

September 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 McKeown, 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. Mr. Simon announced that prior to the meeting, the Commissioners held an Executive Session to discuss potential litigation. Said Executive Session will reconvene after this meeting to further discuss real estate acquisitions, labor negotiations and potential litigation.
2. Mr. Simon advised that due to the variety of developments pending in the Township, the Commissioners are considering the hiring of an independent land planner and a traffic consultant for both the Ashbourne Country Club and Hansen Property developments. The responsibilities of the land planner will include review of the development plans and engagement in discussion with the developers prior to any presentation of these developments to the Zoning Hearing Board. Mr. Simon hoped that a recommendation from Staff on the engagement of these consultants could be made to the Board of Commissioners at its meeting on September 16, 2009.
3. Upon motion of Mr. Simon, and unanimously approved by the Committee, it is recommended to the Board of Commissioners, that the Standing Committee meetings held on the first Wednesday evening of each month at the Township Building be held at Curtis Hall until such time that review of the Ashbourne Country Club and Hansen Property developments are no

longer matters of business for the Building and Zoning Committee and are scheduled for review by the Zoning Hearing Board. If the Zoning Hearing Board grants relief so as to enable these developments to go through land development, which will be reviewed by the Public Works Committee, then the Public Works Committee meetings, normally scheduled for the second Wednesday of each month at the Township Building, will also be held at Curtis Hall.

4. The Committee reviewed the Zoning Hearing Board Agenda for September 22, 2009, as follows:

APPEAL NO. 3336 (Continued and Amended) – Appeal of Matrix Ashbourne Associates, L.P., owner of premises known as 1100 Ashbourne Road, Cheltenham, PA (a/k/a “Ashbourne Country Club”), from the Decision of the Zoning Officer for Zoning Relief in order to subdivide the premises into two (2) lots: an Age Restricted Community lot consisting of 76.471± acres and a Preservation Overlay Community lot consisting of 28.004± acres and develop the two lots as follows:

- A. The Age Restricted Community will consist of the following:
 - a. Sixty-eight (68) clusters on which Applicant will construct, depending upon market demand, either two (2) single-family residences with a 19’ side yard setback per cluster or three (3) carriage residences per cluster.
 - b. Three (3), 3-story condominium buildings with twenty-four (24) residences per building.

Applicant is willing to limit the total number of Age Restricted Residences in the Age Restricted Community to 246.

- B. The Preservation Overlay Community will have a total of ninety-six (96) single-family Residences in thirty-two (32) clusters (3 carriage residences per cluster).

The following Zoning Relief is required:

- 1. Age Restricted Community lot:
 - a. A Variance from the rules and regulations of the “Floodplain Conservation District” as outlined in CCS 295-156. so as to allow construction or development within the floodplain area.
 - b. 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 free-standing structures, building and retaining walls, internal accessways, driveways, parking areas, swimming pools, sanitary sewers, stormwater management facilities, other underground utilities and landscaping.
 - ii. From CCS 295-168. for not submitting plans conforming to the stated Lines and Grades Plan (s) requirements.
 - c. Variances from the rules and regulations of “Parking and Loading” as outlined in CCS 295-221., as follows:
 - i. From CCS 295-221.C.(2)(c) for a lesser aisle width of 22’

