

The Planning Commission ("PC") meeting was held tonight at the Township Administration Building.

The following Planning Commission members were present: Messrs. Cross, Gordon, Winneberger, Pransky, Leighton and also present was ex-officio members Laughlin, and Harrower. Also present was David M. Lynch, P.E., P.L.S. Director of Engineering, Zoning & Inspections, Carmen G. Reitano, Assistant Director of Engineering, Zoning & Inspections and Hannah Mazzaccaro, Montgomery County Planning Commission.

1. Acceptance of the minutes of the October 24, 2011 Meeting.

Mr. Cross made a Motion for acceptance of the October 24, 2011 Planning Commission Meeting Minutes; Mr. Winneberger seconded the Motion; the Motion passed.

2. Review of Zoning Hearing Board Agenda for December 12, 2011.

APPEAL NO. 3426: Appeal of Jason Silverman, owner of Premises known as 51-57 S. Keswick Avenue, Glenside, PA from the Decision of the Zoning Officer for the following Zoning Relief in order to construct a 4500 SF, 1 storey building (to replace a building damaged by fire in May 2007 and demolished in December 2007); the building is to be used for a Ceramics Studio (2700 SF) and a retail space (1800 SF). Said Premises being within the Class C-4 Commercial and Business District, in part, and within the Class R-7 Residence District, in part:

- a. A Variance from the Rules and Regulations of the Class C-4 Commercial and Business District as outlined in CCS 295-127. for the manufacture of pottery instead of one of the enumerated permitted uses.
- b. In the alternative to a., above, a Special Exception in accordance with Rules and Regulations of the Class C-4 Commercial and Business District as outlined in CCS 295-127.L. for the proposed Ceramics Studio.
- c. Variances from the Rules and Regulations of the Class C-4 Commercial and Business District as outlined in Article XVIII of the Cheltenham Code for the proposed retailing building as follows:
 - i. From CCS 295-129.A. for a lesser front yard setback of zero feet (0') from the SEPTA R/W line instead of the minimum required 15'.
 - ii. From CCS 295-132. for vehicular parking within the 15' wide vehicular parking setback area in which no vehicular parking is permitted.
 - iii. From CCS 295-133. for a lesser buffer area of zero feet (0') instead of the minimum required 11' along the C-4/R-7 District boundary line.
- d. A Variance from the Rules and Regulations of "Parking and Loading" as outlined in CCS 295-221.D. for three (3) on-site parking spaces instead of the minimum required 11 parking spaces. (Applicant is concurrently asking for permission/waivers for the dedicated use of 8 angled parking spaces on the Keswick Avenue frontage of the premises and 3 parallel parking spaces on the Keswick Avenue frontage of the Premises from the Cheltenham Township Board of Commissioners; said parking spaces are wholly or partially within the public right of way. Parking for the recently demolished retail/office building was in the same location).

Mr. Jason and Leon Silverman were present for this application.

Leon Silverman stated that his son Jason is seeking to move his ceramics studio from South Philly to the Glenside area. Leon Silverman stated that they are seeking a variance for no setback area from the SEPTA Rail Road tracks that run behind the property.

Mr. Silverman stated that it is a very low traffic use with only one employee. Jason Silverman stated that there would be one drop off and pick up a day from UPS.

Mr. Lynch stated for the record that the Silverman's are looking to construct a 1 storey prefab metal building that is smaller than the previous building. Mr. Lynch further stated that the new use would have more green space than the previous proposal.

Mr. Lynch read the conditions from the Building & Zoning Recommendation on the previous appeal and noted how this application compares, as follows:

Mr. Winneberger pointed out that the garages in the rear are in very poor shape, Jason Silverman acknowledged this and stated that he was considering renovating the garages and renting them out for storage for additional income but has no time line as to when this would be done.

Mr. Winneberger also asked if there was a photograph or sample of the prefab building. Mr. Silverman stated there is not. Mr. Winneberger asked why the prefab building was his choice of building material. Jason Silverman stated that he chose it because it's cheap.

Mr. Lynch stated that per the previous zoning relief the wheel stops had to be put back in the parking spaces. Jason Silverman stated that it would be done.

Mr. Laughlin asked if the parking spaces shown on the plan are Township Property. Mr. Lynch acknowledged that they are.

Mr. Reitano pointed out the parking areas on the presented plan to the committee.

Mr. Laughlin asked if the residents on Paxson have off-street parking. Mr. Reitano stated that it's a combination of street parking and off street parking and that most residents have driveways.

