

June 4, 2014
Curtis Hall

A regular meeting of the **BUILDING AND ZONING COMMITTEE** was held tonight, Vice Chairman Morton J. Simon, Jr. presiding. Members present were Commissioners McKeown, Norris, Rappoport, Sharkey. Also present was Ex-Officio Member Portner.

Staff present were Henry Sekawungu, Planning and Zoning Director; and Bryan T. Havir, Township Manager. Also present was Joseph M. Bagley, Esq., Township Solicitor. A Public Attendance List is attached.

Mr. Simon called the meeting to order at 9:10 p.m.

1. The Committee reviewed and took action on the Zoning Hearing Board ("ZHB") Agenda items for June 9 and June 17, 2014 as follows:

APPEAL NO 3484 – Appeal of Excel Auto Repair and Collision lessee of premises known as 546-552 Township Line Rd., Cheltenham, PA 19012 from the Decision of the Zoning Officer for Zoning Relief in order to operate a used motor vehicle sales agency from their existing non-conforming auto repair and collision service business at this location which is zoned Class C-3 Commercial and Business District.

Peter Friedman, Esq. and Hal Lichtman, Architect, were present. Mr. Sekawungu reviewed the application and noted the Planning Commission's recommendation to approve it. Mr. Friedman reviewed the use and proposed landscaping. Mr. Lichtman reviewed existing parking. Mr. McKeown reported that he spoke to the owners, and there was discussion and agreement as to where the cars for sale and the sales office would be located on the property. Mr. McKeown noted that the new owner discovered that there were several feet of additional footage that belonged to the property of which the current owner was not aware.

Upon motion of Mr. McKeown, the Committee unanimously directed the Township's Planning and Zoning Officer to advise the Zoning Hearing Board that it recommends the grant of relief on said appeal.

APPEAL NO. 3487: Appeal of Miguel Burgos, owner of premises known as 641 Ashbourne Rd., Cheltenham, PA 19012 from the Decision of the Zoning Officer for the following zoning relief in an R-4 Residential District:

- a. Variance from "Fences and Walls" as outlined in CCS 295-223, in order to install 145± feet of 6' high, solid fencing within the Ashbourne Road street frontage required setback area instead of the permitted 4' high 50% open fencing.
- b. Variance from "Use regulations" as outlined in CCS 295-36.F, in order to install (2) two 2' by 2' by 6' high brick pillars adjacent to the driveway in the front yard setback that will support a 6' high wrought iron entrance gate instead of one of the enumerated permitted uses.
- c. Variance from CCS 295-39(A)(1) for a structure 5+/- feet from the front yard right-of-way instead of the allowed 40' and,

- d. Variance from CCS 295-39(B)(1) for a structure 4+/- feet from the side yard setback instead of the permitted 10'.

Mr. Sekawungu reviewed the appeal, varying height of the fence, the Planning Commission's recommendation to deny the application and residents' opposition. Mr. McKeown did not believe that a high fence would not secure the dogs since they are getting out from under the fence, regardless of its height.

Public Comment

Sara Kovel stated that the fence is illegal; she questioned how it would be taken down and whether or not it is on someone else's property to which Mr. Bagley responded that the neighbor could hire a surveyor to determine the property line. Ms. Kovel stated that the owner misrepresented his name to which Mr. McKeown responded that the Township is aware. Mr. Sekawungu stated that the current fence is not illegal.

Stanley Mischczuk is a neighbor, and the high fence prohibits him from seeing when exiting his driveway.

Upon motion of Mr. McKeown, the Committee unanimously directed the Township Planner/Zoning Officer to advise that the Committee recommends denial of said appeal based on the 6-foot portion of the fence creating a sight distance problem for the neighbor and not being an adequate deterrent for the dogs.

APPEAL NO. 3489: Appeal of Father Ihor Royik of Annunciation Catholic Church, 1206 Valley Rd., Elkins Park, PA 19027 from the Decision of the Zoning Officer for the following zoning relief in an R-4 Residential District:

- a. A variance under Section 295-36 F. of The Cheltenham Zoning Code, in order to erect (2) two flag poles in the front yard setback; and
- b. A Variance from the Rules and Regulations of a CCS 295-197A(4), in order to erect and maintain a non-conforming Reader Board sign measuring 23 sq. ft. and 9' high in the front yard setback in addition to their existing free standing identification sign.

Fr. Royik and Peter Labiak, congregant, were present. Mr. Labiak, a member of the Zoning Hearing Board ("ZHB"), stated that he would recuse himself when said appeal is heard by the ZHB. Mr. Labiak described the sign, its size, height, distributed artist renderings and stated that the church is located at a gateway to the Township and needs identification. The church is offering use of the sign to the Township for emergency management alerts and Township events.

Mr. Portner stated that he is familiar with the church's activities, and it is community-oriented. The proposed sign would be helpful to emergency management, and it is located at a gateway to the Township on Old York Road.

