

The regular meeting of the **PLANNING COMMISSION** was held tonight at the Township Administration Building, 8230 Old York Road, Elkins Park, PA. The following Planning Commission (PC) members were present; Dave Conly, Carl Freedman, Michael Hayes and Bill Winneberger. Also present were Henry Sekawungu, Director of Planning & Zoning, Robert Habgood, Assistant to the Director of Planning and Zoning and Brian Olszak, Montgomery County Planning Commission.

Mr. Winneberger called the meeting to order at 7:33 p.m. A quorum was present.

1. Reorganization with election of Chair and Vice-Chair.

The reorganization was tabled until the March meeting when the majority of the members would be present.

2. Acceptance of minutes of the Planning Commission meeting dated Monday, January 28, 2018.

Mr. Freedman motioned to accept the meeting minutes. Mr. Hayes seconded, and the motion passed unanimously.

3. Review of proposed Ordinance Amending Chapter 295, entitled Zoning to clarify and modify the definitions of “Dwelling”, “Family”, “Hotel”, and “Motel” and to enact definitions of “Short-Term”, “Short-Term Transient Lodging” and “Vacation Rental”; to regulate the uses of short-term Transient Lodging and Vacation Rental; and to modify the use regulations for a Bed and Breakfast.

Mr. Sekawungu provided a brief summary of the proposed Ordinance regarding the regulating of short-term rentals in Cheltenham Township. He explained that the Pennsylvania Supreme Court recognizes Airbnb’s/short-term rental properties as legitimate uses that must be permitted in ordinances, albeit, with restrictions. Any ambiguity in existing ordinances without specific definitions would lead to ruling in favor of the applicant. This Ordinance ensures that this use will not violate or endanger the health, safety or welfare of the occupants any more than owner occupied or rental properties. This use will be permitted by right in the C1 and C2 Zoning Districts.

Mr. Conley motioned to recommend approval of the proposed Ordinance as drafted. Mr. Freedman seconded, and the motion passed unanimously.

4. Review of Zoning Hearing Board Agenda for February 11, 2019.

a. Appeal #18-3611 Restore Integrative Wellness Center for 8003, Old York Road, Elkins Park Pennsylvania 19027.

Mr. Habgood provided background on the revised application to modify the prior zoning approval to allow for the dispensing of non-smokeable flower. Mr. Habgood advised that the Applicant received a recommendation for approval at the January Planning Commission for the proposed signage and hours of operation, and were only there for an amendment to allow for the sale of flower.

Justin Marconi, Attorney for the applicant reported that Pennsylvania laws regulating the sale of medical marijuana have changed and dispensaries are now allowed to sell non-smokeable flower product.

Discussion ensued regarding concerns on whether the State would allow the sale of recreational marijuana and whether Restore would be expanding their sales as well, and, also on the effect of the dispensed products on patients.

Mr. Winneberger motioned to approve the sale of non-smokeable flower. Mr. Freedman seconded, but the vote was split with Mr. Winneberger and Mr. Freedman voting yes and Mr. Conley and Mr. Hayes voting nay.

b. Appeal #19-3613 Glenside Youth Athletic Club for 191 S. Keswick Avenue (Renninger Park), Glenside, PA 19038 to allow for the construction of dugouts with fencing on the property located within the 100-year floodplain.

Mr. Habgood provided background on the proposed relief to construct dugouts with fencing on the property located within the 100 year floodplain and the need for a variance per the Floodplain Conservation Overlay District.

Jim Brett was in attendance and outlined the proposed changes to the dugout area. Mr. Brett added that there will be gates on both ends and locked when not in use.

Discussion included options for various permeable surfaces that include porous concrete and/or brick pavers that could be used instead of completely eliminating the installation of a concrete pad.

Mr. Conley motioned to recommend approval as proposed. Mr. Freedman seconded and the motion passed unanimously.

c. Appeal #19-3614 Lori Latosh for 123 Lismore Avenue, Glenside, PA 19038 for a variance from Section 295-702.A., to allow for the construction of a 10' x 24.5' porch on the front of the dwelling to have a setback of 30' in place of the required 40'.

Mr. Habgood provided background on the proposed relief to allow for the construction of a porch to have a 30' setback in place of the required 40'.

Ms. Latosh was present and provided a sketch of the proposed porch site plan and provided a handout that included examples of what the applicant would like to construct. Mr. Freedman pointed out that most of the homes on Lismore appear closer to the right of way.

Discussion ensued with respect to other properties having encroachment in the front yard and the size of the proposed porch.

Mr. Conley motioned to recommend approval as submitted. Mr. Freedman seconded, and the motion passed unanimously.

5. **Old Business** – None.

6. **New Business** – None.

7. **Adjournment** – Mr. Winneberger motioned to adjourn the meeting at 8:15 p.m. seconded by Mr. Freedman.



Bryan Havir
Township Manager
Submitted by: Patty Gee

PLANNING COMMISSION SIGN-IN SHEET

| NAME | ADDRESS | APPEAL NO |
|-------------------|--|-----------|
| V J STEIN MURRAY | 8080 OLD YORK RD. | 19-3611 |
| Christina Casill | 12016 OLD WELSH RD. Langston, PA | " |
| Ann Surkin | 112 Lorraine Ave Irelandy | " |
| S June O | 408 w. ... | " |
| Lori & Tim Latosh | 123 Lismore Ave | 19-3614 |
| Jim Brett | 160 Cliveden Ave. Glenide, PA 19038 | |
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