Mr. Gordon asked if there are classes being held in the studio. Jason Silverman stated that the studio is not open to the public.

Mr. Harrower stated that he is supportive of the business and also stated that he has no problem with the request for dedicated parking.

Mr. Laughlin also stated that he is supportive of the business but does have an issue with the request for dedicated parking.

Mr. Winneberger stated that the Silvermans need to come up with a plan for the restoration of the garages sooner rather than later

Mr. Winneberger made a motion of No Action with the following conditions:

a. That the hours of operation for the retail/office building be:

- i. Friday thru Saturday no later than 11 PM
- ii. Sunday thru Thursday no later than 10 PM

Messers Silverman stated they would agree to this.

b. That the parking along the Keswick Avenue frontage of the property be 60 ° diagonal parking.

Mr. Lynch noted the proposed plan shows 60 ° diagonal parking spaces.

c. That no perpendicular parking spaces be provided along the Paxson Avenue frontage of the property.

Mr. Lynch noted that the propose plan does not have perpendicular spaces along the Paxson Avenue frontage of the property.

d. That three (3) parallel parking spaces be provided along the Paxson Avenue frontage for employee parking.

Mr. Lynch noted the proposed plan does show three (3) parallel parking spaces along the Paxson Avenue frontage of the Property.

Mr. Winneberger stated he saw no need to limit these spaces to employees.

e. That three (3) parallel parking spaces be provided within the property for employee parking.

Mr. Lynch noted the proposed plan provided these parking spaces.

f. That the garages on the property be for private storage only.

Messers. Silverman stated they would agree to this.

g. That there be no access to the garages after 9 PM.

Messers. Silverman stated they would agree to this.

h. That trash pick-up for retail/office building be between the hours of 7:30 AM thru 7:30 PM only.

Messers. Silverman stated they would agree to this.

i. That the site layout be in substantial compliance with the plans submitted to and presentation made to the Building and Zoning Committee at its December 7, 2011 meeting, as modified by the above conditions.

Messers. Silverman stated they would agree to this.

Mr. Gordon seconded the Motion; the Motion passed.

APPEAL NO. 3413: (Continued) Appeal of Montgomery Court Realty Co., L.P., owner of premises known as 7803 Montgomery Avenue, Elkins Park, PA 19027, from the Decision of the Zoning Officer in order to operate a Private Ambulance Service from the premises

a. A Determination that the storage of Private Ambulance on the premises overnight is not a function of the operation of a Private Ambulance Service and thus permitted as a legal nonconforming use of the premises per the grant of relief under ZHB Appeal No. 1563.

b. In the alternative to a, above, a Determination, pursuant to "Nonconforming Uses" as outlined in CCS 295-227.F., that the operation of a Private Ambulance Service is of the same class of use as the previously approved nonconforming use(s) and thus permissible.

c. In the alternative to a. and b., above, a Variance from the Rules and Regulations of the Class R-5 Residence District as outlined in CCS 295-43. for the operation of a Private Ambulance Service instead of one of the enumerated permitted uses.

No one was present for this application.

1. That the private ambulances stored on site be limited to non-emergency transport only.
2. That the private ambulances stored on site be limited to the transport of the infirm elderly or medically disabled only.
3. That sirens and/or flashing lights shall not be used at or near the Property at any time.
4. That the garage door be down at all times except to move vehicles in and out.
5. That the ambulances be limited to a maximum of three (3) round trips per day from the Property only.
6. That no maintenance and/or repair be done on site except for minor maintenance and/or repair of the ambulances.
7. That neither the ambulances nor other vehicles park on the sidewalk in front of the Property.
8. That no other functions of a Private Ambulance Service be performed on the Property.
9. That an automatic garage door opening/closing system be installed and maintained and that said system be used by all ambulances using the garage.
10. That the ambulances be restricted to backing into the garage only in the evening (7 p.m. to 6 a.m.) and be restricted to moving forward only when exiting from the garage in the morning (4 a.m. to 7 a.m.) (to avoid triggering the ambulance's back-up alarm beeping in the morning.).
11. That, in whatever manner deemed legally appropriate, that all vested rights and nonconforming uses other than automobile storage be extinguished.

APPEAL NO. 3423: Appeal of Martin Roark owner of premises known as 651 Mulford Road, Wyncote, PA 19095, from the Decision of the Zoning Officer for a Variance from the Rules and Regulations of "Yard Regulations" as outlined in CCS 295-220.C. for a lesser rear yard setback of 3' instead of the minimum required 15' in order to install a 8' x 12' utility shed. (The premises is within the Class R-3 Residential District.)

