

December 2, 2009
Curtis Hall

A regular meeting of the **BUILDING AND ZONING COMMITTEE** was held tonight, Chairman Morton J. Simon, Jr. presiding. Members present were Commissioners Muldawer, Portner, Sharkey and Swavola. Also present was Ex-Officio Member Greenwald. Staff present were Joseph Bagley, Esq., Wisler, Pearlstine, LLP; Bryan T. Havir, Assistant Township Manager; David M. Lynch, Director, Engineering, Zoning and Inspections; Ruth Littner Shaw, Main Street Manager and David G. Kraynik, Township Manager. A Public Attendance List is attached.

Mr. Simon called the meeting to order.

1. The Committee reviewed the Zoning Hearing Board Agenda for December 14, 2009 as follows:

APPEAL NO. 3328: (Amended and Continued) – Appeal of Fairfield Wyncote LLC, Owner of premises known as 8440, 8460, 8470 and 8480 Limekiln Pike, Wyncote, PA (A/K/A “The Towers at Wyncote” Apartment Complex), from the decision of the Zoning Officer for the following zoning relief for existing and proposed nonconforming signage as noted below (said premises being within the Class C-1 Commercial Zoning District):

A. 8440 Limekiln Pike (Clubhouse/Leasing Office and Fitness Center)

1. Variances from the rules and regulations of “Signs” as outlined in Article XXV of Chapter 295 of the Cheltenham Code, as follows:
 - a. From CCS 295-197.C.(1) (a) for the following free-standing signage on the North side of Limekiln Pike which is in excess of the permitted one (1) free standing sign per single use of property, as follows:
 - i. Proposed Sign A North of Limekiln Pike Entrance at 7.08’W x 18’H (127.50 SF), 20’ ± High.
 - ii. Proposed Sign B just North of Limekiln Pike Entrance (no dimensions given) (Replaces Sign 5).
 - iii. Proposed Sign C just South of Limekiln Pike Entrance (no dimensions given)
 - iv. Proposed Sign D 360 ±’ Southerly Limekiln Pike Entrance at 5’W x 10’H: (50 SF), 12± ’ High (Replaces existing Sign 7).
 - b. From CCS 295-196.A.(3) for Directional Sign 3K at entrance drive to Clubhouse/Leasing Office having a sign area of 15 SF (6’Wx2.5’H) instead of the maximum permitted 4 SF.

B. 8460 Limekiln Pike (Building No. 1)

1. Variances from The Rules and Regulations of "Signs" as outlined in Article XXV of Chapter 295 of the Cheltenham Code, as follows:
 - a. From CCS 295-196.A.(3) for the following directional signs which sign areas exceed the maximum permitted 4 SF:
 - i. Sign 3F on south side main accessway at 2.5'W x 3'H: 7.5 SF
 - ii. Proposed Sign E on North side main accessway at 4'W x 6'H: (24 SF) (Replaces existing Sign 3G).
 - iii. Sign 3H at main entrance Building No. 1 at 2'W x 2.5'H: 5 SF
 - iv. Sign 3I at main entrance Building No. 1 at 2'W x 2.5'H: 5 SF
 - v. Sign 3L at Limekiln Pike Guard House at 2.75'W x 3.08'H: 8.48 SF
 - vi. Sign 3M at Limekiln Pike Guard House at 2.75'W x 2'H : 5.5 SF
 - b. From CCS 295-197.C.(1) (a) for the following parallel wall signage in excess of the permitted one (1) parallel wall sign per signage use of property:
 - i. Sign 10 at Limekiln Pike Guard House at 6.17'W x 3' H : 18.5 SF
 - ii. Sign 11 at Building No. 1 main entrance at 16.38' W x 4.33 H: 70.92 SF
 - c. From CCS 295-196.A. (12) (h) for Temporary Sign 14 (5'Wx4'H:20 SF) at Building No. 1 main entrance drive-thru attached to balcony above having been in place longer than the permitted 30 days.

