

Planning Commission Minutes

June 24, 2013

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The Planning Commission ("PC") meeting was held tonight at Curtis Hall. The following Planning Commission members were present: Dr. Forman, Messrs. Cross, Leighton, Goldfarb, Winneberger, Laughlin and Harrower, Ex-Officio DiBenedetto and also present was David R. Jones, Interim Director of Engineering, Zoning & Inspections and Joseph V. Nixon, Montgomery County Planning Commission.

1. Acceptance of the minutes of the May 14, 2013 Meeting.

Mr. Cross amended the minutes as follows:

The word Storey should be spelled Story. Mr. Cross stated that in regards to the Wyncote Elementary School it should read architecturally significant not historically significant.

2. Review of Zoning Hearing Board Agenda for July 8, 2013.

APPEAL NO. 3465: (Continued), Appeal of Elizabeth and Scott Rawes owners of premises known as 7801 Woodlawn Ave., Elkins Park, PA 19027 zoned R-4, from the Decision of the Zoning Officer for the following Zoning Relief in order to construct a 26' x 24' garage with a second floor in-law suite on the northeast side of the premises.

The following Zoning Relief is required for the existing single family dwelling:

- a. A Variance from the rules and regulations of CSS 295-36.F.(2) to allow the construction of a 26' x 24' garage/in-law suite instead of one the many enumerated uses, and
- b. A Variance from the rules and regulations of CSS 295-39.B.(2) to allow the construction of a 26' x 24' garage/in-law suite with a side yard setback of 5' which is less than the required 10' side yard setback width, and
- c. A Variance from "Fences and Walls" as outlined in CCS-295-223. in order to install 124' +/- of 6' high, solid fencing within the Glenwood Avenue frontage required front yard setback area of the Premises instead of the permitted 4' high 50% open fencing.

No one was present for this application. Mr. Jones stated that this application has been in front of the Planning Commission before and the Planning Commission gave suggestions to help prepare for the Zoning Hearing Board (ZHB). Mr. Jones stated that the previous appeal didn't mention needing a variance for the use of an in-law suite.

Mr. DiBenedetto stated that he is concerned for neighbors adjacent to the property. Mr. DiBenedetto acknowledged the letter signed by neighbors but would also like to see the addresses associated from the signatures.

Mr. Laughlin stated that he would like to see where the neighbors properties are in relation to the applicants property.

Mr. Cross stated that the applicant needs to make it very clear what the intent of the project is. Mr. Jones stated that the ZHB is very thorough and suggested that the Planning Commission attach the rendering of the proposed story and a half as exhibit 1 to the minutes to be passed along to the ZHB with the Planning Commission recommendation.

Mr. Winneberger stated that the Committee doesn't know if the shown photographs of other garages have residence space above them. Mr. DiBenedetto stated that he takes issue with a 6' tall solid privacy fence as there is no air flow or ability to see through. Mr. DiBenedetto stated that he has seen numerous examples of privacy fences that are aesthetically pleasing and not as offensive. After further review it was determined that the proposed fence is a shadow box fence. Discussion ensued regarding types of fencing.

Mr. Winneberger made a Motion of No Action subject to the continued inclusion of the PC's comments from the last time this matter was discussed and inclusion of the exhibit in the minutes. Mr. Goldfarb seconded the Motion; the motion passed.

APPEAL NO. 3467: Appeal of Anita T. Conner, owner of premises known as 8000 Old York Road, Elkins Park, PA 19027 from the decision of the zoning officer for the following zoning relief in order to allow a 4% expansion of an existing Accounting and Law office in a Class R-4 residential district.

- a. A special exception in accordance with Article XXIX of Chapter 295 of the Cheltenham Code as follows:
 1. A Special Exception to permit alteration and expansion of a non-residential building in accordance with CCS 295-227.B. for an existing non-conforming use.
 2. A Special Exception in accordance with CCS 295-227.C.(2) for an addition to non-conforming building not to exceed 25% of original building.

Mr. & Mrs. Conner and their contractor Steve Johnson were present for this application.

Mr. Johnson stated that the building is currently an accounting office and the applicant is in need of a conference room. Mr. Johnson stated that there would be no additional staff or extra cars needing parking, it's only for conference room space.

Mr. Johnson stated that there will be no change in the footprint of the building. Mr. Laughlin asked how long the expansion would be. Mr. Johnson stated that it would be 14' off of the back and would cantilever 2 ½' - 3'.

Mr. Johnson stated that the project would look like one building and would have the same windows and shutters. Mr. Cross stated that the plans were very clear. Mr. Laughlin stated that photographs of what is there now would be helpful. Mr. DiBenedetto stated that he appreciates that the commercial use looks like a residential building.

