

February 11, 2014
Curtis Hall

A regular meeting of the **BUILDING AND ZONING COMMITTEE** was held tonight, Chairman Art Haywood presiding. Members present were Commissioners McKeown, Norris, Portner, Rappoport, and Simon. Also present was Ex-Officio Member Portner.

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

Mr. Haywood called the meeting to order at 8:10 p.m.

1. The Committee reviewed the Zoning Hearing Board ("ZHB") Agenda for February 10 and February 18, 2014 as follows (due to a recent snow storm, the February 10, 2014 ZHB meeting was rescheduled to March 10, 2014 and the appeals scheduled for that meeting were rescheduled to March 10, 2014 also):

APPEAL NO. 3480: Appeal of Paul B. Johnson, owner of premises known as 8306 High School Rd., Elkins Park, PA, from the Decision of the Zoning Officer for a variance in accordance with the rules and regulations of the Class R-4 Residence District as outlined in CCS 295-39.C for a lesser rear yard setback of 10'-4" instead of the minimum required 25' and CCS 295-39.A.(2) for a lesser front yard of 19'-10" instead of the required 40' in order to a one storey bedroom and bathroom addition for a disabled family member.

Paul Johnson was present and showed photos of the current structure, the architect's rendering of the new structure, and reviewed the requested variance for a front yard setback. He stated that the addition was to accommodate his handicapped daughter. Mr. Jones reviewed the application, including the Planning Commission's recommendation to deny the appeal and stated that said Commission did not have the information that Mr. Johnson was presenting this evening, which is why it recommended denial.

In response to a question from Mr. Norris, Mr. Johnson stated that there were no objections to neighbors. Mr. Simon stated that the most affected neighbor has indicated that they have no objection to the appeal.

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

APPEAL NO. 3481: Appeal of Arcadia University, owner of premises known as 450 S. Easton Road, Glenside, PA 19038, from the Decision of the Zoning Officer for the following zoning relief :

- a. A Special Exception from the Rules and Regulations of a CCS 295-227 B. for rebuilding a Storage and Maintenance Building in a Class R-3 Residential District

on the premises (CTRERP Block 137, Units 043) by making the following improvements:

- i. Construction of a new 7251 +/- S.F., (22' high) maintenance and storage building replacing the existing 10,663 +/- S.F. building.
- b. Variance from CCS 295-251 B.(1.) for rebuilding new / proposed structures in the Riparian Corridor Conservation District smaller than existing structures and clear of Riparian Buffer Zone 1.

William Kern was present to represent the applicant. Mr. Jones reviewed the appeal including plans to demolish the current greenhouse and replace it with a smaller structure; the close proximity to a stream; lack of compliance with the Riparian Buffer Corridor Ordinance in the Code; the Planning Commission's recommendation of no action.

Mr. Haywood felt there was insufficient information on the physical appearance of the new building. Mr. Kern showed a plan in this respect. Mr. Haywood disapproved of a plan that was not in compliance with the Township's Riparian Buffer Corridor Ordinance. It did not meet the required 25-foot setback needed for the protection of the buffer. He asked for a reconfiguration of the building to comply with the Township's Riparian Buffer Corridor Ordinance.

Mr. Kern agreed to an amended plan that would be in compliance with said Ordinance and to present it at the March 5, 2014 meeting of the Committee. The Committee unanimously agreed to table action on said appeal to that meeting.

APPEAL NO. 3479 (Continued) – Appeal of Hopkins Center, owner of premises known as 8100 Washington Lane, Wyncote, PA, from the Decision of the Zoning Officer in order to expand the existing parking field by 15 spaces and shift the location of the recyclable/trash enclosure.

The following Zoning Relief is required for the proposed project within the R-3 Residential District:

1. A variance from CCS 295-221.B(5).(a) (Location of surface parking) to allow surface parking between the existing building and Washington Lane.
2. A variance from CCS 295-220B. (Side yard projections) to allow recyclables/trash and landscape wall to project within the side yard.
3. A variance from CSS 295-163 (Steep Slope Conservation District) to allow disturbance of slopes 15% or greater.
4. A variance from CCS 295-24A. (2) (Front Yard Setback) to allow construction of a landscape wall with railing 18' from the Right of Way instead of the allowed 50'.

Mr. Jones reviewed the Township's Engineer's evaluation of said appeal with respect to steep slope and storm drainage. He stated that the applicant will need additional relief as a result of the determinations of said evaluation.

Representatives of the applicant agreed to amend the appeal, and present the amended application at the Committee's March 5, 2014 meeting, and the Committee unanimously agreed to table action on said appeal to that meeting.

APPEAL NO. 3468: (Continued) 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.

Mr. Haywood noted that new information has been forwarded to the Committee on this appeal. He asked that everyone review the information for possible reconsideration by the Committee of its previous recommendation on said appeal. The Committee unanimously agreed to table further consideration of taking new action on this appeal to its March 5, 2014 meeting.

2. Upon motion of Mr. Simon, the Committee unanimously accepted the Planning Commission Regular Meeting Minutes dated January 27, 2014.

3. The Committee reviewed recent Decision(s) of the Zoning Hearing Board as follows:

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.