- b. 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 free-standing structures, building and retaining walls, internal accessways, driveways, parking areas, swimming pools, sanitary sewers, stormwater management facilities, other underground utilities and landscaping.
 - ii. From CCS 295-168. for not submitting plans conforming to the stated Lines and Grades Plan(s) requirements.
- c. Variances from the rules and regulations of “Parking and Loading” as Outlined in CCS 295-221., as follows:
 - i. From CCS 295-221.F. for a greater amount of parking of 352 parking spaces instead of the maximum permitted 120% of the required parking spaces which equals 231 parking spaces.
 - ii. In the alternative to 2.c.i., above, a determination that the 160 garage parking spaces are not to be included in the calculation of the total number of parking spaces provided in a Preservation Overlay District as relates to CCS 295-221.F.
- d. A Variance from the rules and regulations of the Class R-1 Residence District as outlined in CCS 295-9. for a greater building area of 20% instead of the maximum permitted 10%.
- e. Variances from the rules and regulations of the “Preservation Overlay District” as outlined in CCS 295-189., as follows:
 - i. From CCS 295-189.A.(1) for a greater number of dwelling units: 96 instead of maximum number of dwelling units: 20 permitted by a “Yield Map” based upon the R-1 Zoning Requirements in conjunction with the Planned Cluster Development Requirements.
 - ii. From CCS 295-189.B. for a lesser tract property line setback of 20’ instead of the minimum required 75’.
- f. Variances from the rules and regulations of “Planned Cluster Development” as outlined in CCS 295-226., as follows:
 - i. From CCS 295-226.B.(2)(b) for 100 % of the dwelling units being townhouses instead of the maximum permitted 25%.
 - ii. From CCS 295-226.B.(4) for the submission of Concept Plans at the zoning appeal stage of the project instead of detailed Sub-division/Land Development plans conforming with the requirements of Chapter 260 of the Cheltenham Code.
 - iii. From CCS 295-226.B.(5) for not submitting an Environmental Impact Statement at the zoning appeal stage of the project.
 - iv. From CCS 295-226.C.(1)(e)[2] “Table of Minimum Distance Between Buildings”, as follows:
 - (1) For a minimum back to back distance of 40’ instead of the required 60’.
 - (2) For a minimum side to side distance of 20’ instead of the required 30’.

- g. In the alternative to 2.f., above, a determination that the requirements of the "Planned Cluster Development" as outlined in CCS 295-226. do not apply to the Preservation Overlay Development lot.

Donald Epstein, Executive Vice President of Matrix Development Group and Peter Friedman, Esq. represented the applicant.

Members of the public had comments as follows:

Joe Fagnani, 625 Boyer Road, asked about the parameters of the traffic consultant. Mr. Simon stated that the Township's consultant will review and analyze the developers' plans and make recommendations. Mr. Fagnani felt that a new study would be more helpful.

Jon Marberger, 131 Tookany Creek Parkway, asked that the traffic study include the intersection of Tookany Creek Parkway and New Second Street with emphasis on traffic coming from the Elkins Park Middle School.

McKinley Lennox, 7752 Clements Road, felt that the developer, not the Township, should pay for these consultants. The developers should bring all their data to the Township. Someone on the Township's side should review the data.

Mr. Friedman asked if the Township's consultants will have their reviews completed by the time the Ashbourne development is scheduled to be heard by the Zoning Hearing Board on September 22, 2009. Mr. Simon stated that they would not be completed, and he requested that Matrix agree to request a continuance to the November 17, 2009 meeting of the Zoning Hearing Board to allow the Township time to hire the consultants, allow said consultants time to review the development and traffic plans and present their opinions. The Building and Zoning Committee should be ready to make a recommendation at its November 4, 2009 meeting.

Mr. Friedman stated that his client wants to work with the community and respects its concerns but this application was filed in May 2009. He proposed that Matrix be allowed to begin presenting its case to the Zoning Hearing Board for one (1) hour, with one (1) witness, at the Board's November 9, 2009 meeting and then proceed at the November 17, 2009 Zoning Hearing Board meeting. Mr. Simon felt this would be acceptable since the residents are still defining their views and this would give them additional time to continue to do so.

Upon motion of Mr. Simon, and unanimously approved by the Committee, the Township Engineer was directed to advise the Zoning Hearing Board that if a continuance is requested, the Committee recommends the grant of said continuance to the November 9, 2009 meeting of the Zoning Hearing Board for a one (1) hour presentation with one (1) witness, and said presentation continue at the Zoning Hearing Board's meeting on November 17, 2009. If a continuance is not granted, the Committee recommends denial of said application since no presentation was made to the Building and Zoning Committee and thus there was a lack of sufficient information for said Committee to make a recommendation and that the application not be resubmitted before November 2009.

