

**February 22, 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 David M. Lynch, Director of Engineering, Zoning & Inspections; Ken Amey, Township Planning Consultant for ZHB Appeal No. 3336; Ms. Hannah Mazzaccaro, Montgomery County Planning; David Harrower, Observer; and Thomas P. DiBenedetto, Ex-Officio.

1. Reorganization

Mr. Winneberger nominated Mr. Cross for the Chair of the Planning Commission; the nomination was seconded by Mr. Brockington; Mr. Cross was elected Chair of the Planning Commission by acclamation. Mr. Winneberger was nominated Vice Chair of the Planning Commission by Mr. Greenberg; the nomination was seconded by Mr. Brockington; Mr. Winneberger was elected Vice Chair of the Planning Commission by acclamation.

2. Acceptance of the minutes for the December 28, 2009 and January 25, 2010 meetings.

Mr. Winneberger made a Motion to accept the December 28, 2009 and January 25, 2010 meeting minutes; the Motion was seconded by Mr. Brockington; the Motion passed.

3. Review of Zoning Hearing Board Agenda for March 8, 2010.

Appeal No. 3361: Appeal of Clear Wireless, LLC, Prospective Tenant at 2960 W. Church Road, Glenside, PA (a/k/a Westminster Theological Seminary), from the Decision of the Zoning Officer for the following Zoning Relief in order for a Telecommunications installation consisting of one (1) Panel Antenna, and one (1) Panel Antenna with Dish Antenna mounted on top of the Panel Antenna (both antennas mounted on top of the Library Building Penthouse) and Telecommunication equipment on the roof of the Library Building:

- 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. A variance from CCS 295-21. for the Proposed Telecommunication Installation instead of one of the permitted enumerated uses.

- ii. A variance from CCS 295.25. A. for a maximum building height of 49.5 ± AGL for the top of the antennas (including dish antenna) instead of the maximum permitted 40’.

Melissa Murry Rigney, Esq. was present to discuss this Application.

Mr. Lynch stated that the Applicant wishes to attach two telecommunication towers on the roof of the library building at the Westminster Theological Seminary.

Ms. Rigney, explained that the request was for 3 panel antennas and that this would be the second set of antennas on the roof. Mr. Lynch noted that he had looked for previous zoning relief for the existing antennas and had nothing in his files. Mr. Lynch also noted that the Westminster Seminary previously applied for a free standing antenna pole which was denied. Ms. Rigney stated that she would begin researching whether or not the existing antennas had received Zoning Approval.

Mr. Goldfarb made a Motion of No Action, pending Township Staff review and approval and that all Telecommunication equipment visible from Church Road be painted “City Lights” Grey; Mr. Winneberger seconded the Motion; the Motion passed.

Appeal No. 3362: Appeal of Jeremy R. Jaffe and Nancy L. Wolf, Owners of premises known as 643 Mulford Road, Wyncote, PA 19095, from the Decision of the Zoning Officer for the following Zoning Relief for a variance from the Rules and Regulations of the Class R-3 Residence District as outlined in CCS 295-24.B. for a lesser side yard setback along the northeast property line of 8’ instead of the minimum required 15’ for a 7.21’W x 6.58’L x 2.75’H Hot Tub.

The Applicants were not present for this application.

Mr. Lynch stated that the Applicant received Zoning Relief for an addition several years ago. Applicant wants to install a Hot Tub and wants a setback of 8’ instead of the 15’ required. Mr. Lynch stated that he wasn’t aware of any complaints or concerns from neighbors. Messer’s Cross and Harrower both expressed concerns about not having enough information for this application.

Mr. Cross made a Motion of No Action; Mr. Brockington seconded the Motion; the Motion passed.

4. Review of Cheltenham Township Development Application No. 10-0520: Gale Property Subdivision-711 Limekiln Pike.

Justin Ruby, P.E., was present to discuss this Application.

Mr. Lynch stated that the Gale’s want to subdivide their property into two (2) lots and to sell the rear lot to Arcadia University which owns the adjoining property, 310 S. Easton Road (Oak Summit Apartments); Mr. Lynch noted that the rear lot, as it has no street frontage, would become an indivisible portion of the Arcadia Property (in other words Arcadia could not sell off this rear lot by itself.).

Mr. Harrower questioned whether the Gales had the support of the neighbors along Oak Road; Mr. Ruby replied that he did not know.

Mr. Winneberger made the Motion to approve CTDA No. 10-0520 with the following conditions:

- a. That the Rear Lot be conveyed only to Arcadia University.
- b. That the Rear Lot becomes an indivisible part of the adjoining Arcadia Property.
- c. That the Rear Lot be maintained as a buffer area behind the lots fronting on Oak Road.
- d. That no development occur on the Rear Lot.

Mr. Brockington seconded the Motion; the Motion passed.

5. Review of Zoning Hearing Board Agenda for March 16, 2010.

Donald Epstein, Stuart Appel, and Peter Friedman, Esq. were present to discuss this application.

Mr. Lynch presented a Powerpoint Slideshow of all of the Concept Plans submitted to date on this Application and noted the key aspects of each plan; he noted that the current concept plan before the Planning Commission was for 240 Age-Restricted Units with a potential 2 ± Acre Commercial Area.

Mr. Cross questioned if the Applicant has submitted a Lines and Grades Plan, Mr. Lynch stated that the Applicant is requesting a variance on that requirement.

