

August 6, 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 (via telephone), Norris, Rappoport, and 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 8:00 p.m.

1. The Committee reviewed and took action on the Zoning Hearing Board ("ZHB") Agenda items for August 11, 2014 as follows:

**APPEAL NO. 3494** – Appeal of Deborah Napper, owner of premises known as 1825 Chelsea Rd., Elkins Park, PA, 19027, zoned R-5, where the existing lot is nonconforming as to area and width regulations, from the Decision of the Zoning Officer for the following Zoning Relief in order to construct a 15'-7" wide x 16' deep deck at the rear of the existing single family semi-detached dwelling:

- a. A Variance from the rules and regulations of CSS 295-46.B.(2) to allow the construction of a deck with a side yard setback of 8'+/- which is less than the required 20' side yard setback width, and
- b. A Variance from CSS 295-46.C for a deck with a rear yard setback of 8'-6"+/- , which is less than the required 15' rear yard setback depth.

Mr. Sekawungu reviewed the appeal.

Upon motion of Mr. Portner, the Committee unanimously directed the Township's Planning/Zoning Director to advise the Zoning Hearing Board that the Committee recommends the grant of relief of Appeal No. 3494.

**APPEAL NO. 3495** – Appeal of Betty and Odel Casseus, owners of premises known as 1801 Erlen Rd., Elkins Park, PA, 19027, zoned R-5, where the existing lot is nonconforming as to area and width regulations, from the Decision of the Zoning Officer for the following Zoning Relief in order to construct a 18" wide x 12' deep deck at the rear of the existing single family semi-detached dwelling:

- a. A special exception from the rules and regulations of CSS 295-46.A.(1) to allow the construction of a deck with a front yard setback of 17'+/- which is less than the required 40' front yard setback depth, and
- b. A special exception from CSS 295-46.A.(2) for a deck with a front yard setback of 5'+/- which is less than the required 40' front yard setback depth.

Mr. Sekawungu reviewed the appeal.

Upon motion of Mr. Portner, the Committee unanimously directed the Township's Planning/Zoning Director to advise the Zoning Hearing Board that the Committee recommends the grant of relief of Appeal No. 3495.

**APPEAL NO. 3496:** Appeal of 101 Mobility of Greater Philadelphia applicant for the owner of premises known as 7904 Toby Leech Dr., Elkins Park, PA 19027, zoned R-3, from the decision of the Zoning Officer for the following Zoning Relief in order to add a wheel chair ramp that is 27' Long with two 5'x5' platforms and 6' section extending onto the drive way, in front of the premises:

- a. A variance from the rules and regulations of CCS 295-24.A(1) front yard regulations, and/or 295-227K nonconforming uses, to allow for the encroachment of a wheel chair ramp a distance of 18'6" into the nonconforming setback of 43' instead of the required 50' front yard setback.

Mr. Sekawungu reviewed the appeal including location of the ramp and front yard setback.

Upon motion of Ms. Rappoport, the Committee unanimously directed the Township's Planning/Zoning Director to advise the Zoning Hearing Board that the Committee recommends the grant of relief of Appeal No. 3496.

**APPEAL NO. 3497–** Appeal of William R. May Funeral Home, Inc., equitable owner of premises known as 6 Royal Ave., Glenside, PA 19038, from the Decision of the Zoning Officer in order to change the use of the property to permit the operation of a Funeral Home with an approximate 1300 sq. ft. addition including additional parking and signage in an R-3 Residential District. The following variances are requested:

- a. From CCS 295-21 for a use as a Funeral Home other than the permitted enumerated uses for an R-3 Residential District.
- b. From CCS 295-24.C. for a lesser rear yard of 10' instead of the required 25'.
- c. From CCS 295-221.B(5)(a) for surface parking located between the building and the street with a lesser setback from the right-of-way of 8' rather than the required 10'.
- d. From CCS 295-221.B(5)(b) for the location of a surface parking lot on a corner lot located on an arterial road (Easton Rd.) as defined by the Cheltenham Township Comprehensive plan.
- e. From CCS 295-221.B(5)(c) to permit a surface parking lot extending more than 70' in width along a pedestrian street frontage without an outdoor café, urban garden, plaza, square, courtyard or landscaping feature with seating.
- f. From CCS 295-163 to permit the disturbance of existing steep slopes in conjunction with the construction of the proposed site improvements.

