

**April 26, 2010  
Curtis Hall**

The Planning Commission ("PC") meeting was held tonight at Curtis Hall in Curtis Arboretum. The following Planning Commission members were present: Messrs. Cross, Gordon, Goldfarb, Leighton, Winneberger and Greenberg; also present were ex-officio member Laughlin; ex-officio member; Harrower; ex-officio member, DiBenedetto; and David M. Lynch, Director of Engineering, Zoning & Inspections;

**1. Acceptance of the minutes of the March 22, 2010 Meeting.**

Mr. Gordon made a Motion to accept the March 22, 2010 meeting minutes; The Motion was seconded by Mr. Winneberger; the Motion passed.

**2. Review of Zoning Hearing Board Agenda for May 25, 2010.**

**Appeal No. 3364:** (Continued and Amended) Appeal of Thomas Ferrick, Owner of Premises known as 110 E. Waverly Road, Glenside, PA from the Decision of the Zoning Officer in order to develop the existing 18, 310 SF (.420 ± Acre) lot at the Southwest Corner of the intersection of Keswick Avenue and E. Waverly Road that currently contains an existing five (5) unit apartment building and separate garage building by demolishing the garage building and constructing five (5) new two (2) story townhouses on the Premises. In connection with the proposed townhouse development, a parking area containing sixteen (16) parking spaces shall be provided.

The following Zoning Relief is required:

- a. Variances from the Rules and Regulations of the Class R-7 Residence District as outlined in Article X of Chapter 295 of the Cheltenham Code, as follows:
  - i. From CCS 295-57. for two (2) permitted uses (townhouse use and apartment use (legal nonconforming use)) on the premises instead of only one permitted use thereon.
  - ii. From CCS 295-58.B. for a lesser lot area of 1831 SF per family instead of the minimum required 2500 SF per family (Based on 10 Dwelling Units).
  - iii. From CCS 295-58.B. for zero lot width for the five (5) townhouses instead of the minimum required 20'.
  - iv. From CCS 295-60.B. (2) for the noted lesser Side Yard Setbacks instead of the minimum required 16', as follows:
    1. For a 10' Side Yard Setback for the Northwest Townhouse unit.
    2. For an 5.58' Side Yard Setback for the Southeast Townhouse Unit
  - vi. From CCS 295-60.C. for a lesser Rear Yard Setback of 15' instead of the minimum required 25.
- b. A Variance from the Rules and Regulations of "Parking and Loading" as outlined in from CCS 295-221.H. for a lesser amount of off-street parking of sixteen (16) parking spaces instead of the required eighteen (18) on-site parking spaces (for both townhouses and apartments).

Mr. Hal Lichtman was present to discuss this application. Mr. Lichtman stated that the Applicant decreased the unit number from 6 to 5 and to consolidate two buildings into one and that the zoning variances previously requested were either decreased or eliminated.

Mr. Lichtman also noted that the driveway was relocated as requested by the Planning Commission at the March 22, 2010 meeting. Mr. Lichtman stated that the elevations of the plans have not changed; the building has become longer.

Mr. Winneberger made a Motion to approve, Mr. Leighton seconded the Motion; the Motion passed.

**Appeal No. 3365:** (Continued) Appeal of T-Mobile Northeast, LLC, proposed site leaseholder on premises known as 2000 Ashbourne Road, Elkins Park, PA (a/k/a Cheltenham Township School District Administration Building), from the Decision of the Zoning Officer for the following Zoning Relief in order to replace an existing 41' high flagpole with a 100' high faux flagpole telecommunication tower with six (6) internal antennas and to install the associated telecommunication equipment (four (4) equipment cabinets) inside a 8' x 25' fenced equipment compound adjacent to the front of the existing Administration Building:

- a. Variances from the rules and regulations of the Class R-3 Residence District as outlined in Article V of Chapter 295 of the Cheltenham Code, as follows:
  - i. From CCS 295-21. for the proposed telecommunication complex instead of one of the enumerated permitted uses; and
  - ii. From CCS 295-25. for the 100'± high faux flagpole telecommunication tower instead of the maximum permitted 40' high structure height.

No one was present to discuss this application. Mr. Cross made a Motion of denial; Mr. Goldfarb seconded the Motion; the Motion passed.

