the farmhouse location, terminating in the cul-de-sac, and a storm water retention pond that will be a focal point in the development.

We originally designed a plan for 60 houses. However, after meeting with township officials who expressed their concern for that density, we re-designed the plan to reduce the density to 50 town homes. The developer estimates 50 to be the minimum number of units necessary to make the project financially feasible.

Further, you can see the retention of the 4 specimen trees and new and the existing trees around the perimeter of the site.

This brings another team member to light in the services of our Traffic Engineering experts, McMahon Associates, Transportation Engineers and Planners. McMahon Associates evaluated the existing traffic conditions, the ingress and egress points of the site and conducted traffic counts of both Ashbourne and Oak Lane Roads.

You will see their conclusion on page 16, Paragraph 2, of their Traffic Study that states, and I quote, ".....the Kerlin farm sub-division will have little to no impact on the existing operations of the traffic signals....." (See Attached Traffic Study Conclusion) (Not included in minutes; attachments are available on the CTWP website.)

(See Attached Zoning Plan) (Not included in minutes; attachments are available on the CTWP website.)

This plan illustrates the deeded lots that comply with the R-7 zoning regulations. The proposed lots are comprised of approximately 2,500 SF lot areas.

The plan further illustrates public parking along Kerlin & Heidelberg Lanes, and a memorial area for the Kerlin farmhouse, in the event that the preservation group is not successful in recruiting a purchaser in a timely fashion and the demolition of the house proceeds.

This memorial was suggested by Ms. Ellen Gartner and Mr. Brad Pransky, who is the president of the Cheltenham Community Development Corporation. This will be an area near the house site of approximately 600 to 800 SF. It will consist of a hardscape area with benches, possibly a trellis and weather proof placards explaining the history of the site.

Also, the Ginkgo tree will have a flower garden around the base to enhance the environment and to assist in the protection and nourishment of that feature tree. Notice the influence this tree has in the alignment of Kerlin Farm Lane. The road was configured to bend around the area of the tree. This was significant in the resulting alignment of the town homes.

Next, I'd like to present the Site Plan that reveals the site amenities.

(See Attached Site Plan) (Not included in minutes; attachments are available on the CTWP website.)

Notice the sidewalks & curbs, tree landscaping, retention pond, tot lots, a walking trail that extends around and thru the site with sitting areas, the Farmhouse memorial and Ginkgo garden. The pond will have an aeration fountain and will be fenced. The streets will be accessible to public traffic, municipal services and police and fire personnel. The town homes will be 21' wide x 44' deep, 3 story attached structures with 3 bedrooms, 3 1/2 baths, 2 off street parking spaces and will be fully sprinklered.

(See Attached Floor Plan) (Not included in minutes; attachments are available on the CTWP website.)

As you can see in the plan, the 1st floor has an entry porch, foyer, garage, family room, stair to the upper floors and patio.

The 2nd floor contains the living/ dining/ powder room, kitchen and front & rear decks.

And the 3rd floor illustrates the arrangement of the 3 bedrooms, laundry, bathrooms and Master bedroom deck. The total size of the homes is approximately 2,610 SF.

The next illustrations are the exterior elevations.

As you can see, the front elevation is a tri-partite design with the 1st floor base element finished in brick. The 2nd & 3rd floors are finished with stucco and shingles. And the top roof element is finished with blue fiberglass shingles. The sides will be finished with brick & vinyl siding, and the rear elevations will be vinyl siding.

(See Attached Elevations and Perspective) (Not included in minutes; attachments are available on the CTWP website.)

"We estimate that these homes will sell in the \$280,000 to \$310,000 range and we anticipate the following revenues to the Township:

The State/ County assessment factor is $58\% \times \$310,000 = \$179,800$.
The school district rate is $.0416 \times \$179,800 = \$7,479.68 \times 50 = \$373,984$.
The County rate is $.003152 \times \$179,800 = \$566.73 \times 50 = \$28,336.48$
The Township rate is $.0071413 \times \$179,800 = \$1,284.00 \times 50 = \$64,200.28$

This does not include the Township fees for sewer & trash collection."

In conclusion, I submit that in accordance with the Cheltenham Township Sub-Division Code, Article III, Design Standards, this proposed development accomplishes the goals and intentions of that document.

It manages and improves the storm water issues of the site. It resolves any concerns regarding traffic impact to the neighborhood. It controls sedimentation and erosion issues present on the site. It honors the history of the site. It preserves the specimen trees that are worth saving. It enhances the aesthetic value of surrounding properties. It maintains an open area that will provide recreation and an enhanced quality of life for residents and it provides additional income to the Township.

Thank you very much for your attention and consideration.

