

July 2, 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, Rappoport, Sharkey, and Simon. Also present was Ex-Officio Member Portner.

Staff present were Henry Sekawungu, Planning and Zoning Director; and Bryan T. Havis, 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 8:30 p.m.

1. The Committee reviewed and took action on the Zoning Hearing Board ("ZHB") Agenda items for July 14, 2014 as follows:

APPEAL NO. 3487 (continued): 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 reported that the applicant did not attend the June 9, 2014 meeting of the Zoning Hearing Board and was granted a Continuance.

Upon motion of Mr. McKeown, the Committee unanimously directed the Township Planning/Zoning Officer to advise the Zoning Hearing Board that the Committee recommends denial of said appeal as previously stated.

Appeal No. 3491: Appeal of Westminster Theological Seminary, owners of premises known as 2960 W. Church Road, Glenside, PA 19038 from the Decision of the Zoning Officer for the following Zoning Relief of an existing single family residence in an R3 Residence District:

- A. An interpretation that the front setbacks are legal and non-conforming and existing parking is legal and non-conforming.
- B. A variance from the Rules and Regulations of the Cheltenham Township Zoning Code for the following:

- i. From CCS 295-21 “Use Regulations” to allow the conversion of a single family dwelling unit to a two unit dwelling with two distinct living spaces.
- ii. In the alternative, a variance from CCS 295- 221 “Parking and Loading” requirements, and
- iii. In the alternative, an interpretation of CCS 295-227 “Non-Conforming uses” that the existing residential use is a non-conforming use.

Michael Yanoff, Esq. and Philip Walden were present to represent the applicant. Mr. Sekawungu reviewed the appeal and the change of use of the gatehouse into apartments. Mr. Yanoff reviewed the current and planned future use of the building; parking; and lack of external renovations.

Mr. Haywood asked about the gatehouse footage, current usage, number of occupants and bedrooms. Mr. Walden responded that the gatehouse is 1,500 sq. feet; it is used as a residence for summer students and currently has one (1) occupant; there will be a one (1) bedroom apartment on the first floor and a two (2) bedroom apartment on the second floor.

Mr. Bagley asked about ingress/egress from the basement to which Mr. Yanoff responded he did not know if any existed.

Upon motion of Mr. McKeown, the Committee unanimously directed the Township Planning/Zoning Officer to advise the Zoning Hearing Board that the Committee recommended no action on said appeal.

Appeal No. 3493: Appeal of 101 Juniper Associates, owner of premises known as 1400 Willow Ave., La Mott, PA 19027, from the Decision of the Zoning Officer for a variance in accordance with the rules and regulations of the Class R7 Residence District in order to replace an area of the building used by a school and increase the Adult Day Care from the approved 50 persons to 200 persons. The following zoning relief is required:

- a. A variance from CCS 295-57. “Use Regulations”, for a use other than one of the permitted enumerated uses, and
- b. A special exception from CCS 295-227 C. “Non-Conforming”, for the expansion of a non-conforming use.

Mr. Sekawungu reviewed the appeal and advised that 50 adults are currently permitted, and the applicant wants an increase to 200 adults.

Hal Lichtman, Architect, was present. He stated that the owner has found a decrease in the school’s enrollment and wants to extend the adult daycare. In response to a question from Mr. Bagley, Mr. Lichtman stated that the State of Pennsylvania regulates square footage and activity areas; there are no specific parking requirements for adult daycares so the parking requirements for child daycare are being used; no other variances are needed.

Mr. Norris asked about the school’s function. Mr. Lichtman responded that the students are Korean, and it is an English as a second language school.

Mr. Portner stated that the school is in his ward; many of the students will be bused in; the students are not children or teenagers.

Upon motion of Mr. Portner, the Committee unanimously directed the Township Planning/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 June 23, 2014.

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

- a. 155 Yorktown Plaza. In response to questions from Mr. Simon, Mr. Portner stated that the applicant is Normandee Nail Salon replacing a previous nail salon and using the same location and size.

Upon motion of Mr. Simon, the Committee unanimously approved a Certificate of Appropriateness to 155 Yorktowne Plaza, Elkins Park, for façade signage.

- b. Upon motion of Mr. Haywood, the Committee unanimously approved a Certificate of Appropriateness to 49 Cheltenham Avenue, Cheltenham, for façade signage.

4. **Recommendation to the Board of Commissioners:** Upon motion of Mr. Sharkey, the Committee unanimously recommended to the Board of Commissioners the scheduling of a Public Hearing on Wednesday, August 20, 2014, at 7:30 p.m., at Curtis Hall, to consider an Inter-municipal liquor license transfer into Cheltenham Township from Horsham Township on behalf of Roberts Block LLC for a restaurant at the Roberts Block Building, 6 Roberts Block, Glenside, PA 19038.

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

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

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.

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

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

7. Under Old Business – Ms. Rappoport stated that she has received concerns about dilapidated and vacant properties in the Township. She suggested that the Township consider ways to expedite action on such properties especially those that have been vacant for several years.

Mr. McKeown acknowledged the number of vacant buildings but stated that Staff is burdened with the summer workload. Mr. Simon suggested waiting until the end of summer.

8. Under New Business – Mr. Portner advised that he is forming a committee, in accordance with the Home Rule Charter, to expedite the draft Zoning Code Amendment, and to review and consider all input from the public in the draft Amendment. He stated that said draft was undertaken seven (7) years ago, and he wants to move the process along. The committee members include Economic Development Task Force Members David Cohen and Brad Pransky; Planning Commission Member Eric Leighton; Planning/Zoning Director Henry Sekawungu; and County Planner Joseph Nixon, and the Township Manager Bryan T. Havir.

Discussion ensued with Mr. Haywood asking who is currently responsible for moving the draft Amendment forward. Mr. Portner believed that the initial committee was large, included a lot of people, and a smaller committee could move the process along faster.

Ms. Rappoport asked for a summary of public comments prior to the committee finalizing the draft Amendment.

Mr. Simon wanted said committee to review all comments before preparing a final draft Amendment.

Mr. Havir stated that he will share the summary of all public comments to the Committee.

9. 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 9:30 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, July 2, 2014
Curtis Hall

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