Members of the public had comments as follows:

Joseph Vescovich, 107 Tookany Creek Parkway, represented a group of neighbors known as "Concerned Citizens for Ashbourne" ("cc4a") and stated that said group has 250 affidavits and hopes to have 500 affidavits. They want an opportunity to support the Township and are willing to share their information.

McKinley Lennox, 7752 Clements Road, had concerns that Peter Friedman, Esq. seemed to be the attorney who represented most developers filing applications in the Township, and he resented his tax dollars being used to pay for what he considered to be developers' responsibilities. Mr. Simon responded that developers are free to use whatever attorney they want, and they cannot be forced to do otherwise.

Paul Appenzeller, 8210 Jenkintown Road, asked if school utilization will be considered by the land planner. Mr. Simon responded that Matrix has a fiscal impact statement that includes the impact on the School District. The "cc4a" has engaged the School District on this issue.

5. The Committee reviewed the Zoning Hearing Board Agenda for September 22, 2009, as follows:

APPEAL NO. 3303 (Continued) – Appeal of York Road Realty Co., L.P. for the following Zoning Relief at the following locations:

- A. Premises owned by York Road Realty Co., L.P. known as 8116 Old York Road, Elkins Park, PA (a/k/a 8116 Church Road, or "The Old York Road Skating Rink" or Cheltenham Township Real Estate Registry Parcel ("CTRERP") Block 174, Unit 054) (hereinafter referred to as "Rink Lot");

- B. Premises owned by the Philadelphia Electric Company known as landlocked lot adjoining 8116 Old York Road (a/k/a CTRERP Block 174 Unit 056) (hereinafter referred to as "PECO Lot"); and
- C. Premises owned by the Township of Cheltenham known as "Wall Park" a/k/a CTRERP Block 174, Units 001 and 002 (hereinafter referred to as "Wall Park") for the following improvements:

AA. On Rink Lot

- 1. A modification of the Decision under ZHB Appeal No. 2968 so as to eliminate the following Conditions (both as to Rink Lot and PECO Lot):

Condition (3)

The access driveway proposed to be installed on the Proposed Parking Area as depicted on Exhibit A-10 shall be limited to the minimum necessary width to allow the dropping-off of handicapped persons from motor vehicles and the associated vehicular turn-around space, all as approved by the Township Engineer in accordance with generally accepted engineering principals; and

Condition (4)

There shall be no parking of vehicles or trailers on the Property and/or the PECO Property including, without limitation, within the Proposed Parking Area. The Proposed Parking Area shall be used only for the purposes set forth in Condition No. 3 above.

- 2. A Variance from the rules and regulations of the Class C-3 Commercial and Business District as outlined in CCS 295-117. for expansion of the non-conforming skating rink facility by construction of a parking field and associated improvements, installation of two (2) storage units and installation of one (1) storage trailer.
- 3. A Variance from the rules and regulations of the Class C-3 Commercial and Business District as outlined in CCS 295-121.A. for the following front yard setbacks instead of the minimum required 15'.
 - a. For two (2), 8' W x 40' L storage containers with a zero front yard setback.
 - b. For the storage trailer with a 6'± front yard setback.

4. A Special Exception in accordance with the rules and regulations of the "Steep Slope Conservation District" as outlined in CCS 295-168.B. and C. for any storm sewers and/or underground utility lines associated with the construction of the parking field.
5. Variances from the rules and regulations of the "Steep Slope Conservation District" as outlined in CCS 295-169. as follows:
 - a. From CCS 295-169.A.(1) for construction of storage trailer, retaining walls, sidewalk and landscaping.
 - b. From CCS 295-169.A.(2) for construction of the parking field.
 - c. From CCS 295-169.A.(3) for filling or removal of topsoil required for the construction of aforesaid improvements.
 - d. From CCS 295-169.B. to permit areas with slopes of 25% or greater within any of the required yard areas.
6. A determination as to the required amount of on-site parking.
7. A Variance from the rules and regulations of "Fences and Walls" as outlined in CCS 295-223. for 3'± of 6' high, chain link fencing within the required front yard setback area along the SEPTA R/W line instead of the maximum permitted 4' high fencing.