Mr. Martin Roark was present for this application.

Mr. Lynch stated that Mr. Roark is requesting a variance to put a shed in his rear yard 15' off the side line and 3' off the rear line.

Mr. Winneberger asked if the neighbors are okay with the shed. Mr. Roark stated that in brief discussion with his neighbors no one seemed opposed. Mr. Roark stated that he has large trees in the back yard and in an effort to save them he would like to put the shed near the rear property line.

Mr. Winneberger asked if there are other houses with sheds in the same general location. Mr. Roark confirmed that there were. Mr. Winneberger suggested that Mr. Roark take pictures of the other sheds and get letters of support from his neighbors.

Mr. Gordon made a Motion of No Action; Mr. Winneberger seconded the Motion; the Motion passed.

APPEAL NO. 3424: Appeal of Brian Brillman, owner of premises known as 7501 Woodlawn Avenue, Elkins Park, PA 19027, from the Decision of the Zoning Officer for a Variance from "Fences and Walls" as outlined in CCS 295-223. in order to install 123 ±' of 6' high, solid fencing within the Stratford Avenue frontage required front yard setback area of the Premises instead of the permitted 4' high 50% open fencing. (The Premises is within the Class R-4 Residence District.)

APPEAL NO. 3424: Appeal of Brian Brillman, owner of premises known as 7501 Woodlawn Avenue, Elkins Park, PA 19027, from the Decision of the Zoning Officer for a Variance from "Fences and Walls" as outlined in CCS 295-223. in order to install 123 ±' of 6' high, solid fencing within the Stratford Avenue frontage required front yard

setback area of the Premises instead of the permitted 4' high 50% open fencing. (The Premises is within the Class R-4 Residence District.)

Mr. and Mrs. Brian Brillman were present for this application.

Mr. Lynch stated that the property is a corner property and has an existing fence around an in ground pool. Mr. Lynch stated that the Brillman's are requesting a 6' tall, solid wood fence enclosing an existing pool.

Mr. Brillman stated that they are looking for privacy and security for the pool. Mr. Winneberger asked if the Brillman's had spoken with the neighbors. Mr. Brillman stated that they mentioned it to the immediate neighbor facing the fence and the neighbor was okay with the fence.

Mr. Cross stated that they should explain the fence to all of their neighbors not just the one that is directly impacted. Mr. Laughlin recommended that the Brillman's walk around the neighborhood and look for other corner properties with fences.

Mr. Gordon made a Motion of No Action; Mr. Winneberger seconded the Motion; the Motion passed.

APPEAL NO. 3425: Appeal of Steven and Chagit Nausbaum, owners of 139 E. Glenside Avenue, Glenside, PA 19038, from the Decision of the Zoning Officer for a Variance from the Rules and Regulations of the Class G Manufacturing and Industrial District as outlined in CCS 295-135 in order to convert the existing first floor commercial space (former "Plastic Bagmart") into a first floor apartment instead of one of the enumerated permitted uses. (There is one (1) legal nonconforming apartment above the Bagmart space.)

Mr. Nausbaum was present for this application.

Mr. Steven Nausbaum stated he was looking to convert the previous Plastic Bagmart into a first floor apartment. Mr. Nausbaum stated that the current tenant is in arrears and has decided that there is no longer a stable market for his business. Mr. Nausbaum stated that he believes that the best way to profit off of this property would be to convert it into an apartment and rent it.

Mr. Cross asked about the exterior renovations. Mr. Nausbaum stated that he will paint the outside and replace all of the windows on the first floor. Mr. Cross asked if it's always been residential space on the second floor. Mr. Nausbaum confirmed it was.

Mr. Cross asked why not rent out for commercial use. Mr. Nausbaum stated that the market is too soft and that the location is not ideal for a business.

Mr. Cross asked Mr. Lynch how many parking spaces are required. Mr. Lynch stated that the two (2) apartments require 4 parking spaces and the property currently has 10.

Mr. Lynch noted that sanitary sewer connection will be an issue for the proposed apartment. Mr. Lynch asked Mr. Nausbaum to contact him to discuss what next steps need to be taken.

Mr. Winneberger made a Motion of No Action; Mr. Gordon seconded the Motion, the Motion passed.

3. Old Business

None

4. New Business

None.

5. Adjournment

Mr. Cross made a motion for adjournment; Mr. Winneberger seconded the Motion, the Motion passed. The meeting adjourned at 8:30 P.M.



David G. Kraynk
Township Manager

Per Holly A. Nagy