**APPEAL NO. 3368** - Appeal of Chun and Kimberly Lai, owners of premises known as 7902 Rambler Road, Elkins Park, PA, from the decision of the Zoning Officer in order to make the following improvements to the property:

1. A 22.4' W x 33.2' L raised deck along the southwest side of the house.
2. A 10' W x 31' L porch roof on the southwest side of the house.
3. An 8.8' x 10' hot tub to the southwest of the house.
4. Renewing and expanding the paving surround around the existing pool.
5. Refurbishing and relocating 110 ± LF 6' high solid fencing around the pool.
6. A 8' x 3' pool equipment enclosure.
7. A 5' x 13' shed on the southwest side of the existing garage.

The following Zoning Relief is required:

- a. Variances from the Rules and Regulations of Class R-3 Residence District as outlined in Article V of Chapter 295 of the Cheltenham Code, as follows:
  - i. From CCS 295-23. for a greater building area of 19.43% instead of the maximum permitted 15%.
  - ii. From CCS 295-24.A. (1) and A. (2) for the following noted lesser front yard setbacks instead of the minimum required 50' from the northwest side of Rambler Road:
    1. For a 26.8±' setback for the deck.

2. For a 28.3±' setback for the porch roof.
  3. For a 46.8±' setback for the hot tub.
  4. For a 15.6±' setback for the pool equipment enclosure.
- iii. From CCS 295-24.A.(1) and A.(2) for the following noted lesser front yard setbacks instead of the minimum required 50' from the northeast side of Spring Avenue:
1. For a 38.2±' setback for the deck.
  2. For a 29.5±' setback for the hot tub.
  3. For a 6±' setback for the pool equipment enclosure.
  4. From CCS 295-24.B. for a lesser Side Yard Setback of 12. 4±' instead of the minimum required 15'.
- b. A Variance from the Rules and Regulations of "Fences and Walls" for the refurbishing and relocating of 110±' of 6' high solid fencing within the required front yard setback areas along Rambler Road and Spring Avenue instead of the permitted 4' high, 50% open fencing.
- c. In the alternative to b., above, a determination that the refurbishing and relocation of the pool fencing is an existing legal non-conforming use.
- d. A Variance from the Rules and Regulations of the "Steep Slope Conservation District" as outlined in CCS 295-167. for the renewed and expanded pool surround and the pool equipment enclosure

Scott Crawford, Architect for the Applicant was present to discuss this application. Mr. Crawford stated that the work being done was primarily repair work to the existing pool. Improvements include, burying the pool plumbing, expanding the pool deck and rebuilding existing side porch.

Mr. Winneberger made a Motion of Approval; Mr. Leighton seconded the Motion; the Motion passed, with the following conditions:

**APPEAL NO. 3369** - Appeal of Jack and Morgan Selkirk, Owners of Premises known as 421 Jefferson Avenue, Cheltenham, PA, from the decision of the Zoning Officer for the following Zoning Relief for an existing 7'x 7' shed in the rear yard:

- a. A Variance from the Rules and Regulations of the Class R-8 Residence District as outlined in CCS 295-67.B. (2) for a lesser Side Yard Setback of 2' instead of the minimum required 9'.
- b. A Variance from the Rules and Regulations of "Yard Regulations" as outlined in CCS 295-220.C. for a lesser Rear Yard Setback of 2' instead of the minimum required 15'.

Mr. Lynch noted that the Applicant inadvertently built the shed without proper Zoning Relief. Ms. Morgan Selkirk was present to discuss the application and stated that due to being new to the area she only became aware of Cheltenham Township's requirement for a building permit for sheds when she came in for a fence permit.

Mr. Gordon made a Motion of Approval; Mr. Winneberger seconded the Motion; the Motion passed.

**APPEAL NO. 3370** - Appeal of St. Nicholas Serbian Orthodox Church, Owner of Premises known as 506 Stahr Road, Elkins Park, PA, from the Decision of the Zoning Officer for the Zoning Relief for the following site improvements:

1. An existing 403 S.F. driveway extension
2. A new 6.75' x 11.75" ( 80 S.F.) concrete pad.
3. A new CMU Retaining Wall.
4. An existing relocated 8.5'x 12.0' (102 S.F.) Storage Shed.
5. An existing 20' x 15.3' (306 S.F.) concrete pad.
6. New wall mounted and pole mounted lighting fixtures.

