

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, Thomas DiBenedetto and Irwin Goldfarb. Also present were Brian Olszak, County Planner, Henry Sekawungu, Director of Planning and Zoning and Robert Habgood, Assistant to the Planning and Zoning Director.

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

1. Acceptance of minutes of the Planning Commission meeting dated November 24, 2014

Mr. Cross motioned to accept the minutes. Mr. Laughlin seconded and the motion passed unanimously.

2. Review of Zoning Hearing Board Agenda for February 9, 2015

APPEAL NO. 15-3510: Mr. Sekawungu provided a brief description of the appeal to the Planning Commission and stated that the applicant was not requesting a special exception or variances, but was requesting reasonable accommodation to use the existing dwelling as a Group residence for hearing impaired children and that the applicant would need to comply with all applicable building and fire safety codes.

Ms. Kearney, Esq. represented the applicant and advised the Board that the property had an on-lot septic system which would handle the capacity and that the dwelling has been for sale for more than 365 days. There could be up to 15 children from age 13-21 but only up to graduation from high school living at the residence. The children attend the PA and or NJ School for the deaf two mini vans would be used to transport them. There would be four (4) to six (6) staff during the day and two (2) at night with 24/7 coverage.

The applicant's life and safety representative and agent for the owner, Mr. Kroll, advised that the dwelling would have fire sprinkler and fire alarm systems installed, and that the property had accessible entrances in the front and rear, but none of the children would be using a wheelchair.

The applicant stated that there were ten parking spaces available but was working with the Fire Department to ensure adequate access for emergency vehicles. Mr. Kroll advised that no fire escape or ramps would be need after the installation of the fire sprinkler system.

Mr. Sekawungu, reviewed the Zoning definition of "Family" and the criteria for granting reasonable accommodation per section 295-7 and 295-209.1 of the Zoning Ordinance. The applicant's attorney added that hearing impairment is covered as a handicap by the Federal Government.

Mr. Cross inquired if the applicant had reached out to the neighbors and the applicant advised that they had spoken with the ward Commissioner Ms. Ann Rappoport, and passed on a contact telephone number for concerned residents to call, but had not directly reached out to any of the immediate neighbors.

A discussion followed about visitors over the weekend, and hosting of events and other locations of a similar nature. However, the applicant stated that there was no anticipation of parties and that large

meetings/events would be held at an off-site location. Other locations with such uses were in Glenside, Cheltenham, Abington, Bucks County and Lehigh County and the tri-state area for a total of 250 beds.

To the question by Mr. Olszak as to why this was not considered an institution, Mr. Kroll advised that an institutional home would be for non-ambulatory clients not capable of self preservation and that since the children are able to walk on their own, the dwelling was considered a residence. There was further discussion on the mental health disabilities of the children verse the proposed staffing levels. The applicant advised that the facility is regulated by the Pennsylvania Department of Public Welfare and that they would have to comply with their staffing regulations.

The applicant added that they had been in business for 35 years and that they had a property on Royal Avenue that had been in operation for approximately ten months with three adults and one staff with no complaints from the neighbors. Children are evaluated before being placed within a residence and can be moved out in a timely manner, especially if there are warning signs of developmental issues. The proposed residence would not be an outpatient facility or detox treatment center, but would have adolescents with mental health disabilities due to emotional needs related to their handicap.

In response to a question by Mr. Laughlin about the transient nature of the children, the applicant advised that the placement of the children was for a long term with most staying for one year and through their teens. The children are kept busy during the weekend, attending ball games, going shopping, and attend camps during the summer.

On the staff qualifications, the applicant advised that the staff needs to meet the minimum requirements under PA Code 38 but they would have additional information on this at the next meeting.

Mr. Jack Platt from Accomac Road addressed the Planning Commission on behalf of a number of the neighbors with concerns related to a business entity owning property in a residential neighborhood, with commercial deliveries and trash pick-up from the property that would be disruptive to the neighborhood. The Applicant advised that there would be no commercial deliveries to the property and that the courts do not consider this use as a business but a residential use.

