

Cheltenham Township, believing that public input is appropriate on any item coming before the Commissioners, will recognize any citizen wishing to address a specific item prior to the vote on that issue. In order to be recognized, please raise your hand.

BUILDING AND ZONING COMMITTEE

Morton J. Simon, Jr. – Chairman
J. Andrew Sharkey – Vice Chairman
Irv Brockington – Member
Baron B. Holland – Member
Daniel B. Norris – Member
Brad M. Pransky – Member
Ann L. Rappoport – Member

**Wednesday, September 6, 2017
8:00 PM
Curtis Hall**

AGENDA

1. Receipt of the Planning Commission Meeting Minutes for August 28, 2017 (see attached).
2. Review of Zoning Hearing Board Decision (see attached).
3. Report of the Building inspector for August, 2017 (see attached).
4. Old Business
 - a. Discussion on Revised Draft Zoning Ordinance, dated August 2017.
5. New Business
 - a. Consider recommending the adoption of an Ordinance amending Chapter 215, Property Maintenance, Section 215-2, Modification of Standards, of the Cheltenham Township Code of Ordinances to include provisions to deter demolition of a structure by neglect and recommending that the Board of Commissioners authorize advertisement of its intention to consider the adoption of said Ordinance at its regularly-scheduled meeting on October 18, 2017 (see attached).
6. Citizen's Forum
7. Adjournment



Bryan T. Havir
Township Manager

Planning Commission Minutes

Dated August 28, 2017

The regular meeting of the **PLANNING COMMISSION** for August 2017 was held this evening at the Township Administration Building. The following Planning Commission members were present: David Conly, Thomas Cross, and Bill Winneberger. Also present were Henry Sekawungu, Planning and Zoning Director, Robert Habgood, Assistant to the Planning & Zoning Director and Brian Olszak, Montgomery County Planning Commission.

Mr. Cross called the meeting to order at 7:30 p.m. There was no quorum.

1. Acceptance of minutes of the Planning Commission meeting dated July 24, 2017.

Mr. Winneberger motioned to accept the minutes. Mr. Conly seconded, and the motion was supported by those in attendance.

2. Review of Zoning Hearing Board Agenda for September 11, 2017.

APPEAL NO. 17- 3578: Mr. Habgood summarized the applicant's request for 213 Buttonwood Way, Glenside, PA for Zoning Relief to allow for the construction of a 20' x 20' detached garage and for an existing 7' x 7' temporary shed to encroach/project 4' and 2.5' respectively in place of the allowed 8' into the left side yard setback of the property located in the R-5 Residential Zoning District.

Mr. Bancroft was present and provided a letter of support from neighbors for the proposed construction of the detached garage and that the existing driveway would be extended to same.

Discussion followed with respect to the proposed location of the accessory structures, type of detached garage, requirement for Stormwater Management and presenting pictures of the proposed area for the detached garage to the Zoning Hearing Board.

Mr. Winneberger made a motion to recommend approval. Mr. Conly seconded, and the motion was supported by those in attendance.

APPEAL NO. 17-3579: Mr. Habgood summarized the applicant's request for the property on S. Easton Road, Glenside, PA (Parcel ID # 310008722004) for Zoning Relief to allow for the construction of an approximately 54' x 86.5' one story building for medical office with increased off-street parking, retaining walls encroaching into the front and rear yard setbacks, disturbance of steep slopes, signage and less than required buffer on the vacant land located in the C-3 Commercial and Business Zoning District.

Mr. Harold Lichtman, AIA, was present on behalf of the applicant, and provided additional background on the proposed use, surrounding properties, layout of the vacant lot and access to the vacant lot through the existing service drive that Michael's Restaurant uses. Mr. Lichtman advised that PennDOT would not allow direct access to S. Easton Road from the lot.

Discussion followed with respect to the location of the proposed building and the surrounding properties, design and appearance of the building, hours of operation, the proposed parallel wall and freestanding signage, landscaping and lighting.