Mr. Cross suggested that the applicant get letters of approval and support from immediate neighbors. Mr. Cross stated that he agrees with Mr. DiBenedetto that the building blends nicely with the neighborhood.

Mr. Cross made a motion of approval. The motion was seconded by Mr. Winneberger.

APPEAL NO. 3469: Appeal of David Barry, equitable owner of premises known as 338 E. Laurel Avenue, Cheltenham, Pa 19012 from the decision of the zoning officer for the following zoning relief in order to use the garage on the premises as an office and warehouse for the operation of a landscaping/snowplow business and storage of landscaping/snowplow equipment on the premises.

- a. A Variance from the Rules and Regulations of the Class R-8 residential district as outlined in CCS 295-64.E. to allow "accessory use" of the existing garage as an office for the proposed business; and for the storage of equipment; and for use of the grounds for storage of plants, shrubs, trees and materials for planting off-site.

David and Bill Barry were present for the application.

Mr. Jones stated that the applicant is seeking ZHB approval to operate a landscaping business and store equipment and materials to be used in conjunction with the proposed business.

Bill Barry stated that his son David Barry would be living in the main house and the equipment they use for their family owned landscaping business would be stored at the property. Bill Barry stated that they would park trucks, snow plows and other landscaping equipment and use some of the space for staging of supplies.

Bill Barry stated that they have most of the supplies delivered to the job site. Discussion ensued regarding where equipment would be stored. Mr. Laughlin asked if the areas are paved. Bill Barry stated that it's grass now but used to be stone. Mr. Laughlin asked if there were plans for blacktop or concrete pads. Bill Barry stated that there may be some stone put down for stabilization and nothing more.

Mr. Cross suggested having a site plan available indicating where the equipment will be located.

Mr. Cross suggested that Mr. Barry obtain letters of support from the neighbors and compile a history of the property.

Mr. Cross stated information should be provided on the hours of operation and how the property will be staged seasonally, Mr. Cross stated that the more information that is presented the better.

Mr. Laughlin stated that as long as Mr. Barry has support of the community it is a nice use of the property. Mr. Laughlin expressed concern about the open space behind the barn becoming storage of stone and vehicles resulting additional water runoff into Tookany Creek.

Dr. Forman asked if there would be any chemicals or road salt being stored on the property. Bill Barry stated that the gasoline will be in small gas cans similar to what people use at home and that there wouldn't be large 200 gallon tanks of gas on the property. Mr. Cross suggested identifying all materials that would be stored on the property. Mr. Jones stated that the ZHB is very thorough and will require a detailed site plan. Mr. Laughlin stated that in his opinion the space behind the barn should remain grass.

Mr. Cross stated that the Plan should list all existing features and list anything hazardous that might be stored on the property.

Mr. Winneberger made a motion of no action with the following conditions:

- * A plot plan layout of vehicle storage areas to be provided.
- * No impervious coverage should be installed to the rear of the garage
- * Existing features plan be provided.
- * List chemicals kept and location to be stored.
- * Hours of operation be identified.

Dr. Forman seconded the motion, the motion passed.

Review of Cheltenham Township Development Application No.13-0520 – Calvary Orthodox Presbyterian Church-734 Willow Grove Avenue.

Rich Knuedsen, P.E. was present for this application.

Mr. Knuedsen stated that the application received ZHB approval in September and was now proceeding through the Land Development process.

Mr. Knuedsen stated that the original church was built in 1950 and is in desperate need of an upgrade. Mr. Knuedsen stated there are about 180 members of the church, and there are no plans to increase the membership of the church. Mr. Knuedsen explained that the elderly church members have stopped coming to church due to the poor access points of the facility.

Discussion ensued regarding presented plan. Mr. Knuedsen stated that there would be an elevator, updated toilet rooms as well as an area for a copier, a pastor's office and an area for supply storage.

Mr. Knuedsen stated that the old bathrooms are minimal and are not handicap accessible, in order to make the bathrooms accessible the Pastors study would need to be relocated. Mr. Knuedsen stated that the applicant is proposing to increase the number of parking spaces. There is an agreement with Westminster Theological for shared parking, but the congregants have to cross the busy roadway which is a safety hazard.

Discussion ensued regarding retaining wall and stormwater drainage. Mr. Knuedsen stated that the church would be providing an inlet to take water from neighboring properties through church property to drain into Church Road storm drainage system.

Mr. Knuedsen stated that the addition to the church building will match the architectural style of the current church.

