

Planning Commission Meeting Minutes
February 24, 2014
7:38 PM

The monthly meeting of the Cheltenham Township Planning Commission (“PC”) was held on March 24, 2014 at 7:30 at Curtis Hall, Chairman Cross presided. The following members were present: Eric Leighton, Scott Laughlin, David Harrower, and Irwin Goldfarb. Also present: Joseph Nixon, County Planner; David Jones, interim Director; Henry Sekawungu, Director of Planning and Zoning.

The meeting commenced at 7:38 p.m.

1. Acceptance of Planning Commission Minutes

Motion made by Scott Laughlin to accept Planning Commission Minutes of March 5, 2014 meeting. Seconded by Irwin Goldfarb.
Motion passed 5-0

2. Review of Zoning Hearing Board Agenda for April 21.2014 meeting

ZHB Appeal #3484 for a property located at 546-552 Township Line Rd, Cheltenham PA, owned by Biju Korah and Keith Gopie to operate a used motor vehicle sales agency from their existing non-conforming auto repair and collusion service business.

Mr. David Jones gave an update on the application and asked the applicant to expound on what is being proposed. Applicant stated that they currently have an auto repair and collusion site and are proposing adding a used motor vehicle sales agency, which would be a use variance.

Applicant was also asked by the Chairman to explain the parking layout. Parking will be laid on the side of the lot by the fence and in the front of the building. Per Mr. Jones, applicant may need to make some improvements to the site that may include lighting. Customer parking is proposed for the front of the building. Dimensions of the gate, turning areas and clearances need to be added to the sketch for clarity by their architect as suggested by Mr. Cross.

Applicant is not increasing the impervious area just adding sales to the business; this was challenged by Mr. Laughlin, who observed gravel in a photo at a portion of the lot where new paving will be required. Total number of cars would be 3 to 4 with a maximum of 14 cars.

The applicant confirmed that employee, customer and handicapped parking would be in the front of the building, in response to a question from Mr. Laughlin. Existing diagram shows 14 spaces. The PC questions the actual space count and there is a disparity in the pervious vs. impervious surfaces. Paving of the pervious will trigger stormwater

management. Mr. Jones stated that notices were sent out to residents within 300 ft of the site, in response to question by Mr. Laughlin.

Per Mr. Jones, if approval is given by ZHB, applicant may need Land Development approval.

Mr. Leighton suggested that if sketch is cleaned up, it should indicate the line where the lot meets the street. Mr. Harrower asked how the turns would be to access the street from the lot. There was no clarity on this on the sketch and the recommendation was to make this clear when this appeal is presented the Building & Zoning Committee and the ZHB. The chairman recommended that the applicant redo the plans to scale and show how this site relates to the street, ADA access, path of travel, and presented on a large board for the ZHB members. Mr. Harrower asked if there was a business plan for this business and if the use would be viable on this lot and would fit in: impact on neighbors etc. No plan had been done. Mr. Harrower made a motion to recommend denial, seconded by Mr. Cross. Motion passed 5-0. The recommendation to deny the variance was based on lack of information.

Mr. Jones added in conclusion that this would be going before the Building and Zoning Committee.

ZHB Appeal # 3485, located at 7741 Union Avenue, Elkins Park, PA by Christopher Keiner and Susan Van Horn. Requesting a variance from the rules and regulations of the Class R-5 Residence District as outlined in CCS-295-46.B(1) for a lesser side yard of 2.4' instead of the required 8' in order to construct a single story addition with basement and partially covered porch at the rear of the residence.

Mr. Leighton recused himself.

Susan Van Horn explained that they need space for their kitchen and are bringing the laundry room and bathroom to the 1st floor, and adding a room to the back for the kitchen. Applicant is proposing not to encroach on the existing side yards but extending the nonconformity. There will be a patio and a partial basement with a walkout from the lower level. There appear to be no building coverage or impervious issues. Mr. Cross asked if there had been some discussions with the neighbors, and the need to follow up on this prior to the ZHB meeting. Large sketch plans on a foam board would be helpful to explain to the neighbors and the ZHB if possible. Also photos of the site would be useful.

Mr. Harrower asked about the existing pad and patio. What would be its nature? Would there be any grading involved? The applicant responded that the grading would be sloping upward.

A motion was made by Mr. Laughlin recommending no action and seconded by Mr. Cross. Motion passed 4-0.

