

A regular meeting of the **BUILDING AND ZONING COMMITTEE** was held tonight, Chairman Brad M. Pransky presiding. Members present were Commissioners Brockington, Holland, Rappoport, Sharkey and Zygmund-Felt. Also present was Ex-Officio Member Commissioner Norris.

Staff present were Bryan Havir, Township Manager, Henry Sekawungu, Director of Planning & Zoning and Mark Eisold, Township Engineer. Also present was Joseph Bagley, Esq., Solicitor. A Public Attendance List is attached.

Mr. Pransky called the meeting to order at 9:59 p.m.

1. The Committee reviewed the following Zoning Hearing Board agenda items for the April 9 and April 17, 2018 meetings.

**Appeal No. 18-3586:** Appeal of Liberty Public Health for the premises known as 1608 Chattin Road, Laverock, PA 19038 from the Decision of the Zoning Officer for a Special Exception from Section 295-301, definition of family, to allow for three (3) unrelated individuals, with intellectual disabilities, to occupy the single-family detached dwelling in this property with around the clock staffing by nine (9) employees located in the R-1 Residential Zoning District.

Mr. Pransky reported that the applicant had withdrawn this request.

**Appeal No.18-3588:** Appeal of Yong Choi for the premises known as 7320 Old York Road, Elkins Park, PA 19027 from the Decision of the Zoning Officer for the following zoning relief in order to construct an approximately 35,000 sq. ft. addition with two level parking deck above the addition; convert part of the interior of the existing first floor into a parking area and for an increase in the allowable signage on the property located in the C-2 Commercial Zoning District:

- a. Section 295-2301.H.1, to allow for a loading dock to be located on the main street in the front of the building instead of the side and rear of the building.
- b. Section 295-2404.A.3, to allow for directional signage to be larger than 4 sq. ft.
- c. Section 295-2405.A.3.a.II, to allow for parallel wall signs to be larger than the allowed 15% of façade or 100 sq. ft. maximum.
- d. Section 295-1201.A.1, to allow for a use B-18, Parking Structure where none is permitted.
- e. Section 295-1201.A, to allow for multiple buildings on a site rather than the specified.

Mr. Harold Lichtman, AIA, represented the applicant and provided an overview of the application. Mr. Lichtman reported that the applicant proposes an increase in the size of the building from 31,000 sq. ft. to 35,000 sq. ft. along with a consolidation of the four (4) lots that are jointly owned by the owner. Mr. Lichtman also reported the following proposed changes:

- A reduction in the number of variance requests due to pre-existing conditions.

- Elevation changes from the previous application.
- A change to a stone front façade instead of the previously proposed stucco front to improve its appearance since this area is a gateway to the Township from Philadelphia.
- Increased green space on Cheltenham Avenue and Old York Road.
- Pylon sign would be eliminated. The proposed monument sign would be revised.
- Enhancements to the current bus shelter including new enclosure, benches and landscaping.

Mr. Lichtman stated that the variance also requests for a parking garage in the Commercial District and that it is only permitted in the Mixed-Use Districts.

Commissioner Rappoport raised a concern regarding the landscaping and the proximity of the use to the properties in the rear of the building along Willow Avenue and asked if a buffer could be considered. Mr. Lichtman stated that he was open to additional discussions with the LaMott BHAR prior to land development submission. A recommendation was also made to consider incorporating decorative lighting along Cheltenham Avenue in the LaMott Historic District.

Discussion ensued regarding the BHAR process. Mr. Zygmund-Felt made a request that the BHAR review process take place earlier. Mr. Lichtman stated that the BHAR make a recommendation to the Zoning Hearing Board and was not a requirement of the Pennsylvania Municipalities Planning Code and that they would be requesting review by the BHAR prior to Subdivision and Land Development Review Process. Ms. Melton, LaMott BHAR member, raised concerns related to the BHAR review process and that they are the last in the process as an advisory board.

Concerns were raised regarding the elevation and how it would change the historic character of the District. Mr. Lichtman responded that the proposed wall was only one (1) story even though there was a four (4) foot drop that would allow access for deliveries and a loading dock located in the front of the building.

Mr. Sharkey clarified that the BHAR makes the recommendation to Public Works and not to the Building and Zoning Committee.

Upon motion of Mr. Pransky the Committee unanimously recommended approval with the condition that the delivery times be limited to off hours and not during hours of operation.

**Appeal No. 18-3589:** Appeal of Children's Place for Discovery & Learning, Inc., for the premises known as 1 Central Avenue, Cheltenham, PA 19012 from the Decision of the Zoning Officer for zoning relief from a Zoning Determination letter dated January 30, 2018 that the property is nonconforming as to lot area for the property located in the C-2 Commercial Zoning District.

Mr. Michael Yanoff, Esq. represented the applicant. Solicitor Bagley interjected that the Building and Zoning Committee listen to the applicant's representative but make no comment on this Appeal since it is currently in litigation before the Zoning Hearing Board.

Mr. Yanoff explained that under the new Zoning Ordinance, there is an allowed ratio between the number of children and the lot size. The location is now non-conforming with regard to lot size and the number of allowed children is limited to forty (40) which they were approved for. Mr. Yanoff stated that the Department of Public Welfare is the only entity that dictates the number of children based on lot size. The applicant was requesting to allow for approximately 85 children. Upon motion of Mr. Brockington the Committee unanimously recommended denial.

