

December 7, 2011  
Curtis Hall

A regular meeting of the **BUILDING AND ZONING COMMITTEE** was held tonight, Michael J. Swavola, Chairman, presiding. Members present were Commissioners Hampton, Haywood, McKeown, Simon and Sharkey. Also present was Ex-Officio Member Portner. Staff present were Joseph Bagley, Wisler Pearlstine LLC; Bryan T. Havir, Assistant Township Manager; David M. Lynch, Director of Engineering, Zoning and Inspections; and David G. Kraynik, Township Manager. A Public Attendance List is attached.

Mr. Swavola called the meeting to order.

1. The Zoning Hearing Board (“ZHB”) Agenda for December 12, 2011 was reviewed as follows:

**APPEAL NO. 3413 (Continued)**: Appeal of Montgomery Court Realty Co., L.P., owner of premises known as 7803 Montgomery Avenue, Elkins Park, PA 19027, from the Decision of the Zoning Officer in order to operate a Private Ambulance Service from the premises.

a. A Determination that the storage of Private Ambulances on the premises overnight is not a function of the operation of a Private Ambulance Service and thus permitted as a legal nonconforming use of the premises per the grant of relief under ZHB Appeal No. 1563.

b. In the alternative to a, above, a Determination, pursuant to “Nonconforming Uses” as outlined in CCS 295-227.F., that the operation of a Private Ambulance Service is of the same class of use as the previously approved nonconforming use(s) and thus permissible.

c. In the alternative to a. and b., above, a Variance from the Rules and Regulations of the Class R-5 Residence District as outlined in CCS 295-43. for the operation of a private Ambulance Service instead of one of the enumerated permitted uses.

Mr. Bagley advised that testimony is still be taken by the Zoning Hearing Board. This appeal required no further action by the Committee.

**APPEAL NO. 3423:** Appeal of Martin Roark owner of premises known as 651 Mulford Road, Wyncote, PA 19095, from the Decision of the Zoning Officer for a Variance from the Rules and Regulations of “Yard Regulations” as outlined in CCS 295-220.C. for a lesser rear yard setback of 3’ instead of the minimum required 15’ in order to install a 8’ x 12’ utility shed. (The premises is within the Class R-3 Residential District.)

Mr. Lynch reviewed the appeal.

Upon motion of Mr. Haywood, and unanimously approved by the Committee, the Township Engineer was directed to advise the ZHB that it takes no action on said appeal.

**APPEAL NO. 3424:** Appeal of Brian Brillman, owner of premises known as 7501 Woodlawn Avenue, Elkins Park, PA 19027, from the Decision of the Zoning Officer for a Variance from “Fences and Walls” as outlined in CCS 295-223. in order to install 123 ±’ of 6’ high, solid fencing within the Stratford Avenue frontage required front yard setback area of the Premises instead of the permitted 4’ high 50% open fencing. (The Premises is within the Class R-4 Residence District.)

Mr. Lynch reviewed the appeal. Ms. Brillman was present, and stated that the fence would provide them with security, and the neighbors have no issues with the fence.

Upon motion of Mr. Swavola, and unanimously approved by the Committee, the Township Engineer was directed to advise the ZHB that it takes no action on said appeal.

**APPEAL NO. 3425:** Appeal of Steven and Chagit Nausbaum, owners of 139 E. Glenside Avenue, Glenside, PA 19038, from the Decision of the Zoning Officer for a Variance from the Rules and Regulations of the Class G Manufacturing and Industrial District as outlined in CCS 295-135 in order to convert the existing first floor commercial space (former “Plastic Bagmart”) into a first floor apartment instead of one of the enumerated permitted uses. (There is one (1) legal nonconforming apartment above the Bagmart space.)

Mr. Lynch reviewed the appeal. Mr. Steven Nausbaum was present and stated that he agreed to certain façade enhancements.

Upon motion of Mr. Sharkey, and unanimously approved by the Committee, the Township Engineer was directed to advise the ZHB that it takes no action but if relief is granted that it be granted contingent upon the completion of façade enhancements of repainting the exterior and new windows.

