

November 4, 2015
Curtis Hall

A regular meeting of the **BUILDING AND ZONING COMMITTEE** was held tonight, Chairman Morton J. Simon, Jr. presiding. Members present were Commissioners Holland, Norris, Rappoport, and Sharkey. Also present was Ex-Officio Member Portner.

Staff present were Alyson Elliott, Assistant Township Manager; Henry Sekawungu, Director of Planning/Zoning; and Bryan T. Havir, Township Manager. Also present was Joseph M. Bagley, Esq., Solicitor. A Public Attendance List is attached.

Mr. Simon called the meeting to order at 8:55 p.m.

1. The Committee reviewed the Zoning Hearing Board Agenda items for November 9, 2015 as follows:

APPEAL NO. 15-3532: Appeal of Christopher Colquitt, owner of the premises known as 408 Old Farm Road, Wyncote, PA from the Decision of the Zoning Officer for the following Zoning Relief in order to allow for the construction an approximately 4' x 8' addition on the right side and a 7' x 8' addition to the left side of an existing rear porch to encroach within the minimum rear yard setback and increase the existing rear yard nonconformity in the R-4 Residential Zoning District:

- a.) A variance from Section 295-46.C., yard regulations, to allow for a rear yard setback of 21' in place of the required 25'.
- b.) A variance from Section 295-227.K., nonconforming uses, to allow for the increase in the existing rear yard nonconformity.

Mr. Sekawungu reported that the stormwater management and impervious coverage issues has been completed and resolved to the satisfaction of the Township Engineer and that an amendment to the appeal will be forthcoming to address the 4-foot encroachment of a porch. Mr. Bagley advised that the applicant's attorney, Richard Berlinger, has been hospitalized, and Peter Friedman, Esq. will be representing him at the Zoning Hearing Board meeting. Mr. Bagley stated that he is unaware of any outstanding issues with the appeal.

Upon motion of Mr. Holland, the Committee unanimously directed the Township's Planning/Zoning Officer to advise the Zoning Hearing Board that it recommends approval of the grant of relief including the amended application for a porch for said appeal.

APPEAL NO. 15-3536: Appeal of Armindo Reis and Maria Helena Barboza, owners of the premises known as 135 Washington Lane, Wyncote, PA 19095 from the Decision of the Zoning Officer for a variance from Section 295-223, fences and walls in order to erect an open fence of 6' in the front yard in place of the allowed 4' fence in the R-4 Residential Zoning District.

Ms. Barboza was present. Mr. Sekawungu reviewed the appeal and the Planning Commission's recommendations.

Upon motion of Mr. Portner, the Committee unanimously directed the Township's Planning/Zoning Officer to advise the Zoning Hearing Board that it approves the grant of relief for said appeal.

APPEAL NO. 15-3537: Appeal of Penrose Medical Investments, LLC, owner of the premises known as 1831 W Cheltenham Avenue, Melrose Park, PA 19027 from the Decision of the Zoning Officer for the following Zoning Relief in order to expand to existing medical office use into the adjoining building at 1829 W Cheltenham Avenue, formally a real estate office in the R-5 Residential Zoning District:

- a.) The following variances from the requirements of the use, lot and building areas, front, side and rear yards setbacks, and off-street parking:
 - 1.) Section 295-43., use regulations, for professional/physician's office.
 - 2.) Section 295-44., for the existing lot area, of 4,596 sq. ft. in place of the required 7,500 sq. ft.
 - 3.) Section 295-45., for the existing building area, of 38% in place of the required 30%.
 - 4.) Section 295-46.A.(1) for the front yard depth, of 13' in place of the required 40'.
 - 5.) Section 295-46.B.(1) for the side yard depth, of 5.5' in place of the required 8'.
 - 6.) Section 295-46.C. for the rear yard depth, of 13' in place of the required 25'.
 - 7.) Section 295-221.H. for the existing parking spaces, to provide 3 spaces in place of the required 6 spaces.
- b.) A special exception from Section 295-48. for the area and width requirements for non-conforming lots in the R-5 Residential District.
- c.) An interpretation/change in the existing non-conforming use, or in the alternative a variance from Section 295-227.A to allow for the non-conforming use of the property to continue as such.
- d.) An interpretation/continuation of the existing non-conforming building, or in the alternative a variance from Section 295-227.B to allow for the non-conforming building on the property to continue as such.

