

May 6, 2008
Township Building

A regular meeting of the **BUILDING AND ZONING COMMITTEE** was held tonight, Chairman Paul R. Greenwald presiding. Members present were Commissioners McKeown, Portner, Sharkey, Simon and Swavola. Also present was Ex-Officio member Muldawer. Staff present were Joseph Bagley, Esq., Wisler, Pearlstine, Talone, Craig, Garrity & Potash; Bryan T. Havir, Assistant Township Manager; David M. Lynch, Township Engineer; 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.

1. The Committee reviewed the Zoning Hearing Board agendas for May 12 and May 21, 2008, as follows:

APPEAL NO. 3258 (Continued) – Appeal of the Jewish Federation of Greater Philadelphia, owner of premises known as 103 Lafayette Avenue, Elkins Park, PA (a/k/a CTRERP Block 35, Unit 28) from the Decision of Zoning Officer for the following Zoning Relief in order to construct a Single Family Residence thereon (said premises being within the Class R-4 Residence District):

- a. 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 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, retaining walls and landscaping.
 2. From CCS 295-169 A.(2) for the driveway.
 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 areas with a terrain gradient of 25% or more within any of the required yard areas.

APPEAL NO. 3260 (Continued) – Appeal of the Jewish Federation of Greater Philadelphia, owner of premises known as 105 Lafayette Avenue, Elkins Park, PA (a/k/a CTRERP Block 35, Unit 8) from the Decision of Zoning Officer for the following Zoning Relief in order to construct a Single Family Residence thereon (said premises being with the Class R-4 Residence District):

- a. 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 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, retaining walls and landscaping.
 - 2. From CCS 295-169 A.(2) for the driveway.
 - 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 areas with a terrain gradient of 25% or more within any of the required yard areas.

Mr. Lynch advised that the applicant is withdrawing Appeal Nos. 3258 and 3260.

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 that the withdrawals of said appeals be accepted.

APPEAL NO. 3272 (Continued) – Appeal of Keystone Outdoor Advertising Company, Inc., equitable owner of the triangular tract of land situated at south quadrant of intersection of Old Limekiln Pike with Ogontz Avenue (a/k/a CTRERP Block 146, Unit 016), from the Decision of the Zoning Officer for the following Zoning Relief in order to construct and operate a 50' high, 14' W x 48' L (672 SF), double-faced free-standing billboard sign on the premises:

- 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 “Billboard” use of the premises instead of one of the permitted enumerated uses.
 - ii. From CCS 295-132. for a 36±' wide driveway instead of the maximum permitted 20'.
- b. A Variance from the rules and regulations of “Signs” as outlined in CCS 295-197.C. for the “Billboard” sign instead of one of the permitted enumerated sign types.

Mr. Lynch reported that testimony is still be taken on these appeals.

Upon motion of Mr. Greenwald, and unanimously approved by the Committee, the Township Engineer was directed to advise the Zoning Hearing Board that it recommends denial of this application as previously stated.

APPEAL NO. 3273 (Decision Only)– Appeal of Melrose Court Investors LP, owner of premises known as 7340 Old York Road, LaMott, PA (a/k/a “Melrose Court Apartments, (hereinafter “Lot 1”), and 1330 Willow Avenue Associated, LLC, owner of 1330 Willow Avenue, LaMott, PA, (hereinafter “Lot 2”), from the Decision of the Zoning Officer for the following Zoning Relief in order to construct and operate a 32 space parking field, 10 spaces of which are to be on Lot 1 and 22 spaces of which are to be on Lot 2, said parking field to straddle the Lot 1/Lot 2 common line; the purpose of the parking field is to provide off-street parking spaces for Lot 1 (both premises being within the Class R-7 Residence District):

A. For Lot 1:

- 1. A Special Exception in accordance with the rules and regulations of “Non-conforming Uses” as outlined in CCS 295-227.C. for the expansion of the non-conforming multi-family use of the premises.
- 2. In the alternative to A.1., above, a Variance from the rules and regulations of the Class R-7 Residence District as outlined in CCS 295-57. for a parking field for a multi-family use instead of one of the permitted enumerated uses.

