

# History of the Melrose Park Improvement Association

Protecting Cheltenham Township's residential areas

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***[Note: Around 1993, the Melrose Park Neighbors Association grew out of the Melrose Park Improvement Association. We changed our name before we filed for IRS status as a 501.C3 non-profit about ten years later.]***

Picture Melrose Park about 60 or 70 years ago: Sparsely settled, large imposing mansions in the grand manner surrounded by enormous tracts undeveloped land. The railroad comprised the township transportation system and stopped every two or three blocks to discharge and pick up passengers. The patriarchs supervised their large acreage and the matriarchs met occasionally for tea. When winter came, the citizens hibernated. Social activities centered around the family and life was comfortable - but sometimes very lonely. There seemed to be a need for communication with one's neighbor, a reaching out for relationships beyond the family. So, with man's instinctive urge to herd together, the Melrose Park Improvement Association came into existence.

The organization was unincorporated, and its inception clearly predates zoning ordinances in Cheltenham Township, which were started in 1926. It continued for a long time as a joint social and civic group, undertaking mild and uncontroversial civic projects. Approximately five years ago, two citizens, who were relatively new to Melrose Park, joined the Association and solidified its efforts as a force in protecting the community's residential quality.

(Prior to that time, the Association had never litigated a zoning question. Litigation became a major function of the group where they opposed zoning changes and this process, sometimes by sheer delay, has caused the Association to be successful in several of its blocking efforts.)

The two men are S. Gordon Elkins, a purposeful young attorney who lives at 1003 Sharpless Road, and Samuel I. Oshiver, a colorful architect, who lives in an imposing home of his own design at 1103 Valley Road.

Mr. Oshiver has just retired as President of the Melrose Park Improvement Association, a post he held for two years. An election held at the end of January placed the President's job in the hands of Mr. Elkins, who had been Mr. Oshiver's Vice President, so that the two men, who have led the Association in the past few years to the position of the most active civic group in Cheltenham Township, will continue the policies already established. Other officers just elected include: first vice president, Brian Gaffney second vice president, Anita Rossman, secretary, James L. Price; treasurer, William Holladay,

The Association covers Melrose Park basically, but other Township residents in the area are welcome to participate, since the group involves itself in questions covering all aspects of the Township.

The function of the group is to foster civic improvement; keep housing and other enterprises within the character of the neighborhood; and keep the citizenry alert to possible infringements or laxities of the zoning ordinances.

As simply as possible, the zoning codes work this way: An ordinance is passed which stipulates under which classification a building is characterized (various residential groupings, multiple dwellings, institutional, commercial, etc. The determination is made on the basis of the health, safety and welfare of the community and existing structure of the area. Any change in an ordinance is subject to the approval of the Township Commissioners. However, without changing the ordinance, a variance may be obtained when the literal enforcement of the ordinance will create a hardship and the variance is consistent with the spirit of the ordinance. The stipulation is that the hardship cannot be self-inflicted and the burden of proof is on the applicant. The Zoning Board of Adjustment is empowered to rule on the granting of variances and special exceptions, and these need not be determined by the Commissioners. The name has just been changed to the Zoning Hearing Board and current officers are: chairman, Earle K. Wagner; secretary, Gordon J. Mertz; member, Walter Ellman; solicitor, Jay G. Ochroch.

Though one would think the Melrose Park Improvement Association and the Township Board of Commissioners and the Zoning Hearing Board would be in accord on all zoning issues, since all groups want to stay within the legal limits of the ordinance provisions, there have been areas of conflict. A case in point:

At the corner of Elkins Avenue and Old York Road there was a local landmark, the Whittaker Estate, a large, grand, Spanish villa on about four acres of land. This is an example of the type of property whose fate the Association is most anxious to control. Although the Association was prepared to litigate the Whittaker property, it never came to that. The property had been sold and a developer proposed a two-story garden apartment building to house approximately 30 units. The neighbors had been polled, given certain guarantees by the developer, and had agreed not to contest the construction. The property was under a restrictive covenant according to zoning regulations, and the Cheltenham Township Board of Commissioners relinquished the restriction in order to grant the permit. The Association fought against this because they felt a garden apartment at that corner was not an asset *to* the community.

Their preference is to have these large old corner properties on York Road, like the Whittaker Estate, sold for institutional purposes, such as a school, church or synagogue, because this type of property acts as a buffer. In effect, it seals the property for the adjoining neighborhood and maintains its status, whereas a commercial enterprise, according to Mr. Elkins, starts to reflect inward and encroach on surrounding areas.

Though the appeal to deny the restrictive covenant grant was lost by the Association, they won in the long run because they planned to appeal the building permit approval, and while this was waiting to come before the courts, the developer got tired of waiting and resold the property to the Greek Orthodox Church at Elkins and Park Avenues who decided they wanted to expand their facilities. So now the corner will be what the Association hoped for - a buffer area epitomized by a religious institution.

