

December 4, 2013
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, Portner, Sharkey, and Norris.

Staff present were David Jones, Interim Planner/Zoning Officer and Bryan T. Havar, Township Manager. Also present was Joseph Bagley, Esq., Solicitor. A Public Attendance List is attached.

Mr. Simon called the meeting to order at 8:20 p.m.

1. The Committee reviewed the Zoning Hearing Board (“ZHB”) Agenda for December 9 and December 17, 2013 as follows:

APPEAL NO. 3468: (Continuation) Applicant is the equitable owner of a 3.65+ acre parcel of ground with frontage on Ogontz Avenue, Limekiln Pike, MacDonald Avenue and Clubhouse Lane. The property is located in a C1 Zoning District and is currently vacant.

Applicant proposes to develop the property for a WaWa Convenience Store containing 5,585 square feet with fueling stations. In this regard, Applicant requests the following zoning relief:

1. A variance under Section 295-98 of The Cheltenham Zoning Ordinance of 1929, as amended (the “Ordinance”) so as to permit the property to be used as a Wawa convenience store containing 5,585 square feet with fueling stations;
2. A variance under Section 295-102 of the Ordinance for a reduction in the width of the 15 foot wide buffer along a public highway. The area between the proposed driveway and the Limekiln Pike right-of-way is 11.1 feet;
3. A variance under Section 295-101.A of the Ordinance to permit a canopy along Limekiln Pike to be located less than 60 feet from Limekiln Pike;
4. An interpretation under Section 295-221.B.(5)(a) of the Ordinance or, in the alternative, a variance under Section 295-221.B.(5)(a) of the Ordinance, to permit parking to be located between the building and the street;
5. A variance under Section 295-221.F of the Ordinance so as to increase the allowable parking area. The convenience store and the fueling stations use requires 31 parking spaces. Applicant is proposing 66 parking spaces, which is in excess of the maximum parking standard;

6. A variance under Section 295-221.K.(1) of the Ordinance so as to permit service and loading behind the building. Applicant proposes to have the loading on the side of the building (along Clubhouse Lane);
7. A variance under Section 295-196.A.(3) of the Ordinance so as to permit five (5) directional signs, each exceeding 4 square feet; and
8. Variances under Section 295-197.C.(1)(a) of the Ordinance, so as to permit: (a) two (2) free-standing, internally illuminated, double sided signs with LED price changer, one (1) containing 189.04 square feet with a height of 40 feet (located on Ogontz Avenue), and one (1) containing 99.94 square feet with a height of 25 feet (located on Limekiln Pike); (b) three (3) parallel wall signs with logo, one (1) containing 66.69 square feet (facing Limekiln Pike), one (1) containing 37.47 square feet on the rear of the building (facing the Clubhouse Lane/MacDonald Avenue intersection); and (c) an additional 3.92 square feet of parallel wall signage (pump signage), as per the attached signage plan, all of which parallel wall signs total 108.08 square feet, which total exceeds the maximum square footage permitted;
9. A variance under Section 295-221.B.(5)(b) of the Ordinance so as to permit off-street parking on the corner lots;
10. A variance under Section 225-221.C.(2)(c) of the Ordinance so as to permit the width of driveway entrance along Limekiln Pike to exceed 24 feet in width. The proposed driveway width is 30 feet;
11. A variance under Section 225-223 of the Ordinance so as to permit the trash enclosure to be located approximately 20 feet from the rear yard setback area. The rear setback requirement is 50 feet;
12. To the extent that it is determined that the right-of-way line is located on the conservation easement boundary, Applicant requests additional relief under paragraphs 2 and 3 above as the setbacks may change; and
13. Applicant seeks such other variances, special exceptions and interpretations as may be required in order to develop the property in accordance with the plans submitted by Applicant

Upon motion of Mr. Simon, the Committee unanimously directed the Township's Planner/Zoning Officer to advise the Zoning Hearing Board that the Committee takes no further action on said appeal, and if relief is granted, it be granted contingent upon the Committee's recommendations as previously stated.

APPEAL NO. 3476: Appeal of Raieda Eldabbas, owner of premises known as 552 E. Church Rd., Elkins Park, PA 19027, from the Decision of the Zoning Officer in order to convert his home/office single family residence into a two family dwelling,

- a. Variances from the Rules and Regulations of the Class R-5 Residence District as outlined in Article VIII of the Cheltenham Code per CCS 295-43 to use the premises as noted above instead of one of the enumerated permitted uses.

Mr. Eldabbas was present. Mr. Jones reviewed the appeal including the building's previous use as a business on the first floor and an apartment on the second floor. This appeal for two (2) apartments requires a use variance. The Township's Planning Commission took no action.

Upon motion of Mr. Portner, the Committee unanimously directed the Township's Planner/Zoning Officer to advise the Zoning Hearing Board that the Committee takes no action on said appeal.

Mr. Eldabbas addressed the Committee and explained that his family wanted to convert the property because the business was failing and his father-in-law had to close it. He asked for and was given clarification of the zoning process by Mr. Bagley.

Upon motion of Mr. Portner, the Committee unanimously agreed to rescind the previous motion for "no action".

Upon motion of Mr. Portner, the Committee unanimously directed the Township's Planner/Zoning Officer to advise the Zoning Hearing Board that the Committee recommends approval of said appeal.

