

The Planning Commission ("PC") meeting was held tonight at Curtis Hall. The following Planning Commission members were present: Messrs. Cross, Winneberger, Leighton, and Cohen and also present was ex-officio members Harrower and Laughlin. Also present was Patrick J. Duffy, P.E., Director of Engineering, Zoning & Inspections, and Hannah Mazzaccaro, Montgomery County Planning Commission.

1. Acceptance of the minutes of the February 27, 2012 Meeting.

David Harrower stated that on Page 7 of the minutes Cheltenham Comprehensive Plan should be capitalized.

Mr. Winneberger made a Motion to approve the minutes as amended to include Mr. Harrower's changes; Mr. Leighton seconded the Motion; the Motion passed.

2. Zoning Hearing Board Agenda for April 9, 2012

APPEAL NO. 3433 Appeal of New Cingular Wireless PCS, LLC, tenant by grant of easement on premises known as 36 Township Line Road, Elkins Park, PA, for the following Zoning Relief for an existing Telecom Facility:

- a. Determination that the modifications to the Telecom Facility are permitted by right in the M-3 district pursuant to Section 295-89.D of the Township Code as a telephone central, public utility building, and otherwise complies with such provisions.
- b. In the alternative, a determination that the modifications to the Telecom Facility are permitted by-right pursuant to the operative and pertinent provisions of the Telecom Ordinance set forth in Chapter 271 of the Township Code, and otherwise complies with such provisions.
- c. In the alternative a determination that the Telecom Facility is permitted by a validity variance as recognized by the laws of the Commonwealth of Pennsylvania.
- d. A determination that the Telecom Facility is a valid, non-conforming use of the Property, established prior to the adoption of the Telecom Ordinance. Pursuant to Section 295-227.C., a valid, non-conforming use may be extended throughout the premises (i.e., Area of the First Easement and Second Easement as applies to this Application).
- e. A determination that upgrades to the Telecom Facility are authorized on the Property pursuant to federal law, including the Pole Attachment Act 47 U.S.C. Section 224; the Telecommunications Act of 1996, 47 U.S.C. Section 253 (dealing with removal of barriers to entry) and Section 332 (dealing with regulation of mobile services) and the Middle Class Tax Relief and Jobs Creation Act of 2012, Section 6409 (dealing with modifications to existing facilities).
- f. Applicant also applies for such other interpretations, waivers and/or variances as may ultimately be required.

Chris Schubert Esq. and Jim Johnson Site Acquisition Manager were present for New Cingular Wireless (AT&T).

Mr. Schubert stated that there is an existing pole and antenna on Township Line Road at the Public Storage Facility. Mr. Schubert stated that AT&T is proposing three (3) more antennas, and the current antennas extend to the top of the pole by about 10-15'. Mr. Schubert stated that AT&T is proposing to pull down the previous antennas and mount them flush to the pole and install three (3) additional antennas below the first three (3) for a total of six (6) installed antennas.

Mr. Schubert stated that AT&T would like to install one (1) additional cabinet inside the fence compound. Mr. Schubert stated that the applicant is seeking a modification of the previous Zoning Hearing Board Decision.

Mr. Duffy stated that on Page 2 of the plans it states that the antennas are going on a new pole, however the detail states the antennas are going on an existing pole. Mr. Duffy stated that he wants the plans corrected as it seems misleading.

Mr. Harrower stated that he agrees with lowering the antennas as it helps the aesthetics of the pole.

Mr. Winneberger made a Motion to take No Action; Mr. Leighton seconded the Motion; the Motion passed.

**3. Review of Cheltenham Township Development Plan No. 12-0560
Record Plan Silverman Land Development-51-57 S. Keswick Avenue.**

Mr. Thomas Cross recused himself.

Messrs Silverman, Silverman and Rose were present to discuss the application.

Leon Silverman stated that the proposed coverage on the lot is a little less than previous coverage. Parking spaces are provided for on Keswick Avenue at an angle, Leon Silverman stated that the plans may change as one parking space is too close to the stop sign.

Leon Silverman stated that there are no tenants for the garage space yet and landscaping is planned.

Leon Silverman stated that the proposed steel building will now have siding that will help the structure blend in.

Mr. Winnerberger asked if samples of the siding were available. Jason Silverman stated no.

Discussion ensued regarding the presented drawing of the building.

Mr. Harrower stated that the last recommendation from the Planning Commission on this project was to speak with neighbors. Leon Silverman stated that he thinks the neighbors are in support of the additional changes and diagonal parking. Jason Silverman stated that the neighbors said they wouldn't object to the building.

Mr. Winneberger asked if there are any plans to renovate the garages in the rear. Leon Silverman stated that they will remove three (3) of the units.

Leon Silverman stated that he thinks the garages are structurally sound but they need to be cleaned up and painted.

Mr. Winneberger expressed concern regarding customers parking in the residential parking spaces of the neighbors. Leon Silverman stated that he doesn't anticipate parking on Paxson Avenue.

Mr. Laughlin asked if there would be any vehicle storage allowed in the garages. Jason Silverman stated that no vehicle storage would be allowed.

