

PLANNING COMMISSION

MINUTES

DATED

OCTOBER 27, 2014

A regular meeting of the PLANNING COMMISSION was held this evening at the Township Administration Building. The following Planning Commission members were present: Chairman Thomas Cross, Eric Leighton, Scott Laughlin and Mr. Irwin Goldfarb. Also present were Henry Sekawungu, Director of Planning & Zoning and Carmen Reitano, Assistant to the Director of Planning & Zoning.

Mr. Cross called the meeting to order at 7:30 p.m.

1. Acceptance of the Minutes of the September 22, 2014 Meeting.

Mr. Cross motioned to accept the minutes with the clarification on page two, paragraph one, that should have read as follows: "Mr. Reitano provided some background on the appeal – that there is already a Zoning Hearing Board (ZHB) decision that does "not" permit demolition of the three-story mansion, and as such, this appeal is in conflict with that decision." Mr. Laughlin approved the motion; seconded by Mr. Leighton, and the motion passed unanimously.

2. Review of the Zoning Hearing Board Agenda for November 10, 2014.

Appeal No. 3499 (continuation): Appeal of Stenton Property LLC, owner of premises known as 1627 W. Cheltenham Avenue, La Mott, PA 19027 from the Decision of the Zoning Officer for the following Zoning Relief in order to construct a four (4) bay automobile repair facility, measuring 60 feet by 60 feet (3600 square feet) on the vacant rear portion of the property, with 17 off-street parking spaces, as well as the installation of two (2) parallel wall signs, and a free standing sign at the front of the property. The following zoning relief is required in an R-6 Residence District:

- a. A variance from CCS 295-50 to permit an automobile repair center in an R-6 Residence District.
- b. From CCS 295-221.B(5)(a) for a surface parking lot located between the building and the street.
- c. From CCS 295-221.B(5)(b) for the location of a surface parking lot on a corner lot on an arterial road (Cheltenham Avenue), as defined by the Cheltenham Township Comprehensive Plan.
- d. From CCS 295-163 to permit the disturbance of existing steep slope in conjunction with the construction of the proposed site improvements.
- e. From CCS 295-197A. in order to install:
 - i. One (1) freestanding 25' high internally lit sign with a maximum area of 40 square feet in addition to the existing free standing sign for the existing business, Enterprise Rent A Car and,

- ii. Two (2) internally lit parallel wall signs with a maximum area of 20 square feet each with one sign facing Cheltenham Avenue and one sign facing Sycamore Avenue in addition to the existing wall sign for the existing business.

This application was before the ZHB last month, at which time the board continued the hearing. Mr. Cross reaffirmed the previous recommendation to deny this appeal. There was no formal motion.

APPEAL NO. 3500 (Continuation): Appeal of Natalie Lernerman, owner of premises known as 100 Elm Avenue., Cheltenham, PA 19012, from the Decision of the Zoning Officer for a Special Exception in accordance with the rules and regulations of the Class R-8 Residence District as outlined in CCS 295-67.A.(2) for a lesser front yard setback of 1'-4" instead of the minimum required 25' in order to install an 11' x 16' shed.

This application was before the ZHB last month, at which time the board continued the hearing. Mr. Cross reaffirmed the previous decision to recommendation denial of this appeal. There was no formal motion.

APPEAL NO. 3457 (continued): Appeal of 509 Ashbourne Road, L.P., and FHI Ashbourne Land Holding, Inc, owners of premises known as 1509 Ashbourne Road., Elkins Park, PA 19027, Zoned R-4, from the decision of the Zoning Officer for the following modification to Zoning Relief granted under Appeal 3277 in order to demolish the existing mansion and convert it into green space.

The following modification to Zoning Relief is required to remove the existing structure located on the premises:

- a. Modification of Condition #1 of the Decision, so as to eliminate the retention of the three-story mansion.
- b. Modification or elimination of Finding of Fact #10, which provided that the Applicant proposed to demolish three (3) of the four (4) buildings then existing on the property leaving the mansion to be renovated.
- c. Modification or elimination of Finding of Fact #41, which provided for the conversion of the existing mansion into eight (8) dwelling units.
- d. Modification or elimination of Finding of Fact #41 through #46 and #48 through #53 which referred to the conversion of the existing mansion into eight apartment units.
- e. Modification or elimination of Conclusions of Law #1 through #4 which referenced the conversion of the existing mansion.