C. 8470 Limekiln Pike (Building No. 2)

1. Variances from the rules and regulations of "Signs" as outlined CCS 295-196.A.(3) for the following directional signs which sign areas exceed the maximum permitted 4 SF:
 - a. Sign 3D on south side main accessway at 2.5'W x 3'H: 7.5 SF
 - b. Sign 3E on north side main accessway at 2.67'W x 4.04'H :10.78 SF
 - c. Proposed Sign F on north side main accessway: 2.67'W x 4'H:10.6 SF

D. 8480 Limekiln Pike (Building No. 3)

2. Variances from the Rules and Regulations of "Signs: as outlined in Article XXV of Chapter 295 of the Cheltenham Code, as follows:
 - a. From CCS 295-196.A.(3) for the following directional sign which sign areas exceed the maximum permit of 4 SF:
 - i. Sign 3A on south side of main accessway at 2.5'Wx3'H: 7.5 SF
 - ii. Sign 3B on south side of main accessway at 2.5'Wx3'H: 7.5 SF
 - iii. Proposed Sign G on North side main accessway at 2.67'W x 4' H: 10.67 SF
 - b. From CCS 295-197.C.(1) (a) for Freestanding Sign 8 (11.58'W x 4.46'H: 51.65 SF) at Easton Road Entrance having a greater sign area of 51.65 SF instead of the maximum permitted 50 SF.

Mr. Michael Yanoff, Applicant's Attorney, addressed the Committee. Mr. Yanoff said
the Applicant has hired a Sign Consultant who has testified previously in appeals such as this and

no changes have been made to the plan. He hoped that this consultant will be able to clear up some of the Zoning Hearing Board's previous questions. Mr. Greenwald said he stands by his previous position.

Mr. Yanoff noted that he could not stay for the discussion of the Zoning Hearing Board's most recent decision involving 521 Spring Avenue. His client, Mr. Bertram Korn, who is the owner of 521 Spring Avenue, is going to appeal the Zoning Hearing Board decision to deny his application.

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 takes no new action on Appeal 3328 but if relief is granted, it be contingent upon certain conditions as previously stated.

APPEAL NO. 3353:(Continued) Appeal of Monifa Thelwell, prospective tenant at 110 Yorktown Plaza, Elkins Park, PA, from the Decision of the Zoning Officer for the following Zoning Relief in order to operate an "Adult Daycare Center":

- a. Zoning Relief from the rules and regulations of the Class C-3 Commercial and Business District as outlined in Article XVII of Chapter 295 of the Cheltenham Code, as follows:
 - i. A Special Exception in accordance with CCS 295-117.T. for the proposed "Adult Daycare Center."
 - ii. In the alternative, a Variance from CCS 295-117. for the proposed "Adult Daycare Center" instead of one of the enumerated permitted uses.
- b. A determination as to the amount of parking required for the "Adult Daycare Center."

Mr. Lynch stated that on November 23, 2009, Peter Friedman, Applicant's Attorney, withdrew without prejudice the application pending in the above appeal.

APPEAL NO. 3355: Appeal of Jehan S. Kuttub, owner of premises known as 8131 Washington Lane, Wyncote, PA from the Decision of the Zoning Officer for the following Zoning Relief in order to construct the following additions to the residence: (1) a 279 \pm SF one-story living room and foyer addition to the front of the residence, (2) a 323 \pm SF two-story family room/bedroom addition on the southeast side of the residence, (3) a 3000 \pm SF one-story 3-season pool enclosure on the rear of the residence, and (4) a 180 \pm SF one-story dining room addition on the southwest side of the residence:

- a. Variances to the Rules and Regulations of the Class R-3 Residence District as outlined in Article V of Chapter 295 of the Cheltenham Code, as follows:
 - i. From CCS 295-23. for a greater Building Area of 18.5% instead of the maximum permitted 15%.
 - ii. From CCS 295-24. B.(1) for a lesser side yard setback of 2.67' for the one-story 3-season pool enclosure instead of the minimum required 5'.
 - iii. From CCS 295-24.B.(1) for a lesser side yard setback of 11.25' for the proposed one-story dining room addition.
 - iv. From CCS 295-24.B.(1) for a lesser aggregate side yard width of 23.17' instead of the minimum required 40'.

Mr. Hal Lichtman addressed the Committee. He said this proposal is to construct a living room and foyer addition to the front of the residence, a bedroom addition and a three season pool enclosure on the rear.