B. For Lot 2:

- 1. A Variance from the rules and regulations of the Class R-7 Residence District as outlined in CCS 295-57. for a parking field for a multi-family use instead of one of the permitted enumerated uses.

Mr. Lynch advised that the Zoning Hearing Board has not yet rendered a decision on this appeal. Testimony has closed. No motion by the Committee was needed.

APPEAL NO. 3275 (Continued) – Petition of Drew and Robin Nagele, owners of premises known as 410 Lodges Lane, Elkins Park, PA, from the Decision of the Zoning Officer for a Special Exception in accordance with the rules and regulations of the Class R-4 Residence District as outlined in CCS 295-39.A.(2) for a lesser front yard setback of 18' from the Chapel Road frontage of the premises instead of the minimum required 40' for a 32' x 14' in-ground swimming pool.

Mr. Lynch advised that the Zoning Hearing Board requested a more detailed plan for this appeal.

Upon motion of Mr. Portner, and unanimously approved by the Committee, the Township Engineer was directed to advise the Zoning Hearing Board that it recommends approval of this appeal as previously stated.

APPEAL NO. 3267_– Appeal of E. B. Miles, Jr., equitable owner, and Tony Biello & Sons, Inc., owner of premises known as 7875 Mill Road, Elkins Park, PA, from the Decision of the Zoning Officer for a determination pursuant to CCS 295-227.F. that the proposed non-conforming use of the premises as an automobile salvage yard is of the same class of use as the existing automobile salvage yard and permissible (said premises being within the Class R-5 Residence District).

Harold Coleman, owner, was present. Mr. Lynch reviewed the appeal. The current use is non-conforming and existed prior to a Zoning Code. Mr. Lynch advised that there is now an opportunity to impose certain conditions that did not previously exist. He reviewed aspects of the current property such as landscaping, screening and hours of operation. Since the business is in a residential area, there are neighbors' concerns. The Committee expressed concerns about hours of operation, noise and expansion of the building. Mr. McKeown stated that neighbors do not want to hear tow trucks during the night. Mr. Simon stated that it is an imposition to

neighbors to have vehicles parked on the street, especially considering their condition and wanted all vehicles brought into the fenced area immediately upon arrival.

Mr. Coleman stated that he wanted to reduce the noise, change the storage system, eliminate the parking issue on Mill Road by reconfiguring the driveway to be able to bring in trucks and not have to park them on the street, all activities will be conducted in the fenced area and no storage of vehicles or parts on the street. He agreed not to park abandoned cars on the street.

Residents had concerns as follows:

Richard Croy, 334 Church Road, wanted all vehicles kept in the fenced area.

Lucinda McCann, 347 and 349 Church Road, questioned where all the cars would be kept; if there would be motorcycles; employees' cars parked on the street. This past Easter Sunday morning a scrap vehicle was delivered. It was an embarrassment to the neighborhood. She opposed vehicles being delivered before and after normal business hours.

David Harrower, 509 Fox Road, an Ex-Officio member of the Planning Commission, stated that the owner needs to take precautions to alleviate pollution of the creek.

Rhonda Fleming, 332 Church Road, complained about parked cars that blocked her driveway.

There was discussion of a possible easement through the rear property for the Tookany Trail. Mr. Coleman was not aware that Mr. Biello had agreed to said easement. The Committee asked him to give it consideration. Said easement would make it possible for the Tookany Trail to connect to the County trail and would cross a portion of the property that was unusable.

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 a grant of relief on this appeal, subject to the following conditions: the current operating hours be followed, vehicles are to be delivered only during normal operating hours; no vehicles are to be parked on the street; no storage of vehicles/materials in the right of way; all vehicles and storage

must be within the fenced area; no auto painting; continuation of appropriate screening and landscaping; this appeal be subject to the Township's stormwater management ordinance.

APPEAL NO. 3279 – Appeal of Bethany Christian Services, prospective owner of the front 2.5± acres (on Old York Road) of 7827 Old York Road, Elkins Park, PA, from the Decision of the Zoning Officer for the following Zoning Relief:

- a. A variance from the rules and regulations of the Class R-4 Residence District as outlined in CCS 295-36. in accordance with the rules and regulations of “Executive Office or Research Office Conversion” as outlined in CCS 295-225. for the use of the premises as administrative offices for a human services organization instead of one of the permitted enumerated uses.
- b. A determination as to the parking required.

