

July 3, 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 McKeown, Norris, Portner, and Sharkey. Staff present were Joseph Bagley, Wisler Pearlstine LLC; Patrick Duffy, Director of Engineering, Zoning and Inspections; and Bryan T. Havir, Acting Township Manager. A Public Attendance List is attached.

Mr. Simon called the meeting to order.

1. The Zoning Hearing Board Agenda for July 9, 2012 was reviewed as follows:

APPEAL 3438: (Continued) Appeal of Vlademiro 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 site has adequate space for (3) on site parking spaces for the proposed use as certified in a letter from Jeffrey E. Fazler, P.E. (applicant's engineer) dated June 11, 2012.

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 determination that the parking requirement is for a semidetached dwelling (2 spaces per unit) as opposed to for a multi-family dwelling (1.5 spaces per unit) from CSS 295-221.H.
- c. A Variance from the rules and regulations of CSS 295-221.H, if determined that two (2) parking spaces per unit is required, to not require a fourth on site parking space.

The Committee discussed parking changes.

Upon motion of Mr. Sharkey and unanimously approved by the Committee, no action was taken. The Committee upheld its recommendation as previously stated at its June 6, 2012 meeting.

APPEAL 3440: Appeal of Charles Norton, owner of property known as 653 Green Briar Road, Elkins Park, PA 19027, zoned R-5 Residence District, from the decision of the Zoning Officer for Zoning Relief in order to allow the parking of two (2) Class 3 commercial tow trucks in a residential driveway.

The following Zoning Relief is required:

- a. A Variance from the requirements under CSS 295-233.3.C to allow the parking of two (2) Class 3 commercial tow trucks in a residential driveway.

Mr. Norton was present. Mr. Duffy reviewed the application. Mr. Norton stated that he is on call 24/7 for the Temple Police Department; the two towing trucks are also his primary vehicles and that he has no automobiles for personal use; the trucks tow cars, not trucks; the trucks are not parked on weekends,

Mr. Simon noted a complaint from a real estate agent. Mr. Norton responded that the house next door to him is for sale but the neighbor has never complained or approached him about the trucks.

In response to questions from Mr. Portner, Mr. Norton stated that he has lived at his home for five (5) years, has never received complaints from neighbors, and the neighbors always ask for his help when they have auto issues.

In response to a question from Mr. Simon, Mr. Duffy stated that the property's current zoning does not allow trucks. Mr. Simon was concerned that approval of said appeal could be precedent-setting. Mr. Norris was concerned that should the property be sold, a new owner might not be as neighbor-friendly as Mr. Norton. Mr. Simon suggested a limit of one (1) vehicle only. Mr. Norton agreed.

Upon motion of Mr. Simon and unanimously approved by the Committee, the Township Engineer was directed to advise the Zoning Hearing Board that it takes no action on said appeal but if relief is granted, it be granted contingent upon one (1) tow truck be allowed to be parked on the property.

APPEAL 3441: Appeal of New Cingular Wireless PCS, LLC d/b/a AT&T Mobility, 200 North Warner Road, King of Prussia, PA 19046, tenant of property at 450 S. Easton Road (Arcadia University), Glenside, PA 19038, zoned R-1 Residence District, from the decision of the Zoning Officer for Zoning Relief in order to construct an upgrade to the existing rooftop AT&T wireless facility.

The upgrade will consist of the addition of three (3) new “LTE” antennas (one antenna to each of the three existing ballast frames) and an LTE equipment cabinet and 19” rack on the existing rooftop platform within the existing screening wall. The number of antennas will be increased from the current six (6) to the total of nine (9) antennas after the upgrade.

The following Zoning Relief is required:

- a. A Use Variance from the rules and regulations of CSS 295-7 to allow for the addition of three (3) new antennas and rooftop equipment to the existing telecommunications site.
- b. A Dimensional Variance from the requirements under CSS 295-111 to allow the three (3) new antennas at heights of 53 feet, 51 feet and 49 feet respectively. None of the three proposed antennas will be higher than the existing 55 foot high HVAC and telecom equipment structure located on the rooftop. Building height maximum in the R-1 District is 40 feet.