- g. From CCS 295-197.A. to permit the installation of an external illuminated monument sign with a maximum height of 4' above adjacent grade and with a total sign area of not greater than 20 sq. ft.
- h. From CCS 295-197.A. to permit the installation of a backlit parallel wall sign with a total sign area of not greater than 50 sq. ft.
- i. A special exception from CCS 295-24.A.(2) for a lesser front yard of 5' rather than the minimum 50' required for the installation of a monument sign.

Present was applicant Harry May, Peter Friedman, Esq., and Harold Lichtman, Project Architect.

Mr. Sekawungu reviewed the appeal and the Township's Planning Commission recommendation to deny the application based on the lack of a traffic study and parking issues.

Mr. Friedman reviewed the property's location, lot size, relocation of the funeral home from its present site in the Abington Township section of Glenside, history of the business, the differences in usage of the property from its current office use, and the activity generated by the funeral home.

Mr. Lichtman reviewed the following: the property's past zoning relief; current use; parking; proposed landscaping and fencing; surrounding properties; variances given to surrounding properties; Easton Road frontage; current R3 zoning; current zoning of surrounding properties; the request for change in use and the addition of 1,300 sq. foot building space for viewings and funerals; location of the new addition; requested variances for side yard setback; location and size of new parking area; the agreement with Bishop McDevitt High School to allow for overflow parking on its lot; an agreement with adjacent neighbor to add a 6' solid fence with landscaping; and he distributed statistics on funeral home usage.

Ms. Rappoport asked how the property's trees will be affected and steep slope issues. Mr. Lichtman responded that about four (4) trees totally will be removed but will be replaced. Regarding steep slopes, the impact is uncertain but relief is being asked in case there is a future unknown issue in this respect.

In response to a question from Mr. Norris, Mr. Lichtman stated that the additional parking space is a requirement of the Township's Zoning Code.

Mr. Simon asked for clarification of the location of the new fence, flow of parked cars, and matters involving the new addition. Mr. Lichtman responded that the new fence would abut the neighbor in the rear; the only entrance to the current parking area is on Royal Avenue; the new parking area will face Easton Road and will be accessed from Easton Road.

Mr. May reviewed the history of his business; the agreement with Bishop McDevitt High School to handle overflow parking and the erection of directional signage as needed; acknowledged there will be large funerals; the change in funeral services' trends from services at a funeral home to services at churches, which generates less activity at a funeral home.

Ms. Rappoport asked the reason for changing the location from Keswick Avenue to Glenside Avenue. Mr. Portner believed the reason to be irrelevant and was a matter of personal privacy.

Public Comments:

A resident of the corner of Bickley Road and Royal Avenue believed that parking on Bickley Road would be more convenient than walking to Bishop McDevitt High School to park since people will tend to park closest to the funeral home; Bickley Road is narrow with parking on both sides; he was concerned about fire trucks having adequate room to pass.

Laura Feller opposed the funeral home use as follows: the Township has made traffic calming measures along Easton Road; this use will add traffic and defeats the traffic calming measures; the loss of trees; potential future accidents at Royal and Bickley Roads due to the additional vehicles; and danger to the elderly being dropped off at the funeral home. Ancillae-Assumpta Academy puts up signs when it has an event.

Linda Bosworth was concerned as follows: traffic on Bickley Road; parking on both sides of the street, making it difficult for thru traffic; Bickley is used as a cut-thru; the neighborhood look will be taken away; large volume of people attending funerals; increased traffic on the neighborhood.

Nick Calliagas was concerned about future parking if Bishop McDevitt High School should close since there are rumors to that effect. Mr. May responded that he is a graduate of this school, and those rumors have been circulating for years and are unfounded. Mr. Calliagas felt this could still be possible. Additionally, Arcadia University meetings make parking on Bickley Road very tight.

Denise Dombkoski stated that there are a lot of auto accidents on Bickley Road; motorists go through the stop signs at Royal Avenue and Bickley Road.

