

November 6, 2013
Curtis Hall

A regular meeting of the **BUILDING AND ZONING COMMITTEE** was held tonight, Chairman Morton J. Simon, Jr. presiding. Members present were Commissioners Hampton, McKeown, Portner, Sharkey, and Norris. Also present was Ex-Officio Member Haywood.

Staff present were David Jones, Interim Planner/Zoning Officer and Bryan T. Havis, Township Manager. Also present was Joseph Bagley, Esq., Solicitor. A Public Attendance List is attached.

Mr. Simon called the meeting to order at 9:45 p.m.

1. The Committee reviewed the Zoning Hearing Board (“ZHB”) Agenda for November 18 and November 26, 2013 as follows:

APPEAL NO 3474 – Appeal of Ogontz Autos, LLC owner of premises known as 8141 Ogontz Ave., Philadelphia, PA 19050 from the Decision of the Zoning Officer for the following Zoning Relief in order to operate a used motor vehicle sales agency as a “primary use” and the existing Midas Auto Repair as an “accessory use” in a Class C-2 Commercial and Business District:

- a. Variances from the Rules and Regulations of the Article XVI of Chapter 295-108 J. prohibiting the sale of used automobiles.

Mr. Jones advised that he met with the applicant and their attorney and addressed the concerns the Committee expressed at its October 2, 2013 meeting.

Upon motion of Mr. Simon, the Committee unanimously directed the Township’s Planner/Zoning Officer to advise the Zoning Hearing Board that the Committee recommends the grant of a Continuance, if a Continuance is not granted, the Committee recommends denial of said Appeal as previously stated.

APPEAL NO. 3475: Appeal of David and Ethel Dobson, owner of premises known as 425 Greenwood Ave., Wyncote, PA 19095, from the Decision of the Zoning Officer in order to subdivide their property with two (2) existing dwellings into two (2) single family lots. Lot 2 will be a legal conforming lot, however, Lot 1 will require the following zoning relief:

- a. Variances from the Rules and Regulations of the Class R-3 Residence District as outlined in Article V of the Cheltenham Code per CCS 295-24B.(1).for a lesser side yard of 3’ instead of the allowed 15’ and,
- b. Variance from CCS 295-24A.(1). for a lesser front yard of 17’-11” instead of the allowed 50’.

Mr. Dobson and Lance Kramer, architect were present. Mr. Kramer reviewed the plot plans, location of lots, existing buildings (main house and carriage house), previous use of the carriage house as a single family rental, subdivision plans of the two (2) lots, size of the lots, the carriage house's lack of compliance with Township Code due to its age, the carriage house's separate utilities, and stated that no new construction is planned.

In response to questions by Mr. Haywood: Mr. Kramer stated that access to the properties is via a shared driveway owned by the main house, and there are no plans to change this, and an easement would be granted. The property lines were reviewed.

It was Mr. Simon's opinion that a flag lot would be created, and the Township does not support such lots. He asked about access from Barker Road. Mr. Kramer responded that grading changes make an access unfeasible.

Public Comment: Robert Collings, 213 Barker Road, stated that the map does not show his property as the adjacent property, he never received notice of the Planning Commission meeting until after the meeting, he was never contacted, he wanted the applicant to do a survey, he believed a portion of the carriage house was on his property, anyone who works on the house will have to go on his property to do so, the retention wall along Barker Road has partially collapsed and has not been maintained, and anyone who purchases the property will have costly repairs to it, which may be unaffordable, a storm water drain needs repair and plastic sheeting has been laid down, the carriage house was not rented but lived in by family members, he opposed the flag lot.

Mr. Kramer responded that the map was provided by the Township.

Mr. Dobson stated that two (2) surveys were done and neither support the carriage house being on Mr. Collings' property, underground remediation was made for stormwater, and it is in compliance with Township Code, the plastic sheeting is actually garden fabric to add retention and minimize erosion, it was costly to maintain the wall, and he was advised not to put mortar so as to maintain drainage of the wall, it has been rented over all the years, and Mr. Dobson was prepared to submit copies of leases, if needed, the Montgomery County Planning Commission supports his application.

