

December 3, 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, and Sharkey, and Simon. Also present was Ex-Officio member Portner.

Staff present were Alyson Elliott, Assistant Township Manager; 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 9:20 p.m.

1. The Committee reviewed and took action on the Zoning Hearing Board ("ZHB") Agenda items for December 8, 2014 as follows:

APPEAL NO. 3506: Appeal of Compass Signs, agent for Abington Memorial Hospital, tenant of premises known as 8302 Old York Rd., Elkins Park, PA from the Decision of the Zoning Officer for zoning relief in an M3 Multiple Family and Office District. The applicant seeks a variance from CCS 295-90 for a secondary free standing sign measuring 3'-6" wide 3'-0" high at the secondary entrance of the Briar House for their tenant, Abington Memorial Hospital.

Present were John Philips representing Abington Memorial Hospital and Luis Quintano representing Compass Signs. Mr. Sekawungu reviewed the appeal. Mr. Phillips stated that it is difficult for patients to find the facility because there is no exterior sign with the name of the practice.

Upon motion of Mr. Portner, the Committee unanimously directed the Planning and Zoning Officer to advise the Zoning Hearing Board that it recommends approval of said appeal.

APPEAL NO. 3507: Appeal of Stonemor Partners, owners of premises known as 3301 W. Cheltenham Ave., Wyncote PA, aka as Holy Sepulchre Cemetery from the Decision of the Zoning Officer for following zoning relief in an R1 zoning district:

- a. From CCS 295-7 in order to place a 24' wide by 56' long temporary sales office trailer on the premises instead of one the permitted uses and,
- b. From CCS 295-10 A. in order to place said trailer at a distance of 35' in the front yard setback instead of the required 75' setback.
- c. In the alternative, CCS 295-227 C., a special exception for the extension of a nonconforming use of a preexisting sales office.

Paul Mancino representing Stonemor Partners was present. Mr. Sekawungu reviewed the appeal. Mr. Mancino reviewed the size of the trailer; reason for the trailer (to be used as a sales office); its temporary use.

Mr. Haywood questioned the trailer's visibility from Cheltenham Avenue. He did not feel that it projected a suitable image for Cheltenham Avenue; and questioned the materials for the façade of the building. Mr. Bagley asked where a permanent structure would be erected. Ms. Rappoport asked about a long-range plan for a permanent structure.

Mr. Mancino said that the façade would be of wood. He was not sure where a permanent structure would be built and a long-range plan has not yet been thought out. Mr. Bagley noted that variances are not temporary even though this structure is planned to be temporary. There was extensive discussion about setbacks, landscaping, buffering, and the view from Cheltenham Avenue.

Upon motion of Mr. Haywood, the Committee unanimously directed the Planning and Zoning Officer to advise the Zoning Hearing Board that it takes no action on said appeal but if relief is granted, it be granted contingent upon a full buffer of arborvitae be planted at the frontage along Cheltenham Avenue so as to completely screen the trailer from the road, and that this be done to the satisfaction of the Shade Tree Advisory Commission.

APPEAL NO. 3508: Appeal of Gregory D. Smith, owner of premises known as 100 Woodland Rd., Wyncote, PA from the Decision of the Zoning Officer for the following zoning relief in an R5 Residence District:

- a. A special exception from CCS 295-2 Definition of Family, to allow three (3) caretaker residents to reside and assist the Applicant, who is subject to a disability and,
- b. In the alternative, a reasonable accommodation from CCS 295-2 as set forth in the Federal Fair Housing Amendments Act, 42 in order to enable persons with handicap disabilities equal access to housing in residential districts.

Mr. Smith was present. Mr. Sekawungu reviewed the appeal, and stated that neighbors have complained about a potential boarding house being operated by the applicant, and he issued a violation notice.

Mr. Smith stated that according to Social Security disability, he is 100% disabled. He has three (3) home health aides that help him do errands and are companions.

Mr. Bagley noted that there is a provision in the Township Code for special provisions for individuals who claim a disability and need to have people live with them who are unrelated. There was discussion of the Fair Housing Act. Mr. Simon noted that the Township Code allows only for three (3) unrelated people to live in a dwelling, and if there was one (1) less caregiver, this appeal would not be required.

Upon motion of Ms. Rappoport, the Committee unanimously directed the Planning and Zoning Officer to advise the Zoning Hearing Board that it takes no action on said appeal.

APPEAL NO. 3509: Appeal of Ruth Johnson Pressley, owner of premises known as 538 Laverock Rd., Glenside, PA from the Decision of the Zoning Officer for a Special Exception in accordance with the rules and regulations of the Class R-4 Residence District as outlined in CCS 295-39.A.(2) for a lesser front yard setback on a corner lot of 12' +/- from the Twickenham Road frontage of the premises instead of the minimum required 40' for an approximate 28' x 14' in-ground swimming pool.

Mr. Sekawungu reviewed the appeal.

Upon motion of Mr. Sharkey, the Committee unanimously directed the Planning and Zoning Officer to advise the Zoning Hearing Board that it takes no action on said appeal.