When officers of the group discuss their efforts to contain commercialization of property in Cheltenham Township, they point indignantly to Old York Road in Abington. They cite that area as their example of what can happen to a residential section when zoning regulations become secondary to monetary gains for the township, and commercialization takes over. It is their creed that Old York Road in Cheltenham will not be a display ground for hamburger stands, used car lots and discount stores. Their intent is to retain the residential quality of the neighborhood along its chief artery as well as within the side streets.

Robert M. Lam is an energetic and articulate man who has represented Elkins Park on the Township Board of Commissioners for twelve years. As a partner in the real estate firm of Lam and Buchsbaum, his knowledge of township zoning codes is comprehensive for he utilizes it in his business as well as his official responsibilities. Mr. Lam has an interesting ambivalence about the Melrose Park Improvement Association. On one hand, he approves of their purposes, As a township commissioner he, too, is interested in maintaining the quality of the area, so that in many ways the feelings of the Commissioners, the Zoning Board and the Association are in accord. In many respects he feels the group has been a constructive influence because they activate the neighborhood, and if people are not aware of what's happening, apathy results. His complaint is they have a tendency to over-react and too frequently are negative in their attitude. In addition, he feels they often invade the zoning hearings with arguments against changes that are removed from their immediate area of concern.

In discussing the philosophy of land use, Mr. Lam talks about the extremes of the developer and the property user who seeks to exploit. The surrounding property owners are involved but not affected by a change in land use. The parties who become concerned are those who fear economic repercussions and a reflection of their own social position, and because these factors are so personal, they tend to be inflexible and more concerned about what's best for them, rather than what's best for the community. In the middle of the lobbies that form to support their point of view are the people in the general community and their Commissioners. People who are supporting their own bias are well intentioned but don't always understand the law. People in civic associations are equally persuasive and these strains in different directions cause tremendous pressures for the judging body.

Mr. Lam does not indict civic associations for their stands; he feels many are frequently just and even developers can sometimes compromise.

The Ogontz Redevelopment Area constitutes a current difference of opinion between the Commissioners and the leadership of the Association. The area is involved in a vast urban renewal program, supported by federal, state and county funds, and will completely redesign the area on Old York Road bordering between Church Road and the railroad tracks south. Stores on the west side of the street are to be torn down, many of them rebuilt, with parking space behind them. Most business establishments on the east side will remain, except for the area approaching Church Road. The eyesore of the hillside adjoining the railroad tracks is to be eliminated. Forrest Avenue will exit into York Road at a different spot, and it is hoped by the Commissioners that eventually the library and other municipal areas will be brought into this project. A scale model of the proposed redevelopment is on display on the ground floor of the Cheltenham Township building in Elkins Park.

The complaint of the Association, voiced by Mr. Elkins, is that promised open, town hearings were not held; that the initial projections of this redevelopment project are not being realized; and what is now under consideration does not go far enough, so that insufficient tax-ratables will be created to mean anything significant to the township, Mr. Osbiver reflects on this from his vantage point as an architect and civic planner that the proposals do not reflect the basic requirement of redevelopment; it is not being handled as a problem and the plans do not solve problems. The area should produce a much more tax-ratable return in order to be productive and functional. Mr. Oshiver is particularly concerned that the finished product will offer nothing to the community and is, indeed., inconsistent with the needs of the community, He feels the plans reflect a lack of knowledge and study of requirements and would prefer to see a more important building on the site, such as a large apartment complex. He believes that by increasing the height and decreasing the ground coverage, rather than utilizing the ground for building, an important tax advantage could be gained; it would take nothing from the school community because there are few children in apartment units of this type; the building could incorporate many of the stores that will remain or be rebuilt; and the excess ground could be used for community purposes such as an Art Centre, Community Theater, recreational facilities, and encompassing and enriching the facilities of Wall Park.

Mr. Oshiver's artistic leanings are evident as he talks passionately of a plaza featuring sculpture, beautiful as well as productive buildings, and capitalizing on the beauty of the small creek that runs behind the library and Shoemaker School. He feels strongly the redevelopment presentation is not aesthetically pleasing and that the entire project really has no purpose as it stands.

He feels the area lends itself to creative exploitation, and a pedestrian approach will result instead. The whole purpose of urban renewal is jeopardized by this project, Mr. Oshiver says. He feels this undertaking should establish what the township needs, not just enhance the shopping facilities, and that all surrounding municipal buildings should be incorporated into a cohesive unit for the benefit of the community.

In contrast, Mr. Lam is delighted with all aspects of the Ogontz Redevelopment Plans. The plan came into being about 7 or 8 years ago when the township authorized a Planning Commission which was presented with the problem of the Ogontz area. The suggestion was made then to apply to the federal government for urban renewal funds; the merchants involved were very cooperative; the plans presented seemed constructive and the grant was accomplished.