Kate Jolly stated that a lot of children live on Bickley Road; it will be difficult for residents to get out of their homes; elderly people will not be able to walk to the funeral home from Bishop McDevitt High School; funeral processions add traffic; lines of people waiting to get into a viewing could wrap around Easton Road to Bickley Road.

Moira Rooney stated that she and neighbors in the vicinity of 227 Bickley Road are now working with the Police Department and Township Staff to help calm traffic along her section of Bickley Road, and this could be a problem for them.

Ken MacDonald stated that he is the neighbor at the rear of the funeral home and approved the new fence and landscaping that will be erected. He shared concerns of the neighbors with parking, traffic, lack of sidewalks, and large crowds that would be generated.

Abbey Fishman noted: lack of sidewalks; Royal Avenue being a school bus route; overflow from the funeral home and school buses could be problematic.

Mrs. Adelsberger, current owner of 6 Royal Avenue, stated that she is the seller of the property, and she lives on Paxson Avenue. She stated that the first block of Royal Avenue is a no parking zone, on both sides of the street. She has known Harry May for many years, and he is a community-oriented person. The property has been difficult to sell, and there were offers for less desirable uses for the neighborhood such as a daycare.

Diane Simms lives across from the proposed funeral home and had concerns about traffic, difficulty for residents to pull out of their driveways, and people parking on Bickley Road instead of Bishop McDevitt High School.

Fran Hoffman supported a funeral home; the Township needed the revenue; it will bring people to Glenside who will shop and eat; she felt the local auto repair business brings more traffic than a funeral home would.

Robin Feeney supported a funeral home; it will not change the neighborhood; Mr. May will be a good neighbor; the use is part of a social commitment to the neighborhood.

Diane Schott was concerned that a funeral home would commercialize Royal Avenue with a lit sign.

Katherine Welsh stated that parked cars on the southern part of Bickley Road create a danger; Arcadia's President's house and traffic cut-thru's are a problem; it will be dangerous for children.

Michael Santarelli stated that he was a Township police officer for 26-years, and the area in question has always been a problem with traffic, and it is a priority with the Police Department.

[End of Public Comments]

Mr. May clarified the hours of operation, i.e. viewings start at 10 a.m. with service at 11 a.m. or in the evenings from 7 p.m. to 9 p.m. People do not want to have a funeral during rush hour traffic.

Mr. Simon asked about parking capacity. Mr. Lichtman stated that the current funeral home has 17 spaces, and the proposed funeral home will have 21 spaces facing Easton Road. Mr. May stated that there are 30-35 off-street parking spaces in the Keswick Avenue facility in Abington Township.

Mr. Sharkey asked neighbors to carefully consider their position opposing a funeral home in their neighborhood. There is a tax-exempt institution looking to expand, and this could open the door to that institution's expansion. He further stated that there have been cases where the use that was opposed would have been better for the community than the use that finally got approved. He felt that the May Funeral Home was a known entity that keeps an immaculate and well-maintained property at its current location. Mr. Sharkey advised that ward Commissioner Art Haywood does not oppose the project, and he would be making a motion in Mr. Haywood's absence.

Mr. McKeown commented that he believed the May Funeral Home would be an asset to the community.

Upon motion of Mr. Sharkey, the Committee unanimously directed the Township's Planning/Zoning Director to advise the Zoning Hearing Board that the Committee takes no action on Appeal No. 3497.

2. Upon motion of Mr. Sharkey, the Committee unanimously accepted the Planning Commission Regular Meeting Minutes dated July 28, 2014.

3. Upon motion of Mr. Sharkey, the Committee unanimously accepted the Select Committee Meeting Minutes dated July 28, 2014.

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

**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 expansion of the educational use on the premises 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.

The Zoning Hearing Board granted applicant's request for relief.

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

**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.

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

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

**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.

The Zoning Hearing granted applicant's request for relief.

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

**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:

- d. 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.
- e. Variance from CCS 295-10(C), for a rear yard setback of 7' instead of the required 50'.
- f. 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.

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

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 July, 2014.

6. Under Old Business – None.

7. Under New Business – Mr. Bagley reported on a proposed Ordinance amending the Township's Zoning Code to permit motor vehicle fueling centers and related signage.

Mr. Simon asked for additional time to consider the proposed Ordinance amendment. He was reluctant to give consideration to scheduling a Public Hearing at this time due to an appeal to the Zoning Hearing Board's decision on WaWa.