Jeff Nitz and Michael Yanoff, Esq. were present to represent the applicant. Mr. Yanoff reviewed the appeal including previous use of the property; planned use; type of business, i.e. human services and child adoption services; there would be administrative office use only; and a possible increase of the parking by about another 8 or 10 spaces in addition to the current 32 spaces.

Mr. Yanoff explained that it is questionable whether or not a zoning application is necessary since the use will be for offices and the former owner was granted relief. Mr. Yanoff stated that he and the Township Solicitor would be meeting this week to make a determination on the need for a zoning application. Mr. Bagley advised that the multiple layers of decisions on this property needed to be reviewed. Mr. Portner asked if there would be a lot of children on the premises. Mr. Nitz responded that there are family visits, perhaps three (3) in a day but the offices will be used mostly for administrative staff and counseling. In response to a question from Mr. Simon, Mr. Yanoff stated that the front section of the property along York Road is the portion being purchased. It was Mr. Simon's opinion that this purchase might be considered a subdivision. Mr. Bagley advised that based on a recent Supreme Court decision, it is not a subdivision.

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 this appeal.

APPEAL NO. 3283 – Appeal of Mark R. Williamson and Philynn M. Hepschmidt, owners of premises known as 424 N. Sterling Road, Elkins Park, PA, from the Decision of the Zoning Officer for the following Zoning Relief in order to construct a 15' x 18' (270 SF) addition to the rear of the residence:

- a. A variance from the rules and regulations of “Non-conforming Uses” as outlined in CCS 295-227.K. for expansion of a non-conforming structure.
- b. In the alternative to a., above, variances from the rules and regulations of the Class R-4 Residence District as outlined in Article VII of Chapter 295 of the Cheltenham Code, as follows:
 - i. From CCS 295-38. for a greater Building Area of 27.4% instead of the maximum permitted 20%. (The existing building coverage is 23.1%).
 - ii. From CCS 295-39.B.(1) for a lesser side yard setback of 8±' instead of the minimum required 10'. (The existing smallest building setback is 6').

Mr. Lynch reviewed the appeal.

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 this appeal.

APPEAL NO. 3284 – Appeal of Leader Investment Group, LLC, owner of premises known as 51-57 S. Keswick Avenue, Glenside, PA, from the Decision of the Zoning Officer for the following Zoning Relief in order to construct a 4900 SF, 1 storey retail building (to replace a building damaged by fire in May 2007 and demolished in December 2007) and enlarge an existing row of storage garages by 4.5±' (4.5' x 78' = 351± SF). Said premises being within the Class C-4 Commercial and Business District, in part, and the Class R-7 Residence District, in part):

- a. A Special Exception in accordance with the rules and regulations of “Non-conforming Uses” as outlined in CCS 295-227.B. and C. for the expansion of the non-conforming storage garages within the R-7 Zoning District.
- b. In the alternative to a., above, variances from the rules and regulations of the Class R-7 Residence District as outlined in Article X of Chapter 295 of the Cheltenham Code, as follows:
 - i. From CCS 295-57. for the use of the premises for storage garages instead of one of the enumerated permitted uses.

- ii. From CCS 295-59. for a greater Building Coverage of 44.8% instead of the maximum permitted 35%. (The existing building coverage within the R-7 Zoning District is 39.2%).
- c. Variances from the rules and regulations of the Class C-4 Commercial and Business District as outlined in Article XVIII of the Cheltenham Code for the proposed retail building, as follows:
 - i. From CCS 295-129.A. for a lesser front yard setback of zero feet (0') from the Keswick Avenue frontage of the premises instead of the minimum required 15').
 - ii. From CCS 295-129.A. for a lesser front yard setback of 10±' from the Paxson Avenue frontage of the premises instead of the minimum required 15'.
 - iii. From CCS 295-129.A. for a lesser front yard setback of zero feet (0') from the SEPTA R/W line instead of the minimum required 15'.
 - iv. From CCS 295-132. for a lesser green area of 568±' instead of the minimum required 722 SF.
 - v. From CCS 295-132. for vehicular parking within the 15' wide vehicular parking setback area in which no vehicular parking is permitted.
 - vi. From CCS 295-133. for a lesser buffer area of zero feet (0') instead of the minimum required 11' along the C-4/R-7 District boundary line.
- d. A variance from the rules and regulations of "Parking and Loading" as outlined in CCS 295-221.D. for no on-site parking instead of the minimum required 11 parking spaces.
(Applicant is concurrently asking for permission/waivers for the dedicated use of 16 perpendicular parking spaces on the Keswick and Paxson Avenues frontages of the premises from the Cheltenham Township Board of Commissioners; said parking spaces are wholly or partially within the public right of way. Parking for the recently demolished retail/office building was in the same location).