Mr. Winneberger solicited comments from the Planning Commission:

Mr. Brockington asked if the new Cheltenham Elementary School being built was taken into consideration during the traffic study. Mr. Di Benedetto stated that he is aware of the new school and he doesn't know if it will change traffic patterns. Mr. Di Benedetto confirmed that the Traffic Study makes no mention of the new school.

Mr. Laughlin asked if the Townhouses will have full basements. Mr. DiBenedetto stated that they are all slab on grade.

Mr. Tom DiBenedetto stated that he visited the site today and looked at the neighboring houses. Mr. Tom Di Benedetto stated that he's concerned about how the neighbors feel about such a project.

Mr. Winneberger stated that he is concerned about the vinyl siding on the rear houses. The neighbors will have to see the rears of the Townhouses. Mr. Di Benedetto stated that there will be a tree buffer running behind the proposed homes.

Mr. Winneberger also stated that he's concerned about the change of zoning designation and feels that 50 units is much too dense for the area. Mr. Winneberger stated that more needs to be done to save the historic house.

Mr. Brockington stated that he agrees with Mr. Winneberger and the project is too dense. Mr. John DiBenedetto stated that if someone buys the historic house then the number of proposed Townhouses can decrease. If no one buys the house the number of Townhouses won't change.

Mr. Harrower appreciates the effort put into the current plan. Mr. Harrower stated that the comprehensive plan has the property identified as open space. Mr. Harrower stated that he appreciates the time the owner has allowed building to stand.

Mr. John DiBenedetto stated that its his professional opinion that the structure is way past the point of financial feasibility.

Mr. Reuven Niknam owner of the property stated that he is not interested in fighting with the neighbors and that he grew up in Cheltenham Township. Mr. Niknam stated that he liked the property from the first time he saw it. Mr. Nikam stated that the property did not pay taxes for 10 years and during those 10 years no one cared about the property. Mr. Niknam stated that he's willing to take everyone's advice.

Mr. Winneberger solicited comments from the residents:

Ed Landau- 533 Greenwood Avenue, Jenkintown

Mr. Landau stated that he has an appreciation for the preservation of the old house. Mr. Landau stated that Mr. Niknam could demolish the old building now if he wanted but he's giving everyone time to find a solution. Mr. Landau appreciates the opportunity Mr. Niknam gave to the Historic Commission to go in and take out artifacts that could have historic value. Mr. Landau stated that Mr. Niknam is allowing an archeological team to go in next month and video the property.

Mr. Landau stated that he is neither for nor against development of the property.

Mr. Landau stated that there are a lot of environmental issues to be resolved. The rear portion of the house (newest portion) is still structurally fine. The two older portions are in a bad state of disrepair. Mr. Landau stated that the basement and all exterior walls are stone and despite needing mortar are still in good shape. Mr. Landau state that the house is preservable. Mr. Landau also suggested putting tree protection around the specimen trees to prevent any damage being done.

Rev. Robert Mitchell- 7805 Berwyn Road, Elkins Park

Rev. Mitchell stated that he is concerned about the development and there are too many houses in too small of an area. Rev. Mitchell stated that his major concern is the catch

basin, once it rains the basin fills up and drains into the already troubled Tookany Creek. Rev. Mitchell stated that this is going to cause more flooding issues for the neighbors and the catch basin so close to the houses it will cause more flooding, rodent issues, mosquitos etc.

Rev. Mitchell further stated that the area is sloped and this project will increase runoff towards homes and the school. Rev. Mitchell strongly urges the Township to reconsider the zoning change. There's a lot of stuff that could be done on R-7 land.

Mr. John DiBenedetto stated that the stormwater is going off site and that the runoff from the school goes onto the Kerlin property. Mr. John Di Benedetto stated that the basin is being engineered to accept all water. Mr. John Di Benedetto stated that the basin will essentially be a wet pond and will have an aerator fountain.

David Cohen, 321 Gerard Avenue, Elkins Park

Mr. Cohen made the following comments:

1. Rezoning the property to R-7, would be illegal spot zoning. Properties cannot be rezoned for a proposed development project; the nearby properties are R-1 and R-4; and rezoning the property to R-7 would go against elements of the Township's Comprehensive Plan.
2. Any hardships in regards to the development proposal for the property that result in calling for a rezoning to R-7 are self imposed financial hardships. The developer should have known or taken the time to know the zoning for the property before they purchased the property.
3. Despite what the developer's representative stated, the proposed retention basin will not capture all of the water runoff on the site.
4. At quick glance at the plans, the proposed rezoning to R-7 if granted, would still appear to result in the need for variances, notably for not meeting the sidewalk requirements under the zoning code.
5. The proposed development is too dense.
6. While the efforts of the property owner to work with interested parties to save the existing structure are admirable, that should be treated as a separate issue and should not be factored into a decision of the merits of the proposal.