2. Upon motion of Mr. Portner, the Committee unanimously accepted the Planning Commission Regular Meeting Minutes dated November 25, 2013.

3. The Committee reviewed recommendations for Certificates of Appropriateness for signage as recommended by the Economic Development Task Force ("EDTF"):

- a. Upon motion of Mr. Sharkey, the Committee unanimously issued a Certificate of Appropriateness to 8301 Old York Road, Elkins Park, for façade for signage.

- b. Upon motion of Mr. Sharkey the Committee unanimously issued a Certificate of Appropriateness to 240 S. Easton Road, Glenside, for façade signage.

- c. Upon motion of Mr. Simon, the Committee took no action on 8339 Old York Road, Elkins Park, for signage, due to the EDTF withholding a recommendation.

d. Upon motion of Mr. Sharkey, the Committee tabled approving a Certificate of Appropriateness on 300 S. Easton Road, Glenside, for canopy signage, and asked that Staff arrange a meeting with the owner in light of the Zoning Hearing Board's decision that no additional signage be installed and the EDTF's denial of a recommendation.

Public Comment: David Cohen, Chairperson of the EDTF, stated that the applicant agreed not to add additional signage at the Zoning Hearing Board meeting.

e. Upon motion of Mr. Sharkey, the Committee unanimously issued a Certificate of Appropriateness for 8080 Old York Road, Elkins Park, for façade signage.

f. Upon motion of Mr. Sharkey, the Committee unanimously issued a Certificate of Appropriateness for 316 Central Avenue, Cheltenham Village, for free-standing signage.

4. Upon motion of Mr. Portner, the Committee unanimously received the Report of the Building Inspector for the month of November, 2013.

5. The Committee reviewed a draft Local Landmarks Ordinance that would provide criteria for buildings that qualify as local landmarks. Mr. Havir reviewed the background and reasons for the Ordinance, which would regulate local landmarks as per the Cultural Resources Survey. These are properties that are considered "scattered sites". Under said Ordinance, there is criteria that needs to be followed before any of these sites could be considered for demolition. This Ordinance was drafted in conjunction with the Ad Hoc Zoning Committee and the Township Solicitor.

Public Comment: David Cohen Chairperson of the EDTF, stated that said Ordinance protects demolition by neglect, and its drafting has been a long process. He gave Lynnewood Hall and the Stefano Mansion in Elkins Park and Laverock Hill in Laverock as examples of sites to which the Ordinance could apply.

Mr. Simon had several comments/modifications to the Ordinance, including but not limited to, a better definition of demolition by neglect; differentiation from the Property Maintenance Code; he felt the Property Maintenance Code could stop de facto demolition.

In response to a question from Mr. Norris, Mr. Bagley advised that this Ordinance is separate from the Historic Resource Overlay District Ordinance. Mr. Havir advised that the Historic Resource Overlay District Ordinance applies to structures in the two (2) historic districts and is part of the Zoning Code. This Ordinance will not be part of the Zoning Code.

Discussion ensued regarding schedule for adopting the Historic Resource Overlay District Ordinance and the new Landmarks Ordinance. It was unanimously decided that both Ordinances should be adopted at separately.

6. Under Old Business: None.

7. Under New Business:

a. Mr. Bagley advised of Northampton Township's newly adopted Ordinance regulating the location of wireless towers resulting from a certain company erecting a telecommunications tower in the right-of-way of a residential property. Said Ordinance supports multiple antennas sharing one tower.

He recommended that the Township take similar protective action. Mr. Simon acknowledged the difficulty in regulating cell towers. Mr. Bagley advised that the federal law regulating telecommunications prohibits a municipality from banning them but it can limit their location.

The Committee unanimously directed the Township Engineer to draft an Ordinance regulating the location of cell towers in the Township as recommended.

b. Mr. Havir reported that Montgomery County is revising its Act 247 Review Guidelines and Fee Schedule for Subdivisions, Land Developments and Zoning Amendments. The new guidelines and fees are not yet known. The County will be digitizing its review letters and plans, and they will be available on the County website for public view. He will keep the Committee abreast of updates on this.

8. Under Citizens' Forum: None.

There being no further business, upon motion of Mr. Portner, and unanimously approved by the Committee, the meeting was adjourned at 9:45 p.m.



Bryan T. Havir
Township Manager

as per Anna Marie Felix

PUBLIC SAFETY COMMITTEE MEETING, 7:30 p.m.
PUBLIC AFFAIRS COMMITTEE MEETING, 7:45 p.m.
BUILDING AND ZONING COMMITTEE MEETING, 8:00 p.m.
Wednesday, December 4, 2013, Curtis Hall
PUBLIC ATTENDANCE LIST

<u>NAME</u> <i>(Please print clearly)</i>	<u>ADDRESS</u>	<u>PHONE or E-MAIL</u>
PAULINE KRETSCHMER	608 SPRING AVE E.P.	215 782 1541
Ann Rappoport	Wyncote	
Dianna Mardor	7806 Spring Ave	267-975-7305
Susan Naessens	1001 Fitzwater town rd Abington PA 19001	2615743014
Celen Naessens	1001 Fitzwater town rd Abington PA 19001	2158408969.
DAVID L. COHEN	321 GERARD AVE. E.P.	dcohen1@ix.netcom.com