

October 6, 2010  
Curtis Hall

A regular meeting of the **BUILDING AND ZONING COMMITTEE** was held tonight, Michael J. Swavola, Chairman, presiding. Members present were Commissioners Hampton, Haywood, McKeown, Portner and Sharkey. Also present was Ex-Officio Member Simon. Staff present were Joseph Bagley, Wisler Pearlstine LLC; Bryan T. Havir, Assistant Township Manager; Carmen Reitano, Assistant to the Township Engineer; Ruth Littner Shaw, Main Street Manager; and David G. Kraynik, Township Manager. A Public Attendance List is attached.

Mr. Swavola called the meeting to order.

1. Sharon Pak, 8203 Westminster Road, addressed the Committee regarding a Township notice she received that a dangerous tree in front of her property that overhangs the public right-of-way needs to be removed. She presented photos showing that the tree was outside her property line and located in the public right-of-way. It was explained to her that under Township Code, property owners are responsible for hazardous trees in the public right-of-way in front of their property. The Code also applies to other right-of-way items such as curb and sidewalk. Ms. Withers stated that the Township mows the grass in that area. Mr. Kraynik responded that this could be an error, and he would investigate it. He advised Ms. Withers that if something should happen as a result of the tree or a portion of it falling, it will be her responsibility since she was warned that it is dangerous. Mr. Bagley explained that property deeds often extend to the center line of a road with public right-of-way going through them. He asked Ms. Wither to contact him to discuss this further.

2. The Committee reviewed the Zoning Hearing Board (ZHB) Agendas for October 14 and October 18, 2010, as follows:

APPEAL NO. 3336 (Continued and amended) – Appeal of Matrix Ashbourne Associates, L.P., owner of premises known at 1100 Ashbourne Road, Cheltenham, PA (a/k/a “Ashbourne Country Club”), from the Decision of the Zoning Officer for Zoning Relief in order to develop

the Premises into a 226 Unit Development consisting of a minimum of seventy (70) Single-Family Residences and a maximum of one hundred and fifty six (156) Carriage Homes. In addition, an area containing approximately 1.25 acres has been set aside for a future clubhouse and swimming pool. The premises is within the Class R-1 Residence District.

The following Zoning Relief is required:

- a. A Variance from the rules and regulations of the “Floodplain District” as outlined in CCS 295-156. so as to allow construction of portions of Stormwater Management Basins # 2C, # 2D and # 2E and replacement of the existing 8” T.C. Sanitary Sewer Line (if required) within the 100 Year Floodplain Area.
- b. Zoning Relief from the rules and regulations of the “Steep Slope Conservation District” as outlined in Article XXII of the Cheltenham Code, as follows:
  - i. An Appeal from the determination of the Zoning Officer and/or Township Engineer pursuant to CCS 295-164.B.2. regarding man-made steep slopes.
  - ii. From CCS 295-167. for the construction of free-standing structures, building and retaining walls, internal accessways, driveways, parking areas, swimming pools, sanitary sewers, stormwater management facilities, other underground utilities and landscaping.
  - iii. A Determination that the Lines and Grades Plans submitted with the Application substantially conforms with the Lines and Grade Plan(s) requirements set forth in CCS 295-168.
  - iv. In the alternative to, b.ii, above, a Variance from CCS 295-168. for not submitting plans conforming to the stated Lines and Grades Plan(s) requirements.
- c. A Determination that the number of parking spaces shown on the Applicant’s plans are not in excess of the maximum permitted under CCS 295-221.F.
- d. In the alternative to c., above, a Variance from the rules and regulations of “Parking and Loading” as outlined in CCS 295-221.F., for a greater amount of parking of 631 parking spaces instead of the maximum permitted 120% of the required parking spaces which equals 491 parking spaces.
- e. Zoning Relief from the rules and regulations of the “Age Restricted Overlay District” as outlined in Article XXXIII of Chapter 295 of the Cheltenham Code, as follows:
  - i. A Special Exception in accordance with CCS 295-242.B.1 for the Age Restricted Development.
  - ii. A Special Exception in accordance with CCS 295-242.B.3 for a Clubhouse with common areas and meeting rooms, indoor and outdoor recreational facilities and maintenance and security facilities.
  - iii. A Special Exception in accordance with CCS 295-242.B.3 for a swimming pool for the residents of the Age Restricted