Mitchell Zygmund Felt- 35 Carter Lane, Elkins Park

Mr. Zygmund-Felt stated that this is the 3rd developer trying to put a significant amount of density into a small area. Mr. Zygmund-Felt stated that commendable actions have been taken to protect the area. Mr. Zygmund-Felt stated that the Sanitary Sewer is a huge issue for this Township and this is another situation where the developer hasn't taken time to survey the community to see how they feel. Mr. Zygmund-Felt stated that he isn't opposed to development but is opposed to additional burdens to the already challenged infrastructure.

Sarah Koval- 7961 Oak Hill Drive, Elkins Park

Ms. Koval stated that the developer knew the property's zoning and restrictions before buying it at the Sheriff sale. Ms. Koval urged the Planning Commission to help preserve the

community and it keep it single family homes, and don't change the zoning just so a developer can make money.

Steven Banks- 313 Bent Road, Wyncote

Mr. Banks stated that he is against development of any kind. There are 7 acres left of over 700 acres. Mr. Banks stated that the Township needs more open space and as a tax payer has no objection to the Township buying the property. Mr. Banks stated that he understands that his idea may not be realistic, but strongly urges the developer to have someone come in and stabilize the old house.

Dr. Rebecca Mitchell-7805 Erwin Road, Elkins Park

Dr. Mitchell stated that she is against the development proposed. Dr. Mitchell is concerned about how the traffic patterns will be changed.

Joe Vescovich -107 Tookany Creek Parkway, Elkins Park- Co-president of CC4A

Mr. Vescovich stated that he has no objections to responsible development. Mr. Vescovich does have an objection to the zoning change. Mr. Vescovich stated that several comments have been made by the developer that the project will blend in with the community, but the community does not have the density that this development does. Mr. Vescovich stated that he is concerned about the turning radius of the proposed cul-de-sac for the fire trucks and other emergency personnel.

Heidi Morein- 618 Boyer Road, Elkins Park

Ms. Morein stated that she also is a member of the Historical Commission. Ms. Morein stated that its not a small thing to get rid of something that once belonged to William Penn. Ms. Morein also stated that she is concerned about the density of the project and doesn't see how something so dense is possible.

Jim Muldune- 106 Parkview Road, Elkins Park

Mr. Muldune asked the Planning Commission if there were any lessons learned from their encounter with the Ashbourne Country Club that can be transferred to this project. Mr. Muldune encourages the Township to buy the property for an unspecified amount.

Mary Russell- 7624 Front Street, Elkins Park

Ms. Russell stated that there is no doubt that there will be additional traffic from the new school.

Ms. Russell stated that she appreciates everything the current owners have done to clean up the property, but she is still concerned about the density. Ms. Russell also stated that the stormwater and sewage issues are major things that need to be addressed.

Cliff Bassman- 7820 Oak Lane Road, Elkins Park

Mr. Bassman stated that there are a lot of kids walking around the area during the school season. Mr. Bassman stated that there is a lot to take into consideration here and that he knows enough to know that this project cannot have zero impact.

Tim Hinchcliff- 1028-1032 Ashbourne Road, Elkins Park

Mr. Hinchcliff asked if the owner planned on making the development a Home Owners Association.

Attorney Jay Ochroch stated yes.

Mr. Harrower asked for Mr. Lynch's opinion on retention basins. Mr. Lynch stated that he is strongly against retention basins or wet ponds. Mr. Lynch stated that this project can be developed in such a way that will address any and all of the stormwater issues using underground detention/infiltration basins.

Mr. Lynch noted that this is an informal meeting and the developer has not submitted any plans to the Township. Mr. Lynch stated that the Township is currently in the process of revising the Zoning Code and depending on when a plan is submitted the developer may be protected by any changes made to the zoning code.

Mr. Winneberger stated that this presentation has been thorough. Mr. Winneberger expressed concern regarding the density and would like to see the area kept an R-4 zoning district. Mr. Winneberger urged the developer to have meetings with the residents to get more feedback.

5. Review of Recently Adopted "Age Restricted Overlay Ordinance"; see attached.

Mr. Lynch stated that the Commissioners acted and adopted the new Ordinance; however, the Commissioners want the Planning Commissions input.

Mr. David Cohen made the following comments regarding the new Ordinance:

1. The newly adopted Age Restricted Overlay ordinance is a significant improvement over the former ordinance.
2. I believe that properties that are less than 10 acres are too small for the type of development and density allowed under the provisions of the Age Restricted Overlay ordinance.