Richard Gaglione, owner, Richard Berlinger, Esq., and Tom Cross architect, were present. Mr. Lynch reviewed the appeal including a fire that destroyed the building; demolition of the building; a proposed one-storey retail center of 4,900 square feet; expansion of existing garages; previous use of on-street parking; a request for dedicated parking spaces in the public right of way; a proposal to make Paxson Avenue a 2-way street, westbound towards Keswick Avenue with a bump-out and appropriate signage.

Mr. Berlinger reviewed the schematics; parking on Paxson and Keswick Avenues; garage use and expansion; architecture of the building; setback; property line; access to garages and dumpster via Paxson Avenue. Mr. Cross reviewed vehicular turning from Glenside Avenue to Stanley Avenue; façade of the building, including a brick front and arcade front; height of 24-

feet; wrap-around flat roof, which would conceal air conditioning equipment; receiving area.

Mr. Gaglione, owner stated that the nature of the tenants is unknown at this time, Mr. Cross stated that there could be as many as six (6) tenants or as little as one (1) tenant. He wants small neighborhood types of businesses.

Mr. Sharkey expressed concerns about on-street parking since some homes do not have driveways; he did not want a massive bump-out; physical state of the garages; employee parking. The Committee discussed handicap curb cuts and pedestrian connection; limiting dumpster hours; and whether or not a traffic study was needed. Mr. Sharkey recommended employee-designated parking. He did not want the neighbors to have another burden. He asked for restricted use of storage in the garages and did not want them rented to repair vehicles.

Residents and members of the public expressed opinions as follows:

David Harrower, 509 Fox Road, an Ex-Officio member of the Planning Commission stated that a traffic study is a matter of how people are using the area.

Cathy Bauers, Paxson Avenue, was concerned about pedestrian traffic; cars backing in/out onto Keswick Avenue; sidewalk continuance; neighbors want to keep the area residential; the bump-out and how it would affect residents backing out of their driveways.

Mr. Fitzpatrick, 211 Paxson Avenue, want on-site employee parking. There are too many businesses in the area that take up neighbors' on-street parking.

There was extensive review by neighbors, the applicant and the Committee regarding parking; employee parking; reconfiguring the parking to diagonal parking; dedicated parking of three (3) spaces in front of the garages; dedicated parking of three (3) spaces on Paxson Avenue; continuation of sidewalk.

Upon motion of Mr. Sharkey, and unanimously approved by the Committee, the Township Engineer was directed to advise the Zoning Hearing Board that it recommends approval of this appeal, contingent upon the following: the parking changes and reconfiguration to diagonal parking that was discussed and accepted by the Committee are included; parallel

parking on the north and south side of Keswick Avenue; limitation of dumpster hours; private storage only in the garages; a time restriction on the repair of and access to vehicles in the garages be limited to not after 9 p.m.; retail stores are to close at 10 p.m. weekdays and at 11 p.m. Friday and Saturday nights; and that construction be in substantial compliance with the drawings/renderings presented this evening.