- Community only.
- iv. A Variance from CCS 243.B.8.a. to permit sanitary sewer facilities (if required) and Stormwater Management Basins #2C, #2D and #2E within the floodplain.
- v. A Variance from CCS 295-243.B.8.d. to permit development within areas having a slope of 15% or greater.
- vi. A Variance from CCS 295-243.B.8.e. to permit sanitary sewer Facilities (if required) and Stormwater Management Basins #1A, #2C and #2E within the Riparian Buffer Areas.
- f. A Variance from the entirety of the rules and regulations of the "Preservation Overlay District" as outlined in Article XXIV of Chapter 295 of the Cheltenham Code.
- g. In the alternative to f., above, an interpretation that the rules and regulations of the "Preservation Overlay District, as outlined in Article XXIV of Chapter 295 of the Cheltenham Code are not applicable due to the provisions of the last sentence of CCS 295-241.

Mr. Reitano reported that Matrix has concluded its testimony to the Zoning Hearing Board and residents are now being heard.

No action was needed by the Committee.

Appeal No. 3381: (Continued and Amended) 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 8,500 S.F., one-story gymnasium northeast of the main athletic fields (replaces previously approved Maintenance Building).
  - ii. Construction of a new vehicular bridge.
  - iii. Construction of a new pedestrian bridge.
  - iv. Construction of a 1,500 S.F., one-story addition to the Maintenance Shop.
  - v. Construction of a 2,600 S.F., one-story addition to Spruance Hall.
  - vi. Construction of a 20,000 S.F., one and two-story addition to Spruance Hall (Art Center).
  - vii. Construction of a 3,465 S.F., one story addition to Murphy Hall.
  - viii. Construction of a Maintenance Bridge.
- b. In CCS 295-21. for the institutional use of the existing residential structure (former Kaname residence) on CTRERP Block 137, Unit 043 (Parcel at the southeast corner of the intersection of Church and Waverly Roads) instead of one of the enumerated permitted uses.
- 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 295-167. for the construction of various site improvements associated with the improvements noted in a. and b., above, instead of the

enumerated permitted uses.

- ii. From CCS 295-168. for not submitting a Lines and Grades plan; Applicant will submit Lines and Grades Plan(s) during the land development process.

Mr. Haywood stated that he toured the campus and visited the sites contained in said appeal. He did not support a maintenance facility on the former Kanami property at the intersection of Waverly and Church Roads.

Hal Lichtman, Architect, stated that the proposal to build on the Kanami property has been removed but a variance is being requested to use the former Kanami house as offices. He distributed a proposed construction program, consisting of the Kanami house, new internal creek crossings, pedestrian and vehicular bridges, connections to the Cresheim Valley Trail, new gymnasium, new lacrosse field, expansion of existing maintenance center, Fine Arts Center, Murphy Hall classrooms and kiln area, and steep slope variances.

Ms. Hampton asked about the steep slope disturbances. Mr. Lichtman stated that many said disturbances are the result of the bridges, the Maintenance Building will require a depth disturbance, and the lacrosse field will require a retaining wall.

Mr. Sharkey asked about parking for the offices in the former Kanami house, types of vehicles that will be parked and plans for lighting of the new gym. Mr. Lichtman stated parking will be in the former Kanami Gardens' parking lot. Mr. Sharkey stated that he did not want commercial vehicles parked in said lot, especially dump trucks and snow plows, and wanted parking limited to the occupants of the offices. Mr. Lichtman responded that there are no plans that would produce night lighting.

Mr. Swavola asked about plans for a storage facility. Mr. Lichtman responded that there are no plans for a new facility at this time. Storage will continue as is.

There were questions from the public about types of storage and the status of the garage. Mr. Lichtman stated that storage will consist of dry goods, the garage will remain the same, and

Waverly Road will be used for ingress/egress. Residents asked that the garage be used only as a garage and not for lacrosse practice that occurs between 4 p.m. and 6 p.m.

Susan Leich, was concerned about the loss of wildlife.

