

**October 25, 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. Goldfarb, Leighton, Gordon, Brockington and Cross. Also present were ex-officio members Laughlin, DiBenedetto and Harrower; also present was Hannah Mazzaccaro, Montgomery Country Planning Commission and Carmen G. Reitano, Assistant to the Director of Engineering, Zoning & Inspections.

1. Acceptance of the minutes of the September 27, 2010 Meeting.

Mr. Goldfarb made a Motion to approve; Mr. Gordon seconded the Motion; the Motion passed.

2. Review of Zoning Hearing Board Agenda for November 23 and 30, 2010.

Mr. Reitano stated ZHB Appeal No. 3336 is for the Ashbourne Country Club and that there is nothing new for the Planning Commission to review.

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

Appeal No. 3385: Appeal of Clearwire, Prospective Tenant at 8480 Limekiln Pike, Wyncote, PA 19095, (a/k/a Building No. 3, Towers at Wyncote Apartment Complex), from the Decision of the Zoning Officer for the following zoning relief in order to install one (1) Microwave Dish Antenna on the existing Penthouse wall with associated appurtenances:

- a. Variances from the Rules and Regulations Class C-1 Commercial District as outlined in Article XV of Chapter 295 of the Cheltenham Code, as follows:
 - i. From CCS 295-98. for the telecommunication use (the one (1) Microwave Dish Antenna) of the Premises instead of one of the permitted enumerated uses.
 - ii. From CCS 295-104. for a structure height of 134.5' AGL instead of the maximum permitted 120' AGL.

No one was present to discuss this application. Mr. Reitano stated that the application was to add 3 additional antennas. Mr. Reitano stated that the proposed additional antennas match the existing equipment.

Mr. Gordon made a Motion to take no action; Mr. Goldfarb seconded the Motion; the Motion passed.

Appeal No. 3386: Appeal of Penrose Medical Investment, LLC, Equitable Owner and Tenant of 1831 W. Cheltenham Avenue, La Mott; PA 19027, from the Decision of the Zoning Officer for the following Zoning Relief in order to "normalize" the use of the second floor as an office accessory to the existing first floor medical office

and to use the third floor as either one (1) Residential Apartment or as office/storage accessory to the first floor medical office.

- a. A Variance from the Rules and Regulations of the Class R-5 Residence District as outlined in CCS 295-43. for the aforementioned uses of the premises instead of the permitted enumerated uses.
- b. In the alternative, a modification to the Decision in ZHB Appeal No. 925 to permit the aforementioned uses.
- c. A Determination as to the number of required parking spaces.

Bill Kerr, Esq., attorney for the Applicant, was present to discuss this Application. Mr. Kerr stated that his client has been located at this address for three (3) years and that the Applicant is interested in converting the third floor apartments into office space. Mr. Kerr noted that the first two floors are used for medical use. Mr. Cross questioned whether the third floor apartments are currently occupied, Mr. Kerr confirmed that in the Applicants three (3) years of ownership he has never had tenants on the third floor. Mr. Harrower asked how many parking spaces are currently available. Mr. Kerr confirmed that there is currently one parking space. Mr. Reitano noted that as long as the exterior of the building is not being altered the parking standards stay the same and that if there was a change of use in the overall building then the off street parking standards would come into effect. Mr. Cross questioned if the number of personnel was increasing. Mr. Kerr stated that it was not and that the Applicant has no plans to expand the use of the premises.

Mr. Gordon made a Motion to take no action; Mr. Goldfarb seconded the Motion; the Motion passed.

Appeal No. 3387: Appeal of Douglas Horner, Owner of Premises known as 50 Rices Mill Road, Glenside, PA 19038, from the Decision of the Zoning Officer for the following Zoning Relief for installation of a "Vegawatt" electrical generation unit on the Premises:

- a. Zoning Relief 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. A Variance from CCS 295-57. for the expansion of the Commercial Use of the Premises instead of one of the enumerated permitted uses.
 - ii. A Special Exception in accordance with CCS 295-060. A.(1) and A. (2) for a lesser side yard setback of 7' for the "Vegawatt" electrical generating unit.
- b. In the alternative 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 expansion of the Commercial Use of the Premises.

Harold Lichtman was present to discuss this application.