Mr. Harrower asked if there would be any signage for the property. Jason Silverman stated that it's a condition in the Zoning Hearing Board Decision that no signage is allowed and only "Silverman Ceramics" will show on the awnings.

Mr. Duffy asked the applicants Engineer, Nick Rose, if he had any questions or issues regarding Mr. Duffy's review letter. Mr. Rose acknowledged the plans would comply and address the comments.

Mr. Winneberger made a Motion of Approval; Mr. Leighton seconded the Motion; the Motion passed.

4. Review of Proposed Changes to the Recently Adopted "Age Restricted Overlay Ordinance"; see attached.

Mr. Cross thanked Mr. Cohen for his comments and the table that explained his proposed changes.

Mr. Harrower stated that this is a compelling issue. Mr. Laughlin agreed.

Mr. Winneberger stated that the Ashbourne Country Club plan pretty much gutted the previous Ordinance and then came in with an extensive list of variances and Laverock is doing the same thing. Mr. Winneberger asked why the Township has Ordinances if they keep granting Developers these long lists of variances.

Mr. Amey stated that the by-right plan makes sense if it serves a purpose, but if the Age Restricted Ordinance gives the Developers alternate by-right use it doesn't really serve an end. Mr. Laughlin stated that projects attempt to go by-market rate. Mr. Cross stated that it's a bait and switch.

Mr. Cross asked if it's a legal issue in requiring Developers to demonstrate an overlaying use. Mr. Amey stated that he doesn't think it's illegal.

Mr. Harrower stated that it is the Planning Commissions job to be responsive to neighbors and stand up and say the residents don't want that density. Mr. Harrower stated that the previous AR Ordinance was a disaster.

Mr. Cross stated that a little more attention should be paid to the constituents. Presently only large neighborhood groups can advocate against Developers.

Mr. Laughlin stated that he likes that the by - right yield plan takes into consideration riparian buffers, steep slopes etc.

Mr. Harrower spoke to safe guarding steep slopes, historic properties.

Mr. Amey stated that the new ordinance does require that you to net out wetlands etc.

Mr. Cohen stated that another reason to do a by-right yield plan is to identify what areas can be built upon without variances.

Ms. Mazzaccaro stated that the by-right yield plan is not a hardship on the Developers, because a savvy Developer probably already has it and would not make an offer on a property if they didn't think a by-right plan would work.

Mr. Cross stated that the Cheltenham community is not based on new developments.

Discussion ensued regarding the charm of the community and to encourage better development.

Mr. Cross stated that the onus is on the Developers to provide a smart development. Mr. Cross stated the Commissioners and Developers need to step back and slow down and the solution is not to force the residents to speed up.

Mr. Cross stated that no matter how you write ordinances, the Developers will ask for variances.

Mr. Laughlin stated that the Ordinance doesn't yield anything but a development. Mr. Cohen disagreed and stated that it does give additional tax revenue. Mr. Amey stated that it also gives 50% open space etc.

Mr. Leighton stated that it's too much density in all the wrong places. Mr. Leighton suggested putting these developments in already dense areas.

Ms. Mazzaccaro stated that it's the position of Montgomery County that Age Restricted housing should be near a commercial district and public transportation.

Discussion ensued regarding Mr. Cohen's spreadsheet.

Mr. Cross stated that he doesn't enjoy large dense projects on residential sites.

Mr. Cohen asked if someone from the Planning Commission will present the proposed changes to the Building and Zoning Committee.

The overall consensus/conclusions of tonight's discussion are as follows:

Mission Statement: To provide for and encourage the building of AR housing in the Township while recognizing need to provide for additional density on properties to encourage the development of AR housing and at the same time to limit the density and height on residential properties so that it is more compatible with the surrounding neighborhoods.

The Planning Commission suggested that the ordinance be amended as follows:

- 1.) Homes should be changed to Dwellings through out Ord. Section 295-44 I.5
- 2.) The word Of to Or on Page 12 Section 3 of the Ordinance.
- 3.) On Page 10 Section J. No. 1 should read Historic resources on the tract instead of Historic resources within the Township.
- 4.) Applicants shall be required to submit a by- right yield plan for the property based on the underlying zoning.
- 5.) Density calculations within the ordinance should be restructured so that a density and height bonus is based upon a multiple of the by-right yield calibrated by housing type and tract size.
- 6.) Height should be limited to no more than 3 storeys on sites 10 acres or less.

In conclusion the Planning Commission requests that the Commissioners allow it to provide specific density and height tables reflecting changes as proposed in Item No. 5 above.

5. Old Business

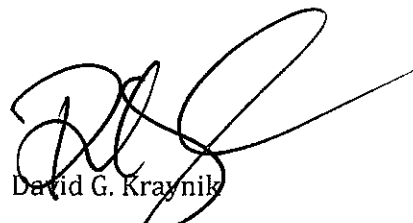
None

6. New Business

None.

7. Adjournment

Mr. Winneberger made a motion for adjournment; Mr. Goldfarb seconded the Motion, the Motion passed. The meeting adjourned at 9:55 P.M.



David G. Kraynik
Township Manager
Per Holly A. Nagy