Upon motion of Mr. Swavola, and unanimously approved by the Committee, the Township Engineer was directed to advise the Zoning Hearing Board that the Committee recommends the grant of said appeal contingent upon the following conditions: the former Kanami building and parcel bet limited to vehicles of no more than 2-axel vehicles and no more than ¾-ton vehicles; the steep slope variances be strictly limited to the steep slope disturbances identified on a plan entitled "Site Proposed Construction Program" dated September 27, 2010, prepared by GLP Architects, P.C, and also entitled "Proposed Steep Slope Disturbance"; use of the garage be limited to its current zoning.

Appeal No. 3383: (Continued) Appeal of James C. Bullock, Jr., owner of premises known as 1510 Juniper Avenue, Elkins Park, PA 19027, from the Decision of the Zoning Officer for the following Zoning Relief in order to construct a 36' x 48' four season enclosure of the existing swimming pool:

- a. Variances from the Rules and Regulations of the Class R-4 Residence District as outlined in Article VII of Chapter 295 of the Cheltenham Code, as follows:
  - i. From CCS 295-38. for a greater building coverage of 27.56% instead of the maximum permitted 20%.
  - ii. From CCS 295-39.A.(1) and (2) for a lesser front yard setback of 33' from the Juniper Avenue frontage of the premises instead of the minimum required 40'.
  - iii. From CCS 295-39.B. (1) for a lesser site yard setback of 4.7' from the northwest property line instead of the minimum required 10'.
  - iv. From CCS 295-39.C. for a lesser rear yard setback of 11' from the southwest property line instead of the minimum required 25'.

Upon motion of Mr. Portner, and unanimously approved by the Committee, the Township Engineer was directed to advise the Zoning Hearing Board that the Committee takes no action as previously stated.

3. Upon motion of Mr. Portner, and unanimously approved by the Committee, the Planning Commission Regular Meeting Minutes dated September 27, 2010, were received.

4. Upon motion of Mr. Sharkey, and unanimously approved by the Committee, the Ad Hoc Zoning Committee Regular Meeting Minutes dated September 27, 2010, were received.

5. The Committee considered a proposed Ordinance regulating outdoor storage in Commercial Zoning Districts. Mr. Sharkey asked that said Ordinance be tabled. He acknowledged the concerns of residents and felt that it has merit but that it be given further review by Staff, the Economic Development Task Force, the Planning Commission and the Township Solicitor. He felt that outdoor storage in commercial districts should be removed at night.

There was a comment from the public:

Ms. Betty Cataldi, 46 Limekiln Pike, was concerned about her neighbor, The New Vision Thrift Store, which has merchandise outside on its porch and in front of its building at all times. The property is constantly unsightly. She did not feel she should have to look at it. Mr. Swavola stated that said Ordinance could have an unintentional negative affect on all businesses in commercial districts, and needed to be further addressed. He sympathized with Ms. Cataldi but stated that an Ordinance cannot be adopted to address one problem property. Mr. Sharkey recommended that the Ordinance be reviewed further by Staff, the Economic Development Task Force, the Planning Commission and the Township Solicitor. The Committee unanimously agreed.

6. The Committee reviewed and approved a recommendation of the Economic Development Task Force for issuance of a Certificate of Appropriateness as follows:

Upon motion of Mr. Simon, and unanimously approved by the Committee, Certificates of Appropriateness were issued as follows:

- o Still a Rose, 8015 York Road, for signage.
- o Yo Dogs!, 7854 Montgomery Avenue, for signage.

7. The Committee reviewed recent decision of the Zoning Hearing Board as follows:

Appeal No. 3364: Appeal of Thomas Ferrick, owner of the premises known as 110 Waverley Road, Glenside, Pennsylvania, from the determination of the Zoning Officer finding that demolition of existing garage buildings and construction of five new two-story townhouses and sixteen parking spaces would violate the Cheltenham Zoning Ordinance of 1929, as amended, and, specifically, Article X, Section 295-57, regulating uses, Article X, Section 295-58, regulating lot area and lot width, Article X, Section 295-60, regulating yard setbacks, and Article XXIX, Section 295-221, regulating off-street parking.

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

Upon motion of Mr. Haywood and unanimously approved by the Committee, no action was taken.