Mr. Jones stated that the items presented in the Interim Township Engineer's review letter dated June 21, 2013 need to be addressed prior to plans being considered acceptable by the Engineer. Mr. Knuedsen was in agreement and indicated his intention to comply.

Dr. Forman suggested that Mr. Knuedsen review the Cheltenham Township Sustainability Plan. Discussion ensued regarding sustainability issues such as low flow toilets.

Mr. Winneberger made a motion to recommend approval of the plans to the Board of Commissioners; Mr. Cross seconded the motion, the motion passed.

APPEAL NO. 3468: Applicant Goodman Enterprises is the equitable owner of a 3.65+ acre parcel of ground with frontage on Ogontz Avenue, Limekiln Pike, MacDonald Avenue and Clubhouse Lane. The property is located in a C1 Zoning District and is currently vacant.

Applicant proposes to develop the property for a WaWa Super Store containing 5,585 square feet with fueling stations. In this regard, Applicant requests the following zoning relief:

1. A variance under Section 295-98 of The Cheltenham Zoning Ordinance of 1929, as amended (the "Ordinance") so as to permit the property to be used as a Wawa convenience store containing 5,585 square feet with fueling stations;
2. A variance under Section 295-102 of the Ordinance for a reduction in the width of the 15 foot wide buffer along a public highway. The area between the proposed driveway and the Limekiln Pike right-of-way is 11.1 feet;
3. A variance under Section 295-101.A of the Ordinance to permit a canopy along Limekiln Pike to be located less than 60 feet from Limekiln Pike;
4. An interpretation under Section 295-221.B.(5)(a) of the Ordinance or, in the alternative, a variance under Section 295-221.B.(5)(a) of the

Ordinance, to permit parking to be located between the building and the street;

5. A variance under Section 295-221.F of the Ordinance so as to increase the allowable parking area. The convenience store and the fueling stations use requires 31 parking spaces. Applicant is proposing 66 parking spaces, which is in excess of the maximum parking standard;
6. A variance under Section 295-221.K.(1) of the Ordinance so as to permit service and loading behind the building. Applicant proposes to have the loading on the side of the building (along Clubhouse Lane);
7. A variance under Section 295-196.A.(3) of the Ordinance so as to permit five (5) directional signs, each exceeding 4 square feet; and
8. Variances under Section 295-197.C.(1)(a) of the Ordinance, so as to permit: (a) two (2) free-standing, internally illuminated, double sided signs with LED price changer, one (1) containing 189.04 square feet with a height of 40 feet (located on Ogontz Avenue), and one (1) containing 99.94 square feet with a height of 25 feet (located on Limekiln Pike); (b) three (3) parallel wall signs with logo, one (1) containing 66.69 square feet (facing Limekiln Pike), one (1) containing 37.47 square feet on the rear of the building (facing the Clubhouse Lane/MacDonald Avenue intersection); and (c) an additional 3.92 square feet of parallel wall signage (pump signage), as per the attached signage plan, all of which parallel wall signs total 108.08 square feet, which total exceeds the maximum square footage permitted;
9. A variance under Section 295-221.B.(5)(b) of the Ordinance so as to permit off-street parking on the corner lots;
10. A variance under Section 225-221.C.(2)(c) of the Ordinance so as to permit the width of driveway entrance along Limekiln Pike to exceed 24 feet in width. The proposed driveway width is 30 feet;
11. A variance under Section 225-223 of the Ordinance so as to permit the trash enclosure to be located approximately 20 feet from the rear yard setback area. The rear setback requirement is 50 feet;
12. To the extent that it is determined that the right-of-way line is located on the conservation easement boundary, Applicant requests additional relief under paragraphs 2 and 3 above as the setbacks may change; and
13. Applicant seeks such other variances, special exceptions and interpretations as may be required in order to develop the property in accordance with the plans submitted by Applicant.

Mr. Bruce Goodman, from Goodman Properties, Rob Irons, P.E. from Bohler Engineering, and Peter Friedman, Esq. Attorney for applicant were present for this application.

Mr. Goodman stated that he is the equitable owner of the 3 ½ acre property. Mr. Goodman gave a PowerPoint presentation of the proposed location and layout of the proposed Super Wawa.

Mr. Goodman stated there would be 8 pumps with a total of 16 fueling stations.

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Presentation ensued. Mr. Goodman stated that they would be able to provide a nice green area and that the applicant is currently working with PennDot to address any traffic concerns. Photos of the shop displays proposed development were shown.

Mr. Goodman stated that Wawa is prepared to sign a 20 year lease. Mr. Goodman stated that there would be ample landscaping and that the proposed development would clean up a vacant piece of property.

