

A regular meeting of the **BUILDING AND ZONING COMMITTEE** was held tonight, Chairman Morton J. Simon, Jr. presiding. Members present were Commissioners Brockington, Holland, Norris, Pransky, Sharkey and Rappoport.

Staff present were Alyson Elliott, Assistant Township Manager; Henry Sekawungu, Director of Planning/Zoning Officer; and Bryan T. Havar, Township Manager. Also present was Joseph Bagley, Esq., Solicitor. A public attendance list is attached.

Mr. Simon called the meeting to order at 8:30 p.m.

1. The Committee reviewed and took action on the following Zoning Hearing Board agenda items for May 9, 2016:

APPEAL NO. 16-3547: Appeal of Salus University, owner of the premises known as 8340, 8360 & 8380 Old York Road, Elkins Park, PA 19027 from the Decision of the Zoning Officer for the following Zoning relief in order to reconfigure the existing parking lot to add 35 parking spaces along Old York Road in the C-1 Commercial Zoning District:

- 1.) A special exception from Section 295-103 to allow for the existing accessory building(s) to be separate from the principal building.
- 2.) A variance from Section 295-106., green area, for an increase in the existing non-conformity for Parcel 2 to allow 28% where 40% is required and 31% is currently provided.
- 3.) A special exception from Section 295-227.C nonconforming uses, to expand the non-conforming parking within the front yard, or in the alternative a variance from Section 295-221.B.(5)(a) to expand the existing non-conforming parking within the front yard.
- 4.) A variance from Section 295-221.B.(5)(c), location of surface parking, to not provide pedestrian street features for the existing parking extending more than 70 feet along Old York Road.

Ms. Carrie Nase-Doust, Garry Tinford, Donald Kates and Richard Echevarria were present to represent the applicant and answer any questions of the Committee.

The Committee raised concerns with expanding the parking; including the glare from vehicle lights facing Old York Road, and several mature trees being removed to accommodate the proposed parking lot expansion. This will have an adverse impact on the streetscape project the Township has been promoting along Old York Road at its gateway.

The Committee asked Salus representatives to consider other options including leasing parking spaces from Kenneth Israel. Representatives of Salus University expressed concerns over the safety of faculty and students crossing the road. The Committee suggested providing the use of a shuttle service or a pedestrian crossing for students and staff to cross Old York Road.

The Committee asked Salus representatives to consult with a Landscape Architect to reconfigure the expansion and create a revised plan that does not include the removal of trees along Old York Road.

Upon motion from Mr. Simon, the Committee unanimously recommends to the Zoning Hearing Board, a continuance of the application and will re-examine the application once a Landscape Architect has been consulted. If the Zoning Hearing Board does not agree to the continuance, the Committee recommends denial based on lack of information.

APPEAL NO. 16-3548: Appeal of Anna ten Bensel, lessee of the premises known as 107B South Easton Road, Glenside, PA 19038 from the Decision of the Zoning Officer for the following Zoning Relief in order to use the existing vacant space as a tobacco free hookah/oxygen bar in the C-3 Commercial and Business Zoning District.

- 1.) A determination that a tobacco free hookah/oxygen bar use is similar to a restaurant use or in the alternative a variance from Section 295-117., use regulations, to allow for a tobacco free hookah/oxygen bar use.
- 2.) A determination that no relief is required for off-street parking or in the alternative variance from Section 295-221.H., parking requirements by land use, to have no off-street parking.

The Committee raised concerns about the use of the property and asked the applicant to provide an explanation of “tobacco free hookah/oxygen bar”. Ms. ten Bensel explained how the product is heated without the use of charcoal to reduce the amount of carcinogens. This location will be one of the only facilities of its kind in the area. Others use charcoal to heat the product. Instead of tobacco, a honey or flavored tea leaf is inhaled.

PUBLIC COMMENTS:

Mr. Arthur Thorp, 216 W. Glenside Avenue. Mr. Thorp asked the Committee for a continuance until after further investigation. Mr. Thorp is concerned about the appearance of the store-front business and questioned the information provided by the applicant. Mr. Thorp stated that it is inappropriate and is opposed.

Ms. Natalie Uszkalo, 615 Foxcroft Road. Ms. Uszkalo shared with the Committee that she viewed this business as a social gathering.