Nicholas Cuce, Jr., Esq. represented the applicant. Mr. Duffy reviewed the appeal.

Mr. Cuce reviewed the current and proposed antennas; the necessity of new antennas for a 4G upgrade; planned equipment cabinet with screening; and heights of the three (3) new antennas,

In response to a question from Mr. Simon, Mr. Duffy stated that in his opinion there was no issue with the appeal.

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

APPEAL 3442: Appeal of Arcadia University, 450 S. Easton Road, Glenside, PA 19038, owner of property located at 777 Limekiln Pike, Glenside, PA 19038, zoned M-2 Multiple Dwelling District, from the decision of the Zoning Officer for Zoning Relief in order to convert the existing multi-family apartment use to school administrative office use in the existing three-story residential building.

There is no proposed modification to the existing building footprint.

The following Zoning Relief is required:

- a. A Use Variance from the rules and regulations of CSS 295-80 to allow a conversion from an existing multi-family apartment use to a school administrative office use.
- b. A Variance from the rules and regulations of CSS 295-221.H to allow for 30 parking spaces instead of the required 57 parking spaces for the proposed office use.

Present to represent the applicant was Hal Lichtman, architect. Mr. Duffy reviewed the appeal including the requested variances and parking.

In response to questions from Mr. Sharkey, Mr. Lichtman stated that 21 one (1) and two (2) bedroom apartments will be converted, and 45 employees are anticipated.

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

APPEAL 3443: Appeal of KL Investments, LLC, 1103 Greenhill Court, Ambler PA 19002, owner of property at 8200 Ogontz Ave. known as the Cheltenham Plaza Shopping Center, Cheltenham, PA 19012, zoned C-2 & C-4 Commercial District, from the decision of the Zoning Officer for Zoning Relief in order to construct a proposed building addition and a new building totaling 7,000 SF for any use permitted in the C-2 & C-4 Zoning Districts.

The proposed building addition is in the C-2 district and subject to the C-2 requirements. The proposed new building is predominately in the C-2 district with a small portion in the C-4 district. The proposed new building will be subject to the C-2 zoning district requirements. The overall site fronts on Ogontz Avenue and abuts Limekiln Pike at the rear of the site.

The following Zoning Relief is required:

- a. A Special Exception under CSS 295-111.A.(1) to allow the depth of the front yard on the rear street line along Limekiln Pike for the proposed new building and the building addition to be decreased from the 40 foot requirement to 5 feet.
- b. A variance from the requirements under CSS 295-163 to allow disturbance of slopes 15% or greater.
- c. A variance from the requirements under CSS 295-168 to not provide a lines and grade plan prepared by a design professional licensed in Pennsylvania delineating the steep slope areas and existing topographic feature requirements.

Present to represent the applicant were Hal Lichtman, architect and Michael Yanoff, Esq.

Mr. Duffy reviewed the appeal. Mr. Lichtman stated that the property is known as the Cheltenham Plaza Shopping Center. He reviewed the location of the proposed new building and the new addition.

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

APPEAL 3444: Appeal of 101 Juniper Associates, Inc., owner of property known as 1400 Willow Ave., Elkins Park, PA 19027, zoned R-7 Residence District, from the decision of the Zoning Officer for Zoning Relief in order to convert approximately 2,500 SF of the existing 13,000 SF educational/school use to a senior day care use.

The existing one-story commercial building is an existing legal nonconforming use where 13,000 SF is dedicated for educational/school use, 3,000 SF dedicated for a doctor's office and 2,000 SF dedicated for general office space. There is no proposed structural alteration or modification to the existing building footprint. Parking requirements remain the same for the proposed use compared to the existing educational/school use.