Mr. Norris asked about the possibility of future division. Mr. Dobson responded that he thought one of his children might want to live in the carriage house.

Discussion ensued about the lack of 213 Barker Road being on the map and the two previous applications that were denied by the Zoning Hearing Board. Mr. Bagley advised that the previously denied Zoning Hearing Board decisions being reviewed this evening were not for that property but were other similar decisions used by the applicant's then attorney as part of his brief. Also, Mr. Collins received sufficient notice of the Zoning Hearing Board meeting on said application, and this meets the criteria of the Pennsylvania Municipalities Planning Code.

Upon motion of Ms. Hampton, the Committee unanimously directed the Township's Planner/Zoning Officer to advise the Zoning Hearing Board that the Committee takes no action on said Appeal.

2. Upon motion of Mr. Portner, the Committee unanimously accepted the Planning Commission Regular Meeting Minutes dated October 28, 2013.

3. Upon review of the Ad-Hoc Zoning Committee Minutes, Mr. Havar discussed the status of the draft Ordinance to revise the Zoning Code and proposed schedule of public meetings with all meetings scheduled to be held at Glenside Hall, beginning at 7 p.m., and to be advertised through all of the Township's media outlets. Said schedule is as follows:

Wednesday, January 29, 2014, Overview of the Zoning Ordinance Review Process

Wednesday, February 26, 2014, Residential and Multi-family Zoning Districts.

Wednesday, March 26, 2014, Mixed-Use (MU1 and MU2), Commercial and Light Industrial Districts

Wednesday, April 23, 2014, MU3 Mixed-Use Overlay Districts, CRO Cluster

Residential Overlay Districts, CDO Campus Development Overlay, HPO Historic Resource Overlay, FPO Floodplain Conservation Overlay Districts

Wednesday, April 30, 2014, Overflow meeting, if needed

Mr. Simon noted the following: the Commissioners are only reviewing a draft Ordinance, which has not been approved; the Ordinance is subject to public input and that is the purpose of the public meetings; he wanted it made clear that no Ordinance has been adopted and will not be adopted without public input. At Mr. Simon's request, Mr. Havar explained the purpose of the overflow meeting, which would address any outstanding or unresolved issues with the Ordinance, if needed be. He questioned the amount of items schedule for April 23, and Mr. Havar responded that the Overlay Districts include only La Mott and Wyncote and not the scattered sites, which are due to be presented to the Committee in the near future. Mr. Simon expected to attend all meetings but asked Staff to provide the Commissioners with a written update after each meeting.

Mr. Bagley confirmed that said when said Ordinance is considered for adoption, it would be via a Legal Notice for a Public Hearing.

Upon motion of Mr. Portner, the Committee unanimously approved the schedule of Public Meetings to review the draft Ordinance revising the Township Zoning Code presented by the Township Manager this evening.

Upon motion of Mr. Portner, the Committee unanimously accepted the Ad-Hoc Zoning Committee Minutes dated October 30, 2013.

4. Upon motion of Mr. Portner, the Committee unanimously received the Report of the Building Inspector for the month of October, 2013.

5. Under New Business: The Committee considered a renewal of the Township's contract with the Montgomery County Planning Commission ("MCPC"). Mr. Simon noted that said contract allows the Township latitude in asking assistance from the MCPC. Mr. Bagley advised that said contract only allows for a budget but the Township maintains control on how said budget is utilized.

Recommendation to the Board of Commissioners: Upon motion of Mr. Haywood, the Committee unanimously recommended to the Board of Commissioners the adoption of a Resolution renewing the Township's contract with the Montgomery County Planning Commission for the years 2014 through 2016 (see attached).