The following Zoning Relief is required:

- a. From the Rules and Regulations of the Class R-5 Residence District as outlined in Article VIII of Chapter 295 of the Cheltenham Code, as follows:
  - i. A Special Exception in accordance with CCS 295-43.C. for the noted expansion of the Religious Use of the Premises.
  - ii. A Variance from CCS 295-46.B.(2) for a lesser Side Yard Setback of 6' from the Southerly property line instead of the minimum required 20' for the shed.
- b. A Variance from the Rules and Regulations of the Steep Slope Conservation District as outlined in CCS 295-167. for the driveway extension and relocated shed.
- c. In the alteration to a. i., above, a Special Exception in accordance with the Rules and Regulations of " Nonconforming Uses" as outlined in CCS 295-227.C. for the noted expansion of the Religious Use of the Premises.

Justin Ruby of Mainstay Engineering was present to discuss the application.

Mr. Lynch stated that the new congregation didn't know about the zoning history of the property and expanded the driveway and put in a new concrete pad. The properties previous Zoning Relief was for a shed that has currently been moved to the Southwest corner of the property.

Mr. Ruby stated that the concrete pad was for a more secure play area for the congregation's children and is surrounded by an existing 8' high chain link fence.

Mr. Lynch noted that due to the addition of HVAC units the application triggered Land Development. Mr. Lynch also noted that any addition of permanent playground equipment will require additional Zoning Relief.

Mr. Gordon made a Motion of No Action; Mr. Winneberger seconded the Motion; the Motion passed.

**APPEAL NO. 3371** Appeal of Southeastern Pennsylvania Transportation Authority ("SEPTA"), Owner of Premises known as 2501 W. Cheltenham Avenue, Wyncote PA (a\k\ a SEPTA Cheltenham and Ogontz Bus Loop), from the Decision of the Zoning Officer for Zoning Relief in order to make the following improvements to the Premises: five (5) new Passenger Shelters, Sawtooth Islands, Site Grading, Landscaping, Stormwater Management, Site Lighting, Signage, Vehicular and Pedestrian Traffic Improvements.

The following Zoning Relief is required:

- a. Variances from the Rules and Regulations of the Class C-2 Commercial and Business District as outlined in Article XVI of Chapter 295 of the Zoning Code, as follows:
  - i. From CCS 295-108. for expansion of the nonconforming use of the Premises.
  - ii. From CCS 295-111. A.(1) and (2) for the noted lesser front yard setbacks instead of the minimum required 40', as follows:
    1. A zero foot setback for the Northeastmost Bus Shelter (21'-2" L x 14'-7" W x 11'-6" H)
    2. A zero foot setback for the Southwestmost Bus Shelter (21'-2" L x 14' - 7" W x 11' 6" H)
    3. Setbacks varying from 5' to 40 (-)' for 11 Light Standards.
  - iii. From CCS 295-111. B. for the noted lesser Side Yard Setbacks instead of the minimum required 15', as follows:
    1. A 9' Setback for the Northwestmost Bus Shelter (21'-2" L x 7'-0" W x 11'-6" H)
    2. Setbacks varying from 9' to 14.5' for 5 light standards.
  - iv. From CCS 295-114. for providing a green area less than the minimum required 25% of the lot area.
  - v. From CCS 295-114. for not providing a continuous 15' wide landscape buffer abutting the entire perimeter of the lot, excluding driveways, for ingress and egress.
  - vi. From CCS 295-114. for 6 driveways varying in width from 29' to 43' instead of the permitted 2-20' wide driveways.
  - vii. From CCS 295-115. for a lesser buffer width of 9' along the Northwest property line (C-2/C-4 Zoning District Boundary) instead of the minimum required 25'.
- b. In the alternative to a.i., above, a variance from the Rules and Regulations of "Nonconforming Uses" as outlined CCS 295-227.C.(2) and (3) for expansion of the nonconforming use of the Premises beyond 25% of the magnitude of the initial nonconforming use of the Premises.
- c. Variances from the Rules and Regulations of the "Steep Slope Conservation District" as outlined in Article XXII of Chapter 295 of the Cheltenham Code, as follows:
  - i. From CCS 295-167. for any of the proposed improvements in Steep Slope Areas.
  - ii. From CCS 295-168. for not submitting a plan conforming to the enumerated Lines and Grades Plan requirements.

