

April 4, 2007
Township Building

A regular meeting of the **BUILDING AND ZONING COMMITTEE** was held tonight, Chairman Paul R. Greenwald presiding. Members present were Commissioners Muldawer and Simon. Also present was Ex-Officio member Swavola. Staff present were Andrew B. Cantor, Esq., Wisler, Pearlstine, Talone, Craig, Garrity & Potash; 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. Greenwald called the meeting to order. He announced that prior to the meeting, the Board of Commissioners held an Executive Session to discuss a litigation matter.

1. The Committee reviewed the Zoning Hearing Board Agenda for April 9, 2007, as follows:

APPEAL NO. 3204 (Continued) – Appeal of John Konick, owner of premises known as 430 Rices Mill Road, Wyncote, PA, from the Decision of the Zoning Officer for the following Zoning Relief in order to subdivide the premises into two (2) single family lots:

- a. Variances from 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 295-22.A. for a lesser lot area of 19,195 SF for the proposed southwest lot containing the existing residence instead of the minimum required 20,000 SF.
 - ii. From CCS 295-22.A. for a lesser lot area of 19,318 SF for the proposed northeast lot (vacant land) instead of the minimum required 20,000 SF.

Mr. Lynch reviewed the application.

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 denial of Appeal No. 3204 for reasons as previously stated.

APPEAL NO. 3206 (Amended and Continued) - Appeal of Kirk Watkins, owner of premises known as 426 Greenwood Avenue, Wyncote, PA from the Decision of the Zoning Officer for the following Zoning Relief in order to subdivide the premises into two (2) lots:

- a. Variances from the rules and regulations of the Class R-3 Residence District as outlined in Article V of the Cheltenham Code, as follows:
 - i. From CCS 295-22. A. for a lesser lot width of 55.56' at the street line instead of the minimum required 100' for Proposed Lot 1.
 - ii. From CCS 295-22.A for a lesser lot width of 55.56' for a distance of 308.72' extending from the street line into the premises instead of the minimum required 100' lot width extending from the street line to the depth of the rear yard for Proposed Lot 1.
 - iii. From CCS 295-22.A. for a lesser lot width of 99' at 152.06' from the street line instead of the minimum required 100' lot width extending from the street line to the depth of the rear yard for Proposed Lot 2.
- b. Zoning Relief in accordance with the "Steep Slope Conservation District" as outlined in Article XXII of the Cheltenham Code as follows:
 - i. Special Exceptions in accordance with CCS 295-168. as follows:
 1. Pursuant to CCS 295-168.B. for sanitary or storm sewers and stormwater management facilities.
 2. Pursuant to CCS 295-168.C. for underground utility transmission lines.
 - ii. Variances from CCS 295-169. as follows:
 1. From CCS 295-169.A.(1) for the residence and retaining walls (if any).
 2. From CCS 295-168.A.(2) for the access driveway and parking facility.
 3. From CCS 295-169.A.(3) for the filling or removal of topsoil associated with the foregoing.
 4. From CCS 295-169.B. for the inclusion of terrain with a gradient of 25% or more within the required front yard areas.

Mr. Lynch advised that the applicant has requested a withdrawal of said appeal.

Upon motion of Mr. Muldawer, and unanimously approved by the Committee, the Township Engineer was directed to advise the Zoning Hearing Board that the Committee recommends that the request for withdrawal be granted. However, if the request for withdrawal is not granted, the Committee recommends denial of Appeal No. 3206 for reasons as previously stated.

APPEAL NO. 3208 – (Amended and Continued) Appeal of Federation Housing, Inc., equitable owner of premises known as 509 Ashbourne Road, Elkins Park, PA, from the Decision of the Zoning Officer for the following zoning relief in order to construct and operate Multiple Dwelling Housing for the Elderly which will consist of one (1) three-story apartment building containing eighty-four (84) apartments for the elderly, plus one (1) apartment for the manager of the building and eight (8) apartments for the elderly in the existing mansion for a total of 93 apartments.

- a. A variance from the rules and regulations of the Class R-4 Residence District as outlined in CCS 295-36. for the use of the premises for Multiple Dwelling Housing for the elderly instead of one of the enumerated permitted uses.
- b. Zoning Relief from the rules and regulations of the “Steep Slope Conservation District” as outlined in Article XXII of The Cheltenham Code, as follows:
 - i. Special exceptions in accordance with CCS-295-168., as follows:
 1. Pursuant to CCS 295-168.B. for sanitary or storm sewers and stormwater management facilities.
 2. Pursuant to CCS 295-168.C. for underground transmission lines.
 - ii. Variances from CCS 295-169., as follows:
 1. From CCS 295-169.A.(1) for the building, any required retaining walls and landscaping.
 2. From CCS 295-169.A.(2) for the access driveways, internal access ways and parking facilities.
 3. From CCS 295-169.A.(3) for the filling or removal of topsoil associated with the foregoing.
 4. From CCS 295-169.B. for the inclusion areas having a terrain gradient of 25% or greater within any of the required yard areas.

Peter Friedman, Esq. was present to represent the applicant. Mr. Lynch reviewed the application, including parking requirements, which were amended to conform to Ordinance No. 2129-07, the Township’s new ordinance regulating parking, and that the plan has been amended to add eight (8) units to the existing mansion on the property. Mr. Simon endorsed the changes.