Appeal No. 3368: Appeal of Chun and Kimberly Lai, owners of the property known as 7902 Rambler Road, Elkins Park, Pennsylvania, from the determination of the Zoning Officer finding that installation of a raised deck, measuring 22.4 feet by 33.2 feet, along the southwest side of the house, a porch roof, measuring 10 feet by 31 feet, on the southwest side of the house, a hot tub, measuring 8.8 feet by 10 feet, on the southwest side of the house, renewing and expanding of the paving surround the existing pool, refurbishing and relocating the 6 foot high solid fencing, installation of a pool equipment enclosure, measuring 8 feet by 3 feet, and installation of a shed, measuring 5 feet by 13 feet, on the southwest side of the existing garage would violate the Cheltenham Zoning Ordinance of 1929, as amended, and, specifically, Article V, Section 295-23, regulating building area, Article V, Section 295-24, regulating yard setbacks, Article XXIX, Section 295-223, regulating fences and walls and Article XXII, Section 295-167, regulating a Steep Slope Conservation District.

The Zoning Hearing Board granted applicants' request for relief.

Upon motion of Mr. Simon, and unanimously approved by the Committee, no action was taken.

Appeal No. 3369: Appeal of Jack and Morgan Selkirk, owners of the premises known as 421 Jefferson Avenue, Cheltenham, Pennsylvania, from the determination of the Zoning Officer finding that the installation of a shed, measuring 7 feet by 7 feet, located in the rear yard and creating lesser side and rear yard setbacks on the Property would violate the Cheltenham Zoning Ordinance of 1929, as amended, and, specifically, Article XI, Section 295-67, regulating yard setbacks, and Article XXIX, Section 295-220, regulating yard setbacks.

The Zoning Hearing Board granted applicants' request for relief.

Upon motion of Mr. McKeown, and unanimously approved by the Committee, no action was taken.

Appeal No. 3370: Appeal of St. Nicholas Serbian Orthodox Church, owner of the premises known as 506 Stahr Road, Elkins Park, Pennsylvania, from the determination of the Zoning Officer finding that extending the existing 403 square foot driveway, installing a concrete pad, measuring 6.75 feet by 11.75 feet (80 square feet), installing a CMU retaining wall, relocating the existing storage shed, measuring 8.5 feet by 12 feet (102 square feet), installing a concrete pad, measuring 20 feet by 15.3 feet (306 square feet), a new sidewalk, new playground equipment and the mounting of wall and pole lighting on the Property would violate the Cheltenham Zoning Ordinance of 1929, as amended, and, specifically, Article VIII, Section 295-43, regulating uses, Article VIII, Section 295-46, regulating yard setbacks, Article XXII, Section 295-167, regulating the Steep Slope Conservation District, and Article XXIX, Section 295-227, regulating nonconforming uses.

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

Upon motion of Mr. Simon, and unanimously approved by the Committee, no action was taken.

Appeal No. 3373: Appeal of Westminster Theological Seminary, owner of the premises known as 2960 W. Church Road, Glenside, Pennsylvania, from the determination of the Zoning Officer finding that the installation of an octagon shaped gazebo, measuring 20 feet in diameter and 17.2 feet in height and located substantially in the middle of the Property would violate the Cheltenham Zoning Ordinance of 1929, as amended, and, specifically, Article V, Section 295-21, regulating uses, and Article XXIX, Section 295-227, regulating nonconforming uses.

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

Upon motion of Mr. Haywood, and unanimously approved by the Committee, no action was taken.

Appeal No. 3374: Appeal of Emily Barnhart, owner of the premises known as 12 Greenwood Place, Wyncote, Pennsylvania 19095, from the determination of the Zoning Officer finding that the installation of a wooden pergola, measuring 12 feet by 12 feet, and a firewood crib, measuring 6 feet in length, 4 feet in height, and 6 feet in width, with less than required yard

setbacks, and the installation of a 9 foot high arched gateway in the existing front yard fence with a greater than permitted height would violate the Cheltenham Zoning Ordinance of 1929, as amended, and, specifically, Article VII, Section 295-39, regulating yard setbacks, and Article XXIX, Section 295-223, regulating fences and walls.

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

Upon motion of Mr. Hampton, and unanimously approved by the Committee, no action was taken.

