

The Planning Commission ("PC") meeting was held tonight at Curtis Hall at Curtis Arboretum. The following Planning Commission members were present: Messrs. Cross, Leighton, Winneberger, Goldfarb and DiBenedetto and also present were ex-officio members Laughlin and Harrower. Also present was Patrick J. Duffy, P.E., Director of Engineering, Zoning & Inspections and Carmen G. Reitano, Assistant to the Director of Engineering, Zoning & Inspections.

1. Acceptance of the minutes of the March 26, 2012 and April 30, 2012 Meeting.

Mr. Harrower stated that in the March 26, 2012 minutes on page 3, 2nd paragraph from the bottom, it should say "Mr. Harrower stated that the previous AR Ordinance was written around the Federation Housing site on Ashbourne Road, and had unintended consequences when applied to other locations." The amendment was approved by the members; Mr. Goldfarb made a motion to approve the March 26, and April 30, 2012 minutes, Mr. Leighton seconded the motion; the motion passed.

2. Review of Zoning Hearing Board Agenda for June 11, 2012.

APPEAL 3438: Appeal of Vladermiro J. Fichera, owner of residence known as 133 E. Glenside Ave., Glenside, PA, 19038, zoned G Manufacturing and Industrial Districts from the decision of the Zoning Officer for Zoning Relief in order to convert a Single Family Semidetached Dwelling into a Two-Family Semidetached Dwelling. The Single Family Semidetached Dwelling is presently a legal non-conforming residential use, since residential use is not permitted within the G District.

The following Zoning Relief is required:

- a. A Variance from the rules and regulations of CSS 295-135 to allow a Two-Family Semidetached Dwelling residential use in the G Zoning District.
- b. A Variance from the rules and regulations from CSS 295-221.H to provide less than four (4) on site parking spaces as two (2) spaces per unit are required for a Two-Family Semidetached Dwelling residential use. The proposed Sketch Site and Parking Plan (uses tax map dimensions, not from a field survey) denotes there are three (3) on site parking spaces.

No one was present to discuss this application.

Mr. Duffy stated that Mr. Fichera also owns Collision Care next door and can provide a fourth parking space on that property.

Mr. Cross asked if there were any proposed changes to the footprint of the building. Mr. Duffy confirmed there wasn't. Mr. Laughlin asked if the three doorways were always there, Mr. Reitano stated that the third one used to be a window and they converted it into a doorway.

Mr. Cross suggested that Mr. Fichera make an agreement with Collision Care to provide a guarantee that the fourth space is available to the apartment building. Mr. Duffy stated that all the dimensions given on the site plan were based on a tax map and that a survey plan will be required to show accurate property lines and dimensions to assure adequate space for parking.

Mr. Goldfarb made a motion of no action; Mr. Leighton seconded the motion, the motion passed.

APPEAL 3439: Appeal of Debra Forman, owner of residence known as 846 Widener Road, Elkins Park, PA, 19027, Block 181, Unit 026, zoned R-5 Residence District from the decision of the Zoning Officer for Zoning Relief in order to construct an 8' x 10' shed within the front and side yard setback areas.

The following Zoning Relief is required:

- c. A Variance from the rules and regulations of CSS 295-46.A.(1) to allow an 8' x 10' wide shed to have a lesser front yard setback along Widener Road of 0' instead of the required 40' front yard setback.

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- d. A Variance from the rules and regulations from CSS 295-46.B.(2) to allow an 8' x 10' wide shed to have a lesser side yard setback along the southerly property line of 2' instead of the required 20' side yard setback.

No one was present for this application.

Mr. Duffy stated that it's an 8' x 10' shed in the setback areas. Mr. Duffy stated that the neighbor has a shed in the exact same spot so they would be side by side. Mr. Duffy stated that these sheds would be right on the Right of Way line. Mr. Cross asked if the neighbor has the proper variance for such, Mr. Duffy confirmed that a zoning variance was obtained for that shed.

Mr. Cross advised that the applicant get letters of support from the neighbors and suggested presenting photographs of the neighboring shed and present a design of her proposed shed to the board.