William Kerr, Esq. represented the applicant. Mr. Sekawungu reviewed the appeal and advised that he recommended that the applicant partner with the adjacent business in case additional parking is needed due to the increase in patients. Mr. Kerr reviewed the existing medical practice and its expansion; there is no increase in patients, only an increase in space; he reviewed parking and possible use of the municipal parking lot adjacent to John Russell Park for any overflow.

Ms. Rappoport asked about the type of medical practice; questioned how the practice enlarges in size but not in patients; handicap accessibility; if there are liens/unpaid taxes on the property; and questioned the use of a municipal parking lot. Mr. Kerr responded that it is a family practice and the expansion is for additional exam rooms for waiting patients rather than having patients wait in the waiting room; there are no liens and all taxes have been paid; it is handicap accessible on the first floor. In response to using the municipal parking lot, Mr. Havar

recommended that if parking is needed, that the applicant reach out to the adjacent shopping center so as not to interfere with Township activity at its municipal parking lot.

Mr. Portner stated that most of the patients he has seen and know take public transportation to the doctor.

Upon motion of Mr. Portner, the Committee unanimously directed the Township's Planning/Zoning Officer to advise the Zoning Hearing Board that it recommends approval of the grant of relief for said appeal.

2. Upon motion of Mr. Portner, the Planning Commission Meeting Minutes dated October 26, 2015 were unanimously received.

3. Review of Zoning Hearing Board Decisions:

APPEAL NO. 15-3510: Appeal of Salisbury Behavioral Health, Inc. d/b/a PAHrtners Deaf Services, tenant of premises known as 333 Bent Road, Wyncote, PA from the Decision of the Zoning Officer for the following Zoning Relief in order to use the premises as a Group Home for up to fifteen (15) unrelated deaf children with co-existing mental health disabilities, and a range of from two (2) to six (6) scheduled staff personnel at the premises at any one time; (applicant has agreed to reduce the number of children to nine (9) with 10 additional conditions) said premises being within the Class R-3 Residence District.

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

Discussion ensued regarding certain language in the decision. Ms. Rappoport believed the decision appears to be approving 15 children and is ambiguous. Mr. Simon believed that the decision is approving five (5) children but felt that this point but needed better clarification in the first paragraph of the decision.

Upon motion of Mr. Simon, the Committee unanimously agreed to table a motion on said appeal to the November 10, 2015 meeting of the Public Works Committee.

APPEAL NO. 15-3529: Appeal of Yulanda McAllister, owner of the premises known as 1719 Ashbourne Road, Elkins Park, PA from the Decision of the Zoning for a variance from Section 295-221.B.(5)(a), location of surface parking, to allow for an approximately 40' x 58' parking area in the front yard to remain between the front of the dwelling and the street in the R-4 Residential Zoning District.

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

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

APPEAL NO. 15-3534: Appeal of Rodolfo Fernandez, owner of the premises known as 520 Croyden Road, Cheltenham, PA from the Decision of the Zoning Officer for the following Zoning Relief in order to allow for the construction of a 12' x 16' shed to continue and encroach within the minimum side and rear yard setbacks in the R-5 Residential Zoning District.

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

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

4. Upon motion of Mr. Sharkey, the Report of the Building Inspector for the month of October, 2015 was received.

5. Under Old Business: Mr. Holland asked for a flow chart on the Building and Zoning process. He felt it was relevant in light of the new Commissioners who will be in office in January 2016. Mr. Sekawungu reported that a flow chart was on the website and listed under Building and Zoning but he would provide Mr. Holland with a hard copy.

6. Announcement: Mr. Bagley announced that the Commissioners will hold an Executive Session after the meeting to discuss pending litigation.

There being no further business, upon motion of Mr. Holland, the meeting was adjourned at 9:50 p.m.



Bryan T. Havar
Township Manager

as per Anna Marie Felix



PUBLIC ATTENDANCE LIST
PRESIDENT'S BUDGET MESSAGE – 7:30 P.M.
PUBLIC SAFETY COMMITTEE – 7:45 P.M.
PUBLIC AFFAIRS COMMITTEE – 8:00 P.M.
BUILDING AND ZONING COMMITTEE – 8:15 P.M.
Wednesday, November 4, 2015
Curtis Hall

| NAME <i>(Please Print Clearly)</i> | ADDRESS <i>(Please Print Clearly)</i> | E-MAIL and/or TELEPHONE <i>(Please Print Clearly)</i> |
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