Appeal No. 3375: Appeal of Gospel of Grace Ministries and Fox Chase Methodist Church, owner of the premises known as 315 Central Avenue, Cheltenham, Pennsylvania from the determination of the Zoning Officer finding that using the Fellowship Annex located on the Property as a Christian Day School, Pre-K through 12<sup>th</sup> grade would violate the Cheltenham Zoning Ordinance of 1929, as amended, and, specifically, Article XVII, Section 295-117, regulating uses, and Article XXIX, Section 295-227, nonconforming uses.

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

Upon motion of Mr. McKeown, and unanimously approved by the Committee, no action was taken.

Appeal No. 3376: Appeal of Gregg Moritz, 1006 Melrose Avenue, Elkins Park, Pennsylvania 19027, from the determination of the Zoning Officer finding that the construction of a deck, measuring 16 feet by 16 feet, to the rear of the dwelling on the Property with a greater than allowed building area and a less than required side yard setback from the southeast property line would violate the Cheltenham Zoning Ordinance of 1929, as amended, and, specifically, Article VII, Section 295-38, regulating building area, Article VII, Section 295-39, regulating yard setbacks, and Article XXIX, Section 295-227, regulating nonconforming uses.

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

Upon motion of Mr. Swavola, and unanimously approved by the Committee, no action was taken.

Appeal No. 3378: Appeal of Sheri Reed and Adah Bush, owners of the premises known as 605 Arbor Road, Cheltenham, Pennsylvania 19012, from the determination of the Zoning Officer finding that installation of solid fencing, measuring approximately 48 LF to 67 LF and 6 feet in height, where only 50% open fencing is allowed and which is higher than permitted height, and the installation of a gazebo with a less than required front yard setback along the Walden Road frontage of the Property would violate the Cheltenham Zoning Ordinance of 1929, as amended, and, specifically, Article XXIX, Section 295-223, regulating fences and walls, and Article VIII, Section 295-46, regulation yard setbacks.

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

Upon motion of Mr. McKeown, and unanimously approved by the Committee, no action was taken.

**Appeal No. 3379:** Appeal of Southeastern Pennsylvania Transportation Authority (SEPTA) and Thor Cheltenham Mall, L.P. (owner) from the rules and regulations of the Class C-2 Commercial and Business District to allow for a temporary bus loop.

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

Upon motion of Mr. Haywood, and unanimously approved by the Committee, no action was taken.

8. Upon motion of Mr. Portner, and unanimously approved by the Committee, the Report of the Building Inspector for September 2010 was received.

9. Under Old Businss: Mr. Sharkey asked the Building and Zoning Department and Code Enforcement staffs to revisit New Vision Thrift Shop on Limekiln Pike, Glenside, for possible violations.

10. Under Citizens' Forum:

Loretta Leader, 542 W. Glenside Avenue, asked that the following properties be inspected for possible code violations regarding signage: State Farm Insurance; Conway Furniture in the former Value City store; and Wyncote Dialysis. She stated that a private home at 7919 Washington Lane is advertised as Gentlemen's Quarters. It appears to be a place for traveling businessmen. It has a club and disco and rents for \$2,000.

Mr. Kraynik replied that said property is being researched by the Building and Zoning Department since it could be a legal non-conforming use.



David G. Kraynik  
Township Manager

as per Anna Marie Felix



**PUBLIC ATTENDANCE LIST**  
**Public Affairs Committee, 7:30 p.m.**  
**Public Safety Committee, 7:45 p.m.**  
**Building and Zoning Committee, 8:00 p.m.**  
**Wednesday, October 6, 2010**  
**Curtis Hall**

NAME (Please Print)	ADDRESS	E-MAIL and/or TELEPHONE
DIANE WILLIAMS	dcbmwilliams	@msn.com
Thomas Wleczkowski	Wyncote 332 Hewitt	
Mary Washington	Elkins Park	
Betty Cataldi	Glenside	
Sharon Larry Withers	203 West Munster Rd Elkins Park	OnAirVideo@mdc.com
Roland J. Atkins	572 General Patterson Drive Glenside, PA	
Ellen Miades	2547 Church Rd.	
Sylvia Cooper	550 General Patterson Drive Glenside, PA 19038	215-885-3445