Mr. Goldfarb made a motion of no action; Mr. Leighton seconded the motion, the motion passed.

APPEAL 3437: Appeal of 1050 Ashbourne Associates, LLC, c/o Reuven Niknam, owner of property known as 1050 Ashbourne Road, Cheltenham, PA 19012, zoned R-4 Residence District, from the decision of the Zoning Officer for Zoning Relief in order to develop the 6.05 acre (exclusive of right-of-way) Property into three (3) - four (4) story buildings containing 79 age restricted units.

The following Zoning Relief is required:

- e. A Special Exception to allow the Age Restricted Overlay use per CCS 295-242-B.1.
- f. A determination that the required frontage along a state highway is not limited to a "single" state highway per CSS 295-241.C. The proposed site has approximately 850 feet of frontage (450 feet required) along Ashbourne and Oak Lane Roads, both state highways.
- g. A Variance from the rules and regulations of CSS 295-241.C, if required from b. above, to allow a road frontage along each single state highway to be less than 450 feet. Ashbourne Road has approximately 430 feet and Oak Lane Road has approximately 420 feet of frontage.
- h. A Variance from the rules and regulations to allow three (3) foot stairwell projections in addition to the maximum building length of 160 feet per CSS 295-243.G.2.
- i. A determination that the Township condemned remnants of the Kerlin Farmhouse do not qualify as a Historic Resource per CSS 295-244.J.

Jay Orchroch, Esquire, John DiBenedetto, FARA and George Ritter, Land Planner were present to discuss the application.

Mr. Tom DiBenedetto recused himself from the discussion due to his relationship with John DiBenedetto, the Applicant's architect.

Mr. DiBenedetto described the current property and the zoning of the areas around 1050 Ashbourne Road.

Mr. DiBenedetto stated that the application is for three (3) 4 storey structures that he believes complies with the requirements of the Ordinance in building and parking setbacks, height, length of buildings, distance between buildings, building coverage, impervious coverage and parking requirements. Mr. DiBenedetto stated that they will be Market Rate Rental Apartments for Age Restricted housing.

Mr. DiBenedetto handed out architectural, floor plans and building elevation views to the Planning Commission.

Mr. DiBenedetto discussed details on a presented plan such as retaining the stone wall along Ashbourne, curb cuts and various trees. Mr. DiBenedetto wanted to remind the Planning Commission of the serious state of disrepair of the Bolton house and the fact that the owner has an approved Demo permit and could demolish the old house at anytime. Mr. DiBenedetto stated that it is the opinion of both John Milner, a renowned preservation architect and Joseph Cooke, P.E a consulting structural engineer, that the structure poses danger to anyone who may enter the property.

Mr. DiBenedetto stated that it is being erroneously reported that the apartments will be subsidized housing, Mr. DiBenedetto stressed that this is completely false and no mention of subsidized housing was ever made.

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Mr. DiBenedetto stated that with this new proposed plan, more trees are being preserved as opposed to the Townhouse proposal.

Mr. DiBenedetto stated that they retained the services of Bill Graham to evaluate the trees on the property. Mr. DiBenedetto stated that Mr. Graham has provided consulting services to Morris Arboretum for 33 years. Mr. DiBenedetto stated that Mr. Graham has found that four (4) trees are worth saving.

Mr. DiBenedetto introduced Mr. George Ritter, Director of Land Planning for the firm Ritter and Plante.

Mr. Ritter stated that they have worked diligently to make sure the plan is developed in accordance with the Township regulations. Mr. Ritter presented a plan of the proposed development and began discussing the various setbacks.

Mr. Ritter stated that there was much discussion on attempting to preserve the Kerlin Farm building but in his opinion the building is in exceptionally poor shape and is long past its prime. Mr. Ritter confirmed that the house is partially collapsed and in ruins.

Mr. Ritter stated that they are attempting to preserve the stone wall along Ashbourne Road in the design.

