

March 5, 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 Amy Montgomery, Township Engineer 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 9 p.m.

1. The Committee reviewed and took action on the Zoning Hearing Board ("ZHB") Agenda items for March 10 and March 18, 2014 as follows:

APPEAL NO. 3479 – 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 295-24A.(2) (Front Yard Setback) to allow construction of a landscape wall with railing 18' from the right-of-way instead of the allowed 50'.
2. A variance from CSS 295-163 (Steep Slope Conservation District) to allow disturbance of slopes 15% or greater.
3. A variance from CCS 295-220.A. (Front yard projections) to allow recyclables/trash enclosure and landscape wall to project within the front yard.
4. A variance from CCS 295-220B. (Side yard projections) to allow recyclables/trash enclosure and landscape wall to project within the side yard.
5. A variance from CCS 295-221.B.(5)(a) (Location of surface parking) to allow surface parking between the existing building and Washington Lane.
6. A variance from CCS 295-221.F. (Maximum Parking) to allow more than the 120% minimum parking requirement.
7. A variance from CCS 295-223 (Fences and walls) to allow an open fence in excess of 4 feet in height and also encroach within the required yard setbacks.

Anthony Hibbeln, Project Engineer, was present. Ms. Montgomery reviewed the application and requested variances. In response to a question from Mr. Haywood, Mr. Hibbeln responded that the applicant is meeting all of the recommendations of the Planning Commission

relating to the retaining wall, buffer along Washington Lane, landscaping, bicycle parking, and the stormwater management pipe.

Ms. Rappoport was concerned about the property's density, the potential for flooding, stormwater management, steep slope issues, and the concern of the Fire Marshal for fire vehicles making a turn. She had a concern that the facility had outgrown the site since it appeared that 62% of the facility's acreage is covered by building or parking, and felt the envelope of the land was being pushed. Ms. Rappoport felt the number of beds is higher than the land allows. Mr. Hibbeln responded that he has worked with the Fire Marshal about the truck turns and proved that maneuverability is greater than the Fire Marshal believed it to be. Details are being worked on regarding turns around a handicap space. A stormwater management feature is being added in addition to what already exists, and the new pipe is very large to manage the capacity. A plan for erosion and sediment control during construction will be submitted. Ms. Montgomery responded that at this point it is premature of her to review the applicant's plans since they are addressed in land development. Mr. Hibbeln stated that the number of beds is not increasing but the care requirements of the patients have changed, which requires increased parking. The facility's density is not being increased, and the facility is not at its maximum allowable use. Ms. Montgomery advised that no maximum impervious coverage is needed in this zoning district.

Upon motion of Mr. Portner, the Committee directed the Township's Interim Planner/Zoning Officer to advise the Zoning Hearing Board that the Committee takes no action on this appeal (AYES: Haywood, McKeown, Norris, Portner, Sharkey, Simon; NAY: Rappoport).

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 construct a one storey bedroom and bathroom addition for a disabled family member.

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.

Hal Lichtman, Project Architect, was present and reviewed the site plan of the existing and the proposed new building; right-of-way along Waverly Road; the new building's location relative to the roadway; front and rear setbacks; rear yard compliance with the zoning district; reduction of the existing non-conforming use.

Mr. Sharkey asked about the project's timeframe. Mr. Lichtman responded that this is a summer project.

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

APPEAL NO. 3482: Appeal of Dale & Kristen Stirzel, owner of premises known as 8232 Cadwalader Ave., 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 for the following zoning relief in order to build a one story addition and deck at the rear of the house:

1. CCS 295-38 for a building area of 27.4 % instead of the maximum 20% allowed and;
2. CCS 295-39.B.(1) for a lesser side yard setback of 8' +/- on the northeast side and 3' +/- on the southwest side instead of the minimum 10' and aggregate 30' required.

Ms. Stirzel was present. She will be requesting a Continuance since the architect is revising the plan to change the setback in accordance with the Planning Commission's recommendation.

Upon motion of Mr. Simon, the Committee unanimously directed the Township's Interim Planner/Zoning Officer to advise the Zoning Hearing Board that the Committee recommends the grant of a Continuance and if a Continuance is not granted, the Committee recommends denial based on a lack of sufficient information.

APPEAL NO. 3483: Appeal of Arcadia University, owner of premises known as 1601 Church Rd., Glenside, PA 19038, from the Decision of the Zoning Officer for the following zoning relief in an R3 Residential Zoning District:

- a. A Variance from the Rules and Regulations of a CCS 295-21 F. in order to erect and maintain a non-conforming sign.
- b. A Variance from CCS 295-197 A(1) and (4) to install a 3'4" by 15'0" banner sign instead of one of the permitted signs allowed in this district.

Hal Lichtman, Project Architect, was present and reviewed the existing non-conforming building; location of the existing sign; location of the new banner sign; size of the new banner sign; and the new sign will not have lighting.

In response to a question from Mr. Simon, Mr. Lichtman stated that it would be a “fabric” banner.

Upon motion of Mr. Haywood, the Committee unanimously directed the Township’s Interim Planner/Zoning Officer to advise the Zoning Hearing Board that the Committee takes no action on this appeal.