[Mr. Muldawer left the meeting at this time]

APPEAL NO. 3285 – Appeal of Brookview at Elkins Park, owner of apartment complex known as “Brookview at Elkins Park Apartment Homes” at 1235 Ashbourne Road, Elkins Park, PA, from the Decision of the Zoning Officer for the following Zoning Relief in order to renew/update the apartment complex signage (The apartment complex is within the M-2 Multiple Dwelling District):

- a. Variances from the rules and regulations of “Signs” as outlined in Article XXV of Chapter 295 of the Cheltenham Code, as follows:
 - i. From CCS 295-197.A.(2)(a) for a monument sign (Sign A) at the complex entrance/exit having a sign area of 33.6± S.F. instead of the maximum permitted 20 SF.
 - ii. From CCS 295-196.A.(3) for the following freestanding directional signage exceeding 4 S.F. with apartment complex logo instead of the permitted directional signage being 4 S.F. or less without logo:
 1. For Sign B: “Leasing Center” w/directional arrow at 12 SF
 2. For Sign C: “Leasing Center” w/ directional arrow at 12 SF
 3. For Sign D: “Leasing Center” at 12 SF
 4. For Sign E: “Fitness Center” at 12 SF
 - iii. From CCS 295-97.A. for the following parallel wall signage with apartment complex logo instead of no permitted parallel wall signage:
 1. For Sign F: “Resident Services & Leasing Office” at 4 SF
 2. For Sign G: “Hours...” at 4 SF
 3. For twenty (20) Signs H: Apartment unit address signs at 1.78 SF.
 - iv. From CCS 295-196.A.(3) for the following freestanding directional signage not exceeding 4 SF with apartment complex logo instead of the permitted directional signage being 4 SF or less without logo:
 1. For three (3) Signs I: “Future Resident Parking” at 4 SF
 2. For Sign J: “Swimming Pool” with directional arrow at 4 SF
 - v. From CCS 295-197.A. for the following freestanding signage instead of no permitted freestanding signage except for development identification:
 1. For two (2) Signs N.1: “Attention All Pets Must Be On A Leash” at 1.5 SF.
 2. For two (2) Signs N.2: “Please Clean Up After Your Pet” at 1.5 SF.

Mr. Lynch reviewed the appeal, which is for larger signs with a logo on each sign.

A resident, Mimi Rubin, 1295 Ashbourne Road, opposed the appeal. She stated that Brookview had promised a tree buffer, which was never done, and that its signage would be in keeping with the residential neighborhood. Brookview does not maintain the area next to her home. She did not see how these signs would benefit the community, they are obtrusive, and she did not see a hardship for Brookview since the complex is almost 100% rented.

Upon motion of Mr. Simon, and unanimously approved by the Committee, the Township Engineer was directed to advise the Zoning Hearing Board that it recommends denial of this appeal based on a lack of hardship.

APPEAL NO. 3277 – Appeal of 509 Ashbourne Road, L.P., 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) apartment units for the elderly, plus one (1) apartment for the manager of the building and the conversion of the existing mansion into eight (8) apartment units (for a total of 93 units):

- A. A Special Exception in accordance with the rules and regulations of the “Age Restricted Overlay District” as outlined in CCS 295-241. and CCS 295-242.B. for 509 Ashbourne Road, Elkins Park, PA. Said premises, being within the Class R-4 Residence District, having an area of 5.13± acres to the ultimate R/W lines of streets upon which it has frontage (Ashbourne Road, Park Avenue and Elkins Avenue) and having a frontage on Ashbourne Road, a state road, of 485.61'; Said premises meets the basic requirements for a Special Exception set forth in CCS 295-241.: A parcel of land 5 acres or greater, being within a Residential, Institutional or Commercial Zoning District and having a frontage on a state road for parcels 5.0 to 8.0 acres of at least 450'.
- B. A Variance from the rules and regulations of the “Age Restricted Overlay District” as outlined in CCS 295-244. for the distance between the proposed three (3) storey apartment building and the existing mansion being 15.92' instead of the minimum required 30'.
- C. A finding that the architectural design of the facade of the proposed three (3) storey apartment building is in substantial compliance with the “Architectural Guidelines” set forth in CCS 295-245.L.
- D. Zoning Relief from the rules and regulations of “Steep Slopes” as outlined in Article XXII of Chapter 295 of the Cheltenham Code, as follows:
 1. Special Exceptions in accordance with CCS 295-168., as follows:
 - a. Pursuant to CCS 295-168.B. for Sanitary or Storm Sewers and Stormwater Management Facilities.
 - b. Pursuant to CCS 295-168.C. for Underground Utility Transmission Lines.
 2. Variances from CCS 295-169. as follows:

- a. From CCS 295-169.A.(1) for the proposed three-storey apartment building, retaining walls and landscaping.
- b. From CCS 295-169.A.(2) for access driveways and parking facilities.
- c. From CCS 295-169.A.(3) for the filling or removal of topsoil associated with the above.
- d. From CCS 295-169.B. for the inclusion of areas whose slope is 25% or greater within any of the required yard areas.