Ms. Ginny McNally, 220 W. Glenside Avenue. Ms. McNally stated that she is a nurse and her experiences and research has made her concerned about infectious disease potentially spread through the shared mouth pieces. Ms. McNally also asked the Committee to recognize that the location is next to a game store that many children patronize. She is concerned that this business may promote smoking. Ms. McNally asked the Committee to keep in mind that residents pay taxes and not the students that this business will attract.

Ms. Alicia, an employee of Arcadia University and a resident of Abington, asked the Committee to take into consideration that the bar will engage the community of Arcadia, giving students and faculty a place to gather, rather than spending their time and money outside the Township.

Ms. Karen DeSoya, a resident of the Township, expressed her support for Ms. ten Bensel. This business will embrace the college community.

Ms. Samantha Larabee, a student at Arcadia Univeristy, stated that students do not stay in Glenside for entertainment and this business can do more good than bad.

Mr. Sharkey asked Ms. ten Bensel to schedule a meeting with him to discuss all the issues to hopefully develop a resolution amenable to the Community.

Upon motion from Mr. Sharkey and unanimously accepted by the Committee, a continuance was recommended to the Zoning Hearing Board to give the applicant time to work toward a proposal more acceptable to the Community. If the Zoning Hearing Board does not agree to the continuance, the Committee recommends denial based on lack of information.

APPEAL NO. 16-3549: Appeal of Garry Takle and Ellen Unterwald, owners of 8107 Cedar Road and the vacant premises located on East Church Road, Elkins Park, PA from the Decision of the Zoning Officer for the following Zoning Relief in order to allow for the construction of an accessory use of a pool, on the vacant parcel with encroachment within the side yard setback in the R-4 Residential Zoning District.

- 1.) A variance from Section 295-36.F.(3), use regulations, to allow for an accessory use on a vacant lot with no primary use.
- 2.) A variance from Section 295-39.B.(1), side yard regulations, to allow for a setback of zero feet in place of the required 10'.
- 3.) A variance from Section 295-220.B., side yard projections, to allow for a swimming pool to be erected within the side yard.

Mr. Takle said he intends to consolidate the two lots; however, the variances will allow them to get the pool in quicker.

Upon motion of Mr. Simon, the Committee unanimously recommended to the Zoning Hearing Board approval of the application.

2. Upon motion of Mr. Simon, the Committee unanimously received the Planning Commission Regular Meeting Minutes dated May 23, 2016.

3. **Discussion of the Proposed Draft Zoning Ordinance.** Mr. Simon stated the upcoming meeting to review the Proposed Draft Zoning Ordinance is scheduled for Thursday, June 9, 2016, at the Township Administration Building from 7:00-9:30 p.m. Agendas for each meeting will be posted on the Township's website. An additional meeting is scheduled on June 30, 2016 from 6:00-9:00 p.m.

4. **Review of Zoning Hearing Board Decisions.** None.

5. Upon motion of Mr. Sharkey, the Committee unanimously received the report of the Building Inspector for May 2016.

6. **Under Old Business:** None.

7. **Under New Business:**

Mr. Sharkey discussed concerns about landlords accepting substandard tenants and asked the Committee and Township staff to consider ways to encourage landlords to lease to better tenants. The Township may want to consider requiring property owners to completely remove signage and perform a “white or vanilla box” conversion when a tenant vacates a property. Mr. Sharkey asked staff to look at the Township’s current property maintenance and signage ordinances and see if amendments can be made to incorporate these ideas.

8. **Citizens Forum:** None.

9. Upon motion of Mr. Pransky, unanimously approved by the Committee, the meeting was adjourned at 10:00 p.m.


Bryan T. Havir
Township Manager

as per Vicky Sykes



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, June 1, 2016
Curtis Hall, 1250 W. Church Road, Wyncote

<u>NAME</u> <i>(Please print clearly)</i>	<u>ADDRESS</u> <i>(Please print clearly)</i>	<u>PHONE or E-MAIL</u> <i>(Please print clearly)</i>
Natalie Uszkalo	615 Foxcroft	2153411567
Richard M. Echevarria	8360 Old York Rd	RECH@SALUS.EDU
Carrie Nale-Dovst	2700 Kelly Rd. Warrington	215-918-3646
Gray TINFORD	1007 Edget Hill Rd, Abington	215 887 2165
GARY TAKLE	8107 CEDAR RD, EP	215 782 8656
DONALD HALLS	8360 Old York Rd	215-780 1242
ANNA TEN BENSET	107 B.S. EASTON RD	651-2761439
Arthur Thong	216 W. Glenside Ave	484.755.0370
Ginny McNally	220 W. Glenside Ave	267 349-1965