Mike Econola and Clay Payne were present to discuss this application.

Mr. Payne stated that Zoning Relief was required due to the bus shelters being built within the Right of Way. Mr. Econola noted that additional Zoning Relief was requested due to being unable to meet the

Green space requirements and that the driveway width of the bus loop is considered non-conforming. Mr. Payne noted that there were also signage issues as there will be 10 stop signs, 8 breezeway signs and 18 gateway signs.

Mr. Lynch noted that the gateway sign is not a zoning issue and that Land Development Plan was needed for a landscape buffer.

Mr. Econola also stated that there is a proposed light on the Ogontz Pedestrian Crossing and allows for easier and safer Pedestrian access than before

Mr. Gordon made a Motion of No Action; Mr. Goldfarb seconded the Motion; the Motion passed.

### **3. Review of Zoning Hearing Board Agenda for May 10, 2010.**

**APPEAL NO. 3336** (Continued And Amended) – Appeal of Matrix Ashbourne Associates, L.P., owner of premises known at 1100 Ashbourne Road, Cheltenham, PA (a/k/a “Ashbourne Country Club”), from the Decision of the Zoning Officer for Zoning Relief in order to develop the Premises into a 240 Unit Development consisting of a minimum of forty-five (45) Single-Family Residences and a maximum of one hundred and ninety five (195) Carriage Homes. In addition, an area containing approximately 2 acres has been set aside for a future clubhouse and swimming pool and a separate area containing approximately 1.5 acres has been set aside for a future Commercial Area. The premises are within the Class R-1 Residence District.

The following Zoning Relief is required:

- a. A Variance from the rules and regulations of the “Floodplain District” as outlined in CCS 295-156. so as to allow construction of portions of Stormwater Management Basins # 2C, # 2D and # 2E and replacement of the existing 8” T.C. Sanitary Sewer Line (if required) within the 100 Year Floodplain Area.
- b. Variances from the rules and regulations of the “Steep Slope Conservation District” as outlined in Article XXII of the Cheltenham Code, as follows:
  - i. From CCS 295-167. for the construction of free-standing structures, building and retaining walls, internal accessways, driveways, parking areas, swimming pools, sanitary sewers, stormwater management facilities, other underground utilities and landscaping.
  - ii. A determination that the Lines and Grades Plans submitted with the Application substantially conforms with the Lines and Grade Plan(s) requirements set forth in CCS 295-168.
  - iii. In the alternative to, b.ii, above, a Variance from CCS 295-168. for not submitting plans conforming to the stated Lines and Grades Plan(s) requirements.
- c. A determination that the number of parking spaces shown on the Applicant’s plans are not in excess of the maximum permitted under CCS 295-221.F..
- d. In the alternative to c., above, a Variance from the rules and regulations

- of "Parking and Loading" as outlined in CCS 295-221.F., for a greater amount of parking of 631 parking spaces instead of the maximum permitted 120% of the required parking spaces which equals 491 parking spaces.
- e. Zoning Relief from the rules and regulations of the "Age Restricted Overlay District" as outlined in Article XXXIII of Chapter 295 of the Cheltenham Code, as follows:
- i. A Special Exception in accordance with CCS 295-242.B.1 for the Age Restricted Development.
  - ii. A Variance from CCS 295-242.B.2 so as to permit restaurants small-scale retail, personal service shops, professional service shops in a separate building or buildings situated in the approximately 1.5 acre area designated on the Concept Plan as "Potential Commercial Area". Such building(s) shall not have residential units therein.
  - iii. A Special Exception in accordance with CCS 295-242.B.3 for a Clubhouse with common areas and meeting rooms, indoor and outdoor recreational facilities and maintenance and security facilities.
  - iv. A Special Exception in accordance with CCS 295-242.B.3 for a swimming pool for the residents of the Age Restricted Community only.
  - v. A Variance from CCS 243.B.8.a. to permit sanitary sewer facilities (if required) and Stormwater Management Basins #2C, #2D and #2E within the floodplain.
  - vi. A Variance from CCS 295-243.B.8.d. to permit development within areas having a slope of 15% or greater.
  - vii. A Variance from CCS 295-243.B.8.e. to permit sanitary sewer Facilities (if required) and Stormwater Management Basing #1A, #2C and #2E within the Riparian Buffer Areas.
  - viii. A Variance from CCS 295-244. for a minimum distance between Buildings of 20' instead of the minimum required 30'.
- f. A Variance from the entirety of the rules and regulations of the "Preservation Overlay District" as outlined in Article XXIV of Chapter 295 of the Cheltenham Code.
- g. In the alternative to f., above, an interpretation that the rules and regulations of the "Preservation Overlay District, as outlined in Article XXIV of Chapter 295 of the Cheltenham Code are not applicable due to the provisions of the last sentence of CCS 295-241.