George Breen, 8133 Washington Lane addressed the Committee. He said he owns the property next door. He is concerned that his neighbor's property is exceeding its capacity. Mr. Breen would like to have the driveway aspect addressed and he would like to see plans on the proposed construction. Mr. Greenwald asked Mr. Lynch if this construction would require a land development application. Mr. Lynch said it would not. Mr. Lichtman said the building plans are just construction plans. If the driveway addition is approved by PennDOT, they will submit a modified land development application. Mr. Swavola said this does not fully address Mr. Breen's concerns. He wanted to clarify the fact that the Zoning Hearing Board could grant this appeal and the owner could then go ahead with his construction without a land development plan. Mr. Lynch said if this appeal is approved, it does not trigger land development. Mr. Lichtman said if PennDOT approves a driveway, Mr. Kuttub will put one in and that additional parking area would trigger land development.

Mr. Breen said he would like to see the parking issue addressed. He asked what Mr. Kuttub's intention was if PennDOT did not allow the driveway onto Washington Lane. Mr. Lichtman said he did not know that Mr. Breen had an issue with parking until the recent

Planning Commission meeting. Mr. Simon noted that the Planning Commission voted no action but if it was approved, that it be subject to a land development plan. Mr. Simon asked Mr. Lichtman if he would agree to deal with the parking issue if PennDOT does not approve a driveway. Mr. Swavola asked Mr. Lichtman if the Applicant would be willing to go thru the land development process in any case. Mr. Lichtman replied that for the items concerning this zoning appeal and for the driveway addition, the Application would certainly do so. Mr. Breen asked him to repeat that. Mr. Lichtman said the owners would agree to apply for a land development application if PennDOT approves the driveway and the additions.

Mr. Bagley then explained the land development process to Mr. Breen which would include landscaping. Mr. Portner told Mr. Breen that Mr. Bagley was the Township Solicitor. Mr. Muldawer asked Mr. Lichtman how close was this existing parking area. Mr. Lichtman answered that presently the parking area was right off the existing roadway.

Mr. Muldawer stated that he thought the Committee should follow the lead of the Planning Commission and if this appeal is approved by the Zoning Hearing Board, the Applicant should agree to a land development plan. The Applicant must provide a document to the Zoning Hearing Board to agree to all the conditions if appeal is granted.

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 takes no action on this appeal but if relief is granted, it be contingent upon a land development plan being submitted for review and approval by the Board of Commissioners.

APPEAL NO. 3356: Appeal of Jonathan J. James, owner of premises known as 501 E. Church Road from the Decision of the Zoning Officer for the following Zoning Relief in order to install a wood frame 16' x 17' Car-Port over an existing driveway.

- a. Zoning Relief 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. A Variance from CCS 295-38. for a greater Building Area of 27.0 ±% instead of the maximum permitted 20% (the existing building coverage is 24.59%).
- ii. A Variance from CCS 295-39.A. (1) for a lesser front yard setback of 12' instead of the required 40'.

Mr. Lynch addressed the Committee. He referred the Committee's attention to the plan attached to tonight's agenda. Mr. Simon said he was unclear about the two cross hatch pieces. Mr. Lynch explained the plans. He said the Planning Commission recommended denial. Mr. Lynch said this property has double frontage and essentially, this garage would be in the front yard. Mr. Greenwald asked where the front entrance was and he was told it was in the front. The Planning Commission did not feel it had enough information to consider and the Applicant was not present. Mr. Lynch said the Planning Commission wanted a better plan. Mr. Simon asked Mr. Lynch if the Applicant considered a continuance and Mr. Lynch said he was not aware of any request.

Upon motion of Mr. Simon, and unanimously approved by the Committee, the Township Engineer was directed to advise the Zoning Hearing Board that the Committee requested that this appeal for relief be denied.

APPEAL NO. 3357: Appeal of Robert Warth and Adam Bulter, owners of premises known as 7 Walt Lane, Wyncote, PA from the decision of the Zoning Officer for the following Zoning Relief in order to construct an 18.35' x 24' (440±SF) addition with 6' wide wrap-around porch (said premises being within the Class R-3 Residence District.):

- a. A Variance from Rules and Regulations of the Steep Slope Conservation District as outlined in CCS 295-167 for construction of the addition.
- b. A Variance from the Rules and Regulations of "Nonconforming Uses" as outlined in CCS 295-227.K. for expansion of a nonconforming structure (262±SF of the proposed addition is within the required front yard setback area.).

Mr. Lynch said this proposal has already been issued a COA. There is a small portion of this construction area that has some steep slope issues. He told the Committee that the Applicant voluntarily tore down the old rear addition. Mr. Portner asked Mr. Lynch if he had any objection and Mr. Lynch said he did not.