An example of this is Kerlin Farm at 7.68 acres; and that the minimum property size allowed under the Age Restricted Overlay ordinance should be increased from 5 acres to 10 acres.

In order for the Township, Commissioners, the Planning Commission, Zoning Hearing Board, and residents to be able to understand and compare what could be built on a property as of right based on the underlying zoning, a developer that is applying for development under the Age Restricted Overlay ordinance should be required to develop and submit a schematic as of right development plan allowed by the underlying zoning for the property.

3. The amount of density allowed under the Age Restricted Overlay ordinance on smaller properties is too great. There needs to be a closer correlation or ratio to the property size and the density permitted under the Age Restricted Overlay ordinance, with the maximum number of units allowed to be built on large properties remaining at 300 units.

Using Kerlin Farm as an example, it appears based on Township calculations that a developer could build 40 single family houses under the Age Restricted Overlay ordinance; in addition under the Age Restricted Overlay ordinance, a developer could build some number of units greater than 40 and likely less than 140 units in a multi-story building or buildings of up to 8 stories.

4. The word "home" should be defined as it is not defined in the current or proposed Township zoning codes; and as Section 295-244(l)(5) of the Age Restricted Overlay ordinance refers to "each home" in relation to Energy Star requirements; and as it is unclear as to if a Midrise Multi-family dwelling under section 295-243(B)(6) of the Age Restricted Overlay ordinance would be considered as homes.

Mr. Laughlin commented that the eligibility of specific parcels of ground is too great and should be amended to only be applicable to parcels of 10 acres or more. He also expressed concern that the density bonus of up to 20 units per acre for high-rise buildings is an un-due burden on surrounding residents of applicable parcels and a reduced density bonus should be tiered to the size of the parcel & the underlying zoning requirements.

Mr. Lynch stated that the Commissioners want feedback from the Planning Commission and that the suggestions can be incorporated into the meeting minutes and will be received by the B&Z Committee.

Discussion ensued regarding the By Right Usage Plan. Mr. Laughlin stated that there needs to be a complete reconsideration of how density is treated.

Mr. Winneberger made a Motion that the Building and Zoning Committee consider the issues raised by Messers. Cohen and Laughlin concerning the newly adopted Age Restricted Ordinance; Mr. Gordon seconded the Motion, the Motion passed.

6. Old Business

None

7. New Business

None.

8. Adjournment

Mr. Winneberger made a motion for adjournment; Mr. Goldfarb seconded the Motion, the Motion passed. The meeting adjourned at 10:27 P.M.



David C. Kraynik
Township Manager
Per Holly A. Nagy

**CHELTENHAM TOWNSHIP
ORDINANCE NO. 2236-12**

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF CHELTENHAM, CHAPTER 295, THEREOF, ENTITLED "ZONING", BY ADDING DEFINITIONS FOR BUFFER, BUILDING, COMMON OPEN SPACE, DEVELOPABLE ACREAGE, BUILDING COVERAGE, HISTORIC RESOURCE, IMPERVIOUS COVERAGE, INTERNAL ACCESSWAY, FLOODPLAIN, STEEP SLOPES, WETLANDS, RIPARIAN BUFFER, RIPARIAN CORRIDOR, AND STREET TO ARTICLE I; AND BY ADDING A NEW ARTICLE XXXIII, ENTITLED "AGE RESTRICTED OVERLAY DISTRICT"

SECTION 1. The Board of Commissioners hereby amends the Code of the Township of Cheltenham, Chapter 295, entitled "Zoning", by inserting the following definitions in Article I, Section 295-2.C, in alphabetical order:

BUFFER – An area designed to separate the land uses which it abuts and to ease the transition between them. A buffer shall be comprised of vegetation arranged to soften and screen the view from one side to another during all seasons of the year. Unless otherwise specified, buffers may be included as part of the required setbacks and yard areas.

BUILDING – Any structure having a roof supported by columns, piers, pipes, studs, walls or other building materials located upon the land. A parking structure shall also constitute a building.

BUILDING COVERAGE – The ratio of the building area on a lot to the developable acreage of the lot.

COMMON OPEN SPACE – An outdoor portion of a development or tract of land that is designed or functions as a recreational area and/or for the preservation of sensitive natural features. Private yards directly adjacent to a residence shall not be considered common open space.

DEVELOPABLE ACREAGE OR AREA – The area within the lot lines, except those portions located within the ultimate right-of-way of existing public or private roads, wetlands, floodplains, land continuously covered by water, watercourses, riparian buffers, or slopes 15% or greater.

FLOODPLAIN – That area defined in Article XXI of this Chapter as the Floodplain Conservation District(s). The floodplain definition contained therein shall be considered the definition for floodplain for all purposes and uses of this Chapter.