Mr. Lichtman advised that the hours of operation would be 8:00 a.m. to 11:00 p.m., and that the additional parking was needed to accommodate the 12 employees in addition to their clients. He stated that the property had an irregular shape, and required retaining walls to ensure proper parking and traffic circulation. He informed the commission that the design and appearance of the building was standard for MedExpress, and that the landscaping and lighting would be handled through the Land Development review process.

Greg Scafonas representing 1600 Church Road Condominiums raised concerns about the property boundaries and also requested that a buffer or screening be incorporated in the plans in the form of fencing and/or landscaping at the rear of the property next to the condominiums.

Mr. Winneberger made a motion to recommend approval with the condition that screening be included along the rear of the property and that a determination be made as to the ownership of the access to the lot, given the single point of entry. Mr. Conly seconded and the motion was supported by those in attendance.

3. **Old Business** – None.
4. **New Business** – Mr. Sekawungu advised the Commission on the current status of the proposed Draft Zoning Ordinance and that the latest revision can be reviewed on the Township's website, with a discussion on the Ordinance, scheduled for the Commissioner Building and Zoning Committee meeting on September 6, 2017 at 8:00 p.m. at Curtis Hall, 1250 W. Church Rd, Wyncote, PA.
5. **Adjournment** – Mr. Cross motioned to adjourn the meeting at 8:01 p.m., seconded by Mr. Winneberger, and approved by those in attendance.



Bryan T. Havir
Township Manager

Submitted by: Robert J Habgood

**Review of the
Zoning Hearing Board Decision**

**BEFORE THE ZONING HEARING BOARD OF CHELTENHAM
TOWNSHIP, PENNSYLVANIA**

**IN RE: Application of CLK REALTY ASSOCIATES,
LLC**

APPEAL NO. 17-3576

ORDER

AND NOW, this 14 day of August, 2017, upon consideration of the application of CLK Realty Associates, LLC, owner of the premises known as 7827 Old York Road, Elkins Park, PA 19027, the Cheltenham Township Zoning Hearing Board, grants the following relief:

1. A variance under Section 295-36 of the Ordinance so as to permit a multi-tenant office use in the Building along with a residential apartment in the Building.
2. A variance under Section 295-197.A. of the Ordinance (area and height) so as to permit a 50 square-foot free-standing monument sign (double-sided) to be constructed on the Property near Old York Road.
3. A variance from Section 295-233.3.C. of the Ordinance to allow the parking of vans and a mini-bus.

The Zoning Hearing Board denies the following relief:

1. A determination that the proposed office uses, together with a residential apartment, are similar to the administrative/office use approved pursuant to Appeal No. 3279, and that Section 295-227.D. of the Cheltenham Township Zoning Ordinance (the "Ordinance"), (non-conforming uses, change of use) permits the proposed office uses.
2. A determination under Section 295-227.F., of the Ordinance, (non-conforming uses, changes), that the proposed office uses, together with a residential apartment, are a change of non-conforming use which is of the same class of use and is permissible.
3. Your request for a modification of the relief granted under Appeal No, 3279 so as to permit more than one (1) office tenant to occupy the Building, together with a variance of the "single-tenant" provisions under Section 295-225.A. of the Ordinance.

4. Your request for a determination that all existing non-conformities may continue.

The above-stated relief is conditioned on you meeting the following conditions:

A. Prior to the issuance of an occupancy permit for the Property, the Applicant shall obtain all required permits, certificates, licenses, and the like, from all governmental entities with jurisdiction over the use, and shall provide all non-Township permits, approvals, licenses, etc. to Cheltenham Township and keep them current.

B. The Applicant shall develop and operate the use in accordance with the testimony and evidence provided to the ZHB.

C. Customers utilizing the shuttle services provided by the Applicant's proposed travel agency shall not park at the Property.