Mr. Ritter stated that there are plans for a memorial plaque describing the old house history and telling the public about the historic trees. Mr. Ritter stated that one benefit of being a 55+ community is there will be no school children in the units but it will provide sustainable tax rateables for the community. Mr. Ritter stated that a Per Capita Fiscal Analysis will be done at a later time projecting all the benefits.

Mr. Ritter stated that this project is for people who want to remain in the community but do not want to handle the upkeep of a home and its property. Mr. Ritter stated that another benefit of the project is that it's all private roads and will not create traffic on the public road system. Mr. Ritter stated that a Traffic Engineer will look into everything in detail and a report will be presented at a later time. Mr. Ritter stated that it's well known that senior citizen projects produce substantially less traffic than other projects. Discussion ensued regarding the conceptual stormwater management plan.

Mr. Ritter stated that the amount of green space will be similar to a single family development. Mr. Ritter discussed the various setbacks and how building height is related to the setbacks. Mr. Ritter stated that this proposed project will provide a larger buffer than a single family housing plan.

Discussion ensued regarding steep slopes on presented map. Mr. Ritter stated that the majority of the steep slopes are under the t-shaped building and a majority of them are man made.

Mr. Ritter stated that under the current Ordinance 1.5 spaces are needed per dwelling unit, (1) space per 5 units as visitor parking, and one space per employee. Mr. Ritter stated that assuming they will have 6 employees a total of 144 spaces will be needed.

Mr. Cross asked if there are any building specifics such as types of materials being used, what the units come with and what do they look like.

Mr. DiBenedetto stated that all units will have individual heating & air conditioning, water heaters, and balconies or patios. The kitchens will be fully equipped including dishwashers and waste disposals. All units will have utility connections for clothes washers & dryers. There are three (3) units on the first floor of Building one that are ADA compliant.

Mr. DiBenedetto also stated there are plans for accessory spaces located on the first floor of the first building, such as a library and TV Room. These are only meant for residents of the building.

Mr. Cross asked if they were using faux stone on the outside. Mr. DiBenedetto stated that it would be real stone being used.

Mr. DiBenedetto stated that the garbage collection, snow removal etc. would be by an outside party and there would be no burden on the Township resources. Mr. DiBenedetto stated that the project is estimated to cost approximately \$16 million.

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Mr. Laughlin asked if the apartment complex will be managed by the owners. Mr. DiBenedetto stated that a Management Company will be onsite.

Mr. Cross asked Mr. Reitano if there was any current need for Age Restricted housing. Mr. Reitano stated that he has no current info for the past 10 years. Mr. Reitano stated that Parkview (behind school administration building) sold out of rental units. Mr. Reitano stated that the numbers of applications coming in dictate that people are trying to turn their properties into rental properties. Mr. Reitano stated that more people are interested in renting rather than buying.

Mr. Cross asked what happens if there is no market for the Age Restricted Housing, what happens to these units. Mr. DiBenedetto stated that the project will be phased and only one building is going up at a time.

Mr. Cross asked if they have to construct utilities before the other buildings are built. Mr. Reitano stated that when other developments went up all the sewers and amenities including fire safety had to be put in place even if it was a phased development.

Mr. DiBenedetto stated that it is the applicant's intention to put in all site improvements in the beginning of the project and the other building sites will be grassed areas. The roads and retention basins will be ready and installed.

Mr. Laughlin requests clarification on the 3' projection for the stairwells. Mr. DiBenedetto pointed out the stairwell in the Building 1 plan.

Mr. Harrower asked about locations of any possible wetlands or springs on site. Mr. Ritter stated that he didn't notice any wetlands or springs when looking at the property. Mr. Harrower requests that he check again.

Mr. DiBenedetto presented email from William Curry to a group of people interested in preserving the Kerlin Farm house. Mr. DiBenedetto stated that in the email it says that Mr. Milner couldn't find any evidence to support the building date.

Mr. Harrower stated that the Kerlin Farm house was at one point eligible for the historic register and that he wants to advocate for the building. Mr. Harrower stated that the house is a historic resource.

