

June 6, 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; Patrick Duffy, Director of Engineering, Zoning and Inspections; Bryan T. Havir, Assistant Township Manager and David G. Kraynik, Township Manager. A Public Attendance List is attached.

Mr. Portner called the meeting to order.

1. The Zoning Hearing Board (“ZHB”) Agenda for June 11, 2012, was reviewed as follows:

APPEAL 3438: Appeal of Vladermiro J. Fichera, owner of residence known as 133 E. Glenside Ave., Glenside, PA, 19038, zoned G Manufacturing and Industrial Districts from the decision of the Zoning Officer for Zoning Relief in order to convert a Single Family Semidetached Dwelling into a Two-Family Semidetached Dwelling. The Single Family Semidetached Dwelling is presently a legal non-conforming residential use, since residential use is not permitted within the G District.

The following Zoning Relief is required:

- a. A Variance from the rules and regulations of CSS 295-135 to allow a Two-Family Semidetached Dwelling residential use in the G Zoning District.
- b. A Variance from the rules and regulations from CSS 295-221.H to provide less than four (4) on site parking spaces as two (2) spaces per unit are required for a Two-Family Semidetached Dwelling residential use. The proposed Sketch Site and Parking Plan (uses tax map dimensions, not from a field survey) denotes there are three (3) on site parking spaces.

Mr. Fichera was present. Mr. Sharkey stated that he is concerned about the façade of the building and discussed it with the applicant who has agreed to erect awnings over the doorways.

Upon motion of Mr. Sharkey, and unanimously approved by the Committee, the Township Engineer was directed to advise the Zoning Hearing Board that it recommends approval of said appeal contingent upon awnings being erected over the doorways and one (1) parking space in front of 129 E. Glenside Avenue, which is owned by the applicant, to be reserved for 133 E. Glenside Avenue.

APPEAL 3439: Appeal of Debra Forman, owner of residence known as 846 Widener Road, Elkins Park, PA, 19027, Block 181, Unit 026, zoned R-5 Residence District from the decision of the Zoning Officer for Zoning Relief in order to construct an 8' x 10' shed within the front and side yard setback areas.

The following Zoning Relief is required:

- c. A Variance from the rules and regulations of CSS 295-46.A.(1) to allow an 8' x 10' wide shed to have a lesser front yard setback along Widener Road of 0' instead of the required 40' front yard setback.
- d. A Variance from the rules and regulations from CSS 295-46.B.(2) to allow an 8' x 10' wide shed to have a lesser side yard setback along the southerly property line of 2' instead of the required 20' side yard setback.

In response to a question from Mr. Portner, Mr. Duffy reported that the adjacent neighbor has a similar shed.

Upon motion of Mr. Portner, and unanimously approved by the Committee, the Township Engineer was directed to advise the Zoning Hearing Board that it recommends approval of said appeal.

2. Upon motion of Mr. Portner, and unanimously approved by the Committee, the Planning Commission Meeting Minutes of May 21, 2012 were received.

3. There were questions from residents Mitch Zigmund-Felt, 35 Carter Lane and David Cohen, 325 Gerard Avenue, and a member of the Ad Hoc Zoning Committee, about the status of the development of the Kerlin Farms property.

Mr. Duffy advised that the appeal will be heard by the Zoning Hearing Board in August, 2012. It will not be necessary for the application to be reviewed again by the Planning Commission since no additional variances have been applied for.

Mr. Cohen felt the applicant was tricking the process. In his opinion, the application is incomplete, and the applicant should be made to start the process over.

Mr. Bagley advised that since the Township has accepted the application payment, said acceptance indicates that the application is complete. One option is that the Township can argue to the Zoning Hearing Board that the applicant does not meet the requirement of what they are requesting.

Mr. Zigmund-Felt believed that the developer has an obligation to the community. He felt that the application was an accelerated submission, and there has been negative community reaction. A determination should be made that the plans are complete and appropriate and the application rejected if they are not.

4. The Committee reviewed and approved the recommendations of the Economic Development Task Force for issuance of a Certificate of Appropriateness for signage within the Commercial Enhancement Districts as follows:

Upon motion of Mr. Sharkey, and unanimously approved by the Committee, a Certificate of Appropriateness was issued to 141 E. Glenside Avenue, for new signage.

5. The Committee reviewed draft Ordinances that will be the subject of Public Hearings on July 18, 2012 as follows:

- a. Amend the Age-Restricted Housing Ordinance. There was discussion.
- b. Rezoning of the 100 Block of Cottman Avenue.
- c. A provision for Specialized Medical Services by Special Exception on a property on Cheltenham Avenue.

Extensive discussion ensued regarding Item (1) above. Ken Amey, the Township's consultant was present.

Extensive discussion ensued regarding tying density to a multiple of by-right yield and mid-rise multi-family dwellings.

Mr. Cohen questioned the building height for mid-rise multi-family dwellings on certain size parcels.

Mr. Amey responded that the definition of a multi-family dwelling is a building at least four (4) stories in height and is prohibited on lots less than 10-acres.

It was Mr. Simon's opinion that the intention of said Ordinance is to disallow mid-rise buildings on tracts of 10-acres or less notwithstanding other provisions of the Ordinance.

The Committee did not make any other amendments to the Ordinance.