The meeting was turned over to the attorney representing the applicant, Mr. Peter Friedman, who provided a background on the appeal. The applicant was last before the PC in 2008. The owner is 509 Ashbourne Road LP., a/k/a 1509 Ashbourne Road. FHI owns unit two which is a quarter of acre, unit one is 4.3 acres. Property was developed under the age restricted ordinance in 2007, and relief was granted in early 2008. They were before the ZHB in the summer of 2008, and applied for Land Development after that. The application was approved at the time with financing through the Philadelphia Housing Finance Agency, (PHFA). A declaration for condos was filed by applicant at the time to limit the use to age restricted, and currently the property is fully occupied. Unit Two which is a three story mansion was to be constructed into additional units. Marketing attempts did not move any further due to costly rehabilitation of the mansion and reuse. In 2012, an application was filed to modify the decision and convert Unit Two to Parkland. The Township at the time requested a continuance so as to find a user, and this was granted by the user. Nine months later, a potential developer was identified for a boutique hotel with shared amenities but was not able to deliver or go any further due to lack of enough parking and also a need for commercial cooking facilities, which all led to an impasse. The owners hired a realtor to try to find a new user at the beginning of the year but the realtor was unsuccessful. The residents and neighbors would be fine with Parkland after demolition of the three story building. Property was left to deteriorate by the previous owners and unable to be saved, and the petition signed by the residents of the Samuel Green house, indicated that they preferred open or green space rather than the abandoned building.

Additional background was provided by Mr. Eric Naftalin, the Executive Director of FHI for the last 20 plus years. He stated that the company managed housing for 62 and older citizens with one building located within the County. The applicant stated that they would install a waste management holding tank after approval, but that the eight (8) additional units originally proposed for the old building, ended up being cost prohibitive. They have attempted to clean up the property to make it safe and marketable but to no avail. Use as a boutique hotel did not materialize. Property is kept in impeccable condition, and the applicant has met with the neighbors through an open house, and the neighbors have been pleased to see the green that is being proposed and would be a benefit to the community.

Don Sable, of Margolis Realty, Philadelphia PA, and the leasing agent for this property for the last nine years also provided some history. The property had been placed on Costar and had received a lot of calls at the onset. Some calls included a church and adult day care, but the building proved to be too large for the small entities, and cost prohibitive for the larger developers. "There are no live leads at the moment even though the property is still listed on costars."

Mr. Leighton was concerned that variances were granted to build the new structure successfully with conditions to keep the mansion. However, it was difficult to accept that the applicant now wanted to demolish the building.

Mr. Cross asked for all the letters received and suggested that these letters were a minority representation of those who would like to preserve this property. He stated that there was a waiting list for the tenants of this property and questioned whether there were any parking incentives being offered as well. He proceeded to ask for a definition for a compatible use – the response from the applicant was that it was anything that was compatible with senior housing; a boutique hotel was not one of them, due to the additional demands. A condo unit had a parking ratio that would have to be met. The applicant also handed out a copy of request for proposals and agencies reached out. Mr. Cross made an observation that these agencies seemed like they had limited resources.

He also stated that at the time of the negotiations to remove the building, these issues were conveyed into the ZHB condition to ensure that the building was developed and made usable, not vacant. It was to be marketed to developers with creative clients. The Township is under pressure to ensure that buildings and resources like this one, are not converted to green space but are preserved for adaptive reuse.

Mr. Laughlin echoed the same sentiments about the pressure on the Township and the process that this application had previously gone through, and cited Kerlin Farms and Laverock that are slated for demolition or have been demolished. Variances were given by the ZHB, but did not include the demolition of this property.

Mr. Cross also added that there are a number of properties that had fallen into disrepair over the years, but had eventually been restored, an example being Roberts Block. It is on the owner to find, or adaptively reuse this building.

Mr. Friedman stated that a stalemate did not help anyone especially if something were to happen to this property. Mr. Cross acknowledged that the law would have to take its course, and that it was a dangerous precedence to just give up the Township housing stock.

