

August 7, 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 Norris, Portner, and Sharkey. Also present was Ex-Officio Member Haywood.

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

Mr. Simon called the meeting to order at 9:15 p.m.

1. The Committee reviewed the Zoning Hearing Board ("ZHB") Agenda for August 12, 2013 as follows:

APPEAL NO. 3457: (Continued) Appeal of 509 Ashbourne Road, L.P., owners of premises known as 1509 Ashbourne Rd., Elkins Park, PA 19027, Zoned R-4, from the decision of the Zoning Officer for the following modification to Zoning Relief granted under Appeal 3277 in order to demolish the existing three-storey mansion and convert it into green space:

The following modification to Zoning Relief is required to remove the existing structure located on the premises:

1. Modification of Condition #1 of the Decision, so as to eliminate the retention of the three-story mansion.
2. Modification or elimination of Finding of Fact #10, which provided that the Applicant proposed to demolish three (3) of the four (4) buildings then existing on the property leaving the mansion to be renovated.
3. Modification or elimination of Finding of Fact #41, which provided for the conversion of the existing mansion into eight (8) dwelling units.
4. Modification or elimination of Finding of Fact #41 through #46 and #48 through #53 which referred to the conversion of the existing mansion into eight apartment units.
5. Modification or elimination of Conclusions of Law #1 through #4 which referenced the conversion of the existing mansion.

Michael Yanoff, Esq. was present and represented the applicant. He advised that his client will ask for a continuance to the October 21, 2013 meeting of the Zoning Hearing Board to allow his client and the Township additional time to seek an adaptive use for the mansion. Mr. Simon stated that he is aware that Township Staff and volunteer members of the community are working with the property owner to actively seek a prospective lessee/purchaser.

Upon motion of Mr. Simon, the Committee unanimously directed the Township's Planner/Zoning Officer to advise the Zoning Hearing Board that it recommends that a Continuance be granted, and if a Continuance is not granted, the appeal be denied as previously stated.

2. The Committee reviewed the Zoning Hearing Board ("ZHB") Agenda for August 20, 2013 as follows:

APPEAL NO. 3468 (continued): Applicant is the equitable owner of a 3.65+ acre parcel of ground with frontage on Ogontz Avenue, Limekiln Pike, MacDonald Avenue and Clubhouse Lane. The property is located in a C1 Zoning District and is currently vacant.

Applicant proposes to develop the property for a WaWa Convenience Store containing 5,585 square feet with fueling stations. In this regard, Applicant requests the following zoning relief:

1. A variance under Section 295-98 of The Cheltenham Zoning Ordinance of 1929, as amended (the "Ordinance") so as to permit the property to be used as a Wawa convenience store containing 5,585 square feet with fueling stations;
2. A variance under Section 295-102 of the Ordinance for a reduction in the width of the 15 foot wide buffer along a public highway. The area between the proposed driveway and the Limekiln Pike right-of-way is 11.1 feet;
3. A variance under Section 295-101.A of the Ordinance to permit a canopy along Limekiln Pike to be located less than 60 feet from Limekiln Pike;
4. An interpretation under Section 295-221.B.(5)(a) of the Ordinance or, in the alternative, a variance under Section 295-221.B.(5)(a) of the Ordinance, to permit parking to be located between the building and the street;
5. A variance under Section 295-221.F of the Ordinance so as to increase the allowable parking area. The convenience store and the fueling stations use requires 31 parking spaces. Applicant is proposing 66 parking spaces, which is in excess of the maximum parking standard;
6. A variance under Section 295-221.K.(1) of the Ordinance so as to permit service and loading behind the building. Applicant proposes to have the loading on the side of the building (along Clubhouse Lane);
7. A variance under Section 295-196.A.(3) of the Ordinance so as to permit five (5) directional signs, each exceeding 4 square feet; and
8. Variances under Section 295-197.C.(1)(a) of the Ordinance, so as to permit: (a) two (2) free-standing, internally illuminated, double sided signs with LED price changer, one (1) containing 189.04 square feet with a height of 40 feet (located on Ogontz Avenue), and one (1) containing 99.94 square feet with a height of 25 feet (located on Limekiln Pike); (b) three (3) parallel wall signs with logo, one (1) containing 66.69 square feet (facing Limekiln Pike), one (1) containing 37.47 square feet on the rear of the building (facing the Clubhouse Lane/MacDonald Avenue

intersection); and (c) an additional 3.92 square feet of parallel wall signage (pump signage), as per the attached signage plan, all of which parallel wall signs total 108.08 square feet, which total exceeds the maximum square footage permitted;

