

A regular meeting of the **BUILDING AND ZONING COMMITTEE** was held tonight, Chairman Morton J. Simon, Jr. presiding. Members present were Commissioners Brockington, Holland, Norris, Pransky, Rappoport and Sharkey.

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

Mr. Simon called the meeting to order at 10:54 p.m.

1. The Committee reviewed the following Zoning Hearing Board agenda item for November 13, 2017:
 - a) **APPEAL NO. 17-3582:** 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 Office to allow for a Day Care facility use with a maximum of 114 children and a determination that the existing off-street parking is adequate for the use located in the C-3 Commercial and Business Zoning District.

Mr. Sekawungu reported that Township staff and the Ward Commissioner met with the applicant and their counsel, and raised concerns related to ratios between the daycare staff and the children, traffic flow and the approved zoning for 40 children among other issues.

Mr. Peter Friedman Esq., representing the applicant, provided background information on the operation of the daycare facility and the building. In 2004 the Township's Zoning Hearing Board approved the daycare as an accessory use to the church, with a maximum of 40 children. The church sold the building to the applicant in 2008 and the applicant expanded the daycare use to the entire building, increasing the number of children to 114 based on the 40 sq. ft. per child space requirement permitted by the State Department of Public Welfare. After operating for the last nine years with 114 children as approved by the State, the facility was closed in June 2017, and proposes to reopen under a different name. Since the applicant is in violation of the 2004 zoning decision, they are looking for approval to operate out of the facility with the State-approved maximum of 114 children.

Upon motion by Mr. Brockington, the Committee unanimously recommended the Zoning Hearing Board deny this application and requested the Township Solicitor attend the Hearing to oppose this proposed use based on the number of children, number of incidents at the daycare, nonpayment of taxes, and increase in the number of children without prior approval from the Zoning Hearing Board and/or notification to the Township.

2. Receipt of the Planning Commission meeting minutes for October 23, 2017.

Upon motion of Mr. Pransky, the Committee unanimously received the Planning Commission Minutes from the October 23, 2017 meeting.

3. Review of resolution in Opposition to House Bill 1620 entitled "Wireless Infrastructure Deployment Bill."

Mr. Simon asked that the Resolution be forwarded to the Pennsylvania Municipal League (PML), Pennsylvania Association of Township Commissioners (PSATC), neighboring municipalities and other similar groups to ensure that there is strong opposition to this bill.

Recommendation to the Board of Commissioners: Upon motion of Mr. Simon, the Committee unanimously recommended the Board of Commissioners adopt a Resolution opposing House Bill 1620, "Wireless Infrastructure Deployment Bill" and forward it to PML, PSATC, and other Municipal associations and partners.

4. Review of Zoning Hearing Board Decisions.

- a.) **APPEAL NO. 17-3578:** Appeal of John Bancroft for 213 Buttonwood Way, Glenside, PA 19038 to allow for the construction of a 20' x 20' detached garage and for an existing 7' x 7' temporary shed to encroach/project into the left side yard setback at the property. The Zoning Hearing Board granted the request on conditioned upon meeting all applicable storm water regulations.

Upon motion of Mr. Sharkey, the Committee unanimously agreed to take no action.

- b.) **APPEAL NO. 17-3580:** Appeal of Aula and Jocelyn Harris, for 7704 Lafayette Avenue, Elkins Park, PA 19027 to allow for the installation of a second cooking facility in a proposed addition, in place of the allowed one in the single-family detached dwelling. The Zoning Hearing Board granted the request conditioned upon removal of the cooking facility once relatives of the property owner cease to occupy the space and subject to executing a restrictive covenant to the Township's satisfaction.

Upon motion of Mr. Norris, the Committee unanimously agreed to take no action.

Mr. Bagley agreed to change the language in future covenants restricting in-law suites to parents of the owners.

- c.) **APPEAL NO. 17-3581:** Appeal of Silvio Luis Da Paz, for 1108 Arboretum Road, Wyncote, PA 19095, to allow for the parking of Class 3 Commercial/Construction (C/C) vehicle(s) in the driveway of the residential property. The Zoning Hearing Board voted to deny the requested relief.

Upon motion by Mr. Holland, the Committee unanimously agreed to take no action.

5. Report of the Building Inspector for October 2017

Upon motion of Mr. Sharkey, the Committee unanimously received the report of the Building inspector for October, 2017.

6. **Old Business** – None.
7. **New Business** – None.
8. **Citizen's Forum** – None.
9. **Adjournment.**

There being no further business, upon motion of Mr. Sharkey, the meeting was adjourned at 11:32 p.m.



Bryan T. Havir
Township Manager

As per Henry Sekawungu and Alyson Elliott

PUBLIC ATTENDANCE LIST
Public Works Committee @ 7:30 PM
Building & Zoning Committee @ 8:00 PM
Wednesday, November 1, 2017
Curtis Hall
Wyncote, PA 19095

NAME (Please Print Clearly)	ADDRESS	EMAIL/TELEPHONE
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Tom D'Amico	AACA	
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Ted & Edie Cerebi	Wyncote	
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