

July 6, 2011  
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, Simon and Sharkey. Also present was Ex-Officio Member Portner. Staff present were Joseph Bagley, Wisler Pearlstine LLC; Bryan T. Havir, Assistant Township Manager; David M. Lynch, Director of Engineering, Zoning and Inspections; and David G. Kraynik, Township Manager. A Public Attendance List is attached.

Mr. Swavola called the meeting to order.

1. The Zoning Hearing Board Agenda for July 11, 2011 was reviewed as follows:

**Appeal No. 3401: (Continued)** Appeal of Elizabeth R. Higgins, owner of premises known as 532 Woodland, Avenue, Cheltenham, PA 19012, from the Decision of the Zoning Officer for the following Zoning Relief in order to construct and use a 9' W x 45' L deck and 9' W x 15' L shed along the northeast side of the residence:

- a. Variances from the Rules and Regulations of the Class R-8 Residence District as outlined in CCS 295-67.B.(2) for a zero foot (0') side yard setback from the northeast property line instead of the minimum required 9' for the following:
  - i. for the deck;
  - ii. for the shed.

Mr. Lynch reviewed the appeal. Mr. McKeown stated that he visited the property, and the neighbors have no issues with this appeal.

Upon motion of Mr. McKeown, and unanimously approved by the Committee, the Township Engineer was directed to advise the Zoning Hearing Board that it recommends approval of Appeal No. 3401.

**Appeal No. 3405:** Appeal of Dreck Properties, LTD, owner of premises known as 7770 Montgomery Avenue, Elkins Park, PA 19027, from the Decision of the Zoning Officer for the following Zoning Relief in order to construct a Duplex on the Premises. The southerly 4.33' of the premises along Montgomery Avenue is within the Class R-5 Residence District; the northerly 40.67' of the premises along Montgomery Avenue is within the Class C-3 Commercial and Business District:

- a. Variances 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. From CCS 295-119. for a lesser lot area of 1220 S.F. per family in the C-3 Zoning District instead of the minimum required 2500 SF per family. The overall area per family is 1350 SF (C-3 and R-5 Zoning).
  - ii. A Variance from CCS 295-120. for a greater building area of 75.82% in the C-3 Zoning District instead of the maximum permitted 60%. The overall building area is 68.52%.
  - iii. From CCS 295-121.A. for a zero width front yard setback instead of the minimum required 15'.
  - iv. From CCS 295-121.C. for a zero width side yard setback from the north side Property line instead of the minimum required 8'.
  - v. From CCS 295-121.C. for a 3.67' side yard setback from the C-3/R-5 Zoning District boundary line instead of the minimum required 8'. The overall side yard setback from the south side property line is 8'.
  - vi. From CCS 295-121.D. for a lesser rear yard setback of 10' instead of the minimum required 25'.
  - vii. From CCS 295-124. for not landscaping the first 15' in from the street line.
  - viii. From CCS 295-125. for providing a lesser 3.67' wide buffer area along the C-3/R-5 Zoning District boundary line instead of the minimum required 5' wide buffer area.
- b. A variance from the Rules and Regulations of the Class R-5 Residence District as outlined in CCS 295-43. for the use of the southerly 4.33' x 60' section of the Premises that is within the R-5 Zoning District for the Duplex use instead of one of the enumerated permitted uses.
- c. A variance from the Rules and Regulations of "Parking and Loading" as outlined in CCS 295-221.H. for a lesser amount of off-street parking: two (2) parking spaces instead of the minimum required four (4) parking spaces.

Mr. Lynch reviewed the appeal and the previously denied appeal on this property. He reviewed parking, construction of duplexes and the Planning Commission's recommendations.

Upon motion of Mr. Swavola, and unanimously approved by the Committee, the Township Engineer was directed to advise the Zoning Hearing Board that it takes no action on said appeal. If relief is granted, the Committee recommends that a grant of relief be contingent upon the applicant submitting a land development plan.