Mr. Amey noted that the current concept plan (prepared by Mr. Appel) tries to address the various concerns expressed by the Community: the Unit count has been reduced from 342 to 240, the buffers along Ashbourne Road have been increased and a potential Commercial Area has been provided.

Mr. Appel noted that the new plans did try to incorporate more of the goals set for the Applicant at previous meetings, as follows:

- * Come up with a more compact plan
- * Buffers along Ashbourne increased
- * Attempted to incorporate neo-traditional planning concepts.
- * No rears of homes facing the frontage roads
- * More steep slopes preserved
- * More open space preserved (increased from 50% to 65%)
- * Thru street for emergency vehicle access.
- * 24' wide driveways for emergency vehicles.

Mr. Appel stated that they were currently trying to make the roads look softer and that the plan is still a work in progress.

Mr. Zygmund-Felt expressed concerns that the community consistently has asked the developer to prepare a lot layout based upon the base R-1 Zoning for comparison with the Applicant's Concept Plan (s) and the Developer has refused to do so.

Mr. Zygmund-Felt expressed surprise and concern that the community heard just tonight that Matrix was reverting back to an Age Restricted Housing plan.

Charlie Guttenplan the Land Planner for CC4A went over his initial review of the Concept Plan (attached).

Mr. Guttenplan noted that the Community had the following concerns about the project:

- a. Economic viability of Age-Restricted Community Concept.
- b. What would be impact on Township (especially school system) if development not Age-Restricted.
- c. Massive regrading of site.
- d. Layout must be more compact.
- e. A detailed Fiscal and Environmental Impact Statement must be submitted.

Mr. Cross asked Mr. Guttenplan whether he has prepared an Alternative Site Layout meeting community's concerns; Mr. Guttenplan replied he has not been authorized to do so.

Mr. Epstein stated that the goal for this evening's meeting was to obtain feedback from the Planning Commission. Mr. Epstein stated that the plan has always been Age-Restricted and has never been Market Rate.

Mr. Cross questioned what happens if this plan is approved and there is no market for Age Restricted?

Mr. Epstein stated there is a market for Age Restricted Housing and Traffic Studies and Impact Studies have been done on both options.

Ms. Mazzaccaro stated that the Montgomery County Planning Commission looked at Age Restricted Housing in the County and feels there is a long term Age Restricted Market but not in 2010. Ms. Mazzaccaro feels that there may be an Age Restricted Market into the next 20 years.

Mr. Cross asks Mr. Lynch his opinion on rain gardens. Mr. Lynch stated that he does not believe Applicant should get credit for stormwater management for rain gardens; Mr. Lynch stated that he is concerned about their long term viability.

Mr. Lynch noted that the Township will be adopting new Stormwater standards and this application will fall under the new standards. Mr. Lynch also notes that the owner will also be the Home Owner's Association at some point.

Resident Michael Pool expressed concerns regarding trees and wants everyone to know that the trees shown on the plan show trees 10-15 years after planting not what will be there when development is finished. Mr. Pool would like to see some effort being put into maintaining the current trees.

Mr. Harrower questioned if the Applicant would be willing to change the number of buildings, Mr. Appel stated that the Applicant feels as though the number they are at now is the lowest viable option.

Mr. Gordon stated that he's still concerned that the plan is still in flux and that he cannot enter judgment based on an old legal notice. Mr. Lynch noted that the difference between the old legal and the new legal is that in the new legal the Applicant is no longer asking for a variance for width of

streets, no longer asking for a variance for cladding, the subdivision line is gone, and has added a request for Zoning Relief for a commercial area as a primary use instead of an accessory use.

Mr. Gordon stated he still does not see viability and still has doubts on the Age Restricted aspect of the plan.

Mr. DeBenedetto questioned whether the developer would be open to further discussions with the community. Mr. Epstein stated that they are open to discussions.

Mr. Cross stated that the developer is moving in the right direction but isn't there yet. Mr. Cross expressed concerns regarding open space and that adding commercial will limit what the developer can do with open space. Mr. Cross feels as though the plan is still too grid like and needs to fit more into the architecture of the Township. Mr. Cross asked whether or not the Fire Marshal has seen the new plans; Mr. Lynch confirms he has not. Mr. Epstein noted that the Fire Marshal's previous comments have been incorporated into the new plan.

Mr. Cross stated that he feels the project is moving too fast and is concerned that the project is moving so fast that the Township doesn't have enough time to review it.

Mr. Winneberger stated that the character of the neighborhood houses is brick and stone- not vinyl. Mr. Winneberger expressed concerns that the project is still way too dense and wants to see all three planners work together to come up with a solution. The amount of variances being requested is staggering and Mr. Winneberger stated he would like to see the developer come up with a plan that actually works. Mr. Winneberger expressed concerns about the Township's already overflowing schools being packed with more students.

Mr. Brockington thinks that an Age Restricted Community in Cheltenham Township is not viable. Mr. Brockington expressed that the plan looks like a bunker and doesn't fit the characteristic of Cheltenham Township at all.

Mr. Winneberger made a Motion to Deny; the Motion was seconded by Mr. Brockington; the Motion passed.

6. Old Business

None

7. New Business

None

8. Adjournment

The meeting adjourned at 10:00 P.M.

David G. Kraynik
Township Manager

Per: Holly Nagy