Peter Friedman, Esq., Stuart Appel and Mary Johansson, architects, were present.

Mr. Friedman reviewed variance requests for use; the distance between the mansion and new building and steep slope relief. He confirmed that the plan meets the architectural design of the ordinance. Mr. Appel presented schematics and reviewed the following: number of units (93 in the new building; 8 in the existing mansion); apartment for full-time caretaker; parking; fire lane; Ashbourne Road ingress and egress; Park Avenue exit; steep slope; and landscaping.

[Mr. Swavola left the meeting at this time].

Ms. Johansson presented renderings and explained the following: main entrance; covered drop-off; porch; façade style; windows; roof shingles; retention of old trees; landscaping; and style of the dormers.

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 the grant of relief provided that the plans submitted to the Zoning Hearing Board are in substantial conformity with what was presented to the Committee this evening.

2. Upon motion of Mr. McKeown and unanimously approved by the Committee, the Planning Commission Minutes dated April 21, 2008 were accepted.

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

APPEAL NO. 3253: Appeal of Ruth E. Heidmann, Co-Trustee of the Estate of George B. Heidmann, Jr. owner of the premises at the southeast corner of the intersection of Rices Mill Road and East Glenside Avenue and further identified as CTRERP Block 149, Unit 086, Wyncote, Pennsylvania, from the issuance of a notice of violation and from determinations of the Zoning Officer finding that continued use of the Property for the parking of school buses would violate the Cheltenham Ordinance of 1929, as amended, and, specifically, Article VII, Section 295-36, regulating uses.

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

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

APPEAL NO. 3261 – Appeal of 1347 Associates, L.P., owner of the premises known as 1347 West Cheltenham Avenue, LaMott, Pennsylvania, from the determination of the Zoning Officer finding that development and operation of uses at the Property with less than required Green Space area, less than required Buffer area between a commercial and residential zoning district, less than required aisle width for parking and a less than required number of parking spaces would violate the Cheltenham Ordinance of 1929, as amended, and, specifically, Article XVIII, Section 295-132, regulating Green Space area, Article XVIII, Section 295-133, regulating Buffer area, Article XXIX, Section 295-221, regulating Off-street Parking.

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

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

APPEAL NO. 3262 – Appeal of Anita T. Conner, owner of the property known as 8000 Old York Road, Elkins Park, Pennsylvania, from the determination of the Zoning Officer finding that use of the Property for legal offices in addition to the existing permitted accounting and financial planning offices, installation of a sign fronting on Cheltenham Hills Drive and replacement of an existing sign fronting on Old York Road would violate the Cheltenham Ordinance of 1929, as amended, and, specifically, Article XXIX, Section 295-227, regulating nonconforming uses, Article VII, Section 295-36, regulating uses, and Article XXV, Section 295-197 regulating signs requiring a permit.

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

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

APPEAL NO. 3263 - Appeal of Stacey Wyman and David Cromley, owners of the property known as 540 Twickenham Road, Glenside, Pennsylvania, from the determination of the Zoning Officer finding that construction of a shed, measuring 14 feet by 8 feet, and creating a less than required side yard setback would violate the Cheltenham Ordinance of 1929, as amended, and, specifically, Article VII, Section 295-39, regulating yard setbacks.

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

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

APPEAL NO. 3268 – Appeal of Chris and Dana Howard, owners of the premises known as 353 Bent Road, Wyncote, Pennsylvania, from the determination of the Zoning Officer finding that erection of solid fencing, measuring 6 feet in height, along the west property line, 50% open wood picket fencing, measuring 5 feet in height, parallel to Church Road, and 50% open estate style fencing, measuring 5 feet in height, perpendicular to Church Road, instead of the permitted 4 foot high, 50% open fencing within the required front yard setback along Church Road would violate the Cheltenham Ordinance of 1929, as amended, and, specifically, Article XXIX, Section 295-223, regulating fences and walls

The Zoning Hearing Board granted applicants' request for relief.