D. The residential apartment use shall be limited to one (1) residential dwelling unit.

E. The hours of operation for all office or commercial uses at the Property shall be 9:00 AM to 6:30 PM, Monday through Saturday, with no hours of operation on Sunday.

F. Prior to the issuance of a zoning permit, the Applicant will submit a plan to the zoning officer that identifies the three (3) parking spaces on Unit 2 that are to be reserved for use by Unit 1.

G. At any given time, there will be a maximum of four (4) 12-passenger vans and one (1) 28-passenger minibus on the Property in locations shown on the plan submitted to the ZHB, and consistent with the testimony provided at the hearing.

H. The buffer at the north side of the Property will remain.

I. Once the travel agency is operational, should the zoning officer determine that the vans and/or the minibus are visible from Old York Road, the zoning officer may require additional buffering along Old York Road to shield the vans and minibus from view from Old York Road.

J. There will be no maintenance of the vans and/or the minibus on the Property.

K. There will be no access from the Property to the adjoining parcel at 7837 Old York Road.

L. The tenants and customers of the businesses located at the Property will not utilize the parking on the adjoining parcel at 7837 Old York Road.

M. There shall be 35 parking spaces on the Property independent of the areas in which the vans and the minibus are parked.

N. The new sign will be constructed and installed at the same location as the existing sign, the existing sign will be removed, and the temporary sign on the façade of the Building will also be removed.

O. The only signage approved as part of this application is the free-standing monument sign along Old York Road.

P. The proposed sign will be limited to a maximum of 50 square-feet of copy area, with overall dimensions, including structure and any decorative features, being limited to a maximum of 7 feet, 6 inches high by 8 feet, 10 inches wide.

Q. The sign will be externally illuminated only, and the external illumination will be turned off no later than 11:00 PM each night.

R. The Applicant will provide the zoning officer with such copies of the final plan of parking as the zoning officer requires in order for the zoning officer to update the files of each of the adjoining properties, specifically Unit 2 and 7837 Old York Road, so that those files reflect the decision and conditions with respect to parking on the Property.

S. The Applicant will honor the existing agreement with St. Paul's Church regarding overflow parking.

CHELTENHAM TOWNSHIP ZONING HEARING BOARD



AMEE FARRELL, CHAIRPERSON



ERIC LEIGHTON, MEMBER



ALAN GOLD, ALTERNATE

Report of the Building Inspector

For August, 2017

COMMISSIONERS OF CHELTENHAM TOWNSHIP
ELKINS PARK, PA 19027

**COMMISSIONERS OF CHELTENHAM TOWNSHIP
REPORT OF THE BUILDING INSPECTOR FOR AUGUST, 2017**

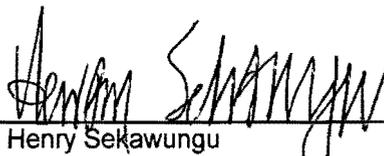
	# PERMITS	TOT. FEES	\$ VALUE
RESIDENTIAL			
RENOVATIONS / ALTERATIONS	87	18,361	918,050
MULTI-FAMILY			
RENOVATIONS / ALTERATIONS	0	0	0
COMMERCIAL			
RENOVATIONS / ALTERATIONS	2	2,770	138,500
INSTITUTIONAL			
RENOVATIONS / ALTERATIONS	0	0	0
FENCE	6	238	238
AUGUST, 2017	93	21,369	1,056,788
AUGUST, 2016	63	16,993	831,128
YEAR-TO-DATE 2017	517	291,795	14,439,757
TOTAL 2016	1,090	316,570	15,642,058
HEATING & AIR CONDITIONING			
AUGUST, 2017	16	5,030	251,500
AUGUST, 2016	7	2,680	134,000
YEAR-TO-DATE 2017	80	24,054	1,202,700
TOTAL 2016	102	40,464	2,023,200
ELECTRICAL			
AUGUST, 2017	6	2,805	140,250
AUGUST, 2016	12	4,174	208,700
YEAR-TO-DATE 2017	69	37,985	1,504,800
TOTAL 2016	163	64,172	2,798,408
PLUMBING			
AUGUST, 2017	9	2,133	106,650
AUGUST, 2016	10	2,115	105,750
YEAR-TO-DATE 2017	80	23,136	1,672,800
TOTAL 2016	146	35,994	1,799,700
FOG PERMITS			
AUGUST, 2017	2	500	500
AUGUST, 2016	8	2,750	2,750
YEAR-TO-DATE 2017	53	15,250	15,250
TOTAL 2016	78	23,500	23,500