Discussion ensued regarding Item (c) above. Mr. Cohen suggested that language prohibiting drug and alcohol treatment centers and overnight patients be included. Mr. Bagley agreed with adding language to prohibit drug and alcohol treatment centers but stated that he had no opinion with respect to prohibiting overnight patients.

The Committee unanimously decided to add language to the Ordinance prohibiting drug and alcohol treatment centers. Mr. Bagley advised that said changes are not substantial, and the Ordinance would not need to be readvertised.

Mr. Haywood stated that he wanted to share with the Committee the addresses of three (3) properties that could be converted to medical services use as provided by Mr. Duffy, i.e. 7633 Waters Road; 213 Fernbrook Avenue; 1323 Ashbourne Road.

6. The Committee reviewed a recent decision of the Zoning Hearing Board as follows:

APPEAL NO. 3433 Appeal of New Cingular Wireless PCS, LLC, tenant by grant of easement on premises known as 36 Township Line Road, Elkins Park, PA, from the determination of the Zoning Officer finding that modifications to the existing Telecom Facility to upgrade a wireless communications facility to 4G standards would violate the Cheltenham Zoning Ordinance of 1929, as amended, and, specifically, Article XIV, Section 295.

The Zoning Hearing Board granted applicant's request for relief with conditions.

Upon motion of Mr. Simon, and unanimously approved by the Committee, no action was taken.

7. Upon motion of Mr. Portner, and unanimously approved by the Committee, the Report of the Building Inspector for the month of May, 2012, was received.

8. Under Old Business:

a. Mr. Bagley asked the Committee to consider recommending to the Board an agreement with Matrix Ashbourne Associates regarding certain fines and their payment. In response to a question from Mr. Simon, Mr. Bagley advised that the agreement only pertains to current fines and not to any fines going forward.

b. Upon motion of Mr. McKeown, and unanimously approved by the Committee, it is recommended to the Board of Commissioners to enter into an Agreement with Matrix Ashbourne Associates, L.P. ("Matrix") to settle fines levied to Matrix by the Township (see attached).

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



David G. Kravnik
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, June 6, 2012
Curtis Hall

NAME (Please Print Clearly)	ADDRESS	E-MAIL and/or TELEPHONE
DAVE HARROWER	Glenrich	
JANU L. COOPER	CP	
Val Fichera	133 Glenside	Val@collisioncarecbe.com
Deb Fernan	846 Widener Rd	
MARC ZOMMER-FEL	35 AMER LN.	
Debt Steve Mc Cash	211 W Waverly Glenside	
Chris Gynov	1103 Ashbourne Chest	
Jeanne Gynov	1103 Ashbourne Chest.	



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NAME (Please Print Clearly)	ADDRESS	E-MAIL and/or TELEPHONE
Heidi Morein	618 Boyer Rd Cheltenham	waterofleith @aol.com

AGREEMENT

IT IS HEREBY AGREED by and between the parties, the Township of Cheltenham ("Township") and Matrix Ashbourne Associates, L.P. ("Matrix") that in exchange for the mutual promises set forth herein, and other good and valuable consideration, and intending to be legally bound, the parties agree as follows:

- (1) In aggregate, total fines levied to Matrix by the Township and to be collected by the Township will equal Three Thousand Three Hundred Twelve and 50/100 Dollars (\$3,312.50).
- (2) To date Township has received payment of One Thousand Two Hundred Dollars and 00/100 (\$1,200). The current outstanding balance of fines, therefore, is Two Thousand One Hundred Twelve and 50/100 Dollars (\$2,112.50) ("Outstanding Balance").
- (3) Matrix shall immediately withdraw Appeal No. CP-46-SA0001073-2011 (the "Appeal");
- (4) Township acknowledges that Matrix has paid an additional Four Thousand One Hundred Thirty Nine and 45/100 Dollars (\$4,139.45), which sum is currently being held by the Magisterial District Court and/or the Common Pleas ("Court") as collateral pending the resolution of the above referenced appeal.
- (5) If the Court disburses funds to Township as a result of this Settlement (Amount Disbursed"), one of the following will occur: a) if the Amount Disbursed is greater than the Outstanding Balance then Township will pay to Matrix the difference between the Amount Disbursed by the Court and the Outstanding Balance; or b) if the Amount Disbursed is less than the Outstanding Balance then Matrix will pay to Township the difference between the Outstanding Balance and the Amount Disbursed.
- (6) In the unlikely event that the Court disburses funds back to Matrix as a result of this Settlement, then Matrix shall, within ten (10) business days of receipt of such disbursement pay to Township an amount equal to the Outstanding Balance.
- (7) In either event neither Township nor Matrix shall pay any sum to the other party until such time as the Court has disbursed the funds it is currently holding or until the parties agree otherwise in writing.
- (8) The Township shall take no further enforcement action against Matrix for maintenance code and building code violations for the time period January 1, 2011 through December 31, 2011 for the former Ashbourne Country Club property, 1100 Ashbourne Road, Cheltenham, Pennsylvania.

TOWNSHIP OF CHELTENHAM

By:

Arthur Haywood, President

David G. Kraynik, Secretary

**MATRIX ASHBOURNE ASSOCIATES,
L.P.**

By:



Joseph Taylor, Authorized Representative