On the question about the number of staff needed during the day if the children are at school, the applicant advised that the staff helps prepare the children for and drives them to school, and also helps with meal preparation and laundry at the residence. The applicant advised that there were about a dozen similar homes of this size in the five County area and in the Lehigh Valley area.

Mr. Michael Love asked is there any plans for the carriage house next to this property. The applicant advised that the carriage house is on a separate tax parcel which they did not buy and have no plans to purchase.

Ms. Hilary Love asked whether the children would go to the Cheltenham School District and the affect on taxes. The applicant advised that the children would attend either a school for the deaf in PA or NJ. The respective school district where the children come from pay for their education.

Ms. Marcy Fish raised a concern about the safety of the children when they are outside in the neighborhood with a number of properties with pools.

Dr. Diane Hershock raised a concern about the property being used in this manner in perpetuity and the inability to communicate with the children if they are out in the neighborhood, the possibility of some of the kids who may have mental issues but not be properly medicated, and the potential involvement of parole officers. The applicant advised the children are in a highly regulated program and that they were not criminals. There would be no visits by parole officers as part of this program.

There was discussion on concerns regarding noise but the applicant advised the property had about two acres of land and that the children are regulated.

Ms. Stephanie Gray from the School Board asked about any potential impact to the School District that could affect the budget. The applicant advised that the School District where they children came from would be responsible for their education funding.

A question also arose about whether their use of Royal Avenue property was approved. Mr. Laughlin stated that it had never come in front of the Planning Commission and was not aware that the facility has been approved.

Mr. Cross recommended that the Protestants organize and make their case before the Zoning Hearing Board and then asked for final comments from the Commission. The Commission Members responded as follows:

Mr. DiBenedetto stated that he had concerns regarding the ambiguity of this application, and concerns that there may be additional modifications required to the exterior and interior of the building and to the building's site, requiring compliance with the IBC and accessible codes, especially since this is a property in one of Cheltenham's historic districts in which he is also a resident. He questioned the disproportionate ratio of two (2) staff members, in the evening hours to 15 adolescents with unidentified mental health needs. He clarified that he was in complete agreement with the integration of deaf and mental health individuals into the community, but felt that there should have been more information submitted to the Township, clarifying how this facility would operate and identifying specific code regulations related to the issues discussed.

Mr. Goldfarb stated he has no objections except the need for more control of the children. Mr. Laughlin stated the lack of a meeting with the residents was inappropriate, that he has concerns about the vagueness of the definition in place regarding reasonable accommodation, and whether the scale and number proposed was appropriate. Mr. Leighton stated the applicant should have had more factual responses. A family could have purchased the house and filled the bedrooms. The proposal was inappropriate but would have been more reasonable if they had one child per bedroom. Mr. Olszak stated that fair housing requires that one make reasonable accommodation but it did not appear that Federal regulations expounded on the size or number. Mr. Cross stated that he was not convinced that the operation described was a good fit based on the number of children and that the applicant should have had a neighborhood meeting. Mr. Cross also suggested that the applicant come prepared with facts about their proposed operation here, on Royal Avenue and on other sites where they are located in the area.

Mr. Cross made a recommendation for denial; Mr. Laughlin seconded the motion, motion passed unanimously.

3. Review of CTDA #15-01 Bishop McDevitt C.H.S. – Athletic Field Improvements, 125 Royal Avenue, Wyncote, PA.

Mr. Lichtman, architect for the applicant, gave an overview of the proposal which involved rearrangement of the field due to the finite space owned by Arcadia University, for recreation and joint use. The impetus was to permit improvement of existing facilities without introducing anything new. The field in the rear of Bishop McDevitt High School would be improved with a new baseball field made with a turf surface and a new football field with a grass surface. The baseball field would be used for home games by Arcadia University, a Division 3 school, and the football field would be used by Bishop McDevitt H.S. for practice and JV football. Additionally, some of the current sports played at McDevitt that included softball, field hockey and track and field, would be moved to Arcadia University.