HISTORIC RESOURCE – A structure listed in the National Register of Historic Places, the Pennsylvania Historic Resources Survey, the Montgomery County Inventory of

Historic and Cultural Resources, the Montgomery County Comprehensive Plan, the Cheltenham Township Comprehensive Plan, the Cheltenham Township Inventory of Cultural Resources, a listing of historic and cultural resources compiled by the Board of Commissioners or Planning Commission, or other appropriate documentation, or a structure seeking listing as a historic resource from any of the above listings. The term historic resource shall also include historic accessory uses.

IMPERVIOUS COVERAGE – The ratio of the area of all portions of a lot covered in any way so as not to allow the ground beneath to absorb water at a natural rate, to the developable acreage of the lot.

INTERNAL ACCESSWAY – A private roadway or driveway providing access to a property from a public or private street.

RIPARIAN BUFFER – An area with a width defined by this Chapter, designed to protect the riparian corridor.

RIPARIAN CORRIDOR – Lands adjacent to streams, wetlands, and water bodies.

STEEP SLOPES and STEEP SLOPE AREA – An area with slopes of 15% or greater as further defined in Article XXII of this chapter as the Steep Slope Conservation District(s). The steep slope definition contained therein shall be considered the definition for steep slopes and steep slope area for a purposes and uses of this chapter.

STREET – A right-of-way, whether municipally or privately owned, serving as a means of vehicular travel, furnishing access to abutting properties and space for sewers and public utilities.

WETLANDS – Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances to support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas.

SECTION 2. The Board of Commissioners hereby adopts the following as Chapter 295, entitled “Zoning”, Article XXXIII, “Age Restricted Overlay District”.

§295-240. PURPOSE.

The purpose of this district is to provide accommodation for age restricted housing developments by establishing regulations to permit development by special exception, tailored to the needs of residents 55 years of age and older, recognizing their different housing needs and relatively reduced impacts on surrounding land uses; and to require protection and preservation of historic resources in the development of land for age restricted housing, as follows:

- A. By providing a greater variety of housing to serve the needs of older persons who prefer an active and independent residential environment.
- B. By encouraging the preservation of the character of neighborhoods adjacent to the district.
- C. By encouraging the preservation of natural features, such as woodlands, streams and open space by allowing compact development.
- D. By promoting a pedestrian environment and providing a pedestrian orientation of buildings and streets.
- E. To address Sections 603, 604, and 605 of the Pennsylvania Municipalities Planning Code by requiring the protection and preservation of historic resources.

§295-241. OVERLAY.

The Age Restricted Overlay District shall be permitted by special exception on all parcels meeting the following criteria:

- A. The tract of land to be developed shall be a minimum of 5 acres in gross area and shall have been held in single and separate ownership before and since the date of adoption of this overlay district. No tract proposed for development under this ordinance shall be subdivided, either during or after the development process.
- B. The tract must be located within a Residential or Institutional Zoning District, or the C-1 Commercial District. The C-2, C-3, and C-4 Commercial and Business Districts; and the G Manufacturing and Industrial Districts are specifically excluded from this overlay district.
- C. The tract must have frontage on a state highway and must take access from that highway. Minimum frontage on a state highway shall be as follows:
 1. For parcels between 5 and 8 acres: 450 feet
 2. For parcels greater than 8 and not more than 12 acres: 750 feet
 3. For parcels greater than 12 and not more than 30 acres: 850 feet
 4. For parcels greater than 30 and not more than 60 acres: 900 feet
 5. For parcels greater than 60 acres: 2500 feet
- D. All development under the Age Restricted Overlay District shall comply with the provisions of this Article. If conflict exists between the requirements of this Article and another provision of the Cheltenham Township Zoning Ordinance, the requirements of this Article shall apply.

§295-242. USE REGULATIONS.

The following uses are permitted in the Age Restricted Overlay District:

- A. Any use permitted in the underlying zoning district, subject to compliance with all provisions of that district.
- B. The following uses are permitted by special exception, subject to the provisions of this Article:
 - 1. Age restricted housing in accordance with the Federal Fair Housing Act and the standards set forth in this Chapter including, but not limited to, §295-244 K.3.b. An applicant for such a special exception shall demonstrate compliance with Sections 295-243. and 295-244. of this Article as well as the criteria for granting special exceptions provided in Article XXVII.
 - 2. Retail shops, personal service shops, and professional offices may be permitted as accessory uses within one or more of the principal residential buildings. These uses shall be limited to the first floor only. In addition, such a use(s) may be located in a separate free-standing building(s); however, in that case the total area occupied by such a use(s), including building and parking areas, shall not exceed 5% of the developable acreage of the tract.
 - 3. Accessory uses customarily incidental to age restricted housing including clubhouse, dining facilities, indoor and outdoor recreational facilities, and maintenance and security facilities.