After additional discussion, the Planning Commission reaffirmed their previous motion to recommend denial. A motion was made by Mr. Laughlin, seconded by Mr. Leighton. Motion passed.

APPEAL NO. 3503: Appeal of John Jay Institute, equitable owner of premises known as 8201 Fenton Avenue., Glenside, PA 19038, from the Decision of the Zoning Officer for a Variance in accordance with the rules and regulations of the Class R-3 Residence District in order to convert a single family residence into a residential study center. The applicant seeks the following zoning relief:

- a. A variance from CCS 295-21. to allow a residential study center instead of one of the permitted enumerated uses.
- b. An interpretation from CCS 295-21.E. that use of the barn for administrative offices and a handicapped accessible residential unit is an accessory use to the principal use of the property.

- c. In the alternative, a variance from CCS 295-21.E. to allow the barn containing administrative offices and a handicapped accessible residential unit as an accessory use to the principal use of the property.
- d. A variance from CCS 295-221.H. to allow ten parking spaces for use by the property instead of the required 22 spaces.

Mr. Laughlin recused himself from the hearing due to his proximity to the property. Mr. Michael Yanoff Esq., represented the applicant. Also present were Allan Crippen, President of John Jay Institute and Mr. Harold Lichtman, architect for the applicant. Mr. Yanoff stated that the proposed use of the mansion was for a residential study center. Post graduate students would be studying learning and sleeping at the location. This would be a unique use that would maintain and keep a valuable piece of real estate in the Township. The Zoning relief requested was for the use and parking but no interior alterations were being proposed except for changes to the barn building. Mr. Cross stated that they want 10 parking spaces which changes the residential component.

Mr. Lichtman provided additional information on the history of the property, and the proposed improvements that included an ADA bathroom on the ground floor, and ADA accessible means of ingress. They would be upgrading the HVAC and the Mechanical but will not change the flow or bones of the house, nor the exterior. Mr. Cross asked for clarification on the outside which was already impervious. The existing bituminous would be restriped and repaved and the property would be occupied by 16 students; eight men and eight women and a staff member, with another staff member in the residential unit on the second floor of the barn for which the first floor would be offices. There were no planned events, graduation events, or activities that would draw any additional people.

Mr. Crippen gave an over view of the nature of the proposed residential live study use. He stated that no events would allow for parking to exceed the existing uses. There would be no reasons for any off street parking at this facility that would house eight men and eight women. Mr. Cross asked if the neighbors were contacted and the response was that there had been an open house with some comments that include parking concerns and a Payment in Lieu of Taxes (PILOT) program in partnership with the Township, which the applicant was willing to consider.

Mr. Cross asked about the future plans for growing the facility and the response was that there were no plans for growth. Mr. Cross asked for the reasons why Mr. Laughlin had recused himself and Mr. Laughlin responded that it was due to a number of factors that included the following: Ownership of a contiguous property which was right behind this property, with an entrance on Willow Grove Avenue. He proceeded to give a historical context of the property stating that a public sewer easement was put in place across 8201 Fenton Road in 1958. The original properties were connected to a common cesspool, which was disconnected, and at the time, a new sewer was installed to connect to the public sewer. This system was a 5" terracotta pipe that connects into Fenton Road, then

flows into Springfield Township. He stated that he had serious concerns about the capacity of the terracotta system and its ability to handle the additional flows, given that the original system was setup to only handle two single family dwelling units going into a common 5" terra cotta sewer line servicing both houses that then goes into Fenton Road.

The financial cost increase for the shared maintenance which was split 50/50 would be too high; the significant increased demand for 20 residents from the John Jay Institute would overload/burden the existing system and he made a request that the new owner should separate and install two new sewer lines of proper capacity at their own expense.

On the question of fire requirements the applicant responded that the property would be fully fire suppressed. Mr. Laughlin also raised concerns about parking for the 16 students and a need to ensure that there was no overflow parking onto the street. The sidewalks along Willow Grove Avenue are not contiguous. To the question by Mr. Leighton on the frequency of the students, the applicant responded that the students were cycled out every six weeks and they would live on site during the duration of their stay. To the question as to use of the property after the use is abandoned the applicant responded that the use would remain with the land.

Mr. Leighton raised concerns on the parking but also stated that except for the technical issues raised by Mr. Laughlin, this seemed like a reasonable use that would allow for the building to be maintained and retained as residential.