**APPEAL NO. 3406** – Appeal of Salus University (formerly “Pennsylvania College of Optometry” (“PCO”), owner of premises known as 8340, 8360 and 8380 Old York Road and 50 Breyer Drive, Elkins Park, PA, from the Decision of the Zoning Officer for the following Zoning Relief in order to erect two (2) free-standing signs: one on the Township Line Road frontage of premises and one on the Old York Road frontage of the premises; said free-standing signs having a sign area of 53.83 SF (7.68’H x 7.01’W) and a sign height of 8.68’; said premises being within the Class C-1 Commercial District:

- a. Applicant requests a Determination from the Zoning Hearing Board that the Premises is subject to the signage requirements in CCS 295-197.C.(1) which includes properties located within the C-1 Commercial District where there is an individual or single use of property.
- b. If the ZHB rules in the affirmative on Item a., above, Applicant requests the following variances from CCS 295-197.C.(1)(a):
  - i. For aforesaid signs being the fourth and fifth free-standing signs on the premises instead of the maximum permitted one (1) free-standing sign.
  - ii. For aforesaid signs having a sign area of 53.83 ± SF instead of the maximum permitted 50 S.F.
- c. In the alternative to Items a. and b., above, Applicant requests a Determination from the ZHB that the premises is subject to the signage requirements of CCS 295-197.A. which includes “Institutional Uses” in residential and multiple dwelling Zoning Districts.
- d. If the ZHB rules in the affirmative on Item c., above, Applicant requests the following variances from CCS 295-197.A.(4):
  - i. For aforesaid signs being the fourth and fifth free-standing signs on the premises instead of the maximum permitted three (3) free-standing signs (one per street frontage).
  - ii. For aforesaid signs having a sign area of 53.83 ± SF instead of the maximum permitted 20 SF.
  - iii. For aforesaid signs having a sign height of 8.68’ instead of the maximum permitted 4’.
  - iv. For aforesaid signs being internally illuminated instead of the required external illumination.

Mr. Lynch reviewed the appeal including location of the signs and the Planning Commission's recommendations regarding the repositioning of the signage on Old York Road.

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 on said appeal.

**Appeal No. 3407:** Appeal of New Cingular Wireless, PCS, LLC d/b/a AT& T Mobility, existing tenant at telecommunications facility on premises known as 2727 Cheltenham Avenue, Philadelphia, PA 19150 from the Decision of the Zoning Officer in order to upgrade its Telecommunications Facility by the addition of three (3) "LTE" antennas and related equipment within the fenced compound; there are currently nine (9) antennas; after the upgrade there will be twelve (1) antennas; the height to the top of the new antennas will be kept at the existing overall height of 101' above ground level (A.G.L.):

- a. Variances from the Rules and Regulations of the Class C-4 Commercial and Business District as outlined in Article XVIII of Chapter 295 of the Cheltenham Code, as follows:
  - i. From CCS 295-127. for the upgrading of the Telecommunications Facility instead of one of the permitted enumerated uses.
  - ii. From CCS 295-131. for an antenna height of 101' A.G.L. instead of the maximum permitted 50" A.G.L.
- b. Applicant also applies for such other interpretations, waivers and/or variances as may ultimately be required.

Mr. Lynch reviewed the appeal including location and current telecommunication equipment at said location.

Upon motion of Mr. Haywood, and unanimously approved by the Committee, the Township Engineer was directed to advise the Zoning Hearing Board that the Committee takes no action on said appeal.

**Appeal No. 3408:** Appeal of Arcadia University, owner of Premises known as 2053 Church Road, Glenside, PA 19038, from the Decision of the Zoning Officer for the following Zoning Relief in order to use the premises as an educational institution office:

- a. A Special Exception in accordance with the Rules and Regulations of the Class R-4 Residence District as outlined in CCS 295-36.C. for the use of the premises as an educational institution office.

- b. A Variance from the Rules and Regulations of “ Parking and Loading” as outlined in CCS 295-221.H. for the provision of three (3) on-site parking spaces instead of the required ten (10) parking spaces.

Mr. Lynch reviewed the appeal including the property’s current use as a guest house, new educational use, the neighbor’s opposition to a lot of parked cars abutting their property, and the Planning Commissions recommendations.