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 approval of this appeal.

2. Request for an easement at the Glenside Library Parking Lot followed. Mr. Bagley said Mr. Christopher Dean of 212 E. Waverly Road called him. Mr. Dean had forwarded copies of the minutes of the Board of Library Directors dated September 20, 2000, wherein under New Business, it was stated that the Board supported Mr. Dean's proposal but nothing further was ever pursued. There were never any negotiations between the Township and the Deans. Additionally, there is no record that it ever went before the Board of Commissioners for its consideration.

Mr. Bagley said there are two issues to consider. First, would the Board agree with the concept of an easement over Township property and secondly, would it authorize the Township Manager and the Township Solicitor to negotiate an agreement. Mr. Greenwald asked Mr. Bagley if he should recuse himself from this discussion since he was a member of the Board of Library Directors of Cheltenham Township at that time. Mr. Bagley replied that it was not necessary.

Mr. Dean addressed the Committee. He said this is an issue carried over the past decade. He said he wants to subdivide his property. In doing so, he said everybody would win. His tax assessment would be lowered which was his primary goal. Mr. Dean said the library would benefit by receiving some kind of gift in lieu of payment. The Township would win because it would gain taxes on the new property. Mr. Dean said someone from the Building and Zoning Office called him and asked him to bring a plan with him to tonight's meeting. He said he does not have any plans. He cannot afford to subdivide it himself and he intends to sell the property to a builder and the builder will build a property. Mr. Dean distributed pictures to the

Committee. He told the Committee that he thought he will have a problem selling it to a builder in that any time a builder talked to him, they said they were reluctant to work in the Township. Mr. Dean asked for the good graces of the Township. He said it was very difficult to work in the Township. He asked that the Committee look at this request in a positive way. Mr. Dean said not one parking space at the Library will be forfeited.

Upon motion of Mr. Greenwald, and unanimously approved by the Committee, Mr. Bagley and Mr. Kraynik were instructed to meet with Mr. and Mrs. Dean to discuss the possibility of an easement over the Glenside Library's parking lot.

3. Upon motion of Mr. Portner, and unanimously approved by the Committee, the Planning Commission Meeting Minutes dated November 23, 2009, were received.

4. Upon motion of Mr. Muldawer, and unanimously approved by the Committee, the Ad Hoc Zoning Revision Committee Meeting Minutes of November 23, 2009, were received.

5. The Committee reviewed and approved Economic Development Task Force recommendations for issuance of a Certificate of Appropriateness for signage within the Commercial Enhancement District as follows:

Upon motion of Mr. Portner, and unanimously approved by the Committee, a Certificate of Appropriateness was issued to NDCGP #09-I, Fitness 19, 8080 Old York Road, Elkins Park, for a sign.

6. The Committee reviewed the most recent decision of the Zoning Hearing Board. Appeal No. 3350 – Bertram W. Korn, Jr., owner of 521 Spring Avenue, Elkins Park, PA, for the determination of the Zoning Officer finding that operation of a commercial bed and breakfast facility at the premises would violate the Cheltenham Zoning Ordinance of 1929, as amended, and, specifically, Article VII, Section 295-36, regulating uses in an R-4 Residence District.

The Zoning Hearing Board denied the Applicant's request for relief.

Mr. Simon stated that according to Mr. Yanoff, Applicant's Attorney, Mr. Korn intends to appeal the Zoning Hearing Board's denial of this application tomorrow.

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

7. Upon motion of Mr. Muldawer, and unanimously approved by the Committee, the Report of the Building Inspector for November 2009 was received.

8. There being no further business, upon motion of Mr. Greenwald, and unanimously approved by the Committee, the meeting was adjourned.



David G. Kraynik
Township Manager

as per Mary Raab

PUBLIC ATTENDANCE LIST
Public Affairs Committee @ 7:30 PM
Public Safety Committee @ 7:45 PM
Building and Zoning Committee @ 8:00 AM
Wednesday, December 2, 2009
Curtis Hall
Wyncote, PA 19095

| NAME (Please Print) | AFFILIATION/COMPANY AND/OR ADDRESS | EMAIL ADDRESS AND/OR TELEPHONE NUMBER |
|-----------------------------|---------------------------------------|--|
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