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

APPEAL NO. 3473: 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. Variances from the Rules and Regulations of the Class R-1 Residence District as outlined in CCS 295-07, for the expansion of the educational use on the premises (CTRERP Block 137, Units 26 and 27) by making the following improvements instead of the enumerated permitted uses:
 - i. Construction of a new 5700 +/- S.F., one-story (18' high) maintenance building.
- b. Variance from CCS 295-10(C), for a rear yard setback of 7' instead of the required 50'.
- c. Variances from the Rules and Regulations of the Steep Slope Conservation District as outlined in Article XXII of the Cheltenham Code, as follows:
 - i. From CCS 295-166(B) for the construction of site improvements associated with the improvements noted in a. and b., above, for property having a terrain gradient of 15 % or more in a Steep Slope Conservation District.
 - ii. From CCS 295-167 for the construction of site improvements associated with the improvements noted in a. and b., above, instead of the enumerated permitted uses.
- d. In the alternative to (a.) (b.) and (c.) above a Special Exception per CCS 295-227(C.) for extension or expansion of a non-conforming use.
- e. A Special Exception from CCS 295-251(A.)(5.) for a driveway and paved pedestrian trail corridor crossing.
- f. Variance from CCS 295-254(C.) for a corridor crossing less than 1000 feet of buffer length.
- g. A determination of man-made steep slope from the Township Engineer that an exemption applies under CCS 295-164(B)(2)
- h. Variance from CCS 295-252(B) for a Parking Lot in the Riparian Corridor Conservation District or, in the alternative, an interpretation that CCS 295-250(B) or (C) applies for an existing driveway and parking lot in the Riparian Corridor.

Hal Lichtman, Architect, was present. Mr. Sekawungu reviewed the appeal. Mr. Lichtman reviewed the increase in size of the parcel and the building; building setback; building usage; expansion of impervious surfaces; improvements to stream crossings.

Public Comment

Alan Smith opposed the size of the building because he thought it was located on Church Road near his home. Mr. Sharkey responded that the building will be located on another part of the campus and would not be visible from Mr. Smith's home.

Mr. Simon questioned "Item g" of the request for relief from the man-made steep slope exemption by the Township Engineer. Mr. Lichtman was willing to delete it but said that it was included in case it was needed for the land development process.

Upon motion of Mr. Sharkey, the Committee unanimously directed the Township's Planner/Zoning Officer to advise the Zoning Hearing Board that it recommends approval of said appeal, contingent upon the applicant removing "Item g" of the request for relief.

APPEAL NO. 3490: 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. Variances from the Rules and Regulations of the Class R-3 Residence District as outlined in CCS 295-21. for a short stay residential facility accessory to Arcadia University in the existing residential/administrative office building on the property at the Southwest corner of Church Rd. and Waverly Rd.
- b. In the alternative to (a), a Special Exception from CCS 295-227(B) for the alteration of a non-conforming building and CCS295-227(C)(3) for the extension of a non-conforming use.

Mr. Sekawungu reviewed the appeal and the Planning Commission's recommendation for approval.

Mr. Rappoport asked about the number of units and bathrooms and if the change in use impacts taxes. Mr. Lichtman stated that it is a 6-bedroom house; the bathrooms will need to be discussed in land development; EDU's are a Building Permit process. The house will be used for university 'pro bono' stays.

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

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

3. Mr. Havir announced that the revised Concept Plan for the proposed Falcon Hill development in Laverock will not be presented this evening.

4. The Committee reviewed recent decisions of the Zoning Hearing Board as follows:

APPEAL NO. 3482 (Continued): 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.

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

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

APPEAL NO. 3485: Appeal of Christopher Keiner and Susan Van Horn, owners of premises known as 7741 Union 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-5 Residence District as outlined in CCS 295-46.B.(1) for a lesser side yard of 2.4' instead of the required 8' in order to construct a single story addition with basement and partially covered porch at the rear of the residence. The house is an existing non-conforming structure.

The Zoning Hearing Board granted applicants' request for relief, subject to a condition.

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

APPEAL NO. 3468: 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.

The Zoning Hearing Board granted applicant's request for relief, subject to conditions.

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

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

6. Under Old Business – None.

7. Under New Business – Mr. Sharkey noted that in the Staff Meeting Minutes dated May 18, 2014, Mr. Sekawungu reported a request by the Zoning Hearing Board ("ZHB") that the Planning Commission not make recommendations on plans going before the ZHB. Mr. Sekawungu responded that the ZHB has a new solicitor who advised that the PC recommendations are not a requirement of the Pennsylvania Municipalities Planning Code. Mr. Simon noted that the PC advises the Building and Zoning Committee ("B&Z"), not the ZHB. Mr. Bagley stated that he has informed the ZHB solicitor that the Township Code provides for the PC to make recommendations to the B&Z Committee.

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 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, June 4, 2014
Curtis Hall

NAME (Please Print Clearly)	ADDRESS	E-MAIL and/or TELEPHONE
DARREN HARRISON	Elkins Park Fire Co.	
John F. Washington Jr	Ogontz Fire Comp President	
David Mulligan	La Motte Fire Co.	
Dan Lavett	Elkins Park Fire Co.	
ALLEN SMITH	2625 CHURCH GLAUSIDE	
Janet Miszczuk	645 Ashbourne Rd Cheltenham	
Ken & Pauline Kretschmer	608 Spring Ave EP.	
Jamie & Shirley Williams	7907 Rolling Green Rd Cheltenham	



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NAME (Please Print Clearly)	ADDRESS	E-MAIL and/or TELEPHONE
Margaret Cotton	7901 Rolling Green Rd.	
STEPHEN MODZELEWSKI	2617 CHURCH RD	
Annur Krutz	915 Ridge Ave Old Cheltenham	
Sava Koval	7961 Oakley Chel Dr.	
Sandra Graberg	7930 Rolling Green Rd.	
Pamela Henry	609 Ashbourne Rd	
Ed DRACH	7213 Rolling Hill	
Abby Swister	7938 Waltham Rd.	



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NAME (Please Print Clearly)	ADDRESS	E-MAIL and/or TELEPHONE
Becky Krevitz	7955 Rolph Green Rd	215-806-7612