

March 7, 2012  
Curtis Hall

A regular meeting of the **BUILDING AND ZONING COMMITTEE** was held tonight, Chairman Morton J. Simon, Jr. presiding. Members present were Commissioners Hampton, McKeown, Norris, Portner and Sharkey. Also present was Ex-Officio member Haywood. 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. Simon called the meeting to order.

1. The Zoning Hearing Board (“ZHB”) Agenda for February 13, 2012, 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 Ambulance 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 the Zoning Hearing Board testimony has concluded on said appeal. No action was necessary by the Committee.

**APPEAL NO. 3431:** Appeal of Arcadia University, 450 S. Easton Road, Glenside, PA 19038 from the Decision of the Zoning Officer for a variance from CCS 295-194.D.(5) to allow the erection of a maximum of thirty-three (33) banners, maximum sign size of 1.96’L x 10.23’H (20.05 SF), to be erected on utility poles along both sides of Easton Road from Springhouse Lane to the SEPTA overpass just northeast of Glenside Avenue.

Mr. Lynch reviewed the appeal. Hal Lichtman, Architect for the applicant, was present. He reviewed the application, which is to permit the university to place banners on Township-owned utility poles. He distributed plans for the locations of the poles and banners and stated the following: the university wants to use 17 poles out of 33 poles; the Township's consultant and Staff have worked with the university in determining the locations; the Planning Commission's concerns with the design of the banners has been addressed; the banners will be the same size as the signage requirements for a commercial business district.

It was Mr. Sharkey's opinion that this application is a symbol of the Township's partnership with the university. He was concerned about who would hang the banners.

Upon motion of Mr. Sharkey, and unanimously approved by the Committee, the Township Engineer was directed to advise the Zoning Hearing Board that the Committee recommends the following: number of, size of, and content of the banners be subject to Township approval; that the university be allowed to use all 33 banners but no more than 17 banners be allowed at any one time; that the final number of banners and their location will be with the approval of Township Staff; the installation and removal of the banners will be at the expense of Arcadia University; and that the plan submitted to the Zoning Hearing Board be in substantial conformance with the plan submitted this evening.

2. Upon motion of Mr. Haywood, and unanimously approved by the Committee, the Planning Commission Regular Meeting Minutes dated February 27, 2012, were received.

3. Upon motion of Mr. Haywood, and unanimously approved by the Committee, the Ad-Hoc Zoning Revision Committee Regular Meeting Minutes dated February 27, 2012, were received.

4. The Committee discussed a proposed townhouse development for 1050 Ashbourne Road (Kerlin Farms). Present to represent the applicant were Carrie Nase, Esq.; John DiBenedetto, Architect; Joseph DiSantis, Traffic Engineer; and David Plante, Civil Engineer.

Ms. Case reviewed acreage, current zoning, and the request for rezoning.

Mr. DiBenedetto reiterated the presentation he made at the Planning Commission meeting on February 27, 2012.

Extensive discussion followed including, but not limited to the following documents that Mr. DiBenedetto distributed:

- A letter from consulting structural engineer Joseph Cooke, P.E. as to the condition of the current building on the site.
- Photos of the previous and present conditions of the structure of the current house on the site.
- The original site plan.
- A Zoning Plan. Mr. DiBenedetto discussed steep slope issues and the possible alternate plan for a 4-storey apartment building if the townhomes are not approved.
- A Site Plan. Mr. DiBenedetto discussed site amenities such as landscaping and common areas.
- A Floor Plan for the homes that described the size and layout of the homes.
- A plan for exterior elevations.
- An evaluation and study of current and projected traffic conditions.

It was noted that all of the documentation related to said appeal is or will be on the Township's website.

Mr. Haywood asked if the Sweet Gum tree is being retained. Mr. DiBenedetto stated that the arborist is keeping the tree.

Ms. Hampton stated that traffic issues are a concern for area residents.

Mr. DiSantis addressed traffic issues. He reviewed his traffic study including but not limited to: methodology of the traffic study; the standardization used for said study; trip generation estimates for a 50-townhome development; origin of the trip generation; estimated peak hour trips; he stated that townhomes are smaller than single family homes, less populated, and generate fewer trips.

In response to a question from Mr. McKeown, Mr. DiSantis stated that the traffic study was performed during school hours.