Mr. Lichtman stated that the unit is a little larger than a residential HVAC unit but smaller than a commercial HVAC unit. Mr. Lichtman explained that the unit is a co-generator that runs on waste by- products from spent restaurant cooking oils. Mr. Lichtman stated that there is no odor and the unit produces electricity for the Applicant's business. Mr. Lichtman stated that the Applicant sells this kind of equipment and that the unit was installed for demo purposes. Mr. Lichtman stated that the project needed zoning relief for setbacks and that the unit is already in place. Mr. Cross questioned if the unit produces noise. Mr. Lichtman stated that the unit is significantly quieter than traditional generators. Mr. Reitano stated that the advertised 65 decibel level falls below

the appropriate mandated decibel levels. Mr. Lichtman stated that the Applicant is willing to accept the Land Development conditions.

Mr. Cross questioned whether there would be more than one barrel at a time. Mr. Lichtman stated that there will be a maximum of two barrels; the one the unit would be operating on and a back up barrel to switch when the fuel level was low. Mr. Reitano stated that the unit is not visible from the road but is visible from the neighboring townhouse. Ms. Sheila Perkins was present to discuss her concerns. Ms. Perkins lives within 500' of the Biotech Property and is concerned about the safety of the unit as well as lingering odors and noise. Mr. Craig Robinson owner of the neighboring townhouse was present to discuss his concerns about safety codes and impact protection for the unit. Mr. Robinson stated that he does not object to the project but is worried about noise as well as safety issues. Mr. Cross questioned the containment procedure in case of emergencies. Mr. Lichtman stated that the spent vegetable oils are not a hazardous material. Mr. Lichtman stated that the unit is UL approved and that it has to comply with the IEC codes. Mr. Lichtman said the Applicant would gladly surround the unit with bollards to prevent people from backing into it. Mr. Lichtman stated that the unit is a sealed highly efficient unit. Mr. Reitano stated that a truck comes in about once a week and for an hour pumps out the residue from the unit. Mr. Reitano stated that there may be an odor during that period but it will not be continuous.

Mr. Cross stated that the Township needs to monitor the use to make sure the unit lives up to the claims.

Mr. Gordon made a Motion to approve with the following conditions: 1) Bollards be placed around the unit for impact protection. 2.) Sound checks and appropriate sound buffering if needed. 3.) A Township representative be present upon start up; Mr. Goldfarb seconded the Motion; the Motion passed.

Appeal No. 3388: Appeal of Young H. Kang, Tenant of Premises known as 1627 W. Cheltenham Avenue, La Mott, PA 19027 from the Decision of the Zoning Officer for the following Zoning Relief in order to operate a Truck Rental Service from the Premises:

- a. A Variance from the Rules and Regulations of the Class R-6 Residence District as outlined in CCS 295-50. required for the expansion of the Commercial use of the Premises by Operating a Truck Rental Service instead of one of the permitted enumerated uses.
- b. In the alternative to a., above, a Special Exception in accordance with the Rules and Regulations of "Nonconforming Uses" as outlined in CCS 295-227.C. for the expansion of the commercial use of the premises by operating a Truck Rental Service.

The Applicant was present to discuss this application.

Mr. Kang stated that he was in front of the Planning Commission for Zoning for a Truck Rental business being run from his current auto repair shop. Mr. Kang stated that in order to stay competitive in today's economy he needed to add something additional to his garage services. Mr. Kang stated that he was approached by a Penske representative 3-4 months ago and that he was unaware that he would need additional zoning before accepting the Penske contract.

Mr. Cross questioned the number of trucks on the property at any given time. Mr. Kang stated that the most he has is 6. The trucks are constantly coming and going. As one leaves another gets dropped off. Mr. Cross questioned the businesses hours of operation. Mr. Kang confirmed that it was Monday thru Friday 8 AM to 6 PM and Saturdays 8 AM to 4 PM with no Sunday hours. Mr. Kang stated that there is a key drop box for after hour drop offs. Mr. Cross questioned where the trucks are parked. Mr. Kang stated that he tries to park the trucks close to Sycamore Avenue and keeps a few trucks around back. Mr. Kang stated that he doesn't drive the trucks on Sycamore that the trucks are driven around the side of the building for customers to pick up. Mr. Leighton

questioned if Mr. Kang was considering Sunday hours. Mr. Kang stated that he was not. Mr. Cross asked if customers picking up trucks left their personal vehicles on the lot during rental. Mr. Kang stated that occasionally but only for local rentals.

