

A regular meeting of the **BUILDING AND ZONING COMMITTEE** was held tonight via web conference, Chairman Brad M. Pransky presiding. Members present were Commissioners Areman, Brockington, Holland, Rappoport and Zygmund-Felt.

Staff present via web-conference were Robert Zienkowski, Township Manager; Alyson Elliot, Assistant Township Manager, and Henry Sekawungu, Director of Planning & Zoning. Also present via web-conference was Joseph Bagley, Esq.

Mr. Pransky called the meeting to order at 9:18 p.m.

1. Action on Zoning Hearing Board Agenda for September 13, 2021.

a. Appeal #21-3673, Mark Irwin for 300 Central Avenue

Mr. Sekawungu provided an overview of the application to convert a former 1st floor dentist office into an apartment unit, for a total of three apartments in the MU2 district. The applicant, Mr. Irwin, shared that the property was rundown when purchased and was cleaned up in an attempt to rent the commercial space, but that has not been successful in this predominantly residential neighborhood. He added that they have ample off-street parking at a ratio of 1.5 per unit. Mr. Pransky stated his opposition to the proposed change given that this property was in a Mixed Use District. Mr. Brockington thanked the owner for cleaning up the property and recommended that the Committee take no action, especially due to challenges with parking for commercial uses on Central Avenue.

Discussion continued by the Committee on the following:

- Potential loss of future taxes as a residential use versus a commercial use.
- Advertisement period of April to August 2021 did not appear to be hardship.
- The Township does not need additional residential units, but more commercial are needed.
- Concerns about setting a precedent, and the response that each variance had to be addressed on its own merits.
- Use of the property as a mixed use if the variance was abandoned in the future, considering that the variance run with the property.

Upon motion of Mr. Brockington, the Committee voted 5-0-2 to recommend no action on this appeal (Abstained: Pransky and Rappoport).

b. Appeal #21-3676, Highland Yorktown Associates, L.P. for 160 Yorktown Plaza

Christen Pionzio Esq., represented the Kumon Learning Center and stated that this business is generally located in shopping centers and that the applicant currently operates one in Willow Grove. She also highlighted the following:

- The proposed use is geared towards kids and is a good fit since it is offset by a shopping center.
- The Learning Center would have six to eight kids at any given time, but will provide additional seating for private tutoring, not classes.
- Private tutoring offered four days a week, three to four hours a day in the later part of the day including Friday afternoons and Sundays.
- These learning centers were accredited and have been around for 62 years.
- The applicant is also seeking a parking variance considering that the zoning ordinance parking regulations are individual use-based, leading to a shortage. However, the proposed use is offset in its hours of operation versus the other uses, eliminating parking issues.

Mr. Pransky stated his opposition to this proposal and his lack of comfort with the fees and cost structure, which is not standardized. He said he considers this as a nice profit center for the franchise, with no benefit to the community as an educational use.

Discussion ensued on the kind of specialized training offered; the commercial atmosphere; the ratio of tutor to students; and whether this educational use fits into a commercial center.

Mr. Abrams, Yorktown Plaza, provided an update on vacant spaces at the shopping center, stating that while many tenants had gone out of business due to the pandemic, some new businesses have moved in, including Skate the Foundry, J&J's Chicken, a fitness center and the proposed Kumon Learning Center. He informed the Committee that leasing of the former COSI restaurant space continues to be a challenge due to the pandemic. Mr. Zygmund-Felt emphasized the need for some latitude given the pandemic climate and recommended the Committee take no action.

Mr. Cerebi, resident, raised a concern about the variance going with the property leading to this space becoming an ad hoc education facility and eventually a charter school. Ms. Pionzio stated that the Zoning Hearing Board generally restricted uses to the testimony presented and it would not become a charter school.

Mr. Pransky commented on the need to fill the vacant spaces, but based on the existing zoning submitted, this was not a permitted use and he would be opposed to this.

Upon motion of Mr. Norris, the Committee voted 6-1 to take no action with the condition that charter schools and those other uses included in the B-8 use group be excluded (Nays: Pransky).

- c. Appeal #21-3678, Paul Hughes for 2450 Shoppers Lane (Target)
Daniel Rowley Esq., representative of the applicant, the applicant is withdrawing their appeal and based on the second violation issued by the Township. The applicant is working to remove the containers by the end of the week. They had not received prior violations and were working to comply with the requirements of the Ordinance based on the existing violation. He added that he could not comment on speculative fines that may not have been received by the applicant. Mr. Pransky suggested that Mr. Rowley consider talking to his client about the potential fees that were not resolved as part of the existing fee schedule for storage containers on properties, as required by the Property Maintenance Code. It is incumbent on the business to work with the Township on a financial compromise with the fees that may be owed.

Discussion followed on the trailers in the loading dock and their duration and the possibility that they stayed engaged on the site for extended periods of time.

The application was formally withdrawn with no action required at this time.

2. Receipt of the Planning Commission Meeting Minutes for August 23, 2021
Mr. Hyslop objected to the reference of 70% and cited the sections that he had referenced. Mr. Sekawungu apologized for the typing error of 70% as opposed to 35% clarifying that the MU1 district allowed for 30% green space while the MU2 had a minimum requirement of 35%.

Upon Motion of Mr. Pransky, the Committee unanimously received the Planning Commission minutes from the August 23, 2021 meeting, noting the above correction.