In response to a question from Mr. Norris, Mr. DiSantis stated that the study was performed in April, 2011.

It was Mr. DiSantis' concluding opinion that the level of service and traffic delays will not change as a result of this development.

Mr. Simon was concerned if such developments got replicated along Oak Lane Road. Mr. DiSantis stated that there would be differences in the traffic study if there were several developments but there are none.

Mr. McKeown stated that there is a large apartment complex at New Second Street and Ashbourne Road and hardly any cars are visible. Mr. McKeown stated that he did not see a point to discussing hypothetical situations.

Mr. Simon questioned the lack of traffic impact as per the traffic study.

Mr. Norris noted that the Matrix/Ashbourne development was across the street.

Mr. Haywood asked about a review of the supplemental analysis requested by the Township Engineer. Mr. DiSantis stated that it is assumed that Matrix/Ashbourne was built into this study.

Mr. Sharkey responded that he was disconcerted about Mr. DiBenedetto's statement that if the zoning does not get changed, the developer is planning a 4-story building. He perceived this as threatening. Mr. DiBenedetto responded that it was not said as a threat.

Mr. Haywood asked for a yield analysis. Mr. Lynch responded that Ken Amey, the Township's consultant, has confirmed 40 townhome units, and 70-80 units for a 4-storey building.

Mr. Haywood questioned the credibility of Mr. DiBenedetto's presentation. He took exception to Mr. DiBenedetto's indication that the developer might consider a 4-storey building if the townhome development was denied.

Mr. Portner asked if there were any active age-restricted areas in the Township. Mr. Lynch advised of Federation Housing off of Old York Road and Shelter Development on Ashbourne Road. In response to a question from Mr. Portner, Mr. Lynch stated that all units in these developments have been sold.

There were public comments:

David Cohen, Chair of the Economic Development Task Force, opposed rezoning; in his opinion, the R4 zoning yields 15-18 units; rezoning to R7 is spot zoning; the property was bought on sheriff sale; the zoning was on public record when it was purchased; he questioned how all stormwater run-off could be captured; he foresaw a lot of future variances being requested; the site is too densely developed; only four (4) trees are being saved, and he thought this might be a violation of the tree ordinance, and the Township was not approached on this point; he opposed a 4-storey building.

Mr. Portner did not believe that buying a property on sheriff sale should be an issue.

Mr. Simon felt it was a suitable parcel for development.

Ms. Case disagreed with Mr. Cohen and did not believe the request for rezoning could be construed a spot zoning. She stated that the Matrix/Ashbourne development and the elementary school in this area make the development a transition area.

Mr. Haywood asked why a zoning application for a variance was not being submitted for

this use. Ms. Case responded that the applicant felt that asking for rezoning was more appropriate than seeking a variance.

In response to Mr. Cohen's comments, Mr. DiBenedetto stated that more than four (4) trees are being saved; all the trees in the buffer areas will remain, and as many trees as possible on the site as well; and Mr. Cohen has a misconception about stormwater management.

Mr. McKeown asked about plans for stormwater management. David Plante, Ritter and Plante responded as follows: he explained the design for stormwater management; all water will drain to the bottom center of the site; catching every drop of stormwater is unrealistic; it will be designed in accordance with municipal and state regulations; more than the required number of detentions will be installed; there will be over-drainage to eliminate surcharges.

Mr. McKeown asked about neighbors' concerns. Mr. DiBenedetto responded that two (2) neighbors have fences along the property line. The townhomes will be in accordance with the allowed setbacks, and there will be green buffers.

Mr. McKeown asked about the size of the trees. Mr. DiBenedetto responded that the deciduous trees to be planted will be 6'-7' tall, and the evergreens will be 8' tall and will be a species that grows quickly.

Ms. Case stated that her client prefers a development of townhomes. The Age-restricted Overlay District Plan will be considered as an alternative. Her client is willing to preserve the existing home but the Township has condemned it, and it is not certain if it can be preserved.

Mr. Simon questioned the high development costs. Mr. DiBenedetto responded that the parcel is not flat but has slopes, and the site cost estimate is approximately \$2,000,000. The homes will be in the \$300,000 range recommended by realtors. Beyond that price, there is no market.

Mr. Simon asked about an HOA (Homeowners Association). Ms. Case responded that there would be an HOA, and it would be responsible for owning and maintaining all the common areas.