ZHB Appeal # 3482 by Dale and Christine Stirzel of 8232 Cadwalader Ave, Elkins Park, for a variance in accordance with the rules and regulations of the class R-4 Residence District in order to build a one story addition and deck at the rear of the house, per CCS 295-38 for a building area of 27.4% instead of the maximum allowed, and CCS 295-39.B(1) for a lesser side yard setback of 8' +/- on the northeast side and 3' +/- on the southwest side instead of the minimum 10' and aggregate 30' required.

Mr. Cross asked the applicant to walk them through application. The applicant apologized for not being available at the last meeting to present.

The applicant stated that their setback is now 5 ft. versus the 3 ft. they had at the last meeting. Applicant sent revised plans on March 8th with the new setback. The yard is angled and narrows towards the southwest side, making the 5 ft. a minimum.

Mr. Cross was concerned about the lack of space on the side where the deck is due to the shrubs that exist. There is a fence on the neighbor's side and after a survey they gained additional property. Neighbor appears to have placed a privacy fence on their property and some shrubs as well. They will be taking the part of the fence near the deck area down to allow for additional clear access. The adjacent neighbor's house is about 20 ft. from theirs, per applicant.

Mr. Cross and others on the Planning Commission strongly advise that the applicant provide an additional site sketch showing the footprint of the neighbor's home adjacent to the proposed deck with dimensions of the property line, clearances related to proposed fence removal, and landscape screening, as these features will help determine if the side yard emergency access will be adequate. The dimension of the clear distance between the new deck and the neighbor's house should also be indicated.

In response to a question by Mr. Cross, the applicant stated that they have already involved the neighbor and already have a letter from the neighbor allowing them to do whatever they want. Mr. Laughlin suggested to the applicant that they get their neighbor to put that assertion in writing before the zoning hearing. Mr. Cross affirmed that otherwise, the plans looked fine.

Mr. Goldfarb made a motion to recommend no action, Seconded by Mr. Leighton. The motion passed 5-0.

Mr. Jones announced that the next item was "Wawa" and no action was needed by the PC. It should be noted that the PC affirms its earlier recommendation of denial to the Building & Zoning Committee and The ZHB.

3. **New Business:** Draft Flood Plain Ordinance presentation by Mr. Nixon.

Mr. Nixon stated that this item came before the Zoning and Building earlier this month and it was requested by the Committee that the Planning Commission input be sought.

(See attached Power-Point presentation)

FEMA map modernization, National Flood Insurance Program (NFIP), Requirements, Current Municipal ordinances, DCED suggested provisions - general guidelines Model ordinance - exceeds FEMA minimum standards Ordinance category levels- Cheltenham is level d which is the highest Ordinance contents The importance of floodplain management issues for properties in the floodplain - over 2500 properties county wide. Design considerations Role of FEMA Ordinance structure Section 2.02 applicability Article III definitions Article v uses permitted in the floodplain conservation district Uses prohibited in the floodplain conservation district Article vi variances Article VII technical provisions in the event of a variance being granted.

Section 7.03 special technical requirements Article VII activities requiring special permits Article is administration

Mr. Laughlin asked whether a property would require a variance if in the floodplain. The response was in the affirmative. If a property is in the floodplain, but the building is not or suggested changes are not in the floodplain, does it require any variance? There was no clear answer and a clarification would be forthcoming. (2915 page 15). Mr. Nixon will check with Drew Shaw on this issue.

Mr. Jones verified that the Planning Commission was being asked to make a recommendation to the Building and Zoning Committee tonight.

Public comments on proposed Floodplain Overlay District

Robert Hyslop made the following comments:

1. Agenda was not online as of Friday, meeting location was listed as the Township Building and not Curtis Hall.
2. Issues with flooding in Cheltenham have even prevalent and this ordinance needs to have as much public input as possible. Stated that he has reported up to 29 cases of storms and solutions. Concerns about flooding in the Township are real. Potential areas include Waverly, Harrison, Bickley, Easton, Rock Creek and Rock Lane, Brookside and Shoemaker, High School Road, and Mill Road to mention but a few. Houses have even impacted and destroyed. Concerned with the minimum standards. Need clarification on what the Base Flood Elevation (BFE) is. Property owners need to be responsible for the stormwater from their own properties, and not assume that it's someone else's problem downstream.
3. Mr. Nixon responded that the FEMA minimum standards are less than what is being proposed.
4. Allowing under certain conditions a change in the BFE by 1% and were on pg 13, pg 18, page 19 b-3, pg 44
5. Variance requirement on pg 23
6. Properties undergoing substantial improvement, pg 11.