Mr. Sharkey stated that the neighbors object to a fire pit in the rear yard that is used by students and the residents on General Pattison Drive want it removed.

Upon motion of Mr. Sharkey, and unanimously approved by the Committee, the Township Engineer was directed to advise the Zoning Hearing Board that it takes no action on said appeal. If relief is granted, the Committee recommends that it be granted contingent upon not more than three (3) cars being parked, no parking on the grass, and that the fire pit in the rear of the property be removed.

2. Upon motion of Mr. McKeown, and unanimously approved by the Committee, the Planning Commission Regular Meeting Minutes dated June 23, 2011, were received.

3. The Committee reviewed Section 295-244, K.3-b, of the draft Age-Restricted Overlay District Ordinance (“AR”), as it pertains to the percentage of occupied units by people 55-years of age or older.

Extensive discussion ensued. The Committee discussed marketability of the various percentages ranging from 80% to 100%, AR developments in other municipalities, state and federal guidelines regarding age-restricted housing, ages of spouses and live-in relatives, live-in caregivers, continuing care communities, subsidized communities, communities that provide heightened levels of care, and regulations for homeowners associations as they relate to restricting and controlling age limits.

Mr. Simon wanted an Ordinance that would provide for AR development with a reduced burden on Township services and suggested that the AR Ordinance include a 90% residency of 55+. He suggested that whatever percentage is determined that it be consistent and cross-referenced throughout the Ordinance.

There was a public comment:

Melanie Vallerio, 173 Fernbrook Avenue, stated that she has been a realtor for many years and has sold housing in age-restricted developments. Most of them have a restriction that there can be only one (1) person between the ages of 18-55 and none under the age of 18 in a household. Sometimes, exceptions to these restrictions are made for handicap residents. Usually, people 55+ are looking to downsize expenses but not necessarily the living quarters.

Upon motion of Mr. Simon, the Committee unanimously agreed that the Age-Restricted Overlay District Ordinance include a requirement that at least 90% of the occupied units are occupied by at least one (1) person who is 55 years of age or older and that Section K.3-b and all other pertinent sections be cross-referenced.

Upon motion of Mr. Swavola, the Committee unanimously agreed that the Age-Restricted Overlay District Ordinance be placed on the August 3, 2011 agenda of the Building and Zoning Committee meeting at which time it will be considered for a Public Hearing at the October 21, 2011 meeting of the Board of Commissioners.

4. Upon motion of Mr. Sharkey, and unanimously approved by the Committee, the Report of the Building Inspector for the month of June, 2011 was received.

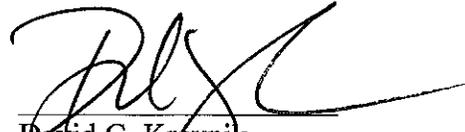
5. Under Citizens' Forum:

Robert DeMaria, 65 Limekiln Pike, repeated his request at the Public Affairs Committee meeting to have a farm stand in front of his home. He claimed that he was certified by the Department of Agriculture and made an application for a mercantile license.

Mr. Swavola suggested that Mr. DeMaria provide Mr. Bagley with said certification and reiterated that said farm stand is not in accordance with the zoning code as it pertains to his property.

Mr. Bagley stated that he informed Mr. DeMaria, in writing, that his property is not zoned for a farm stand. Mr. DeMaria may have Department of Agriculture certification but that does not mean that his farm stand is allowable under the zoning code. Mr. DeMaria stated that he can farm on his property. Mr. Bagley informed him that "farming" is not the issue; the "farm stand" is the issue.

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



David G. Kraynik,  
Township Manager

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, July 6, 2011**  
**Curtis Hall**

NAME (Please Print)	ADDRESS	E-MAIL and/or TELEPHONE
Bob & Iris Heunergast	510 E. Glenview Ave	bhanuast@aol.com
Daniel Norris	236 Barclay Cir.	Norrishan@yahoo.com
Melanie Vallerio	173 Terubrook Ave	Mel4thepeople@aol.com
Stae Strals	921 Melrose Pk	