Mr. Simon asked about retention basins. Mr. Lynch responded that there will be an underground retention basin. In his opinion, above-ground retention basins are passé.

Mr. Sharkey asked if any portion of the current structures, i.e., stone walls could be preserved. According to Mr. DiBenedetto, they could.

Mr. Kraynik reported that the applicant's attorney crafted an Ordinance for the rezoning that he did not attach to the agenda. It was Mr. Simon's opinion that as long as the legal issue of spot zoning was outstanding, the Committee could not make a decision. This is the first time that the Board of Commissioners has been asked to change the zoning. The developer needed to make a more concerted effort to accommodate the neighbors.

Mr. McKeown asked that a community meeting be held in the near future.

There were public comments:

Thomas McHugh, 127 Hewett Road, did not believe that a wooded site could be engineered with less run-off; a two (2) year storm plan was insufficient; the current building is in dangerous disrepair but it was built in the 1680's and all attempts to save it should be done; and the new Age-Restricted Overlay District Ordinance preserves historic structures.

Rev. Robert Mitchell, 7805 Berwyn Road, stated that there was a creek in the area in the past, and all of the homes have water in their basements; he was concerned with the catch basin and the rodents, bugs and animals that it would attract, as well as water run-off; the current trees stop the run-off, and taking them down will be a problem; he was concerned about the change of zoning and possibility of an apartment building; the neighbors want to keep their neighborhood of single family homes and do not want apartments;

Dr. Rebecca Mitchell did not want the complexion of her neighborhood to change, i.e. a high rise apartment building; she was concerned about traffic congestion especially with the school buses and heavy traffic already on Ashbourne Road; she did not want to look at vinyl-sided homes; she opposed the zoning change; she complained that the developer never contacted the neighbors.

Upon motion of Mr. Sharkey, the Committee unanimously agreed to table further discussion of this matter until Solicitor Bagley provides a legal opinion on the issue of spot zoning.

5. Upon motion of Mr. McKeown, and unanimously approved by the Committee, the Report of the Building Inspector for the month of February, 2012 was received.

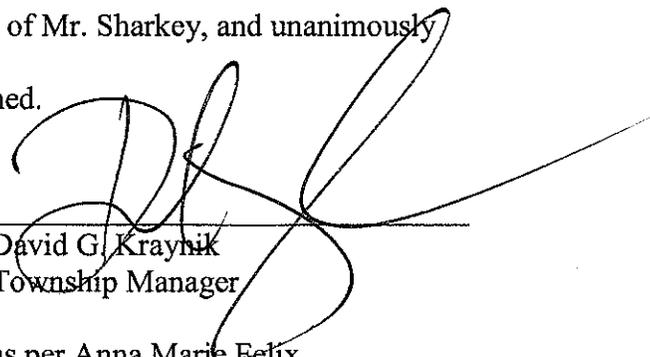
6. Under Citizens' Forum:

David Cohen asked to discuss possible amendments to the new Age-Restricted Overlay District Ordinance as recommended by members of the Planning Commission.

Mr. Simon suggested that Mr. Cohen and other Planning Commission members attend a future meeting of the Committee. Mr. Simon stated that the Committee was disappointed that the Planning Commission members did not come forward with their recommendations prior to the adoption of the Ordinance.

Mr. Kraynik reported that the Township's consultant, Kenneth Amey, will attend the March 26, 2012 meeting of the Ad Hoc Zoning Committee. He suggested that Mr. Amey attend that Planning Commission meeting that same night and discuss Mr. Cohen's detailed recommendations. The Committee unanimously agreed.

There being no further business, upon motion of Mr. Sharkey, 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, March 7, 2012**  
**Curtis Hall**

NAME (Please Print Clearly)	ADDRESS	E-MAIL and/or TELEPHONE
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Tom McHugh	127 Hewett Rd Wyncoke	
DAVID L. COHEN	321 GERARD AVE C.P.	
Hilda Gecker	1509 Ashbourne E.P. Rd.	
Judith Gratz	510 E. Glenside A, Wyncoke	
YALI GREH	7809 Brookfield	
Joyce Werner	418 Accornae Rd. Wyncoke	
Re Robert & Rebecca Mitchell	7805 Berwyn Rd Cheltenham, PA 19012	(215) 635-5914 ukesensei@comcast.net Re: Mitchell