Photos were shown of current views and proposed views along Rte 309 and behind Wyngate Development.

Mr. Goodman stated that the requested 185 SF sign is much larger than what's allowed in the ordinance but he feels like it's necessary for the motorists traveling along Rte 309 to see the property and get in the proper lane of traffic to turn into the Wawa.

Mr. Cross asked if there were any detailed plans on what the building would look like. Mr. Goodman stated that there wasn't anything definite yet. Mr. Cross expressed concern about the queing of cars getting into the fueling position. Mr. Goodman introduced Rob Irons from Bohler Engineers to discuss specifics.

Mr. Irons explained that the current layout allows for full visibility of all pumps so that traffic will not have to circulate searching for another pump. Discussion ensued regarding pump location and circulation patterns.

Mr. DiBenedetto asked why everything could not be shifted to the right. Mr. Irons explained that the gas pumps need to be visible to the cashier, and is a state law which is enforced by the Fire Marshall.

Mr. DiBenedetto also asked why the driveway could not be moved away from the fueling stations. He expressed concerns about the size of the signs, location to the Rte 309 corridor for Wawa which is the entrance into Cheltenham Township. Mr. DiBenedetto inquired if a traffic study had been done. Mr. Irons stated that it has not been done yet.

Mr. Goodman stated that there would be a 6' fence on top of the proposed retaining wall; and that the previous proposed Hotel was on the high side of the lot and was 3 stories and would be significantly more visible to the neighbor.

Mr. Laughlin clarified that the property is zoned commercial, but is not zoned for a gas station which is why a use variance is being requested.

Mr. Laughlin expressed confusion regarding the shown right hand turning lane depicted on the pictures; Mr. Laughlin stated that he's concerned drivers would turn into Wawa thinking they were turning onto Limekiln Pike. Mr. Goodman stated that PennDot addressed that a right hand turn off Rte. 309 was the only safe way to handle the traffic flow in that area. Further discussion ensued regarding the size of the proposed signage.

Mr. Laughlin asked if the green space near the entrance drive would be utilized for Stormwater Management. Mr. Goodman stated that the Stormwater Management system is already in place and was constructed by the development at Wyngate. Mr. Irons stated that inlets would need to be installed but the stormwater management facilities are already constructed. Discussion ensued regarding Stormwater Management.

Mr. Laughlin expressed concern about the congested entry way Mr. Cross asked if it would be possible to lose a few of the pumps. Mr. Irons stated that Wawa feels like this is the appropriate number of fueling stations to handle the anticipated customer visits.

Mr. Cross expressed concern regarding not seeing a building prototype just a Photoshop presentation. Mr. Laughlin asked where a similar Wawa was located so he could visit it. Mr. Irons stated that he could get examples and provide them to the Township.

Mr. Winneberger felt that the community needs to see what the pumps and what the store would look like.

Discussion ensued regarding vehicular traffic and traffic in the neighboring development. Mr. DiBenedetto stated that the third entrance which is on Mac Donald Avenue moves more traffic into the community.

Mr. Goodman stated that this rear entrance is needed so that people could make a left hand turn out of the property onto Ogontz.

Mr. DiBenedetto was concerned about the property opposite the exit on Mac Donald Avenue. Mr. Goodman stated that he is the equitable owner of that property as well and nothing is planned for the property.

Dr. Forman suggested that Mr. Goodman review the Township's Sustainability Plan and look closely for anything that can be incorporated. She expressed concern about the air quality issues and idling cars. Dr. Forman stated that when the original hotel and Stormwater Management plan was developed it was a different climate, much has changed that the previous Stormwater Management plan is outdated, and calculations need to be changed.

Mark Tucker member of the Economic Development Task Force (EDTF) and a 30 year resident that was concerned about the Google map overview and the fact that it is not an actual site plan with rendering of an actual building. He suggested studies being done on the impact to the neighborhood and the impact on the standard quality of life for the neighbors in the Wyngate development. He stated that traffic is an issue now it will be much worse with a Super Wawa. He was concerned about the increase on crime, trash, stormwater and sustainability; and requested full studies be done on the issues. He expressed additional concern for the students at Cedarbrook Middle School attempting to cross the road to get to Wawa. He felt that an additional gas station is not needed as there are 3 within a 1 block radius; he was concerned that the Appeal seems to be on the fast track without the community having enough time to digest the issues and the community isn't adequately prepared for this project.

