

A regular meeting of the **BUILDING AND ZONING COMMITTEE** was held tonight via web conference, Chairman Brad M. Pransky presiding. Members present were Commissioners Norris, Areman, Brockington, Holland, Rappoport and Zygmund-Felt.

Staff present via web-conference were Robert Zienkowski, Township Manager; Alyson Elliot, Assistant Township Manager, Scott Lynch, Fire Marshal and Henry Sekawungu, Director of Planning & Zoning. Also present via web-conference was Ed Diasio, Acting Township Solicitor.

Mr. Pransky called the meeting to order at 8:00 p.m.

1. Action on Zoning Hearing Board Agenda for January 10, 2022.

a. Appeal #21-3683, S.P.I.N. Inc., for 7804 Caversham Road

Mr. Sekawungu provided an overview on the amended application, which eliminated a request for reasonable accommodation, to just a request for a Special Exception, which triggered the re-advertisement. Mr. Brandon Savron, Esq., representative for the applicant, added that the application was back before the committee more as a technical procedure and that it was determined that the Zoning Hearing Board (ZHB) did not have power per the Pennsylvania Municipal Planning Code to grant reasonable accommodation, but that it fell under the purview of Board of Commissioners (BOC). They were therefore seeking a Special Exception rather than a reasonable accommodation and suggested that Mr. Bagley implicitly advised that they could not go to the Board for the Reasonable Accommodation due to this pending application and that they could instead seek a Special Exception.

Discussion followed on the issue of the request for reasonable accommodation versus a special exception with additional input from Mr. Diasio and Mr. Michael Yanoff Esq., representing the neighbors.

Ms. Rappoport added comments for consideration as follows, with a recommendation to send the Township Solicitor to the ZHB:

- Concerns about the tax burden this use could create on the neighborhood and the Township.
- Concerns about a potential conflict in status of nonprofit owners of multiple properties.
- Acceptable relief that could be granted to a property use that did not contribute to the tax base.
- The legitimacy of the precedent set by the approval of the special exception since this approval run with the land.
- Guarantees that this business would not undermine the quiet and quality of life for the other property owners given that the approval went with the land, and would not contribute to some of the housing issues that have pervaded minority communities for generations.
- Concerns about the legal advertising process that had already gone out for an in-house hearing and the potential hardship for participants that may feel compromised by attending in person and a consideration for a hybrid meeting.
- Satisfactory PILOT to prevent further hardship to Township from this and similar uses.

Mr. Savron responded that some of the questions could be incorporated as part of conditions in the granting of the Special Exception. On the issue of the hybrid meeting, he stated that he had no objections. Mr. Yanoff responded that those he was representing were concerned about being in a large group but did not have any answers. Mr. Diasio agreed with the opinion of Mr. Bagley, and the need for a quorum of the ZHB to be present at Curtis Hall. Mr. Yanoff added that there may be others of those that he was representing that may not have the capability to use the Zoom platform.

Mr. Zygmund-Felt asked about the position by Mr. Yanoff who responded that this was a health safety and welfare issue among others, and his clients were opposed to this use at this location.

To a question raised by Mr. Zygmund-Felt regarding Township Counsel's position, Mr. Diasio responded that the Building and Zoning Committee had not provided specifics on his role with respect to the application, but the options included opposing, supporting or providing input at the hearing on this application. At this time, he would be in attendance at the meeting to ensure that reasonable conditions were incorporated as part of the hearing.

Mr. Pransky asked for a response regarding the concerns raised earlier and Mr. Savron responded that his client did not have any issues agreeing to conditions related to no live-in staff, no special modifications to the home, licensing, maintenance of the property, minimum number of staffing at all times, which they would be amenable to as part of the approval. On the question about trash pickup, snow plowing, Fire and EMS, and if this would be the responsibility of the Township including snow plowing, EMS and fire, he offered that he would not be able to commit anything at this time on a PILOT, without a firm number as had been discussed with Mr. Bagley. The request as he understood it was for his client to contribute to the Township as a family unit and an equal, similar to all the other residents.

Upon motion of Ms. Rappoport, the Committee made a motion to send counsel to the Zoning Hearing Board based on the questions and concerns raised by the Committee about hardship, safety and the economic viability of the proposed, as summarized. The motion passed 5-0-1 and 1 recusal (Ayes: Pransky, Rappoport, Norris, Zygmund-Felt, Brockington; Abstained: Areman; Mr. Holland recused himself from the hearing due to a conflict of interest).

b. Appeal #20-3691 Kevin & Elise Dunn for 7918 & 7920 Hidden Lane

Mr. Sekawungu provided an overview of the application and explained that the property located in the R1 Residential Zoning District was a legal nonconforming use in that it was an attached dwelling unit, while the district only permitted detached dwellings and with the proposal by the applicant to do a consolidation, this would constitute the expansion of a nonconformity, since the dwelling would remain attached on both sides.

Mr. Yanoff added that with the separate deeds that existed, they would still need to go back for a reverse subdivision. The use and look would not change as all the improvements would be on the interior, with minor exterior improvements.

Ms. Rappoport asked about the occupancy, and Mr. Dunn shared that the property was subdivided into five units in total, and that the individual who lived in the adjacent property had passed away, leading to hoarding of cats and deterioration by the new occupants. Mr. Dunn purchased the property to stay any additional deterioration and also in order to preserve the Trumbauer architecture on this property. They were going to remediate it and instead of five (5) dwelling units, it would now have four (4) dwelling units.