**Appeal No. 18-3590:** Appeal of Sandra Robbins, owner of the premises known as 311 Ryers Avenue, Cheltenham, PA 19012 from the Decision of the Zoning Officer for the following zoning relief in order to allow for the replacement of two (2) office spaces with two (2) efficiency apartment units for the property located in the MU-2 Mixed Use Zoning District. Variances being requested included:

- a. Section 295-1401, permitted uses, to allow for a multifamily building of five (5) units instead of one of the permitted uses.
- b. Section 295-2301, general parking regulations, to allow for a reduction in the parking requirements from eight (8) parking spaces to the existing six (6) parking spaces.

Harold Lichtman, AIA, provided an overview of the property and explained that the owner has tried unsuccessfully for nine (9) months to rent the building for commercial use; however, she had over 200 inquiries for efficiency apartment rental. The dwelling currently consists of a total of two (2) office spaces and two (2) efficiencies apartments on ground level and a one-bedroom apartment on the second floor. He proposed a total of five (5) units; two (2) efficiency apartments on ground level, two (2) one-bedroom apartments on the first level and one (1) two-bedroom apartment on the second floor.

Discussion ensued regarding ADA compliance. Mr. Sekawungu reported that the Planning Commission recommendation related to ADA compliance would come into play as part of the building permitting process.

**Public Comment:**

Resident, Regina Geighan-Drack, 124 Myrtle Ave., Cheltenham, Pennsylvania, 19102 requested that the Commission not approve this application because of parking limitations on Ryers Avenue which flows onto Myrtle Avenue and the potential increase in congestion. She also raised concerns that there are already too many rentals in the Village that have become a nuisance. Upon motion of Mr. Brockington the Committee unanimously recommended to take no action.

**Appeal No. 18-3592:** Appeal of AB Realty Associates, LLC, equitable owner of the premises known as 211 E. Glenside Avenue, Wyncote, PA 19095 from the Decision of the Zoning Officer for the following zoning relief in order to allow for a retail and internet

automobile exchange and photography studio on the property located within the R-1 Residential District:

- a. A special exception from Section 295-2502, nonconforming regulations, to change from one nonconforming, non-residential use to another nonconforming, non-residential use, or in the alternative, a variance from Section 295-501, permitted uses, so as to permit the photography studio and the retail and internet automobile exchange.
- b. A determination that any existing nonconformities may continue under Section 295-2500, *et. seq.*

Michael Yanoff, Esq., represented the owner and provided an overview of the property stating that the non-residential space will change from one non-conforming use to another. The building would be renovated and be occupied by a photography studio, which currently does business in the Township and a wholesale, on-line internet automobile exchange. He stated that it will not be used as a used car lot. The cars are purchased at an on-line auction for car dealerships and no retail transactions take place at the location. At any given time at most 14 cars may be on site waiting to be transported. There will be no auto repairs, detailing or any type of maintenance performed at the location. Solicitor Bagley inquired about the current parking spaces. Mr. Yanoff reported that there are a total of 26 spaces; 22 on the side of property and four (4) in the front.

Upon motion of Ms. Rappoport the Committee unanimously recommended approval based on the following conditions: maximum of 26 cars allowed, no repairs would be performed on vehicles, no detailing or any type of auto maintenance was to be completed on the property.

## **2. Receipt of the Planning Commission Meeting Minutes for March 26, 2018.**

Upon motion of Mr. Sharkey, the Committee unanimously received the Planning Commission Minutes from the March 26, 2018 meeting.

## **3. Review of Zoning Hearing Board Decisions**

a. Appeal No.17-3583: Appeal of David Mermelstein, owner of the premises known as 7770 Montgomery Avenue, Elkins Park, PA 19027 to allow the construction of an approximately 37-foot by 50-foot, three (3) story duplex consisting of two (2) 18.5 foot by fifty (50) foot dwelling unit on the vacant land located at 7770 Montgomery Avenue, Elkins Park, PA 19027. Relief is conditioned on the Applicant meeting all conditions. Upon motion of Mr. Pransky, the Committee unanimously agreed to take no action.

b. Appeal No. 17-3585: Appeal of Harold Lichtman for Arcadia University, owner of the premises known as 310 S. Easton Rd., Glenside, PA 19038 to allow the operation of a physical therapy clinic and office use in the existing building known as Oak Summit. Relief is conditioned on the Applicant meeting all conditions. Upon motion of Mr. Sharkey, the Committee unanimously agreed to take no action.

4. **Report of the Building Inspector for March, 2018.**

Upon motion of Mr. Sharkey, the Committee unanimously received the report of the Building Inspector for March, 2018.

5. **Old Business:** None.

6. **New Business:** None.

7. **Citizen's Forum:** None.

8. **Adjournment.**

There being no further business, upon motion of Mr. Pransky, the meeting was adjourned at 11.41 p.m.



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Bryan T. Havir  
Township Manager  
As per Patricia Gee



**PUBLIC ATTENDANCE LIST**  
**Public Works Committee @ 7:30 PM**  
**Building & Zoning Committee @ 8:00 PM**  
**Wednesday, April 4, 2018**  
**Curtis Hall**  
**Wyncote, PA 19095**

NAME (Please Print Clearly)	ADDRESS	EMAIL/TELEPHONE
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THOMAS ESTAN	7423 BARCLAY ROAD	YEI5439Y@ VERIZON.NET
Rhonda Tisa	C.C.S.	
Debs McCarter	211 W. Waverly Rd	215 884-7306 Glenside
Chelsey Webber	Arcadia	
Sydney Welch	Arcadia	484-706-2666
Maura Gricoski	Arcadia	215-847-3803
David Gunn	Arcadia	215 704 4955
Earl Stamm	309 Gribbel Rd	estamm@ verizon.net
BOB TODD	HARDING AVE	
BARB TODD	HARDING AVE	
Ross Wexler	Church Rd	

NAME (Please Print Clearly)	ADDRESS	EMAIL/TELEPHONE
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