

EDITORIAL

Slope looks slippery

A development or expansion project upsetting neighboring residents is nothing new, but the proposed West Oak Lane Church of God project in Cheltenham has offered a new facet to the oft-seen standoff. And neighbors are none too happy about it.

In a move we do not recall seeing done anywhere around here anytime previously, the Cheltenham Board of Commissioners' Building and Zoning Committee entered into agreement with the church to take "no action" and submit no official recommendations to the zoners with regard to the church's pending zoning variance request. In return, the church agreed to pay taxes on the property should it get zoning approval, and later land development approval from the commissioners. Should the site remain unchanged, the property would not be reassessed in the future, per the agreement.

So basically, the commissioners told a crowded room of upset residents that since they found a way to make money for the township out of the deal, they would not be offering a recommendation to the zoners. And surprise, the residents opposing the project got even more upset.

But let's cover a few basics here first.

- The zoning hearing board acts independently of the commissioners, and is not precluded from denying the zoning request in spite of the deal.
- The deal does not preclude the board of commissioners from denying the proposal during the land development process should zoning relief be granted.
- It would seem to us a commissioner from the affected area could appear at the zoning meeting and offer his opinion as a resident, not in an official capacity representing the board, but this may be frowned upon by the township's legal advisors. And we haven't heard from any commissioner voting for the agreement (it passed unanimously) saying he personally opposed the zoning request.
- Commissioners do not make recommendations to the zoners as a matter of course. They may in the case of a large and/or controversial project, and this would seem to fit that bill, but they are not required to. And, again, the zoners are not held to any recommendation anyway.
- The township planning commission, also independent of the commissioners, recommended in July that the zoning hearing board deny the church's application due to the magnitude of the proposal.
- The board of commissioners can appeal any zoning decision to the Montgomery County Court of Common Pleas if they feel the appeal is in the best interest of the community.

Where does that leave us? Should the project go through, the township has received an estimated \$375,000 in property taxes in exchange for not making a recommendation that wasn't required in the first place, and wasn't binding anyway.

So the church is offering to pay taxes on the property, and not getting anything in return? Seems so. Why in the world would it agree to that? According to its attorney, to be good neighbors. And if our neighbor gave us \$375,000 a year in exchange for nothing, we would definitely consider them a good neighbor.

Sounds like a pretty good deal for the township, then. So good, the township manager said in a letter to this newspaper, it could well be a precedent-setting deal we're going to see more of when possible.

At a time when school taxes keep going up and developable property is hard to come by, we have to credit the township for coming up with a creative means of securing taxable property for the coffers. And that's fine unless you're one of those residents concerned about the development, and now thinking you got sold out by your representative in township government.

Did they sell out their constituents? Technically, based on all the facts listed above, you could argue they did not. And maybe the church has so much money (as a \$10 million project in Cheltenham and another big office/school/commercial project in Springfield would suggest), it doesn't really care about a guaranteed return on its property tax investment.

But the principle of government giving up its rights in exchange for money, however beneficial it may be, just looks bad, and could lead to all sorts of potential questionable areas now that a precedent has been set.

And now that it's been set, no institution not required to pay taxes will start with anything less than a "no vote" deal, and maybe want more.