COMMISSIONERS OF CHELTENHAM TOWNSHIP
ELKINS PARK, PA 19027

**COMMISSIONERS OF CHELTENHAM TOWNSHIP
REPORT OF THE BUILDING INSPECTOR FOR AUGUST, 2017**

GRADING PERMITS

AUGUST, 2017	2	400	400
AUGUST, 2016	5	1,200	1,200
YEAR-TO-DATE 2017	7	1,600	1,600
TOTAL 2016	17	4,000	4,000


Henry Sekawungu
Director - Planning and Zoning

New Business

Township of Cheltenham

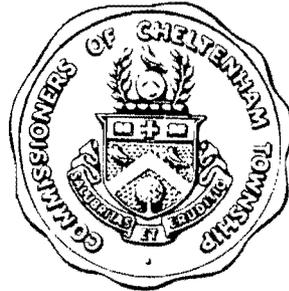
Montgomery County, Pennsylvania

Board of Commissioners

Morton J. Simon, Jr., *President*
Daniel B. Norris, *Vice President*
Irv Brockington
Baron B. Holland
Brad M. Pransky
Ann L. Rappoport
J. Andrew Sharkey

Township Manager

Bryan T. Havir



Administration Building
8230 Old York Road
Elkins Park, PA 19027-1589

Phone: 215-887-1000
FAX: 215-887-1561
www.cheltenhamtownship.org

MEMORANDUM

TO: Building & Zoning Committee
FROM: Bryan T. Havir, Township Manager
Alyson Elliott, Assistant Township Manager
RE: Amendment to Chapter 215, Property Maintenance: Demolition by Neglect
DATE: September 1, 2017

Please find a copy of an amendment to Chapter 215, Property Maintenance, attached to this memorandum for your review and consideration. This proposed amendment is the result of a recent workshop meeting regarding the proposed Local Landmarks Ordinance. The amendment proposes to prohibit demolition by neglect in all structures throughout the Township, not just those structures that are considered local landmarks.

The proposed amendment adds a definition for "neglect" to International Property Maintenance Code (IPMC) and, under the Demolition section of the IPMC, includes a section prohibiting property owners from neglecting one or more structures causing them to deteriorate to such a state where the best option is demolition.

If the Building & Zoning Committee supports the proposed ordinance amendment the committee will need recommend to the full board approval and authorization to advertise its intent to consider its adoption at the Board of Commissioners October 18, 2017 meeting.

Thank you.

Attachment

**CHELTENHAM TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. ____-17

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS
OF CHELTENHAM TOWNSHIP, MONTGOMERY
COUNTY, PENNSYLVANIA AMENDING CHAPTER 215,
ENTITLED "PROPERTY MAINTENANCE," §215-2,
ENTITLED "MODIFICATION OF STANDARDS" OF THE
CHELTENHAM TOWNSHIP CODE OF ORDINANCES TO
INCLUDE PROVISIONS TO DETER DEMOLITION OF A
STRUCTURE BY NEGLECT**

WHEREAS, the Township of Cheltenham (the "Township"), pursuant to the provisions of "The First Class Township Code", 53 P.S. §§56502.10, 56502.19, 56502.20, 56502.26, 56502.27 and 56502.52 is authorized to enact and enforce ordinances relating to the maintenance, occupation, sanitation, use and inspection of buildings and structures as necessary for the health, safety, general welfare and cleanliness of the Township, and to prohibit the presence of any nuisance or dangerous structures within the Township; and