Donna Powell a Resident of Wyngate, stated that her house is 400' from the proposed Super Wawa; when she purchased her home she didn't consider the possibility of a Super Wawa being built so close to it. Ms. Powell stated that she feels as though this development would destroy the community. She had concern about traffic and people cutting through the development to bypass traffic; she is concerned regarding the signage and stated that the neighbors would be able to see the signage from their bedroom windows; noise 24/7 and she was also concerned about the School Bus stop at the intersection near the Super Wawa; the proposed underground storage tanks; the closest house to the Super Wawa is 80' away; she had stated that a Super Wawa will impact on Wyngate and will drastically decline property values in Wyngate.

Mr. Goodman stated that the proposed site development will not change much, because it can't. This is just the beginning and they are far away from completion and being able to build. A lot of the discussed issues will have to be addressed in Land Development and won't be approved instantly and this evening's meeting was for zoning only.

Mr. Cross suggested that Mr. Goodman take a second look at the access points, building signage and basic boundaries of the site development and asked if it would be difficult to change. Mr. Goodman

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stated that what was presented is pretty much how it's going to stay. Discussion ensued regarding the Site Plan.

Community Comments:

Steve Harland -15 Old Cedarbrook- stated that he isn't opposed to commercial development, but to a Super Wawa so close to his home. He was concerned about traffic getting worse, and wanted to know the list of requested variances. Mr. Harland stated that the community wants more time to form a better response to this project.

Stephanie Cardo-Resident of Wyngate stated that not only do the residents of Wyngate have to contend with the developer renting out 22 of the homes in Wyngate but they now have to contend with a Super Wawa. The units have sunrooms which are open and exposed; any person could walk through the complex and look into homes. She is concerned about her right to privacy.

Ray Newton- Resident of Wyngate expressed concern about the school bus stop at the intersection in front of the proposed Super Wawa. This project will negatively impact the community and as a father with two small children with asthma, he was concerned about the gas fumes.

Clavon Harris -13 Old Cedarbrook Rd. wanted a halt to the rapid progress of the proposal as the community hasn't had time to formulate a plan.

Member Comments:

Mr. DiBenedetto was disappointed about the lack of flexibility the plan going to change and believed that the plans could and should change. He stated that the location makes sense from a development standpoint but from a community standpoint it raises a lot of issues that need to be addressed.

Mr. Harrower was concerned about the right turn issues coming into the Wawa property the tightness of the left hand turn out and the amount of light spillage coming from such a large illuminated sign.

Mr. Leighton stated that he understands the grade differentials and feels that all of the comments were good ones and that conversations between the residents and the developer should continue. He was concerned about children trying to cross the road from Cedarbrook Middle School attempting to get to the Wawa.

Mr. Winneberger stated that he didn't get a clear understanding of the appearance of the building and the overall site plan. He was concerned about the internal traffic flow and traffic patterns off of Rte. 309. He feels the signage isn't that big of an issue as there is a billboard nearby about 4 times higher than the proposed Wawa signage. Mr. Winneberger stated that he would like to see an traffic impact study as well as lighting and Stormwater Management being addressed.

Mr. Laughlin stated that he pays taxes in the Township and that the tax revenue a Wawa would generate would be significant. He expressed concern for the health, happiness and welfare of the residents of Wyngate if this project is built.

Dr. Forman stated that she is concerned with the light pollution and would like to see an evaluation of the height of the lamps in relation to light spillage. She also expressed concern about the safety of the students trying to cross the street from Cedarbrook Middle School. In her opinion, there are ways to do development and still maintain the character of the Township instead of development for development sake.

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Mr. Jones stated that the Township is not moving this application ahead of any other applications, the Township is not moving the ball on this project, and when an applicant makes a timely application the Township has an obligation to follow the meeting protocols and schedules.

Mr. Goodman stated for the record that this application has not been reviewed for Land Development yet and is only in for zoning relief at this time.

Mr. Cross stated that he is troubled by the speed of this application and is worried about the ability of the Township and residents to vet through issues. Mr. Cross stated there are numerous issues that were brought up and that when development sites are being planned greater care needs to be taken in consideration of the impact to neighbors. Mr. Cross stated that he wants to see a project that is successful not only for Wawa but for the community at large. Mr. Cross stated that there are issues with safety, buffering, traffic among other things. Mr. Cross stated that this is not a project that can be fast tracked and the Township needs time to thoroughly review everything.

Mr. Laughlin made a motion of Denial as presented; Mr. Cross seconded the motion; the motion passed 4 to 2.

4. Old Business

None.

5. New Business

None.

6. Adjournment

Mr. Cross made a motion for adjournment; Mr. Goldfarb seconded the motion, the motion passed.

The meeting adjourned at 10:35 P.M.



Bryan T. Havir
Township Manager

Per Holly A. Nagy