§295-243. PERFORMANCE STANDARDS.

- A. **Perimeter Setback.** (In addition, see setback modifications contained in subsection F.2.)
 - 1. The minimum building or parking setback from an exterior or perimeter street right-of-way, or a municipal boundary, shall be 100 feet.
 - 2. The minimum building setback from an adjacent property zoned for single family detached or attached use shall be 75 feet. The minimum building setback from property zoned for any other use shall be 50 feet.
 - 3. The minimum parking setback from an adjacent property zoned for single family detached or attached use shall be 50 feet. The minimum parking setback from property zoned for any other use shall be 25 feet. In all cases, driveways shall conform to the parking setback requirement except that portion of the driveway required to make a transverse crossing from the right-of-way to the setback line.

B. Housing Types. The following housing types shall be permitted in the age restricted overlay district:

1. Single family detached dwellings.
2. Single family semi-detached dwellings.
3. Two family detached dwellings.
4. Two family semi-detached dwellings.
5. Townhouses. Within the Age-Restricted Overlay District a row of townhouses shall contain no more than 5 attached units.
6. Midrise Multi-family dwellings. For the purposes of this Article, Midrise Multi-family dwellings shall be defined as multiple dwelling buildings at least 4 stories in height, and no greater than 8 stories or 96 feet in height.

C. Density.

1. The overall density shall not exceed 8 dwelling units per developable acre for single family detached dwellings, single family semi-detached dwellings, two family detached dwellings, two family semi-detached dwellings, or townhouses.
2. The overall density for Midrise Multi-family dwellings shall be as follows:
 - a. 4 or 5 story buildings – 12 units per developable acre.
 - b. 6 or 7 story buildings – 15 units per developable acre
 - c. 8 story buildings – 20 units per developable acre
3. In all cases, a single qualifying tract developed under this overlay shall not contain more than 300 total dwelling units.

D. Building coverage.

1. Building coverage shall not exceed 20% of the developable area of the tract.

E. Impervious coverage.

1. Impervious coverage shall not exceed 45% of the developable area of the tract.

F. Maximum building height.

1. Except as provided in subsection F.2., the maximum building height shall be 45 feet, not to exceed three stories.
2. In the case of Midrise Multi-family dwellings, the maximum building height shall be 96 feet, not to exceed 8 stories; however, for every foot or fraction thereof in excess of 45 feet in height, each and every setback requirement shall be increased by 3 feet; and for every story in excess of 3 stories in height, the building coverage limitation shall be reduced by 2% and the impervious coverage limitation by 3%.

G. Building arrangement.

1. The minimum distance between buildings shall be the greater of 30 feet or half the height of the taller building.
2. The maximum building length shall be 160 feet, including angles.
3. Buildings shall be set back a minimum of 25 feet from the cartway of internal accessways. In the case of any internal streets required to be designed with a right-of-way, the 25 foot setback shall be measured from the right-of-way line.

H. Common open space.

1. All development under this Article shall provide not less than 50% of the total area of the tract as common open space. In all instances, all nondevelopable area shall be preserved as common open space, and at least 20% of the developable area shall be included as common open space.
2. Provision shall be made to provide continued protection and maintenance of the common open space so as to insure its preservation. This shall be accomplished in one of the following manners:
 - a. The Township may, but shall not be required to, accept any portion of the common open space by fee simple dedication, provided that:
 - 1) There is no cost to the Township; and
 - 2) The Township agrees to and has adequate access to maintain such facilities.
 - b. With permission of the Township, and with appropriate deed restrictions in favor of the Township and in language acceptable to the Township Solicitor, the owner may transfer the fee simple title in the common open space or a portion thereof to a private, nonprofit organization among

whose purposes is the conservation of open space land and/or natural resources; provided that:

- 1) The organization is acceptable to the Township and is a bona fide conservation organization with a perpetual existence.
- 2) The conveyance contains appropriate provision for proper retransfer or reverter in the event that the organization becomes unable or unwilling to continue to carry out its functions.
- 3) A maintenance agreement acceptable to the Township Solicitor is entered into by the developer, organization and Township.
- 4) A deed restriction is recorded with the office of recorder of deeds for the applicable open space restricting its use as open space only.

c. The developer may provide for and establish an organization for the ownership and maintenance of the common open space consistent with the requirements for unit owners associations found in the Pennsylvania Uniform Condominium Act, 68 Pa.C.S.A. §3101 et seq. If such an organization is created, the deeds and agreements of sale for the common open space and for all individual lots within the tract shall contain the following requirements in language acceptable to the Township Solicitor:

- 1) Such organization shall not dispose of the common open space by sale or otherwise except to the Township or other governmental body unless the Township has given prior, written approval. Such transfer shall be made only to another organization which shall maintain the common open space in accordance with the provisions of this article.
- 2) The organization and all lot owners within the development shall agree to be bound by the provisions of §705(f)(2) and (3) of the Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as amended, 53 P.S. §10705(f)(2) and (3), relating to Township maintenance of deteriorating open space and providing for the ability of the Township to access and lien the properties within the development.
- 3) All lot owners within the development shall be required to become members of the organization and pay assessments for the maintenance of the common open space which may be increased for inflation and which may provide for professional management; and the organization may lien the lots for nonpayment of maintenance assessments in the same manner as other assessments.

- 4) The Township may require the formation of a reserve fund to cover capital improvements and maintenance to the common open space.
- 5) A deed restriction is recorded with the Office of the Recorder of Deeds for the applicable open space restricting its use as open space only.

I. Riparian buffer.

1. A riparian buffer with a minimum width of 100', or as required by the Riparian Corridor Conservation District, shall be provided along all riparian corridors.

§295-244. DEVELOPMENT REQUIREMENTS.

A. Master Plan.

1. The project shall be developed and constructed in accordance with an overall master plan for the site. The master plan shall be submitted as part of any application for approval in this district.
2. The development shall be carried out in phases, with each phase so planned that the requirements and intent of this article for any phase shall be fully complied with at the completion of that phase. For housing types other than midrise multi-family dwellings, the initial phase of development shall contain no more than 10 dwelling units, or 15% of the total number of dwelling units proposed under the master plan, whichever is greater. For midrise multi-family dwellings, the initial phase shall be one building.
3. Prior to the start of construction of the initial phase, financial guarantees shall be posted to ensure the completion of all amenities, including, but not limited to: swimming pools, tennis courts, recreational areas and buildings, community centers, fitness centers, and walking trails, as shown on the master plan.

B. Off-Street Parking and Loading.

1. Parking Spaces – 1.5 spaces per unit, plus one guest space for every 5 units and one space for each employee on the largest shift.
2. Parking and loading for accessory uses shall be in addition to the above requirements and shall be provided as required by §295-221. of this chapter.

- C. All utility lines shall be located underground. Any required above-ground structures shall be screened from adjoining properties and road rights of way. Screening shall consist of a fully landscaped buffer.
- D. All development in this district shall be served by public water and sewer.
- E. Pedestrian Design Standards.
 - 1. Sidewalks are required along all exterior or perimeter road frontages, and along all interior streets and accessways.
 - 2. Pedestrian connections shall be provided to all front building areas, parking areas, and other pedestrian destination points.
 - 3. Whenever possible, sidewalks shall connect to existing sidewalks on abutting properties and other nearby pedestrian destination points and transit stops.
 - 4. Walking trails shall be incorporated into the common open space area and shall be available for use by the general public.
- F. Landscaping. Any application for development in this district shall be accompanied by a landscape plan prepared by a registered landscape architect. In addition to all requirements of the Subdivision and Land Development Ordinance, the plan shall include a landscaped buffer with a minimum width of 25' along the entire perimeter of the tract. All existing trees greater than 6" in caliper shall be identified and preserved to the maximum practicable extent.
- G. Lighting. All exterior lighting shall be designed to prevent glare onto adjacent properties. Pedestrian pathways shall be clearly marked and well lit. Lighting shall be sufficient for security and identification purposes, and shall be shielded so the source of light is not visible. Illumination onto existing residentially used areas shall at no time exceed 0.5 footcandle at the property line. The height of fixtures shall be a maximum of 20 feet for parking lots and 16 feet for pedestrian walkways.
- H. Refuse, Service, and Loading Areas. Areas provided for refuse storage, service, and loading must be located to the side or rear of buildings and be visually screened from streets and pedestrian ways with landscaped buffers, privacy fencing and/or walls, sufficient to provide year-round separation.
- I. Architectural Requirements.
 - 1. All buildings shall be designed with a single unifying architectural theme which shall reflect and enhance the visual and historic character of the area.

2. The use of dormers, cupolas, bay windows, offsets, chimneys, balconies, and other architectural details is encouraged and shall be included where appropriate.
3. Exterior wall and detail materials are to be brick, stone (natural or manmade), stucco, wood or other approved materials on at least 75% of all building facades. Blank or windowless walls are not permitted. Building facades which face residentially zoned properties or properties with a predominately residential character shall be designed to complement those uses.
4. As part of the special exception application, the applicant shall provide architectural renderings of all proposed buildings along with samples of the actual materials to be used. The applicant shall also provide graphic representations showing the relationship between the proposed development and structures in the surrounding area.
5. All homes constructed under this overlay district shall meet the guidelines for Energy Star rating set by the U.S. Environmental Protection Agency (EPA). Third party verification by a certified Home Energy Rater or equivalent is required prior to occupancy of each home.