9. A variance under Section 295-221.B.(5)(b) of the Ordinance so as to permit off-street parking on the corner lots;
10. A variance under Section 225-221.C.(2)(c) of the Ordinance so as to permit the width of driveway entrance along Limekiln Pike to exceed 24 feet in width. The proposed driveway width is 30 feet;
11. A variance under Section 225-223 of the Ordinance so as to permit the trash enclosure to be located approximately 20 feet from the rear yard setback area. The rear setback requirement is 50 feet;
12. To the extent that it is determined that the right-of-way line is located on the conservation easement boundary, Applicant requests additional relief under paragraphs 2 and 3 above as the setbacks may change; and
13. Applicant seeks such other variances, special exceptions and interpretations as may be required in order to develop the property in accordance with the plans submitted by Applicant.

It was noted that Zoning Hearing Board testimony on said appeal has not concluded.

Upon motion of Mr. Haywood, the Committee unanimously directed the Township's Planner/Zoning Officer to advise the Zoning Hearing that the Committee takes no further action on said appeal, and if relief is granted, it be granted contingent upon the Committee's recommendations as previously stated.

3. Mr. Sharkey asked when a draft of the revised Zoning Ordinance could be expected for review. Mr. Havir reported that the next Ad Hoc Zoning Revision Committee meeting is scheduled for August 28, 2013, and he indicated that a draft Ordinance could be submitted to the Building and Zoning Committee at its September 3, 2013 meeting. Mr. Havir advised that there are some outstanding issues that will be presented to the Building and Zoning Committee for advice and consent.

Upon motion of Mr. Sharkey, the Ad Hoc Zoning Revision Committee Meeting Minutes dated July 29, 2013 were accepted.

4. The Committee reviewed recommendations by the Economic Development Task Force ("EDTF") for signage as follows:

- a. Pep Boys. Upon motion of Mr. Haywood, the Committee unanimously approved the issuance of a Certificate of Appropriateness for façade signage for Pep Boys, 245 S. Easton Road, Glenside.

- b. Wesley Pharmacy. Discussion ensued regarding the proposed signage and awning. Mr. Jones reported that the EDTF felt that the awning should be shorter. Mr. Havir indicated that the design issue could be the result of the computer-generated depiction. Mr. Sharkey stated that he liked the awning and would discuss its width with the property owner.

Upon motion of Mr. Sharkey, the Committee unanimously approved the issuance of a Certificate of Appropriateness for signage and awning for the Wesley Pharmacy, 108 S. Easton Road, Glenside.

5. There were no decisions of the Zoning Hearing Board for review.
6. Upon motion of Mr. Portner, the Report of the Building Inspector for the month of July, 2013, was received.

7. Old Business: Mr. Norris asked for an update on the Matrix/Ashbourne Stipulated Settlement. Mr. Bagley reported that a new Stipulated Settlement has been drawn with several new points, which are being negotiated. The Zoning Hearing Board needs to respond to the developer, and there is no timeframe for said response.

8. New Business: None.

9. Citizens' Forum: David Cohen, a member of the Ad Hoc Zoning Revision Committee, reported that the Historic Preservation Overlay District Ordinance may be separated by the Committee for the draft of the revised Zoning Ordinance.

He asked why the Zoning Hearing Board is a party to Stipulated Settlements such as the settlement with Matrix/Ashbourne. Mr. Bagley responded that there is state legislation pending that could eliminate Zoning Hearing Boards from such future settlements but currently, Zoning Hearing Boards are a party to such settlements by case law.

There being no further business, upon motion of Mr. Portner, and unanimously approved by the Committee, the meeting was adjourned at 9:30 p.m.



Bryan T. Havir
Township Manager

as per Anna Marie Felix



PUBLIC ATTENDANCE LIST
Public Safety Committee, 7:30 p.m.
Public Affairs Committee, 7:45 p.m.
Building and Zoning Committee, 8:00 p.m.
Wednesday, August 7, 2013
Curtis Hall

NAME (Please Print Clearly)	ADDRESS	E-MAIL and/or TELEPHONE
Natalie Thomas	School District of Cheltenham Township	nthomas@cheltenham. org
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J. Werkman	1011 Spentines Lane 19095	pt@usct.org
Ray Borg	618 woodland Chelt. PA 19012	
George Mulligan	119 Wetherill Rd. Chelt	GSM7C AOL.COM
Tom McHugh	127 Hewett Rd Wyncote	
Ann Rappoport		
B. Bartlett	616 Boyer	



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NAME (Please Print Clearly)	ADDRESS	E-MAIL and/or TELEPHONE
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Lorna Rosenberg	130 Westhead Rd	