3. Receipt of Citizen Committee Meeting Minutes
La Mott Board of Historical & Architectural Review – August 19, 2021
 - a. Approval of COA for L21-272 for 7405 Cedar Lane, La Mott, PA 19027

- b. Approval of COA for L21-273 for 7322 Butcher Street, Elkins Park, PA 19027
- c. Approval of COA for L21-274 for 151 Willow Avenue, Elkins Park, PA 19027

Mr. Bagley stated that for the last 20 years approval of the BHAR minutes and Certificates of Appropriateness (COA) had fallen under the Zoning Ordinance, requiring the Public Works Committee to make a motion for approval or denial. However, the Township Code required that these approvals be made by the Building and Zoning Committee. He recommended that the Zoning Code be amended to allow for COA approvals by the Building and Zoning Committee as required by the Township Code, and also considering that the Historic Architectural Review Overlay District was part of Article XVII of the Zoning Code.

Recommendation of the Board of Commissioners: Upon motion of Mr. Pransky, the Committee unanimously voted to recommend the Board of Commissioners amend the Zoning Code, and other parts of the Township Code, to have the Building and Zoning Committee review and take action upon the most common applications from the Boards of Historical and Architectural Review and the Public Works Committee will continue to review and act on other codified applications and matters, including vacant ground and proposed subdivisions and land developments within Historic Districts.

4. Report of the Building Inspector for August 2021
Upon motion of Mr. Pransky, the Committee unanimously received the report of the Building Inspector for August 2021.
5. Old Business
 - a. Review and consider recommending the Board of Commissioners authorize advertisement of a Public Hearing on September 29, 2021 to consider public comments on a proposed Map Amendment to Chapter 295, entitled "Zoning" to Rezone 105 E. Glenside Avenue, PID# 31-00-11560-001 and 115 E. Glenside Avenue, PID# 31-00-11563-00-7 and a portion of lands N/F SEPTA Railroad, Cheltenham Township, Montgomery, County, PA from MU-2 Mixed Use Zoning District to MU-1 Mixed Use Zoning District.

Mr. Areman provided background on the proposed map change and legislative intent of this change which included the following:

- Enhancing community walkability.
- Stirring positive development in downtown Glenside.
- Allowing development that would be a boost to downtown Glenside.
- Complying with both the Township and County Comprehensive Plans, per the County Planning Commission's review letter.
- Enhancing the property including stormwater management which was pertinent, considering that it feeds into Glenside and Keswick among others.

The opportunity created by this Development would benefit the community and residents and Mr. Areman encouraged the Commissioners to support this proposed map amendment.

Concerns were raised about the proposed map amendment and it was recommended that the applicant attend the September Public Affairs Meeting to address the following concerns:

- Infrastructure concerns including stormwater.
- Future plans for the area as part of a development plan.
- Comparisons between the dimensional standards for the MU2 versus the MU1 and the reduced restrictions under MU1 which the developer was considering.

- Stormwater impacts in the MU1 versus in the MU2.
- Setting of a precedent once this map change was approved.
- Benefit of the map change to the developer as opposed to the Township.
- Confirmation that the stormwater storage capacity would be more than what was required.

Mr. Areman reiterated that these parcels were more or less 100% impervious and any development whether in the MU1 or MU2 district would be an improvement. He believed that this map amendment was unique because of the way the property and ownership was split with the zoning and could not be repeated as precedent. This would benefit both the owner and the Township, with an opportunity for profit, tax revenue, and enhancement of the community.

Upon motion of Mr. Areman, the Committee unanimously motioned to table the discussion on the proposed map amendment, until the Public Affairs meeting on September 22, 2021.

- b. Review and consider recommending the Board of Commissioners authorize advertisement of a Public Hearing on September 29, 2021 to consider public comments on an Ordinance amending Chapter 295, entitled "Zoning", to add Regulations Regarding the Side of Fence Facing Neighbors and to Prohibit Conflicts with Rights-of-Way.

Mr. Pransky introduced the Ordinance and raised a couple of questions regarding streets with long fences facing the wrong side. If a wrong facing fence was destroyed, owners were required to pull a permit and could continue the use as a grandfathered use provided the replacement was not discontinued for more than a year. Staff would, however, highlight the Ordinance changes as a recommendation. Mr. Sekawungu also highlighted the recommendation by the Planning Commission to add language specific to rights-of-way as follows: "All fences shall be erected with the finished side facing adjacent properties and rights-of-way."

Recommendation of the Board of Commissioners: Upon motion of Mr. Pransky, the Committee unanimously recommended the Board of Commissioners adopt and authorize advertisement of a public hearing to consider public comment and the adoption of an Ordinance amending Chapter 295, Zoning, Article IV, Use Regulations, Section 405, Categories of Permitted Uses, Subsection A.(6) Use A-6: Fences and Walls, to add regulations regarding the side of the fence facing neighbors and to prohibit conflicts with rights-of-way, with the recommended changes.

6. New Business
 - a. Mr. Hyslop asked for additional information on incorporating his requested corrections to the Planning Commission minutes. He was advised that changes would be incorporated as part of the approval process of the minutes by the Planning Commission at their upcoming meeting on September 29, 2021.
7. Citizen's Forum

Mr. Zienkowski updated the Committee about roads still closed in the aftermath of Hurricane Ida, including Tookany Creek Parkway. Crews are still cleaning up and Public Works plan on trash pickup the following day depending on how progress made this evening with road openings and storm clean up.
8. There being no further business, upon motion of Mr. Pransky, the meeting was adjourned at 10:53 p.m.



Robert Zienkowski
Township Manager & Secretary

As per Henry Sekawungu
Director of Planning & Zoning