7. Minimum development standards pg 33, 330 properties listed in Cheltenham would be affected. Is there grandfathering for these properties that already have these conditions?
8. Timeline requiring that things had to be in place by a certain time and the potential impact.

Mr. Nixon stated that the draft ordinance is available on the county website and some of the questions raised may be answered on that site.

Mike Oswald noted the following:

Discrepancies in the floodplain notifications that went out, in that some neighbors got them and not others.

Mr. Nixon verified that the newer FEMA maps would have the correct information, when they are completed.

There was general concern by the Planning Commission members that the document needs further understanding and that there was not enough time tonight to make a recommendation. Mr. Jones recommended that Planning Commission members be present at the Building and Zoning Committee meeting on April 2nd.

Mr. Cross made a motion to table the proposed Ordinance until they had additional information. Seconded by Mr. Leighton, the motion passed 5-0.

4. Old Business

Review of Concept Plan for a proposed 93 Single Family Dwelling Development at 1725, 1727, 1729-35, 1777, 1797, and 1799 E. Willow Grove Avenue, Laverock, PA 19308 AKA Laverock Falcon Hill, presentation.

Mr. Cross stated that Mr. Laughlin, as an active member of the Save Laverock Hill Steering Committee has recused himself.

(See attached Power-point Presentation by Mr. Bud Hansen and Mr. Ross Weiss)

Where do we go for here? Q&A

Question by Mr. Cross was posed as to why the mansion was being removed? Response from the applicant was that it would cost too much to rehab, and for it to be rehabbed, there should be offered a density premium, since 15-20 units would be lost. The bottom line was that it was a funding and restoration/reuse issue.

A question was posed as to who attended the Ad Hoc Committee meeting in September 2013 and what if any concerns and comments came out of it. The response was that the Attendees included three Township Commissioners each from Springfield and Cheltenham, both Township managers, both Township Solicitors, and Amy Montgomery the Engineer for both Townships. It was later noted that Mr. Ken Amey, the Planner

tasked with studying acceptable compromise options for this property, was also present at the Ad Hoc meeting.

As part of the meetings held, Springfield requested that the developer get feedback from Cheltenham before making any presentation to them. Other questions pertained to the density per lot, design standards, the issue of a single access point to the development, meetings with neighborhood groups and outcomes. The response was that this was just a concept presentation and meetings with the neighbors had not occurred yet. As part of the Applicants last meeting with the Ad Hoc Committee, Springfield requested feedback from Cheltenham first, before any presentations were made to them. The applicant stated that they had attempted to meet with the but this did not come to fruition.

There was a clarification made by Mr. Laughlin, who indicated it was more of a timing issue as to why a meeting with the residents was not held.

Mr. Jones asked how many cars would be able to park on each lot. The applicant responded that it would be two cars per garage, and two in driveway.

Mr. Nixon expressed concerns about the demolition of the mansion and also concerns with the single entrance and potential traffic backup, including school buses, leaving the development and suggested other access points be explored.

Based on a question raised by Mr. Cross as to the advantage of this plan to Cheltenham Township, the developer responded that it was less dense than what was originally proposed when their by-right, age restricted overlay plan was initially presented 5 years ago.

Mr. Cross requested that since Mr. Amey's proposed site plan was alluded to a few times in the course of the discussion, that a copy of the plan be made available to the Planning Commission.

Mr. Cross asked if any trees were being kept in the disturbed building grid. The applicant responded that the existing perimeter tree stand would remain to accentuate the neighborhood but that trees in the grid between the proposed building strips would not. The developer further stated that existing grades would create inefficiencies which would require reworking the plan as shown in order to attain the 93 house count, so necessary to make their project financially viable.

Community comments were as follows:

- Gwen Panchard : “Appreciates the changes, disappointed that this has no wow factor. Why are sidewalks and street lights being proposed? This makes it look like a ghetto”. The response from the applicant was that sidewalks and lighting are a requirement by both townships as part of their ordinances.
- A near neighbor, who is a landscape architect & educator, stated that there is a need for the applicant to show more detail on their plans that include contours.