Comments from the residents:

David Cohen- 321 Girard Ave:

1. Mr. Cohen cited and read Objective 5 on page 48 and Policy 2.1 on page 134 of the Township's Comprehensive Plan to show how the proposed development was not in accordance with the Comprehensive Plan, and that the proposed development was in conflict with the surrounding neighborhoods, specifically in regards to height and density.
2. Mr. Cohen stated that there was no hardship shown by the applicant and that if any hardship existed it would be a self-imposed financial hardship, which legally does not meet the hardship requirement to enable the granting of variances.
3. Mr. Cohen stated that while the special exception standard had a lower threshold to meet than the hardship standard for variances, that the applicant had not sufficiently addressed issues to warrant the granting of the special exceptions they were seeking.
4. Mr. Cohen stated that the Age Restricted Overlay ordinance provision for the required state highway frontage (Section295-241)(C) was clear in referring to a single state highway and that a combination of multiple state highway frontages could not be used to reach the required 450 feet of required state highway frontage under (Section295-241)(C)(1).
5. Mr. Cohen noted that by the applicant seeking relief from the required state highway frontage (Section295-241)(C) or as an alternative seeking a determination that the combined frontage from multiple state highways meet the requirement for 450 feet of required state highway frontage under (Section295-241)(C)(1), that the applicant was seeking an action nearly tantamount to getting the property rezoned to the Age Restricted Overlay ordinance. Mr. Cohen suggested that if the applicant was seeking relief from a key underlying provision of the Age Restricted Overlay ordinance in order to be eligible for the Age Restricted Overlay designation and provisions, that the applicant should instead

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- request the Age Restricted Overlay ordinance be amended, and that the adoption of such an amendment should be required in order for the applicant to be able to submit an application for development under the Age Restricted Overlay ordinance.
6. Mr. Cohen noted that based on the applicant's presentation, the applicant appeared to be requesting a variance from the Township's steep slopes ordinance, yet this was not one of the requested items listed for relief in the hearing notice.
 7. Mr. Cohen noted that the existing farmhouse was listed in the Township's Comprehensive Plan as being a cultural and historic resource, and as the building was standing on the date of the application that the applicant should comply with Age Restricted Overlay provisions pertaining to Section 295-244(J) Preservation of Historic Resources.
 8. Mr. Cohen stated that under Age Restricted Overlay ordinance provisions Section 295-241(D) "All development under the Age Restricted Overlay District shall comply with the provisions of this Article." Accordingly, in his opinion, the applicant either did not comply with the following provisions or did not adequately address provisions of the Age Restricted Overlay ordinance:
 - a. Section 295-241(C)(1). 450 feet of frontage on a state highway. (Does not comply.)
 - b. Section 295-243(E)(1). Impervious coverage. (Did not adequately address.)
 - c. Section 295-243(H)(1). Common open space. (Did not adequately address.)
 - d. Section 295-244(A). Master Plan. (Did not address; was it submitted?)
 - e. Section 295-244(C). Utility lines. (Did not address.)
 - f. Section 295-244(E)(4). Walking trails. (Did not address.)
 - g. Section 295-244(F). Landscaping plan required to be submitted. (Did not address; was it submitted?)
 - h. Section 295-244(H). Refuse, service and loading areas. (Did not address.)
 - i. Section 295-244(I)(4). Architectural renderings and samples of materials required to be submitted. (Did not address; were renderings submitted? Materials were not submitted.)
 - j. Section 295-244(J). Preservation of Historic Resources. (Did not address and ignored the requirements of this section; and their proposal is in violation of the requirements in this section.)
 - k. Section 295-244(K). Community Impact Analysis required to be submitted (including environmental impact study, and fiscal impact study.) (Did not address and appeared to not have been submitted.)
 9. For reasons of 8(g), 8(i), 8(j) and 8(k) listed above apparently not being submitted at the time of the application, that if one or more of the items were not submitted at the time of application, Mr. Cohen suggested that the application should be removed and not considered as it was not a complete application as required by the Age Restricted Overlay ordinance.
 10. In response to the zoning relief (d) requested, regarding the stairwell projections, Mr. Cohen stated that this should not be considered a hardship as the buildings could easily be reconfigured or redesigned by reducing the number of units if necessary to not require this variance.