The Zoning Hearing Board granted applicant's request for relief subject to a condition.

Upon motion of Mr. Simon, the Committee unanimously agreed to take no action.

4. Upon motion of Mr. Portner, the Committee unanimously received the Report of the Building Inspector for January, 2014.

5. Under Old Business – None.

6. Under New Business: Mr. Havir reported that there were requests at the public meeting on January 29, 2014 to post an editable version (Word version) of the Township's Draft Zoning Code revision on the Township website ("website")

Extensive discussion ensued. Ms. Rappoport asked if a Question and Answer ("Q&A") section would be created on the website. She felt this could save time at the public meetings, at the Public Hearing and would help the Commissioners in making a decision. She heard a lot of comments from the public expecting a Q&A link on the website.

Mr. Haywood questioned who would receive the changes, who would answer questions, and how the information would be maintained.

Mr. Simon questioned having an editable edition of the Ordinance on the Township's website. He felt that any questions should be for the Commissioners' information only. He did not approve of said editable version being used to make interim changes. The Ordinance should be edited when the Commissioners vote on it.

Mr. Haywood felt that if residents believed they could edit the Ordinance it would create unreasonable expectations.

It was Mr. Bagley's opinion that any suggested changes by the public should be submitted to the Township at public meetings.

There was discussion about where questions would be sent. Mr. Simon stated that it has been indicated that there is an e-mail address at the Township at cheltenham@cheltenham-township.org. Ms. Rappoport felt that a Q&A website section would allow everyone to see the Q&A's and eliminate duplication.

It was Mr. Norris' opinion that Q&A's could make the public meetings easier to conduct. He suggested a list of common questions and answers on the website. He suggested that the Ad Hoc Zoning Committee could post commonly asked questions.

Mr. Simon supported placing questions from the public placed on the website but did not support answering any of them.

Mr. Portner did not support any Q&A on the website.

Mr. Havir stated that there was the concept of allowing the public to submit “comments” that could be addressed at future public meetings being held on the draft Ordinance. Mr. Simon supported a link on the website for “comments”.

Ms. Rappoport did not agree that questions are irrelevant. She felt questions were a legitimate form of comment, and with people depending on technology, it is a valid outreach.

Mr. Haywood took a poll of the Committee on posting the following three (3) items on the website:

1. Committee members in favor of posting “comments” from the public – unanimous agreement in favor.
2. Committee members in favor of posting “Questions” from the public – Ayes: Haywood, Norris, Simon, Rappoport; Nays: McKeown, Portner.
3. Committee members in favor of posting “Answers” to the public questions – Ayes: Haywood, Norris, Rappoport; Nays: McKeown, Portner, Simon.

Public Comment

David Cohen, a member of the Ad Hoc Zoning Committee, stated that he is a resident and a volunteer on the committee that drafted the Ordinance. He felt it was critical to add a notation to the website to minimize the public’s expectations. He was not sure who would have the time to review and respond to the Q&A. He stated that as a volunteer, he does not have the time to do so, and he did not feel that Staff had the time also.

Mr. Simon responded that there is only one answer and only one source of answer, and that is the Board of Commissioners.

Lora Draving stated that she lives in the Meadowbrook section of Abington Township and is Co-President of Transition Cheltenham. She supported Q&A as a means of sharing communication between communities and bringing communities closer.

Angel Hawk suggested “Most Frequently Asked Questions” be posted on the website.

Ms. Rappoport asked if there is a way that the Answer section could be rephrased to give some of the feedback to as many questions as possible.

Mr. Norris suggested a qualification statement on the website. Mr. Simon felt this would be misleading, and every question would have to be answered with the statement.

Upon motion of Mr. Haywood, the Committee unanimously agreed to table any motion of the concept of a Q&A section on the website for the Draft Zoning Code Ordinance and Staff was directed to evaluate how Answers would be given to Questions on the website.

7. Citizens Forum

David Cohen stated that it should be made clear that the Answers do not reflect the viewpoint of the Commissioners.

Mr. Cohen asked for the status of the proposed Local Landmark Ordinance. Mr. Haver responded that item is on the agenda for the next evening's meeting of the Public Works Committee (Wednesday, February 12, 2014).

There being no further business, upon motion of Mr. Haywood, and unanimously approved by the Committee, the meeting was adjourned at 9:40 p.m.



Bryan T. Haver
Township Manager

as per Anna Marie Felix

PUBLIC SAFETY COMMITTEE – 7:30 pm
PUBLIC AFFAIRS COMMITTEE – 7:45 pm
BUILDING AND ZONING COMMITTEE – 8 pm

Tuesday, February 11, 2014
PUBLIC ATTENDANCE LIST

<u>NAME</u> <i>(Please print clearly)</i>	<u>ADDRESS</u>	<u>PHONE or E-MAIL</u>
PAULINE KRETSCHMER	608 SPRING	
KEVIN KRETSCHMER	"	
William Kerr	1704 Sunity 40 E. AIG ST. Norman	
DAVID L COHN	321 GERARD AVE E P 19627	dcohn1@ix.netcom.com
Mark Baldwin	2100 WASHINGTON LA	
Paul Johnson	8306 High School Rd. E P	