2. Upon motion of Mr. Portner, the Committee unanimously accepted the Planning Commission Regular Meeting Minutes dated November 24, 2014.

3. Upon motion of Mr. Portner, the Committee unanimously accepted the Select Committee Meeting Minutes dated November 10, and November 24, 2014.

4. The Committee discussed a proposed text amendment for the R3-A Zoning District and Map Change Ordinance. Said ordinances pertain to the proposed development known as Falcon Hill in Laverock. Ross Weiss was present representing Hansen Properties, the developer.

Mr. Haywood noted that there has been an ongoing issue with the buffer of Lot 11. Mr. Bagley discussed boundaries if they were established to the building line and buffer area on Lot 11 so that no structure could be erected in that area, trees had to be maintained and could not be removal. He suggested that Notes could be placed on the land development plan in this regard and could be included in the rules of the Homeowners' Association.

Ms. Rappoport asked if the buffer could to the lot line rather than the building line. Mr. Bagley replied that the builder could lose the lot and the steep slopes have to be determined to be either manmade or artificial.

Mr. Simon asked about possible traffic issues. Mr. Haywood felt a traffic study would have to be completed. Discussion ensued about the traffic resulting from the homes on the Springfield Township portion of the development and possibly limiting the number of units on the Springfield Township portion so as to lessen the traffic on the Cheltenham Township side. Mr. Sharkey felt that a traffic study should first be performed before any determination is made in this regard.

Mr. Weiss reported that he met on-site with the neighbors.

It was noted that a Public Hearing on these ordinances is being advertised and is scheduled for Wednesday, December 17, 2014, 7:30 p.m., at Curtis Hall.

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

a. 417 W. Cheltenham Avenue, Elkins Park (Eliakim Realty), for façade signage. Mr. Havir reported that the corporate logo and colors were verified. Upon motion of Mr. Portner, the Committee unanimously approved a Certificate of Appropriateness.

b. 433 W. Cheltenham Avenue, Elkins Park, (All Stars Haircut) for façade signage and free-standing signage. Upon motion of Mr. Portner, the Committee unanimously denied a Certificate of Appropriateness to 155 Yorktowne Plaza, Elkins Park, for façade signage

6. Upon motion of Mr. Portner, the Report of the Building Inspector for November, 2014 was received.

7. Under New Business: Mr. Portner reviewed the Zoning Hearing Board decision to grant relief on Appeal No. 3468, for a Wawa fueling station and market with frontage on Ogontz Avenue, Limekiln Pike, MacDonald Avenue and Clubhouse Lane, and the subsequent and now pending appeal of that decision by neighbors. He noted that the Committee took no action on said appeal but did recommend certain contingencies that were granted by the Zoning Hearing Board, and the Commissioners took no action when the decision was rendered.

Mr. Haywood did not support the taking action on an appeal when “no action” was taken previously. Ms. Rappoport did not want to intervene in an appeal since “no action” was previously taken.

Mr. Portner motioned that the Township Solicitor be authorized to file a Joinder with the Zoning Hearing Board Solicitor on the appeal of the Zoning Hearing Board’s decision on Appeal No. 3468, for a Wawa fueling station and market in the vicinity of Ogontz Avenue, Limekiln Pike, MacDonald Avenue and Clubhouse Lane (AYES: McKeown, Portner, Sharkey; NAYES: Haywood, Norris, Rappoport, Simon).

8. Under Citizens’ Forum: David Stewart, 170 Fernbrook Avenue, stated that he recently appeared before the Wyncote Board of Historical and Architectural Review (“BHAR”) for an application to replace windows at his home. He complained that it appeared the BHAR made a decision to deny his application for vinyl replacement windows prior to the meeting. He did not like the attitude of the BHAR members, and he felt he was pre-judged and did not receive a fair decision. The Committee told Mr. Stewart that Staff would investigate his concerns.

There being no further business, upon motion of Mr. Norris, and unanimously approved by the Committee, the meeting was adjourned at 10:20 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, December 3, 2014
Curtis Hall

NAME <i>(Please Print Clearly)</i>	ADDRESS <i>(Please Print Clearly)</i>	E-MAIL and/or TELEPHONE <i>(Please Print Clearly)</i>
Kurt Ahrens	172 Fernbrook Ave	kfaahrens@gmail.com
DAVID STEWART	170 FERNBROOK A	267 432 2590
Tom McHugh	127 Hewett Rd Wyncote	
BILL METTLER	131 WOODLAND RD WYNCOTE, PA	
PAUL MANCINO	1035 VIRGINIA DR	PMANC R STONE MOB, 109 FT. WASHINGTON, PA 15027
TRUC TO	436 Greenwood	
Victoria Pressly	538 LAVEROCK	vee5382@verizon.net
LUIS QUINTANA	8302 Old York Rd	LQUINTANA@COMPASS-SIGN- NET.



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Joshua Castillo	607 Easton Rd Willow Grove, PA	jac@eustaceeng.com
GREG Smith	100 WOODLAND RD WYNCOFF	GREG.MUJO.SMITH@6MARK ICEA 215 9131491
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