Mr. Cross made a motion to recommend approval with the following conditions: that the applicant consider adequate reuse of the facility; a recommendation that the applicant consider house transportation for the residents; letters in support of the applicants proposal from the surrounding neighbors; that the site not grow beyond current uses whether accessory, auxiliary or other; any events should restrict parking to the site; offsite parking be prohibited; revisit utility and sewer easement agreement with the neighbor; variance restriction be placed that in case of resale that this would revert back to the conditions of the R3 residential zoning use. Mr. Leighton seconded the motion; the motion passed, with Mr. Laughlin recusing.

APPEAL NO. 3504: Appeal of Montgomery County, tenant of premises known as 7853 North Front St., Cheltenham, PA 19012, from the Decision of the Zoning Officer for a variance in accordance with the rules and regulations of the Class R-4 Residence District as outlined in CCS 295-36 in order to install a 120 foot emergency communications mono pole tower with four antennas and small microwave dishes with an associated modular communications building measuring 16'-6" by 11'-8" and 10'-5" in height.

This application was represented by Mr. Joshua Stein, Counsel for Montgomery County, Richard Lohwasser and Mike Stokes, all with Montgomery County. The applicant proceeded with a PowerPoint presentation (see attached), on the proposed 120 ft mono tower with dishes and 2 antennas going up to 144 ft high.

In response to Mr. Cross's inquiry about the notification process, the applicant responded that the School District had been part of the process of choosing one of the three sites that were options for the location of the tower, and had voted at a public meeting to approve the agreement between the School District and the County.

Letters went out to over 87 neighbors including delivery by the fire department. Only one neighbor expressed reservations on the proposed tower. Mr. Cross asked about any health issues from the radio waves, and the response was that there would be minimal impact. A full report will be delivered at the ZHB meeting. Additionally, no noise or light would be generated or emitted by the tower.

Mr. Laughlin asked about the distance from the school and the response was that it would be behind trees near the playground. The facade of structure would match the school building, and no fence was proposed since the school did not want one. The monopole would not be scalable and the power supply would come right off the street and would all be underground. Similar alternate site would have been Philadelphia, off of Rising Sun Avenue and Roosevelt Blvd., but this would not have been ideal for coverage in Cheltenham Township.

The applicant would also be installing a system to allow for EMS pager continuity. Mr. Stokes stated that the Tookany Creek Valley masked the signal and this would help alleviate this issue.

Mr. Cross asked about implementation and the response was that they would work around the school schedule and would not install the monopole until summer of 2015.

Mr. Cross and Mr. Laughlin asked for comment from the Fire Marshal who affirmed support by EMS and the Fire Companies. Mr. Stein added that the tower would have space for one other user on the tower but this would be up to the School District as to who would be the lessee.

Mr. Laughlin made a motion to recommend approval. Mr. Goldfarb seconded the motion; the motion passed.

APPEAL NO. 3505 – Appeal of Hopkins Center, owner of premises known as 8100 Washington Lane, Wyncote, PA, from the Decision of the Zoning Officer in order to modify relief granted previously on Appeal #3479 to incorporate changes made by the Township Fire Marshal and Township Engineer to ensure safe circulation of emergency vehicles.

The following modifications to Zoning Relief granted under this Appeal are as follows:

1. A variance from CCS 295-24A.(2) (Front Yard Setback) to allow construction of a landscape wall with railing 7' from the Right of Way instead of the previously granted 18'.
2. A variance from CCS 295-221.B.(5)(a) (Location of surface parking) to allow surface parking between the existing building and Washington Lane of 12' and 15' instead of the previously granted 18' and 23' respectively.
3. A variance from CCS 295-164 to allow construction of a parking field, relocation and reconstruction of a trash enclosure and walkway and handrail in areas designated as having steep slopes.
4. A variance from CCS 295-220.A. front yard projections and CCS 295-220B side yard projections to allow a trash enclosure and landscape wall to project into the required setbacks.
5. A variance from CCS 295-221.B.(5)(b) to allow surface parking on corner lots that are located on collector of arterial roads.
6. A variance from CCS 295-221.F. to allow 59 parking spaces at the property which is in excess of the 120% required minimum.
7. A variance from CCS 295-223 to allow an open fence around a trash enclosure to measure no more than 8 feet in height instead of the required 6 feet.