**APPEAL NO. 3426:** Appeal of Jason Silverman, owner of Premises known as 51-57 S. Keswick Avenue, Glenside, PA from the Decision of the Zoning Officer for the following Zoning Relief in order to construct a 4500 SF, 1 storey building ( to replace a building damaged by fire in May 2007 and demolished in December 2007); the building is to be used for a Ceramics Studio (2700 SF) and a retail space (1800 SF). Said Premises being within the Class C-4 Commercial and Business District, in part, and with the Class R-7 Residence District, in part:

- a. A Variance from the Rules and Regulations of the Class C-4 Commercial and Business District as outlined in CCS 295-127. for the manufacture of pottery instead of one of the enumerated permitted uses.
- b. In the alternative to a., above, a Special Exception in accordance with Rules and Regulations of the Class C-4 Commercial and Business District as outlined in CCS 295-127.L. for the proposed Ceramics Studio.
- c. Variances from the Rules and Regulations of the Class C-4 Commercial and Business District as outlined in Article XVIII of the Cheltenham Code for the proposed retail building as follows:
  - i. From CCS 295-129.A. for a lesser front yard setback of zero feet (0') from the SEPTA R/W line instead of the minimum required 15'.
  - ii. From CCS 295-132. for vehicular parking within the 15' wide vehicular parking setback area in which no vehicular parking is permitted.
  - iii. From CCS 295-133. for a lesser buffer area of zero feet (0') instead of the minimum required 11' along the C-4/R-7 District boundary line.
- d. A Variance from the Rules and Regulations of "Parking and Loading" as outlined in CCS 295-221.D. for three (3) on-site parking spaces instead of the minimum required 11 parking spaces. (Applicant is concurrently asking for permission/waivers for the dedicated use of 8 angled parking spaces on the Keswick Avenue frontage of the premises and 3 parallel parking spaces on the Keswick Avenue frontage of the Premises from the Cheltenham Township Board of Commissioners; said parking spaces are wholly or partially within the public right of way. Parking for the recently demolished retail/office building was in the same location).

Mr. Lynch reviewed the appeal. Mr. Silverman was present. There was discussion about the buildings previous fire, planned retail use, parking. Mr. Lynch advised that the neighbors have concerns about the façade of the building, and the applicant will be requesting a continuance to consider façade enhancements.

Upon motion of Mr. Sharkey, and unanimously approved by the Committee, the Township Engineer was directed to advise the ZHB that it recommends the grant of a continuance and if a continuance is not granted, the Committee recommends denial of said appeal based on a lack of information.

2. Upon motion of Mr. Haywood, and unanimously approved by the Committee, the Planning Commission Regular Meeting Minutes dated November 28, 2011 were received.

3. Upon motion of Mr. Simon, and unanimously approved by the Committee, the Ad-Hoc Zoning Committee Regular Meeting Minutes dated November 28, 2011 were received.

4. Upon motion of Mr. Sharkey, and unanimously approved by the Committee, the Report of the Building Inspector for the month of November, 2011 was received.

5. Under Old Business: In response to a question from Mr. McKeown, Mr. Bagley advised that he will be meeting with representatives of Matrix Development to discuss the maintenance issues regarding the Matrix/Ashourne County Club site.

There being no further business, upon motion of Mr. Portner, and unanimously approved by the Committee, the meeting was adjourned.

  
David G. Kraynik  
Township Manager

as per Anna Marie Felix



**PUBLIC ATTENDANCE LIST**  
**Public Affairs Committee, 7:30 p.m.**  
**Public Safety Committee, 7:45 p.m.**  
**Building and Zoning Committee, 8:00 p.m.**  
**Wednesday, December 7, 2011**  
**Curtis Hall**

NAME (Please Print Clearly)	ADDRESS	E-MAIL and/or TELEPHONE
Mary Russell	7624 FROST ST Cheltenham PA	ettalcoeycho cm
Jim Muldoon	106 Parkview Rd Cheltenham PA	Newprinces@MSU.com
BARON EBKRENZ	312 PAXSON AVE. GLENSIDE, PA.	downwithb@yahoo.com
Heidi Morein	618 Boyer Rd Cheltenham PA 19012	waterofieith@aol.com
Julie Haynes	443 River Mall Rd Wynode PA 19055	Jehayw0405@aol.com
THOM CROSS	7918 HEATHER RD ELKINS PARK, PA	T.CROSS@REGONIKLINECROSS LLC.COM
Daniel Schultz	15 Wauwatah Road, Wynd	



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NAME (Please Print Clearly)	ADDRESS	E-MAIL and/or TELEPHONE
Wenstet, A	7830 Spring	
Dan Norris	236 Barclay Cir. Chick.	
Debra Warberger	131 Toskany Creek Pkwy	
Jean Brillman	7501 Woodlawn Ave Elk. Park	
Judy Heath	313 Oak Road Glenside	
MYRA TAKSA	109 DEWEY RD	
Atrian Shanker President, Equality Pennsylvania	1020 W. Chew St Allentown PA 18102	Aeshanker@gnail.com
David Flaks	7517 Vernon Rd McRose Pkrt, PA 19027	Davidflaks@aol.com