BB. On PECO Lot

1. A Variance from the rules and regulations of the Class C-3 Commercial and Business District as outlined in CCS 295-117. for the use of a parking field for the non-conforming skating rink and installation of the storage trailer instead of any of the enumerated permitted uses.
2. A Variance from the rules and regulations of the Class C-3 Commercial and Business District as outlined in CCS 295-121.A. for a lesser front yard setback of 7'± instead of the minimum required 15' for the storage trailer.
3. Variances from the rules and regulations of the "Steep Slope Conservation District" as outlined in CCS 295-169. as follows:
 - a. From CCS 295-169.A.(1) for construction of storage trailer, retaining walls, sidewalk and landscaping.
 - b. From CCS 295-169.A.(2) for construction of the parking area.
 - c. From CCS 295-169.A.(3) for filling or removal of topsoil required for the construction of aforesaid improvements.
 - d. From CCS 295-169.B. to permit areas with slopes of 25% or greater within any of the required yard areas.

4. A Variance from the rules and regulations of "Fences and Walls" as outlined in CCS 295-223. for 15' of 6' high, chain link fencing within the required front yard setback area along the SEPTA R/W instead of the maximum permitted 4' high fencing.

CC. On Wall Park (said premises being within the Class R1 Residence District)

1. A Variance from the rules and regulations of "Signs" as outlined in CCS 295-197.A. for 25.5± S.F., 10' high, double sided, free-standing billboard advertising the "Old York Road Ice Rink" instead of one of the enumerated permitted sign types

Mr. Lynch reported that the application began its presentation with the Zoning Hearing Board but the Board requested a continuance due to a lack of information.

Upon motion of Mr. Greenwald, 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 this appeal but if relief is granted, it be contingent upon certain conditions as previously stated.

APPEAL NO. 3328: (Amended) 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:10.67 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.

Michael Yanoff, Esq. represented the applicant. He advised that the Zoning Hearing Board granted the applicant's request to amend its application to allow for a more comprehensive signage plan.

Upon motion of Mr. Greenwald, 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 as previously stated.

[Mr. Swavola left the meeting at this time]

APPEAL NO. 3342: (Reconsideration)-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 reported that relief for the original application was denied due to a lack of access. The owners of the Yorktown are granting access through the underground garage.

Mr. Portner stated that he visited the site.

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 recommends the grant of relief.

APPEAL NO. 3348: Appeal of Kim's WWS, LLC, owner of premises known as 7301 Old York Road, Elkins Park, PA, from the Decision of the Zoning Officer for the following zoning relief in order to convert a vacant existing two-story office building to a bank with an accessory drive-thru lane:

- a. Zoning Relief in accordance with the rules and regulations of the Class RO Residence and Office District as outlined in Article VI of Chapter 295 of the Cheltenham Code, as follows:
 - i. A Variance from CCS 295-28. for the use of the building as a bank with an accessory drive-thru lane instead of one of the permitted enumerated uses.
 - ii. A determination under CCS 295-29. that the lot area/lot width, if non-conforming, may continue.
 - iii. In the alternative to a.ii., above, a Special Exception in accordance with CCS 295-33 for said non-conforming lot area and/or lot width.
 - iv. A determination under CCS 295-31. that any existing front, side and rear yard setback non-conformities may continue.
 - v. In the alternative to a.iv., above, a variance from CCS 295-31. for any setback non-conformities.
 - vi. A determination under CCS 295-34. that the existing green area, landscape buffer strip, vehicular parking setback and driveway's width, if non-conforming, may continue.
 - vii. In the alternative to a.vi., above, a variance from CCS 295-34. for any existing green area, landscape buffer strip, vehicular parking setback and/or driveway's width non-conformities.
- b. A variance from the rules and regulations of the Class R-4 Residence Districts as outlined in CCS 295-36. for portions of Parking Space Nos. 3, 4, 5 and 6 within the R-4 Zoning District being used as an accessory use to the proposed use of the premises as a bank with a drive-thru lane instead of one of the permitted enumerated uses.
- c. Variances from the rules and regulations of "Signs" as outlined in CCS 295-197.A. as follows:
 - a. For a second freestanding sign (Sign #2; sign area 20 S.F.) on the Old York Road frontage of the premises instead of the permitted one freestanding sign.
 - b. For a parallel wall sign facing Cheltenham Avenue (Sign #3; sign area 35 S.F.) instead of no permitted parallel wall signage.