WHEREAS, the Board of Commissioners declares and finds that there are now, and may in the future be, neglected residential, commercial, industrial and other nonresidential buildings and structures in the Township that become dilapidated, unsafe, unhygienic and inadequately maintained; and

WHEREAS, the Board of Commissioners finds that property owners who defer or avoid normal maintenance and repair activities designed to ensure a building or structure remains safe, habitable, sanitary and aesthetically pleasing may create potential fire hazards and cause or contribute to blight on the surrounding properties, so as to jeopardize or be injurious to the health, safety, prosperity and general welfare of the residents of the Township, and so as to create a public and/or private nuisance; and

NOW, THEREFORE, the Board of Commissioners of Cheltenham Township hereby amends the Cheltenham Township Code to add the following:

SECTION I. Amendment to the Code

§215-2.A.(31) Add new Section 110.5:
Demolition by neglect. It shall be unlawful for a property owner or others having legal possession, custody or control of a property in the Township: (1) to neglect the property and allow the condition of the property to incur such deterioration as to be beyond the point of feasible repair; or (2) to allow the

property to become dangerous, unsafe, insanitary, or otherwise unfit for human occupancy. The property owner shall maintain the property in compliance with all relevant property maintenance codes, including Chapter 110 Building Construction, Chapter 151 Fire Prevention, Chapter 188, Nuisances, Chapter 215, Property Maintenance, and Chapter 283 Vacant Building Registry of the Cheltenham Township Code of Ordinances.

SECTION II. Amendment to Code.

§215-2.A.(15) In Section 202 General Definitions, add a new definition as follows:

NEGLECT – A lack of routine maintenance and repair action by a property owner or others having legal possession, custody or control of a property that causes a building or structure to become vulnerable to decay by exposure to the elements and/or vandalism. Some common conditions exhibited by neglected buildings or structures, include but are not limited to:

- deteriorated foundations, walls, floors, ceilings, or rafters; or
- ineffective waterproofing of roofs, walls, or foundations, including broken doors and windows and/or deteriorated brick, mortar, or stucco or pervasive, deteriorated paint; or
- signs of rot or decay, such as holes, rotted wood or any deterioration that creates a hazardous condition; or
- lack of maintenance of the surrounding environment, such as retaining walls and outbuildings.

SECTION III. Disclaimer.

Nothing in this Ordinance shall limit, in any manner whatsoever, the Township's right to enforce any ordinance or law of Cheltenham Township, Montgomery County or Commonwealth of Pennsylvania. Nothing in this Ordinance shall be a defense of any citation issued by any municipal corporation or the Commonwealth pursuant to any other law or ordinance.

SECTION IV. Severability.

The provisions of this Ordinance are severable, and if any Section, sentence, clause or phrase shall be held by a court of competent jurisdiction to be illegal, invalid, or unconstitutional, the remaining portions of this Ordinance shall not be affected or impaired thereby.

SECTION V. Repealer.

Any ordinance or part of any Ordinance conflicting with the provisions of this Ordinance shall be deemed and the same are hereby repealed to the extent of such conflict.

SECTION VI. Failure to Enforce Not a Waiver.

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

SECTION VII. Effective Date.

This Ordinance shall take effect and be in force as soon after adoption as is permitted by law.

DULY ORDAINED AND ENACTED this 18th day of **October 2017**, by the Board of Commissioners of Cheltenham Township, Montgomery County, Pennsylvania, in lawful session duly assembled.

ATTEST:

**TOWNSHIP OF CHELTENHAM
BOARD OF COMMISSIONERS**

Bryan T. Havir
Township Manager and Secretary

By: _____
Morton J. Simon, Jr., President