The following Zoning Relief is required:

- a. A Use Variance from the rules and regulations of CSS 295-57 to allow a 2,500 SF conversion from an existing educational/school use to an adult day care center use.

Present to represent the applicant were Hal Lichtman, architect and Michael Yanoff, Esq.

Mr. Duffy reviewed the appeal. Mr. Yanoff stated that there would be no changes to the building's exterior, and no additional parking was required.

In response to a question from Mr. Portner, Mr. Lichtman stated that the hours of operation would be approximately 7:30 a.m. to 6:30 p.m. Mr. Portner stated his concern about the safety of elderly clients in a neighborhood of young students.

The Planning Commission's concerns with parking and van access was discussed. Mr. Lichtman advised that most clients will not be driving but will be dropped off; no additional handicap parking is required under the zoning code; the circulation of vehicles was addressed with the allocation of a drop-off area specifically for vans.

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

2. Upon motion of Mr. Haywood, and unanimously approved by the Committee the Planning Commission Meeting Minutes of June 25, 2012 were received.

3. The Committee reviewed a proposed Resolution establishing fees in compliance with the Pennsylvania General Assembly's recent adoption of a Permit Extension Act.

Mr. Bagley reviewed the legislation; the fee schedule; and stated that this would allow for a blanket extension until July 2013 for each permit issued by the Township. Mr. Bagley stated that this will require additional paperwork and recordkeeping by the Building and Zoning Department. The fees were in compliance with the legislation.

Mr. Simon recommended certain changes to the draft Resolution including a reversal of paragraphs and a linguistic change in one item, i.e. changing the work "Authority" to "Township". The Committee unanimously agreed.

4. Upon motion of Mr. Sharkey, and unanimously approved by the Committee, it is recommended to the Board of Commissioners, the adoption of a Resolution to establish fees for verification of an approval or permit under the Permit Extension Act and a separate fee to extend an approval of permit, as amended this evening (see attached).

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

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


Bryan T. Havir
Acting 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.
Tuesday, July 3, 2012
Curtis Hall

NAME (Please Print Clearly)	ADDRESS	E-MAIL and/or TELEPHONE
DAVID L. COHEN	321 GERARD AVE E.P.	
Charles Norton	653 Green Briar Rd. Elkins Park PA 19027	267-966-7005

**CHELTENHAM TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

RESOLUTION No. 2012-

**A RESOLUTION AMENDING THE FEE SCHEDULE TO ESTABLISH FEES
(1) TO EXTEND AN APPROVAL OR A PERMIT AND (2) FOR VERIFICATION OF
AN APPROVAL OR PERMIT UNDER THE PERMIT EXTENSION ACT**

WHEREAS, the Pennsylvania General Assembly adopted an Act known as Act 46 of 2010 authorizing, under certain circumstances, the extension of approvals and permits issued by municipal governments (hereinafter the "Permit Extension Act"); and

WHEREAS, the Permit Extension Act authorizes the charging of certain fees by a municipal government in regards to the Permit Extension Act.

NOW THEREFORE, it is hereby resolved by the Board of Commissioners of Cheltenham Township as follows:

1. The Fee Schedule of the Township is hereby amended to establish a fee to extend an approval or a permit covered by the Permit Extension Act in the amount of 25% of the original application fee, not to exceed \$150.00 for a residential approval or permit (one single-family dwelling) and not to exceed \$800.00 for a multi-family dwelling development approval or permit or a non-residential approval or permit.

2. The Fee Schedule of the Township is hereby amended to establish a fee of \$100.00 for verification of the extension of a residential approval or permit and \$500.00 for verification of the extension of a commercial approval or permit.

DULY ADOPTED, this _____ day of _____, 2012, by the Cheltenham Township, Montgomery County, in lawful session duly assembled.

CHELTENHAM TOWNSHIP

By: _____
Art Haywood, President

Attest: _____
Bryan T. Havir, Acting Township Secretary