Harold Lichtman, architect, was present. He presented photos and proposed site plan and he discussed the mercantile use, zoned use, no plans to enlarge the footprint of the existing building or parking lot, there will be two (2) teller stations, walk-up and drive-thru ATM, changes in traffic circulation, addition of one (1) parking space, first and second floor layouts,

basement use for storage only, and restoration of the building façade's to its original state.

Traffic circulation was discussed. Mr. Lichtman reported that the applicant is willing to have a "right turn only" exit onto York Road.

Upon motion of Mr. Greenwald, and unanimously approved by the Committee, the Township Engineer was directed to advise the Zoning Hearing Board that the Committee recommends the grant of relief.

APPEAL NO. 3349: Appeal of Norman Cotterell and Tuesday Vanstory, owners of premises known as 855 Rock Lane, Elkins Park, PA, from the decision of the Zoning Officer for the following zoning relief for the construction of a 18'L x 14'W addition, 10.0± 1L x 8.6'± W flagstone terrace and a 12.5'±L x 5.3'±W bridge to the rear of the residence as well as associated retaining walls, storm drainage lines and seepage bed(s) (The first 150' of the premises measured perpendicularly to Rock Lane is within the Class R-6 Residence District; the remainder of the premises is within the Class R-4 Residence District.):

- a. Variances from the rules and regulations of the "Steep Slope Conservation" as outlined in Article XXII of Chapter 295 of the Cheltenham Code, as follows:
 - i. From CCS 295-167. for the construction of the proposed improvements.
 - iii. From CCS 295-168. for not submitting plans conforming to the Lines and Grades Plan(s) requirements.

Mr. Lynch reviewed the location of a steep slope near the proposed addition.

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 recommends the grant of relief.

APPEAL NO. 3350: Appeal of Bertram W. Korn, Jr., owner of premises known as 521 Spring Avenue, Elkins Park, PA, from the decision of the Zoning Officer for the following zoning relief in order to operate a four (4) bedroom Bed and Breakfast Facility on the premises.

- a. A Variance from the Rules and Regulations of the Class R-4 Residence District as outlined in CCS 295-36. for the operation of the Bed and Breakfast Facility instead of one of the permitted enumerated uses.
- b. A determination that the parking requirement for a Bed and Breakfast Facility falls under CCS 295-221.H. Land Use Type: Group Quarters, that the required number of parking spaces for the Bed and Breakfast Facility is four (4) parking spaces and that the (6) parking spaces being provided is sufficient for the residence use and Bed and Breakfast Facility use of the premises.

Michael Yanoff, Esq. represented the applicant. He reviewed the use of the third floor as a kosher Bread and Breakfast (B&B). According to Mr. Yanoff, it will not be a hotel, it will be a limited scope B&B, and there is a need for short-term stay facility by certain area schools and institutions. He reviewed parking.

Mr. Sharkey asked if a time limit could be placed on stays because he was concerned about the possible abuse of the length of stay. Mr. Lynch noted concerns in the past that B&B's could potentially become boarding houses. He noted that visiting Israeli optometrists to Salus University might stay for one (1) month.

Bonnie Hayes, 517 Spring Avenue, stated that neighbors want an owner occupied B&B. There was concern that this use could be transferred if the property is sold. The current owner has a commitment to the community. She questioned what could happen if the property is sold.