These would show lines of disturbance and would help with the site layout. The density is too high. He said, "Socially, two neighborhoods so demarcated with such character differences between Springfield and Cheltenham Townships, are not healthy. There is a need to mix up the populations not separate them...and no stormwater or water sheds are shown". If being presented by his students he would fail them. "Need to go back to the drawing board". He further stated that existing trees should be shown in the renderings. The applicant reiterated that the development process started 5 years ago. The developer is not trying to get a plan approved for construction, but still need to engineer it. They are presenting a scaled down use and concept plan and will be seeking a change in the zoning for the area before they can engineer the development plan.

- Mr. Collins: Commended the developer on persisting though this process but had concerns about the closed door meetings that had occurred in place actual public meetings. Also concerned about the one access point especially for emergency purposes. Site plan is not very creative, and the boulevard to nowhere does not make much sense. Troubled that the mansion is being proposed for demolition instead of being made a priority for preservation.
- Mike Human: Raised the question on the role of the Planning Commission. The response was that they made recommendations to the Building & Zoning Committee, and these vary from design, health, safety and welfare, all in the best interest of the community with a degree of sensitivity and sincerity. Mr. Human stated that he wanted to hear the Planning Commission's opinion on development. Mr. Cross stated that procedurally, for presentations like this it is customary for PC members to openly give their opinions after discussions are concluded between developer, the residents, experts and township staff.
- Joe Perelstein, a member of Laverock Neighborhood Association representing 200 plus residents, covered background on the development and proposals in the past. He stated that the association had not heard from the developer since October and not sure why. He further stated that the association hired a land use attorney who advised them that the property could be developed by right with a maximum of 40 single detached dwelling units total, over the entire site "Not sure why they are proposing 93 units when a by right plan would be reasonable and rational, with economical benefits. Would prefer a reasonable development of the property with open space".

Planning Commission Member comments as follows:

- David Harrower: Questioned if the applicant was aware of any developments of similar densities in the County and if they are selling? Applicant noted that there are two examples in Blue Bell. Mr. Harrower further expressed concerns about price points for these units and the applicants proposed demolition of the Laverock Mansion .

- Eric Leighton: Expressed concern about the density being proposed for units. He took no exception to the proximity of the houses from the street, but wished there was a porch. Seeing no evidence of that and assuming the footprint of the typical house shown on the lot plan represents only the building, then outdoor space of reasonable size at the rear of the houses would likely fill the setback, coming in close proximity to the backyard neighbors within the loop road. He further indicated he couldn't imagine this being pleasant for residents, and cannot see any way around this except with less density.

Mr. Leighton questioned if the proposal is something potential residents and neighbors would buy into, especially with the limited setbacks?

The Developer answered that from his perspective, he can build 216 to 229 units by right, per the allowed residential unit densities permitted in the Age-Restricted Overlay District.

- Mr. Cross: stated that this proposal had many troubling aspects they were as follows:
 1. Mr. Cross stated that only one access and egress to the proposed 93 house development was, in his view, grossly inadequate and will lead to serious back-ups loading onto a off Willow Grove Avenue on a regular basis. When asked by the developer if he preferred a second entrance off Willow Grove Avenue he answered "no".
 2. Mr. Cross stated that his overall sense is that the plan has been pressed to maximize density leaving us with single, detached dwellings that in footprint cover 42% of their individual, 6,000 SF plots (more than twice the norm for typical SFDD's) in the township. With grading and steep slopes that are going to create some in-efficiencies he would be against recommending approval to accept any plan supporting 93 single family plots on the overall site.
 3. Mr. Cross stated that the proposed site plan, on the Cheltenham Township side reminded him of many army bases he grew up on.
 4. He stated that he would strongly argue against the destruction of the mansion and that it was clear from the plan that there was very little interest or creative attention given to saving the structure and incorporating it into a useable asset of the development.
 5. In response to the developers frustration that this project has gone back and forth between the two Townships for 5 years without resolution, Mr. Cross answered that he cannot understand why it would take 5 years to produce a plan such as this.

Mr. Goldfarb offered no further comments on the proposal, but agreed to those of other PC members.

Mr. Jones made a closing statement that this was not an application that was pending before the Township and therefore did not require recommendation but that opinions by

the PC members would be useful to the Building and Zoning Committee. The PC requested that they be given the minutes to edit prior that submittal. Township staff agreed.

A Motion to adjourn was made by Mr. Laughlin, and seconded by Mr. Cross at 11:05 p.m.

Submitted by:
Henry Sekawungu



Bryan T. Havir
Township Manager