Mr. Laughlin questioned if the back lot was completely paved. Mr. Kang stated that it used to be but over the years grass has grown through cracks. Over the years the concrete lot has fallen into disrepair. Mr. Kang further stated there are no plans to repave the back lot as he is renting the garage and surrounding lots. Mr. DiBenedetto expressed concerns about Penske dropping more trucks off than allowed and is also concerned about the environmental impact of having trucks parking on the back lot since no repaving is planned.

Mr. Cross suggested a limit of 15 vehicles on the lot and to park the trucks as closely to the back of the building as possible. Mr. Cross also suggested signage for designated parking spaces. Mr. Leighton questioned the length of the biggest truck. Mr. Kang confirmed that the largest truck is 26' long.

Mr. Harrower asked about the access points to the back lot. Mr. Kang stated that there is a locked entrance on Sycamore and the entrance commonly used is on the side of the building. Mr. Cross stated that Sycamore should be kept residential and no trucks should be allowed on the street. Mr. DeBenedetto agreed. Mr. Leighton questioned whether the trucks must be started periodically while sitting. Mr. Kang stated the longest he's seen a truck vacant is a week.

Ms. Brenda Hudson was present to discuss her concerns about the proposed added truck rental. Ms. Hudson is owner of the neighboring property and is concerned about the trucks not being parked in the back of the garage but 6" from her property. Ms. Hudson stated that the trucks sit for weeks. Mr. Brockington asked Ms. Hudson how many trucks she sees. Ms. Hudson stated that prior to her complaint there were 7-8 trucks, after her complaint she only saw 2. Mr. Cross asked Ms. Hudson that if the lot was reorganized and all the trucks kept in the back lot if that would be better. Ms. Hudson said yes, but she is still concerned about other commercial trucks being allowed to park there as well. Mr. Cross stated that Mr. Kang will not turn the property into a commercial truck depot and the only trucks allowed there would be ones related to his business.

Ms. Hudson said she would agree only if the trucks are kept in the back and that the accessway is only used for driving through with no parking. Ms. Hudson also expressed concern about the destruction of the La Mott neighborhood.

Ms. Mazzaccaro stated that the neighborhood is R-6 and is purely residential. Ms. Mazzaccaro expressed concern about buffering of the property and suggested that the applicant be required to have a 10' setback. Ms. Mazzaccaro stated that the buffering would protect the neighbors and their properties. Mr. Laughlin questioned if the property had a historical use as a garage. Mr. Reitano confirmed that it did. Ms. Hudson stated that Tract 2 of the parcel is considered a historic site. Mr. Reitano stated that the Township would look into the history of Tract 2.

Mr. Cross stated that Tract 1 & 2 is considered one parcel, Mr. Cross also stated that the property is legally allowed to act as a repair shop and it is up to Zoning to allow the garage to continue to operate as such.

Mr. Gordon made the Motion to approve subject to the following conditions:

- 1.) Determine amount of parking via zoning
- 2.) Maximum of 15 trucks
- 3.) Trucks not allowed on Sycamore Avenue
- 4.) Appropriate signage designating parking spots and vehicle drop off.
- 5.) No trucks fronted on Sycamore Avenue

Mr. Laughlin stated that they are not asking the tenant to increase buffer as that is not Mr. Kang's responsibility. Mr. Gordon stated that they have to make requirements on Tract 2 so that trucks are not parked everywhere. Mr. Gordon also stated that the Planning Commission does not determine who takes care of and pays for buffers.

Mr. Gordon made the Motion to approve subject to conditions; the Motion was seconded by Mr. Goldfarb; the Motion passed.

**4. Review of Cheltenham Township Land Development Application No. 10-0550:
St. Nicholas Serbian Orthodox Church Site Improvements.**

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

Mr. Reitano stated that the hedges were confirmed to belong to the church and that the Storm Water Management aspect of the project was being worked on by Mr. Lynch. Mr. Reitano stated that the complaining neighbor will be receiving a letter informing her of the survey boundaries and hedge ownership. Mr. Cross stated that the new impervious surfaces must be addressed by Mr. Lynch. Mr. Ruby stated that it will be.

Mr. Goldfarb made a motion to approve; Mr. Gordon seconded the motion; the Motion passed.

5. New Business

None.

6. Old Business

None.

7. Adjournment

Mr. Goldfarb made a motion for adjournment; Mr. Cross seconded the motion. The motion passed. The meeting adjourned at 9:30 P.M.



David G. Kraynik
Township Manager

Per: Holly Nagy