Mr. Ritter responded that the plan is an ongoing process and things like the Fiscal Impact Study and the Traffic Impact Study will be submitted when complete.

Mr. Harrower asked if the garbage chute was for all buildings are just one. Mr. Ritter stated that it would all be collected internally by chutes in every building and would lead to a single collection point. Mr. Ritter stated that they had not yet investigated the needed size of a facility. Mr. Ritter stated that landscape plans are being prepared now and will be presented in about 3 weeks.

Mr. Ritter stated in his opinion the Kerlin Farm house is too far gone but it still can be discussed, however Mr. Ritter pointed out that the Ordinance doesn't say it must be preserved. Mr. Harrower asked Mr. Ritter if the layout of buildings on the site in the current scheme could accommodate retaining and preserving the historic building. Mr. Ritter responded that the proposed T-shaped building, which presently is shown over the location of the historic building, could be shifted to the west and still be within the required property setbacks; the consequence of this, however, would be to lose the important Ginko tree.

Mitch Zygmund- Felt- 35 Carter Lane, Elkins Park.

Mr. Zygmund - Felt stated that he is a 33 year resident and stated that he wasn't surprised with the incomplete submission. Mr. Zygmund-Felt stated that the Developer met with the community and there was strong opposition to the proposal. Mr. Zygmund-Felt urged the Planning Commission to force developers to be responsible and bring sufficient information for the community to review.

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Sarah Koval - 7961 Oak Hill Drive, Elkins Park.

Ms. Koval asked the Planning Commission to send the developer back to the drawing board. Ms. Koval stated that the developer thinks it's positive for the community, but for the neighbors looking out of their windows at a high rise it's not positive. Ms. Koval stated that the developer didn't take into consideration the Cheltenham Elementary School ("CES") under construction. Ms. Koval stated that when the school re-opens the traffic will be crazy on Ashbourne Road. Ms. Koval stated that the school has a new bus routing entrance and exit for CES. Ms. Koval stated that massive developments are not warranted and are not positive for community.

Ms. Koval asked if the units will have underground parking. Mr. DiBenedetto stated that underground parking has never been part of the plan, and that the CES traffic pattern has been moved to Front Street and plans can be viewed at the Township Building and Zoning Office.

Mr. Cross asked Mr. Duffy if this was the case. Mr. Duffy stated that the Applicant will have to include CES in their traffic study.

Denise Finer:

Ms. Finer stated that she's not familiar with how the historic preservation works. Ms. Finer asked for clarification on how the cost of preservation is calculated and who bears the responsibility. Mr. Cross stated that the majority of the burden falls on the owner of the property. Mr. Cross stated that there may be some tax incentives but it's up to the owner if he is even interested in such. Ms. Finer asked if this property would continue to be privately owned if historic preservation was applied. Mr. Cross confirmed it would remain as such.

Rev. Robert Mitchell- 785 Berwyn Road, Elkins Park.

Rev. Mitchell stated that he has been a Cheltenham resident since 1969. Rev. Mitchell questioned that since they did away with the catch basin how this change would affect the water table. Rev. Mitchell stated that the current residents of the southern area have massive flooding problems and by adding water to the water table the problem will increase. Rev. Mitchell also stated that if the developer is unable to fill the units under 55+ ordinance then will the units become subsidized housing. Rev. Mitchell stated that it's not something the community wants or needs and is not best for the neighborhood.

Dr. Rebecca Mitchell- 785 Berwyn Road, Elkins Park.

Dr. Mitchell stated that she has concerns regarding the traffic on Oak Lane Road and Cheltenham Avenue. Dr. Mitchell disagrees with the statement that the project will not have a negative impact on traffic. Dr. Mitchell stated that when Ashbourne Country Club and Cheltenham Elementary School is built traffic will be a problem. Dr. Mitchell also stated that she's concerned about the trash compacter being so close to houses, and wants to know what will be done about the smells and possible rodents. Dr. Mitchell also expressed concern over the legal notice that the neighbors received which listed the property as 1050 Ashbourne Road not as Kerlin Farms. Ms. Mitchell felt that it was deceptive and a way to try to confuse the neighbors about the project. Mr. Reitano stated that, that wasn't the intention merely the legal notice was written for the applicant which is known as 1050 Ashbourne LLC. Mr. Reitano stated that from now on Kerlin Farms will be put in parentheses for clarification.