Mr. Zygmund-Felt asked about the potential reassessment of this property with the consolidation and renovations, and Mr. Diasio added that the reverse subdivision would trigger changes in the assessment which as with any reassessment, would be subject to review by the Township for action.

Ms. Rappoport made a motion to support the application and the motion was approved.

2. Receipt of the Planning Commission Meeting Minutes for December 20, 2021.

Upon Motion of Mr. Pransky, the Committee unanimously received the Planning Commission minutes from the December 20, 2021 meeting.

3. Review of ZHB Decisions

- a. Appeal # 20-3679 Zenida Driver (Sunrise Community of Pennsylvania) for 2 Edgemoor Rd

Mr. Pransky expressed concerns about some of the conditions in the decision specific to item 5 and 11, and whether these conditions could be addressed as part of the Order and or appeal process. Mr. Diasio suggested that if the Committee appealed the decision, there could be a settlement as part of a reasonable agreement, or they could appeal it and let it play out in the courts. Ms. Rappoport raised concerns about item 2, and the potential gap in the age limit of 18-21, which could create an issue for the school district. Mr. Brockington suggested that the concerns raised were minor and could be resolved without incurring legal bills as part of an appeal. Mr. Pransky suggested that with the decision and conditions which went with the land, the Township needed to ensure it was protected. Mr. Areman suggested having the ZHB craft their decisions more artfully in the future and Mr. Diasio agreed.

Mr. Lynch added that as part of the inspection of the property per condition 6, there would be additional requirements and enforcement of these conditions with the potential of a sprinkler system among life and safety requirements, and based on additional input from EMS.

Mr. Brockington made a motion for no action, with the condition that the property be maintained including snow removal, and to have Mr. Diasio follow up with the applicant regarding items 2, 5 and 12 as raised by the Committee. The motion passed unanimously.

- b. Appeal #20-3684 Highland Yorktown Associates for 115 Yorktown Plaza

Mr. Pransky expressed concerns about the wording of the decision.

Upon motion of Mr. Pransky the committee moved to take no action. The motion passed unanimously.

4. Report of the Building Inspector for December 2021

Mr. Sekawungu provided highlights on the status of building permits over the last four years and the 2021 permit increases due to inclement weather, which triggered damage to properties across the Township.

Upon motion of Mr. Pransky, the Committee unanimously received the report of the Building Inspector for December 2021.

5. Old Business – None

6. New Business

- a. Review of proposed PILOT Agreement between Cheltenham Township and Sunrise Community of Pennsylvania Inc., for the property located at 2 Edgemoor Road, Cheltenham, PA 19027.

The Committee was pleased about the agreement and consideration for the 100% tax PILOT program, and hoped that a precedent was set for future applications of this nature and requested that this PILOT agreement be communicated to the School Board as part of their upcoming joint

agenda with the Township. Mr. Areman highlighted an error on page five (5) which made reference to Arcadia.

Recommendation to the Board of Commissioners: Upon motion of Mr. Pransky, the Committee unanimously recommended the Board of Commissioners move for approval of a PILOT Agreement between Cheltenham Township and Sunrise Community of Pennsylvania Inc., for the property located at 2 Edgemoor Road, Cheltenham, PA 19027.

- b. Review and consider recommending the Board of Commissioners authorize advertisement of a Public Hearing on March 16, 2022 to consider public comment on an Ordinance amending Chapter 295, Section 295-1804 Entitled “Board of Historical Architectural Review (BHAR)” and Section 295-1805 Entitled “Public Works Committee of the Board of Commissioners”.

Mr. Sekawungu provided a background and overview on the proposed ordinance which would cleanup disparities in both the Township Code and the Zoning Ordinance regarding Certificate of Appropriateness recommendations from the Board of Historic and Architectural Review (BHAR), by the Building and Zoning Committee versus the Public Works Committee.

Recommendation to the Board of Commissioners: Upon motion of Mr. Pransky, the Committee unanimously recommended the Board of Commissioners schedule a Public Hearing amending Chapter 295, Section 295-1804 Entitled “Board of Historical Architectural Review (BHAR)” and Section 295-1805 Entitled “Public Works Committee of the Board of Commissioners”.

- c. Mr. Zygmund-Felt shared about the public process and input on the application for the Subdivision and Land Development of 222 Church Rd, Elkins Park, PA, which was scheduled to be on the Planning Commission agenda for January 27, 2022. He added that the applicant had scheduled a public zoom meeting for January 11, 2022 at 7 p.m., in order to address concerns by the neighbors on this proposed development, and requested that this be placed on the Township website, with attendance by staff members to hear concerns from the neighbors on the proposal. Mr. Sekawungu also added that Shade Tree Advisory Commission (STAC) would not have a quorum next Thursday January 13, 2022, and that this application would instead be placed on the STAC Agenda in February 2022.

7. Citizen’s Forum – None

8. Adjournment – There being no further business, upon motion of Mr. Pransky, the meeting was adjourned at 9:30 p.m.



Robert Zienkowski
Township Manager & Secretary

As per Henry Sekawungu
Director of Planning & Zoning