Peter Friedman, Esq., representing Good Pro and WaWa, stated that the proposed Ordinance reflects what was already approved by the Zoning Hearing Board for the WaWa application; it is standard for this type of business and adds said business as a permitted use under the C1 Zoning District.

[Mr. Portner left the meeting at this time]

Ms. Rappoport opposed the proposed amendment as follows: both on procedure and with content; the Township should not react every time someone thinks a provision is needed for a property; the timing is inappropriate; some of the language is inappropriate; this matter could be addressed in the draft Zoning Code amendment; it is piece meal reaction; such a response was unnecessary; the proposed Ordinance extends beyond the situation for which it is meant.

Mr. Simon asked if the Ordinance was necessary for the application. Mr. Friedman responded that the project is under appeal and may not happen unless it happens sooner than later. Mr. Friedman suggested there be a meeting to clarify any issues. Mr. Friedman confirmed

Friedman confirmed Mr. Simon's opinion that if the applicant loses the appeal, the application can still move forward if said Ordinance is adopted.

Ms. Rappoport objected to the use of Township Staff for further consideration of this proposed Ordinance in light of there being a pending appeal.

It was Mr. Sharkey's opinion that the ward Commissioner needed to be present for any further discussion.

Upon motion of Mr. Sharkey, the Committee agreed to table further discussion of the draft Ordinance permitting a motor vehicle fueling center and related signage to the meeting of the Board of Commissioners on August 20, 2014 (AYES: McKeown, Norris, Simon, Sharkey; NAY: Rappoport).

8. Under Citizens' Forum – None.

There being no further business, upon motion of Mr. Norris, and unanimously approved by the Committee, the meeting was adjourned at 10:00 p.m.



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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, August 6, 2014**  
**Curtis Hall**

NAME (Please Print Clearly)	ADDRESS	E-MAIL and/or TELEPHONE
KENNETH MACDONALD	310 BICKLEY RD.	718 755 5112
Catherine Welsh	289 Bickley Road	cmwelsh4@gmail.com 215-758-2328
Kate Sub General Jdy	293 Bickley Rd	267 901 1511
Erin Thompson	709 Bethlene mfk	610-724-5702
Hiko CALLIAGAS	275 BICKLEY RD	215-353-8087
Amy Fishman	652 Mulford Rd	610 246 9692
Deborah Napper	1825 Chelsea Rd Elkins Park, PA 19027	apisces4riz0308 @vencem.net.
Dearest Michael Donkosh.	291 Bickley Rd. Glenide Pa. 19027	215-327-0387

LAURA FELLER 615 Mulford



**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, August 6, 2014**  
**Curtis Hall**

NAME (Please Print Clearly)	ADDRESS	E-MAIL and/or TELEPHONE
John F. Washington Jr	Wyncote	idonothaveone@ yahoo.com
Roger Collins	Cheltenham Village	CRANE_COLLINS @MSN.COM
Ruthanne Hoover	Glenside	
ROBERT SPALLONE	301 BICKLEY RD 6 GLENSIDE	RSPALLONE301@ COMCAST.NET
Hotk Wall		
Chris Dyle	_____	_____
Nick Wacker	<del>_____</del>	
Eric Wacker		

James Lurric  
Diane Simms

Bickley Rd  
Glenside

dianesimms@comcast.net



**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, August 6, 2014**  
**Curtis Hall**

NAME (Please Print Clearly)	ADDRESS	E-MAIL and/or TELEPHONE
Diane Suot	209 Royal Ave Wyncote PA 19095	215-704-1607
Mary & Frank Santrelli	226 PAXSON AVE Glenside	2155765358 gymmary@901.com
Dona Adelsberger	6 Royal Ave Glenside Pa 19095	dadelsberger@ dalawyers.com
Don & Linna BOSWORTH	636 MULFORD RD WYNCOTE	
JEFF MERMELSTEIN	200 SURAL LANE R.P.	
Fran Hoffman	285 Bickley Rd Glenside	franhoffman285@ comcast.net
Robin Feeney	118 Royal Ave Wyncote	rfeeney@fineandstaud.com
Maria Kury	227 Bickley	