Peter Friedman, Stuart Appel, Don Epstein were present to discuss this application.

Mr. Friedman stated that the Applicant has been working for the past 10 months to reduce impact on the area. Mr. Friedman noted that the annual Fiscal Impact on the Township and the School District once project is built is over 2 million dollars, 1.1 million if the project was built as market rate housing.

Mr. Stuart Appel of Wells Appel presented a Powerpoint Presentation of the existing and proposed Ashbourne Development. Mr. Appel proceeded to discuss the things the developer has done to change

the plan to meet the concerns of the Township and of the residents. Such as Emergency Vehicle access road, more green space etc.

Discussion ensued regarding the Powerpoint presentation and the look of surrounding neighborhood houses.

Discussion ensued regarding the types of materials being used in the proposed development and trying to keep in line with the overall neighborhood look of Cheltenham Township.

Mr. Appel discussed illustrative sections and vantage points at the time of building and 10-15 Years later.

Mr. Ken Amey stated that the presentation of Matrix was complete. Mr. Amey feels as though the overall plan is a reasonable plan and is lower in density.

Mr. Mitch Zygmund-Felt stated that the 2004 plan had viable options that could still be used in today's plan. Mr. Zygmund-Felt that the Cheltenham Township Sanitary Sewer issues would be worse with such a large development. Discussion ensued regarding Sanitary Sewer issues and EDU releases.

Mr. Vescovich doesn't feel like this is a viable project and that Age Restricted Housing is inappropriate for a Township with such high taxes.

Mr. Cross questioned where the EDUs for the project would come from if the Township is under a Sewer Moratorium. Mr. Lynch stated that he is currently in the process of developing alternatives for the Board of Commissioners.

Mr. Cross questioned whether this project is unbuildable; Mr. Lynch noted that in order for Building Permits to be issued the developer must do a Sewage Facilities Planning Module and that DEP hasn't decided if the previous Ashbourne Country Club Sewage Facilities Planning Module is sufficient or if a new one will have to be submitted.

Mr. Lynch confirmed that EDUs are not transferable from property to property.

Mr. Cross stated that the Developer has met the burden of explaining the plan. Any large development will have a grid like structure. Mr. Cross noted that he does not favor the long narrow back yards and does not agree with some of the public comments about thinking in the future about development possibilities.

Mr. Cross stated that he has concerns regarding the retail space and is concerned about the visibility of the retail space to the outside community. Mr. Cross expressed concern about the buildings being too close to one another.

Mr. Goldfarb stated that the presentation was the best he's seen in his 20 years on the Planning Commission. Mr. Goldfarb also expressed that bringing up issues not yet relevant is not productive.



Mr. Winneberger stated that he feels the development does look a little different than previous plans; but feels that it is still too dense. Mr. Winneberger also expressed that the EDU situation is not a new development for Cheltenham Township.

Mr. Gordon stated that the quality of the materials is very reasonable and that the developer will never be able to match the neighborhood 100%. Mr. Gordon stated that he doesn't feel as though 3 bedrooms is warranted for senior citizens and doesn't see the seniors wanting such.

Mr. Laughlin questioned the validity of the 55+ Community and questions the developer being able to bring in the units at the price point. Mr. Laughlin stated that the overall plan isn't bad and feels like the developer gave it a nice try.

The Committee voted on a motion to recommend denial; said motion failed by a 3-3 vote. The Committee then voted on a motion to recommend no action; said motion failed by a 3-3 vote. The Commission then took a brief recess.

Mr. Winneberger then made a motion to recommend denial; Mr. Gordon seconded the motion; the motion passed.

**4. Old Business**  
None

**5. New Business**  
None

**6. Adjournment**

The meeting adjourned at 10:50 P.M.

  
David G. Kraysnik  
Township Manager

Per: Holly Nagy