J. Preservation of Historic Resources.

1. Historic resources within the Township shall be identified and preserved as a part of the development plan, in a manner acceptable to the Board of Commissioners.
2. When a historic resource is preserved as required by this Article, the area of the historic resource may be counted toward a maximum of 25% of the required open space, and it shall not be counted toward the maximum building or impervious coverage limits.
3. The setting of the historic resource shall be protected by creating a buffer from new construction. At a minimum, the historic resource shall be separated from new development by 50 feet.
4. A historic structure may be used as part of a development under the Age Restricted Overlay District for any permitted use in this district or the underlying zoning district, provided a special exception for such a use is granted by the Zoning Hearing Board and subject to such conditions as are approved by the Zoning Hearing Board. In deciding an application for such a special exception, the Zoning Hearing Board shall duly consider the suitability of the proposed use for the structure, whether the applicant has minimized the impact of the use upon adjoining properties and whether a majority of the purposes of the District, set forth in Section 295-240, will be accomplished.

- a. When authorized by the Zoning Hearing Board as a special exception, a separate lot may be created to promote preservation and conservation of historic and natural resources. Such lot shall be a minimum of one acre and a maximum of ten acres in area, and shall otherwise conform to all dimensional requirements of the underlying district and the requirements of this subsection J. In case of any conflicts between those requirements, the most stringent shall apply. To ensure compatibility with neighboring properties, any lot created under this section shall be deed restricted with respect to location, type, and intensity of use, and shall be restricted against further subdivision. The content of all deed restrictions shall be subject to review and approval of the Township Solicitor.
 - 5. Provisions shall be made to provide continued protection and maintenance of the historic resource, in a form acceptable to the Board of Commissioners and the Township Solicitor.
- K. Community Impact Analysis. All applications for development under this overlay district shall be accompanied by a Community Impact Analysis consisting of the following:
 - 1. An environmental impact study showing the impact on existing floodplains, wetlands, woodlands, steep slopes, and other sensitive natural features of the property.
 - 2. A traffic impact study documenting the impact on the Township and regional transportation system and the ability of adjacent streets and intersections to efficiently and safely handle the traffic generated by the proposed development.
 - 3. A fiscal impact study detailing the immediate post construction financial benefit or loss to the Township, school district, and county.
- L. Additional Requirements.
 - 1. A property approved for development in accordance with the provisions of this article shall not be changed from age restricted use unless all requirements of the underlying zoning district are met.
 - 2. An applicant for an age restricted community in this district shall provide at the time of final plan approval proof of deed restrictions or other documentation satisfactory to the Township Solicitor that limits the residential use of the property to those residents who meet the requirements of this Article.
 - 3. All documentation pertaining to the establishment of a homeowners association, condominium association, management or maintenance group, or other similar community association shall be subject to review and approval by the Township

Solicitor. Such documentation shall include, in addition to those provisions required by the Township Solicitor, the following items:

- a. Rules implementing age verification, in accordance with regulations of the United States Department of Housing and Urban Development (the "Department"), as amended, that the units in the housing facility or community are intended and are operated for occupancy by at least one person who is 55 years of age or older.
- b. Rules implementing verification, in accordance with regulations of the Department, as amended, if any, that at least 90% of the occupied units are occupied by at least one person who is 55 years of age or older.
- c. A requirement that the housing facility or community publish and adhere to policies and procedures which demonstrate the intent for the facility or community to qualify for the statutory exemption from claims of familial status discrimination.
- d. Such procedures and policies as are required by the Secretary of the Department for periodic verification of occupancy, as amended, including verification by reliable surveys and affidavits and policies and procedures relevant to a determination of compliance.
- e. A definition of "occupied unit" identical to the definition in the Departments' regulations, as amended.

SECTION 3. Nothing in this Ordinance or in the Code of the Township of Cheltenham shall be construed to affect any suit or proceeding in any Court, and rights acquired or liability incurred, any permit issued or any cause of causes of action existing under the said Code prior to the adoption of this amendment.

SECTION 4. The provisions of the 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 Board that this Ordinance would have been adopted if such illegal, 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 its approval as required by law.

ENACTED into an **ORDINANCE** this 15th day of **February, 2012.**

**TOWNSHIP OF CHELTENHAM
BOARD OF COMMISSIONERS**



BY: _____

Art Haywood
President

ATTEST: David G. Kraynik
David G. Kraynik
Secretary and Township Manager