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.

Upon motion of Mr. Haywood, the Committee unanimously directed the Township's Interim Planner/Zoning Officer that the Committee's recommendation on this appeal remain as previously stated.

2. Upon motion of Mr. Haywood, the Committee unanimously accepted the Planning Commission Regular Meeting Minutes dated February 26, 2014.

3. The Committee reviewed recommendations by the Economic Development Task Force (“EDTF”) for signage as follows:

- a. 8339 Old York Road, Elkins Park. No action was taken since the applicant will be making application to the Zoning Hearing Board for a variance due to sign being larger than allowable in the Township Code.
- b. 7410 Front Street, Cheltenham. Upon motion of Mr. Norris, the Committee unanimously approved the issuance of a Certificate of Appropriateness for façade signage.

4. The Committee discussed a draft Flood Plain Conservation Overlay District Ordinance. Joseph Nixon, County Planner, was present. Mr. Havir advised that said Ordinance, currently in the Code, needs to be amended in order to ensure that Township residents remain eligible for flood insurance on their properties. The Montgomery County Planning Commission (MCPC”) has provided technical assistance, and it is the model Ordinance that the MCPC has prepared for all municipalities in the County. This Ordinance will bring the Township’s standards into compliance with the federal criteria for the Nation Flood Insurance Program (“NFIP”). Said Ordinance was the result of a recommendation of FEMA officials at a recent meeting and needs to be adopted at the May 21, 2014 Board meeting via a Public Hearing, preceded by the appropriate Legal Notice.

In response to a question from Mr. Portner, Mr. Nixon stated that so far, three (3) municipalities that he works with have adopted the Ordinance. There are other municipalities that have adopted it but he did not have that information.

Ms. Rappoport thought that it needed to be conveyed that the Ordinance is being adopted on a more accelerated schedule than the Zoning Code revision.

Mr. Haywood felt that more time was needed for a thorough review, a sharing of ideas, and a review by the Planning Commission. He suggested it be revisited at the Building and Zoning Committee meeting on April 2, 2014.

Mr. Simon did not believe that the Township had any other options in this respect. The Ordinance needed to be adopted so that residents can qualify for the NFIP. At most, Staff could tweak it.

Mr. Sharkey believed there needed to be a procedural action taken on the Ordinance. He asked if it could be amended in the future, if need be. Mr. Havir responded that it could be amended when it is adopted as part of the Zoning Code revision but in the meantime it had to become adopted so that residents can qualify for the NFIP.

In response to a question from Mr. Sharkey, Mr. Nixon stated that this Ordinance would make it more difficult to develop in a floodplain. In response to a question from Mr. Simon, Mr. Nixon stated that this will be less restrictive for FEMA. In response to a question from Ms. Rappoport, Mr. Havir stated that staff shortages/lack of personnel have contributed to the time constraints on the Ordinance.

Public Comments:

Robert Hyslop was concerned about certain aspects of the Ordinance including but not limited to “substantial improvement”; and development in an AE Area/District; and location of electrical distribution panels. Ms. Montgomery noted that the latter is for new construction. He felt the Ordinance needed further review.

Upon motion of Mr. Haywood, the Committee unanimously agreed to table any action on the draft Ordinance to the April 2, 2014, Building and Zoning Committee meeting; directed the Township’s Planning Commission to review it at its March 24, 2014 meeting; asked the Montgomery County Planning Commission to advise on what aspects of the Ordinance the Township has flexibility to change and requested a presentation of the MCPC staff at the April 2, 2014 meeting of the Building and Zoning Committee; and asked Staff to provide a history of the issue that gave rise to the Ordinance.

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

6. Under Old Business – None.

7. Under New Business – None.

8. Under Citizens’ Forum:

Ted Cerebi asked about the status of the public’s posting of questions on the Township website relating to the Zoning Code revision. Mr. Havir responded that he has the questions that were asked at the public meetings but additional time is needed to organize them for the website.

Robert Hyslop asked how many properties would be affected by the section of the draft floodplain Ordinance relating to the identification of floodplain areas. Ms. Montgomery responded that the floodplain map does not include individual properties, and she would be hesitant to tell anyone they are in a floodplain without a survey. It is a difficult determination on a scaled plan.

There being no further business, upon motion of Mr. Portner, and unanimously approved by the Committee, the meeting was adjourned at 10:15 p.m.



Bryan T. Havir
Township Manager

as per Anna Marie Felix



PUBLIC ATTENDANCE LIST
Public Safety Committee, 7:30 p.m.
Public Affairs Committee, 7:45 p.m.
Building and Zoning Committee, 8:00 p.m.
Wednesday, March 5, 2014
Curtis Hall

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TED CERCHI	300 Maple Ave Wyncote PA	
Muohi Vanyan	217 Bickley	
Vanessa Galati	229 Bickley	
Maira Fanny	227 Bickley	
Jenny Lamm	139 Berkeley Rd	
Sheva Golkin	145 Bickley	
Daniel Schmitz	15 Waverly	



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NAME (Please Print Clearly)	ADDRESS	E-MAIL and/or TELEPHONE
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