Mr. Lichtman stated that due to the size of the baseball field it could not be used for tournament play per the NCAA regulations. There were no lights proposed for either of the fields and the baseball games would be from 3p.m. to 7p.m. Monday through Friday and 12 p.m. to 5 p.m. on the weekend. Use of the fields between the two entities would be staggered during the school session.

He advised that there would be no impact to the existing parking spaces and that only two bleachers are proposed. Mr. Hanna, Arcadia University's Engineer from Gilmore & Associates, advised that per the Township's parking requirement 8 spaces are needed per classroom for a total of 240 spaces which the school already exceeds.

There was discussion regarding the proposed Storm Water Management (SWM) systems to be installed. The applicant stated that they were proposing a storm water management program under both fields with two out falls discharging into existing pipes. The storm water would be controlled by the proposed outfalls or basins, and eliminating the existing sheet draining. The additional landscaping together with the new systems would help with the flow and help to control the runoff onto neighboring properties.

Mr. Olszak reviewed the County review letter, and raised no major concerns. Revised landscaping plans showing the tree replacement will be re-submitted for a recommendation from the Shade Tree Commission.

Mr. Lichtman advised the Commission that he was also submitting a letter to the Township Commissioners requesting a total of six waivers, with respect to the Township Engineer's review letter and that Arcadia University would be complying with all the other items in the Township Engineer's letter dated January 23, 2015.

Multiple residents from the north east border of the field, raised concerns regarding drainage, water runoff from the property, landscaping screening around the fields to provide increased privacy, security of the existing fields and the new proposed fields, noise from the fields including any future

sound system for the baseball field and comments from the Township Eengineer's letter that included items 26 and 34.

The applicant stated that the storm water management should help with the water runoff and that they would be fixing a collapsed drainage outlet on Bishop McDevitt's property. A proposed solid privacy fence was being negotiated with counsel to replace the existing one, and the access gate would be kept closed when not in use, in addition to extending the University's security to Bishop McDevitt as part of their normal routine. Additionally, it was agreed that any proposed sound system to be installed, meet the Township's code requirements.

Mr. Laughlin made a motion to approve the plan with a condition that the proposed sound system would have the proper levels per code, and that a satisfactory agreement was reached on the solid fencing. Mr. Cross added a consideration that the applicant comes into agreement with the Township regarding the waivers, and compliance by the applicant with all the comments from the Township Engineer and any other concerns related to storm water management. The motion was seconded by Mr. Cross and passed unanimously.

4. Old Business - None

5. New Business - None

6. Adjournment

Mr. Cross made a motion for adjournment; Mr. Laughlin seconded the motion. The meeting adjourned at 10:10 p.m.



Bryan Havir
Township Manager

As per Henry Sekawungu

PLANNING COMMISSION SIGN-IN SHEET

NAME	ADDRESS	APPEAL NO
Betty Lynn Schmit	339 Bent Rd	NO 153510
ROBELE MIDDLEBERG	343 Bent Rd.	15-3510
Alf	301 Bent Road	15-3510
Daria Kachman	301 Bent Rd	15-3510
Diane Horlock	343 Bent Rd	15-3510
Stephanie Schmit	337 Bent Rd.	15-3510
Joh-Jay	337 Bent Rd	15-3510
Peter Wizek	Wyncore Bldg	15-3510
DOROTHY STONE	221 MAPLE AVE	15
Gabriel Bucurescu	319 Bent Rd	15-3510
Susan Wiley	312 Bent Rd	15-3510
Ann Bucurescu	319 Bent Rd	15-3510
Marcy Fish	330 Bent Rd.	15-3510
David Fish	330 Bent Rd.	15-3510
Andrea Platt	410 Accomac Rd.	"
Jack Platt		"
Bill Coughl		
Joyce Weiner	418 Accomac	15-3510
NANCY ZOSA	300 BENT RD	15-3510
WILLIAM WUENEN	324 BENT ROAD	15-3510