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

APPEAL NO. 3269 – Appeal of Daniel Ogborn, owner of the premises known as 329 Laurel Avenue, Cheltenham, Pennsylvania, from the determination of the Zoning Officer finding that construction of a shed, measuring 16 feet by 10 feet, in the rear yard of the Property and creating a less than required rear yard setback would violate the Cheltenham Ordinance of 1929, as amended, and, specifically, Article XXIX, Section 295-220, regulating yard setbacks.

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

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

APPEAL NO. 3270 – Appeal of Gail Luciani, owner of the premises known as 900 Church Road, Wyncote, Pennsylvania, from the determination of the Zoning Officer finding that construction of a mud room, measuring 9 feet by 12.5 feet, and a covered patio, measuring 13 feet by 12.5 feet, creating a less than required front yard setback, requiring installation of replacement sidewalk and the filling or removal of top soil in a Steep Slope Conservation District would violate the Cheltenham Ordinance of 1929, as amended, and, specifically, Article V, Section 295-24, regulating yard setbacks, Article XXIX, Section 295-227, regulating nonconforming uses, and Article XXII, Section 195-169, regulating prohibited uses in a Steep Slope Conservation District.

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

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

APPEAL NO. 3271 – Appeal of Greg and Ellyn Hill, owners of the premises known as 8350 Fisher Road, Elkins Park, Pennsylvania, from the determination of the Zoning Officer finding that construction of a two-story addition, measuring 1,000 square feet, to the premises and an asphalt pad, measuring 77 feet by 52 feet, within a Steep Slope Conservation District and creating a less than required rear yard setback would violate the Cheltenham Ordinance of 1929, as amended, and, specifically, Article VII, Section 295-39, regulating yard setbacks, Article XXII, Section 295-168, regulating uses permitted by special exception, and Article XXII, Section 295-169, regulating prohibited uses within a Steep Slope Conservation District.

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.

4. The Committee reviewed a draft Ordinance amending the Zoning Code regarding signage (see attachment). Said amendment revises the definitions for awnings, canopies and canopy signs. It also clarifies canopies for single use buildings and shopping center signage. The Board of Commissioners scheduled a Public Hearing for June 17, 2008.

5. Upon motion of Mr. McKeown, the Committee unanimously approved that an Ordinance amending the Code of the Township of Cheltenham, Chapter 298, thereof, entitled Zoning, Article XXV, entitled "Signs", and Article XXIX, entitled "General Regulations", be scheduled and advertised for a Public Hearing on June 17, 2008.

6. Harold Lichtman, member of the AdHoc Zoning Code Review Committee presented an update of that Committee's activities. The purpose of said Committee is to accelerate review and recommendations of the Zoning Code, especially Mixed-Use Zoning Districts. Mr. Lichtman stated that the Committee wants to focus on specific areas of the

Township and develop a “town center” concept for development as a possible use in lieu of the mixed-use for such properties as the Dominican Retreat, Temple Tyler School of Art and others. Mr. Lichtman elaborated on the concept of a LaMott Village area as a viable concept since the area has a fire house, post office, retail stores, residential properties, a street network and infrastructure. He asked for the Commissioners concurrence to develop this concept and to develop a Master Plan Project for the area. Mr. Kraynik asked if the possible development of the Dominican Retreat and Tyler School of Art for age-restricted housing would preclude this idea. Mr. Lichtman stated that his Committee is looking at a more generic use. For parcels that may be developed before this concept comes to fruition, Mr. Lichtman asked that developers be advised to become part of this planning process.

Upon motion of Mr. Greenwald, the Committee unanimously directed the AdHoc Zoning Review Committee to proceed with the “town center” concept of zoning.

7. Upon motion of Mr. Greenwald, and unanimously approved by the Committee, the AdHoc Zoning Review Committee Minutes dated April 28, 2008 were accepted.

8. Upon motion of Mr. McKeown and unanimously approved by the Committee, the Report of the Building Inspector for the month of April 2008 was accepted.

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

David G. Kraynik
Township Manager

as per Anna Marie Felix