Mr. Friedman asked the Committee to consider submitting a letter to the Zoning Hearing Board advising that there is a pending ordinance to allow for multiple-dwelling housing for the elderly by special exception within the Class R-4 residential zoning district. Said ordinance is being proposed by Shelter Development Group for a similar project at 990 Ashbourne Road. In

Mr. Friedman’s opinion, under the “Pending Ordinance Doctrine”, the Zoning Hearing Board could consider said letter as a means of relief in their decision. Mr. Friedman stated that timing is critical for his client to obtain financing since the cut-off date is April 13, 2007.

Discussion ensued. Mr. Cantor stated that Township Staff has not completed its review of the proposed ordinance. The language has to be finalized, and it has to be reviewed by the Public Works Committee at its meeting on April 10, 2007. Mr. Simon questioned whether or not said doctrine applies when such an ordinance does not exist but one is pending and whether or not a letter stating that we intend to consider such an ordinance is sufficient. Mr. Greenwald noted that the state is being cooperative with Shelter Development regarding its funding application. Mr. Cantor advised that no letter should be issued until the Public Works Committee reviews and recommends said ordinance to the Board. He recommended that Mr. Friedman not close his case with the Zoning Hearing Board on April 9, 2007.

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 approval of amended Appeal No. 3208.

APPEAL NO. 3211 – Appeal of David B. Klebanoff, owner of premises known as 706 Sural Lane, Elkins Park, PA, from the Decision of the Zoning Officer for the following Zoning Relief in order to construct a swimming pool, pool equipment and a retaining wall in the rear yard of the premises (said premises being within the Class R-4 Residence District):

1. Zoning Relief in accordance with the “Steep Slope Conservation District” as outlined in Article XXII of the Cheltenham Code as follows:
 - a. Special Exceptions in accordance with CCS 295-168. as follows:
 - i. Pursuant to CCS 295-168.B. for storm sewers and an infiltration trench.
 - ii. Pursuant to CCS 295-168.C. for underground utility transmission lines.
 - b. Variances from CCS 295-169. as follows:
 - i. From CCS 295-169.A.(1) for the retaining wall.
 - ii. From CCS 295-169.A.(4) for the swimming pool.

- iii. From CCS 295-169.A.(3) for the filling or removal of topsoil associated with the foregoing.
- iv. From CCS 295-169.B. for the inclusion of terrain with a gradient of 25% or more within the required front yard areas.

Mr. Lynch reviewed the application. Stormwater management was discussed.

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 takes no action on Appeal No. 3211.

2. Upon motion of Mr. Greenwald, and unanimously approved by the Committee, the Planning Commission Meeting Minutes dated March 26, 2007, were accepted.

3. Ms. Darlene Melton inquired about the status of the Historic Preservation Ordinance discussed at the Joint Meeting of the Planning Commission and Economic Development Task Force on March 27, 2007. It was explained to her that said ordinance is only in the discussion stage.

Upon motion of Mr. Swavola, and unanimously approved by the Committee, the Joint Planning Commission and Economic Development Task Force Meeting Minutes dated March 26, 2007, were accepted.

4. The Committee reviewed recent decisions of the Zoning Hearing Board as follows:

APPEAL NO. 3203 - Appeal of Cheltenham American Legion Post #497, owner of the premises known as 8035 Jenkintown Road, Cheltenham, Pennsylvania 19012, from the determination of the Zoning Officer finding that the erection of two monument signs on the premises would violate the Cheltenham Ordinance of 1929, as amended, and, specifically, Article XXV, Section 295-197, regulating free-standing signs.

Applicant seeks variances from the rules and regulations of the R-4 Residence District as follows:

- (1) a variance from Section 295-197(A) to allow for a monument sign (Sign A) on the Church Road frontage of the premises instead of no permitted signage: Sign A to

have a stone base, measuring two (2) feet in height, an overall height of 7.33 feet and a signage area measuring 20 square feet (4 feet high by 5 feet wide irr.) including "LED" Reader Board measuring six (6) square feet; and

- (2) a variance from Section 295-197(A) to allow for a monument sign (Sign B) on the Jenkintown Road frontage of the premises instead of no permitted signage: Sign B to have a stone base measuring two (2) feet in height, an overall height of 7.33 feet and a signage area measuring 20 square feet (4 feet high by 5 feet wide irr.).

The Zoning Hearing Board denied applicant's request for relief.

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

APPEAL NO. 3205 - Appeal of Wiliam Guzman, owner of the premises known as 1820 Chelsea Road, LaMott, PA from the rules and regulations of the R-5 Residence District as follows:

- (1) a variance to allow a nonconforming 5' by 15' deck and canopy addition to the existing semi-detached dwelling..

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

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

5. Upon motion of Mr. Simon, and unanimously approved by the Committee, the Report of the Building Inspector for the month of March 2007 was accepted.

6. Upon motion of Mr. Simon, and unanimously approved by the Committee, the Report of the Building Inspector for the Year 2006 was accepted.

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

David G. Kraynik
Township Manager

as per Anna Marie Felix