The Planning and Zoning staff informed the Commission that this application was on the agenda due to additional variances that had come about as a result of the Land Development Review process, and reconfiguration to ensure that there was adequate circulation for emergency vehicles. The Zoning issues were discussed by the PC as part of the Land Development Plan review last month. The Commission reaffirmed their previous decision to recommend approval.

3. Old Business

- a. CTDA #12-0510, 7827 Old York Road, Elkins Park, PA 19027. Removal of condition of Zoning Approval of 7837 Old York Road that "no additional buildings will be built on the premises," from this application.

Mr. Yanoff represented the applicant and provided background information on the application which was last before the Commission in January 2012. Plan was for a property owned by Mr. Gerald Schatz. The property was Condo'ed into two units, with unit one being sold to Bethany Christian Services. A title search for the second unit found language conditioned in there that pertained to a different site altogether that had been carried over, stating that "no additional buildings would be built on the premises."

Mr. Cross asked if the applicant was intending to develop the land and the response was yes. Mr. Cross asked if the approved plan would be recorded, and the answer was affirmative. Mr. Leighton made a motion to recommend approval. Mr. Laughlin seconded the motion; the motion passed.

4. New Business

- a. CTDA # 14-0514-04 Arcadia University - Kaname Tract, 450 S. Easton Rd, Glenside, PA.

Mr. Lichtman represented the applicant and provided an overview of the plan before the Commission. He stated that the review letter from the Township Engineer had been addressed and that the responses to the comments were that the applicant would comply. Mr. Laughlin asked if the proposed improvements were away from the tributary and the applicant responded in the affirmative. There was a new box culvert proposed, a grounds building with a green roof, additional storage in the maintenance building which would be a prefab metal building.

Mr. Leighton made a motion to recommend approval. Mr. Laughlin seconded the motion; the motion passed.

The Planning and Zoning Staff distributed new plans from Arcadia University that involved lot consolidations for two lots and subdivision for two lots, which would be before the Commission next month. Mr. Lichtman provided a quick overview on these minor lot line adjustments to the Commission.

Planning and Zoning staff asked the Commission members if they had additional comments on the Local Landmark Ordinance and the response was that all their comments were previously forwarded to the Planning and Zoning Department.

5. Adjournment

Mr. Leighton made a motion for adjournment; Mr. Cross seconded the motion. The meeting adjourned at 9:40 p.m.



Bryan T. Haver
Township Manager

as per Henry Sekawungu

SELECT COMMITTEE

MINUTES

DATED

OCTOBER 6, 2014

AND

OCTOBER 27, 2014

Select Committee Meeting Minutes

October 6, 2014

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The SELECT COMMITTEE held their meeting this evening at the Township Administration Building, 8230 Old York Rd, Elkins PA. The following Select Committee members were present: David Cohen, Eric Leighton, Anee Farrell, Brad Pransky, Bryan Havir and Henry Sekawungu. The Select Committee convened at 5:35 p.m., and continued with reviewing additional comments and considerations on the proposed Zoning Ordinance. Outstanding items at this time requiring review include the following: Review of properties that are over 5-7 acres, with overlay Zoning, review of Salus University proposed zoning and regulating of Mini Cell Towers.

The Committee held a working session that involved an overview of all the parcels in the Township that were over five (5) acres, and considered them for removal of the overlay and in favor of the underlying Zoning.

Some of the properties looked at included the following: JC Melrose Country Club which is approximately 116 acres, and could be placed under both class one and class two of the proposed Mixed Use Overlay District.

As part of the class one uses, a recommendation was made to change the review of class one conditional uses to fall under the purview of special exceptions and the same conditions being applicable under special exceptions.

Of the two classes, class one uses are more of office building uses while class two uses are part of what is already mapped out as MU1 and MU2 Mixed Use Districts.