Mr. Bagley advised that owner occupancy could be a condition but the use cannot be limited to only the current owner. Mr. Yanoff stated that he and his client are trying to resolve neighbors' concerns but do not yet have a solution. There was discussion regarding limiting the scope of the application. Mr. Simon felt there is a question of how idiosyncratic this is to the house and neighborhood. He questioned granting relief that would run with the land on this matter. Mr. McKeown questioned whether or not such use could have an adverse impact on the neighbors' properties. Mr. Yanoff agreed to a one (1) month continuance on behalf of his client who was not present.

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 recommends that a continuance be granted, and if a continuance is not granted, the Committee recommends denial of said appeal based on a lack of demonstrated hardship.

APPEAL NO. 3351: Appeal of Erick Gavalis, owner of premises known as 135 Webster Avenue, Wyncote, PA, from the decision of the Zoning Officer for the following zoning relief in order to construct a 16' x 16.92' addition to the rear of the residence:

- 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. From CCS 295-38. for a greater building coverage of 21.51 % instead of the maximum permitted 20% (The existing building coverage is 18.94%).
 - ii. From CCS 295-39.B.(1) for a lesser side yard setback of 7.5' instead of the minimum required 10' (The existing residence side yard setback is 7.5').
 - iii. In the alternative to a.i. and a.ii., above, a Special Exception in accordance with CCS 295-41. for a greater building coverage of 21.51% and a lesser side yard setback of 7.5'.

Mr. Lynch reviewed the appeal. Said property is within the parameters of the Wyncote Board of Historical and Architectural Review.

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 recommends approval of said appeal.

6. Upon motion of Mr. Greenwald, and unanimously approved by the Committee, the Planning Commission Meeting Minutes dated August 24, 2009, were received.

7. Upon motion of Mr. Portner, and unanimously approved by the Committee, the Ad Hoc Zoning Revision Committee Meeting Minutes dated August 24, 2009, were received.

8. Upon motion of Mr. Greenwald, and unanimously approved by the Committee, the Report of the Building Inspector for August 2009 was received.

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


David G. Kraynik
Township Manager

as per Anna Marie Felix

CHELTENHAM TOWNSHIP

Wednesday, September 2, 2009

Curtis Hall

Starting at 7:30 p.m.

Public Affairs Committee Meeting

Public Safety Committee Meeting

Building and Zoning Committee Meeting

PUBLIC ATTENDANCE SHEET

<u>Name</u>	<u>Address</u>	<u>E-Mail and/or Tel</u>
Paul Appenzeller	8210 JENKINTOWN RD - E. LIKINS PARK.	PAULIN@PRILLA@HONCO.COM
Michael Fagnani	625 Boyer rd	muzzybrown@gmail.com
Mercedes Villan	625 Boyer Road	villarmar@gmail.com
Zick Gavalis	135 Webster Ave	Gavalis@Gmail.com
GREG STRUPCZEWSKI	309 HIGHLAND RD.	3336
Mark Garvin	7816 Haines Rd.	
CHARLES LONT	17 LANFAIR RD	215 635 5288
Barbara Katzin	609 Central Ave.	215-663-0505
Cynthia Gibby	8026 Jenkintown Rd.	215 635 6672
DAVID M. GILBY	" " "	" " "
Jim & Maria Satko	201 Ashbourn rd	msatkoon@verizon.net
Allen Lundy	108 Cliff Terrace	
Mark Souchon	306 Boyer Road	

CHELTENHAM TOWNSHIP

Wednesday, September 2, 2009

Curtis Hall

Starting at 7:30 p.m.