6. Under Old Business: None.

7. Under Citizens' Forum: None.

There being no further business, upon motion of Mr. Portner, and unanimously approved by the Committee, the meeting was adjourned at 10:40 p.m.



Bryan T. Havir
Township Manager

as per Anna Marie Felix

**CHELTENHAM TOWNSHIP
RESOLUTION NO. ____-13**

**AUTHORIZING THE RENEWAL OF A PLANNING ASSISTANCE CONTRACT WITH
THE MONTGOMERY COUNTY PLANNING COMMISSION TO PROVIDE
PLANNING ASSISTANCE AND TECHNICAL SERVICES**

WHEREAS, the Montgomery County Planning Commission (“the Commission”) has provided planning assistance and technical services, professional planners and support staff to Cheltenham Township (“the Township”) for the purpose of reviewing subdivision, land developments and ordinance amendments, and performing planning studies as required by Act 247, The Pennsylvania Municipalities Planning Code;

WHEREAS, the Township recognizes that it wants to continue the planning assistance relationship with the county;

WHEREAS, the Commission will assist the Township in the completion of a Comprehensive Zoning Ordinance update and maps;

WHEREAS, the Commission will assist the Township in the audit of intersections throughout the Township to determine pedestrian and bicycle accessibility;

WHEREAS, the Commission will assist the Township in updating its Comprehensive Plan;

WHEREAS, the Commission will assist the Township on the implementation of the Township’s Sustainability Plan;

WHEREAS, the Commission will provide the Township with Enhanced Land Development Reviews;

WHEREAS, the Commission will provide the Township with assistance on special projects, reviews and meeting attendance;

I, Bryan T. Havir, duly qualified Secretary of the Township of Cheltenham, Montgomery County, Pennsylvania, hereby certify that the foregoing is a true and correct copy of a Resolution duly adopted by a majority vote of the Board of Commissioners as a regular meeting held on October 16, 2013, at Curtis Hall, Church Road and Greenwood Avenue, Wyncote, PA, and said Resolution has been recorded in the Minutes of the Township of Cheltenham and remains in effect as of this date.

IN WITNESS THEREOF, I affix my hand and attach the seal of the Township of Cheltenham on this 20th day of November, 2013.

**TOWNSHIP OF CHELTENHAM
BOARD OF COMMISSIONERS**

By: _____
Art Haywood, President
Board of Commissioners

ATTEST:

Bryan T. Havir, Secretary/Manager



PUBLIC ATTENDANCE LIST
2014 President's Budget Message
Public Safety Committee, 7:45 p.m.
Public Affairs Committee, 8:00 p.m.
Building and Zoning Committee, 8:15 p.m.
Wednesday, November 6, 2013
Curtis Hall

NAME (Please Print Clearly)	ADDRESS	E-MAIL and/or TELEPHONE
PAULINE KRETSCHMER	608 SPRING AVE. E.P.	
Ann Rappoport	Wyncote	
Julie Slavet		julie @ HJ watershed.org
Bill England	EP	Bill.England62 GMAIL.COM
Tom McHugh	127 Hewett Rd wyncote, PA	tom.mchugh@monitordata .com
Don Scott	Wyncote	don.scott@ comcast.net
Jim Schott	Wyncote	
David Schultz	Wyncote	



PUBLIC ATTENDANCE LIST
2014 President's Budget Message
Public Safety Committee, 7:45 p.m.
Public Affairs Committee, 8:00 p.m.
Building and Zoning Committee, 8:15 p.m.
Wednesday, November 6, 2013
Curtis Hall

NAME (Please Print Clearly)	ADDRESS	E-MAIL and/or TELEPHONE
Kurt Ahrens	172 Fernbrook Ave.	
LANCE KRAEMER	151-B WASHINGTON LN JEFKINTOWN, PA	
MARTIN CAREY	427 LIMEKILN PK GLENSIDE VA 19038	mdcproductions@mecc.com
David Dobson	425 Greenwood Ave Wyncote	
Rodri Eisman	FH SP BOB	