Additional properties considered that met the threshold of over five (5) acres included the following: Moss Rehab, Cedarbrook Plaza, Cheltenham High School, which could all be C1 while the Cemeteries area going towards Rt. 309 could all be either C1 or C2 Commercial Districts, Westminster Theological Seminary was proposed to be MU2 Mixed Use District; Quarry properties at Glasgow to be MU2 Mixed Use District; while Laverock was to remain residential. It was also determined that the Public Schools including Glenside Elementary School which is new construction, come under the campus overlay. It was proposed to have the area encompassing Lynnewood Gardens, the Swift and Choi property and Post Office areas which are all along Ashbourne Road, Zoned as part of the Mixed Use Overlay District. MU3 Mixed use was proposed for the Lynnewood Hall Estate and the Mandel Campus and Gratz College property, while MU2 Mixed Use was recommended for the Elkins Park House.

The meeting adjourned at 6:55 p.m., with a recommendation to reconvene on October 27, 2014, at 5:30 p.m.



Bryan T. Havir
Township Manager

As per Henry Sekawungu

Select Committee Meeting Minutes

October 27, 2014

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The SELECT COMMITTEE held their meeting this evening at the Township Administration Building, 8230 Old York Rd, Elkins PA. The following Select Committee members were present: David Cohen, Eric Leighton, Ameer Farrell, Bryan Havir and Henry Sekawungu. The Select Committee convened at 5:40 p.m., and continued with reviewing additional comments and considerations on the proposed Zoning Ordinance.

The discussion started off with Hope Lodge located at 100-110 West Laurel Avenue and the adaptive reuse of the large 3-story mansion on the property, since the entire property was up for sale. A new Zoning classification other than residential would be a plus.

The property is currently proposed to be Zoned R1 residential. Mr. Havir provided a brief background on the property approvals by the ZHB 8 yrs ago for 38 units. The main building was also approved for Medical offices and 142 parking spaces.

The building would be a landmark if the local landmark ordinance was adopted. The Mansion has been retrofitted on all three floors for non-residential uses. However if mixed use zoning is considered for the area, it would offer more adaptive reuse opportunities for the new owners or potential buyers. The proposed Landmark Ordinance precludes the total demolition of a property but otherwise property owners can add to their property and make improvements to them by securing building permits. Total demolition of the property would require additional review and a Certificate of Appropriateness issued by the Board of Commissioners. It was agreed that the MU2 Mixed Use District would be best suited for this property.

The discussion shifted to Salus University and the request received from them to relook at the proposed Zoning which appeared to be classified as residential as opposed to Commercial. Salus University used to be the Philadelphia School of Optometry but also comes up on Google as being in Philadelphia, which they need to change. A number of the tenants on the property are for-profit tenants and as such, there may be a need to approach them about contributing to the tax base of the Township. For-profit properties or uses on the site should be taxable. Mr. Havir will verify that the tenants are paying taxes. After additional discussion, it was recommended that MU1 Mixed Use District was proposed for Salus University.

It was also agreed that the Mr. Nixon will need to revisit the proposed zoning in Cheltenham Township along the boundary with Abington Township, to ensure that the two ordinances mirror each other in this area, as opposed to being diametrically opposed and dissimilar. This is especially so, since both Townships are in the process of updating their Ordinances. The two Community Planners assigned to both Townships will coordinate this process.

An example studied by the Select Committee, was Moss rehab all the way east to Township line, for which looking at both proposed Ordinances, the two areas in both Townships were not the same. The recommendation made was to consider changing the area from Church Road, West along Township Line Road to Jenkintown Road to MU1

Mixed Use District, while Church Road East along Township Line Road to the Philadelphia boarder, would become C2 Commercial district.

A discussion ensued on the definition of mixed use: the proposed ordinance seemed to limit the mixed use aspect and created some confusion. It was agreed that Mr. Nixon would need to revisit some of the language in the C2 Commercial District, Section 295-1201.A.1.k.ii use H-1 and consider changing it from 'multiple dwellings' to 'a dwelling,' and also change H-1 under MU1 Mixed Use District, Section 295-1301.A.12.b. Under Class I and II, uses permitted by right should be revisited to ensure a clear distinction. Additionally, Mr. Nixon will need to look at uses under H. Residential uses, and consider making them one or two residential units as opposed to multiple units.

The meeting adjourned at 7:00 p.m. with a recommendation to reconvene on November 10 and 24, 2014.



Bryan T. Havir
Township Manager

As per Henry Sekawungu