Public Affairs Committee Meeting

Public Safety Committee Meeting

Building and Zoning Committee Meeting

PUBLIC ATTENDANCE SHEET

<u>Name</u>	<u>Address</u>	<u>E-Mail and/or Tel</u>
Anita Petito	306 Boyer Rd.	
Joe Vescovic	107 Tookany Creek	
SABINA Graebner	8264 Thomson	
Robert Graebner	8264 Thomson Rd	
Jon MARDERGER	131 TOOKANY CREEK PKWY	DMJONOD@COMCAST.NET
Aline Roy	3 Beryl Rd	
Ingrid Nyborg	46 Cartelene	inyborg@comcast.net
Liana Astor	805 Ashbourne Rd.	
ROB BERNHARD	123 TOOKANY CR. PKWY	rbernhard@hotmail.com
Chequita Donaldson	7607 OAK Lane Rd	chiquis@msn.com
JAMES McLANN	1127 ASHBOURNE ROAD	XXXXXXXXXX XXXXXXXXXX JMCCLANN@VERIZON.NET



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, September 2, 2009
Curtis Hall

NAME (Please Print)	ADDRESS	E-MAIL/TELEPHONE
Wm Schwabenschild Carol Schwabenschild	8304 Edgemoor Rd Erens PA 19038	215 635 2349
Mike Treacy & Sam Casse for (representing) Norman Cottrell	855 Rock Lane	
Mike Nicolucci	1619 Ashbourne Rd	MIKE_NICOLUCCI@ MERC.COM
Peter P. Booth	7826 Spring Ave	215 635-1371
Jan Bush	2366 Rosemere Ave	215-407/0224
William R. Sharp Jr. + Jonathan Sharp	708 Brook Rd Glenide, PA 19038	215-985-0974
John P. Corcoran	304 Woods Rd. Glenide PA 19038	215-817-1082
Kathryn Gallagher	2 Waverly Rd Wyncote	215 886 4110

CHELTENHAM TOWNSHIP

Wednesday, September 2, 2009

Curtis Hall

Starting at 7:30 p.m.

Public Affairs Committee Meeting

Public Safety Committee Meeting

Building and Zoning Committee Meeting

PUBLIC ATTENDANCE SHEET

Name	Address	E-Mail and/or Tel
Betty Catelli	Limekiln	
Kathy Hampton	700 Glen side Wyncote, PA	Kashampton@gmail.com
Kari Helstrom	7804 Arnel rd E.P	karine@comcast.net
Amy Hansel	801 Jenkinson	adshansel@comcast.net
Karen Martino	529 Boyer Rd	215-663-8144
John Martino	529 Boyer Rd.	martino529@comcast.net
Denise Finer	4 Pike's Way, Chelt.	denise.finer@comcast.net
Doree Caworth	8006 Hammond Chelt.	caworth@comcast.net
Arthur Kayman	631 Central Ave	
M-KADKHA	75 24 OAK Lane RD	
E. KADKHA	75 24 OAK Lane RD	
EDDY REUBENS	204 WIFELOCKEN AVE Blue Bell, PA	215/887-9363
JOE FAGNANI	625 Boyer	856-264-3684

CHELTENHAM TOWNSHIP

Wednesday, September 2, 2009

Curtis Hall

Starting at 7:30 p.m.

Public Affairs Committee Meeting

Public Safety Committee Meeting

Building and Zoning Committee Meeting

PUBLIC ATTENDANCE SHEET

<u>Name</u>	<u>Address</u>	<u>E-Mail and/or Tel</u>
ROBERT SHAW	913 Ashbourne Road	ROBERTSHAW@Comcast.net
KATHY SHAW	" " "	"
Chris + Jeanne Gaynor	1103 Ashbourne Rd	ctgaynor@Comcast.net.
Debra Marberger	131 Tookany Creek	
Maggi Vesovich	107 Tookany 19012	
Sherry Hanley	34 Carter Lane	tjhanley@aol.com
Eileen Rudnick	27 Carter Ln	egrudnick@comcast.net
Natalie Hurstky	17 Lawnside Rd	nhurstky@yahoo.com
Jonathan Lester	8031 New 2nd St	JLLESTER@JUNO.COM
Frank Lester	8031 New 2nd St	FCLEATHER@JUNO.COM