Mark Garvin-7816 Haines Road, Cheltenham.

Mr. Garvin stated that the area had a severe flooding problem last summer; Mr. Gavin said the flooding impacted the area so badly that there are talks of buy outs of the properties. Mr. Garvin stated that he knows what a 100 year flood means theoretically but in reality it's very different.

Barbara Woods- 119 Pleasant Hill Road, Cheltenham.

Ms. Woods stated she's been a Cheltenham resident for 31 years and she's not opposed to responsible development but it's the Planning Commission job to look out for residents.

Joe Vescovitch 107 Tookany Creek Pkwy, Cheltenham

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Mr. Vescovitch gave a few financial calculations to come up with a ballpark figure of \$2000 per rental unit. Mr. Vescovitch stated that he doesn't think this is feasible.

Committee Comments:

Mr. Winneberger stated that we all know this development is in the best interest of the applicant and in listening to the presentation it's definitely not in the best interest of the community. Mr. Winneberger stated that he thinks the Township and the developer need to get together to save the Kerlin Farm house. Mr. Winneberger challenged the notion that a concrete football field fits into an R-4 district and how does a 4 storey apartment building make any sense in this community.

Mr. Laughlin stated that density in the Township is a concern. Mr. Laughlin stated that the Developer has a right to look at ways to leverage the laws to fit what they need. The Board of Commissioners passed an Ordinance that allows them to apply for these variances, exceptions and density bonuses. Mr. Laughlin stated that he isn't a fan of the Ordinance and he doesn't like high rise buildings but the Board of Commissioners has passed an Ordinance that allows the developer to do this.

Dr. Mitchell asked if this means that the new ordinance states that residential high rises can be applied for as Special Exceptions in an Age Restricted Overlay District. Mr. Laughlin confirmed this was the case.

Mr. Harrower challenged the request for a determination that the Kerlin Farmhouse does not qualify as a Historic Resource due to its deteriorated condition. In the Township, identified historic resources are either listed on the National Register of Historic Places (NR), found Eligible for Listing on the NR, or are 'undetermined.' This property was found by the Pennsylvania Historical and Museum Commission to be eligible for listing on the National Register of Historic Places in 2004, even though at that time the building was vacant and its condition was deteriorated. It is more than a local issue, therefore, to challenge the determination that Kerlin Farm is a Historic Resource. Mr. Harrower further noted that the language in the "Age Restricted Overlay District" Ordinance calls for Historic Resources to be identified and preserved, and this proposal does neither.

Mr. Cross stated that he wasn't present for the first meeting that this came in front of the Planning Commission but he doesn't think enough information was presented to make a legitimate recommendation. Mr. Cross stated that he doesn't think this project fits; in fact any project of this scale doesn't fit, especially in a Township that's going to be burdened with new development. Mr. Cross stated that he doesn't see that this project fits at all with this community. Mr. Cross stated that he has serious doubts that the old house couldn't be saved and preserved. Mr. Cross also pointed out that such buildings are not rare in this Township however, they are left alone to disrepair and always fall victim to neglect. Mr. Cross stated that we should come together as a community and figure out how to handle situations like these.

Mr. Cross expressed concerns about the scale of the project and is also concerned regarding the amount of EDU's the Township has for something like this.

Mr. Winneberger made a motion of denial; Mr. Goldfarb seconded the motion, the motion passed.

3. Old Business

None

4. New Business

None.

5. Adjournment

Mr. Cross made a motion for adjournment; Mr. Winneberger seconded the Motion, the Motion passed. The meeting adjourned at 10:15 P.M.



David G. Kraynik
Township Manager

Per Holly A. Nagy