Results anticipated are easing of traffic congestion and higher taxes from the redeveloped stores. Right now, developers for the actual construction are being considered and their plans evaluated. The Board of Commissioners, with the help of the Redevelopment Authority, will make the final decision, and completion is anticipated for 1972.

An instance of outstanding cooperation among all parties concerned is typified by the story concerning the Miller Tract which runs along Cheltenham Avenue from Old York Road to Mountain Avenue. This was under restrictive covenant, and when the property came up for a zoning change, the Association won its repeal to retain the status quo. The potential problem, which materialized into a cooperative, satisfying effort, involved the corners of Cheltenham and Mountain Avenues, now the professional offices of Doctors Sidney Wolfe, Hyman Kahn and Perry Dornstein.

When these physicians first wanted to build offices on that property, Dr. Wolfe came to the Association and told them of his plans. He and his architect appeared at a meeting, presented

their building plans, changed the design to conform with the wishes of the Association, and both the neighborhood and the doctors are delighted with the results. The Association points to this as an example of their desire to protect, not prevent. They appeared before the Zoning Board and supported the petition of the physicians, as they did in the case of the Greek Orthodox Church. They also did not protest the erection of Coventry House, because it replaced an old steel mill with a valuable tax property, but they did succeed in blocking an apartment house opposite Coventry House.

A case recently decided by the Zoning Board in which a variance was denied, to the satisfaction of the Association, concerns the property at 7453 Old York Road. This home had been purchased by Dr. Sidney Rappaport, a psychologist, in October of 1967, for use as offices for his management consulting firm.

The property was ineligible for variance when it was purchased because it had not been vacant for the year required by the Zoning Board. An insurance company had previously been turned down in a request to convert the home to executive offices. When the neighbors became aware that the property was being used for commercial purposes by Dr. Rappaport, it came under the surveillance of the Melrose Park Improvement Association and the Zoning Board of Adjustment. The law states that a variance may be obtained to utilize a maximum of one half of one floor of a home for professional purposes, providing the user lives on the premises.

The house in question is typical of the many old, fine residences in Melrose Park, and reflects the stateliness and elegance of an era no longer with us. Inside the front door one finds a gracious center hall, furnished with restored antiques and an oriental rug. To the left is Dr. Rappaport's office. It is high-ceilinged and spacious, furnished like a living room, with an antique desk set in the bay window. The floor is covered with an oriental rug; a round table with comfortable chairs is set before the front window, and the fire glows all the time. It is just this setting that makes Dr. Rappaport contend that he had no intention of changing the character of the property. There were no exterior changes and on the interior only improvements in maintenance had been made.

Dr. Rappaport, who states he never intended to disguise his reason for purchase of the property, bought the home in the name of his company, Management Counselors Corporation. He is a clinical psychologist, and his company does evaluation and counseling for company executive personnel. Last year he processed 298 people. One of the complaints of the Association was the number of cars parked on the street. Dr. Rappaport contends that he and his associate cannot handle more than five people a day, so that in itself limits the number of cars. There is a parking lot behind the house that can accommodate six vehicles.

Dr. Rappaport readily admits that when he bought the property he made no application for a variance because he was not aware it was necessary. He assumed, because of the location on Old York Road and because, by his estimate eighty percent of the properties in that area of Old York Road are utilized for non-residential purposes, (two blocks down is a company whose business is similar to his own), that there would be no problem and he anticipated no need for application. When it came to his attention that the Association was aroused, he made attempts to contact them through his attorney. Word came to Dr. Rappaport that the Association would not meet with him, although they expressed anger that he did not contact them initially.

A series of summonses, misunderstandings and Dr. Rappaport's hearing ensued. He was fined \$300.00 for being in violation of the zoning code. He then proceeded to move into the premises with his wife, as living on the property made him eligible to apply for a variance. Dr. Rappaport

says they tried to live there for a while but the realities of traffic noise and inadequate heat made it impossible, and they moved back to their home in Wyncote.

There have been two offers on the property made to Dr. Rappaport. He considers them both inadequate considering his original purchase price and the renovations he has made in the past year. Since the variance has now been denied, he cannot conduct his business there and he does not wish to live there, so the final resolution is still to be seen.

Dr. Rappaport, in a benign way, considers the Association short-sighted in their disapproval of him. He feels that his efforts to maintain the property as it was intended to appear (not changing the exterior, keeping the interior looking like a private home, furnishing it as such,) could only be an asset rather than a detriment to the community. He calls it "spot zoning" in reverse when so much of the area is commercial and the Zoning Board chooses one property in contest to remain residential.

In his evaluation of the Melrose Park Improvement Association, Mr. Oshiver contends the group is not comprised of "againsters." They want to help positive efforts and squelch negative ones. They seek the involvement of the community and hope to help represent points of view of individuals living adjacent to properties in question.

He believes that proper planning is essential for the future of Old York Road.

Apartments and office buildings can be built where there is sufficient ground protection around them. There is a need in the township for a viable Planning Commission whose purpose it would be, Mr. Oshiver contends, to evaluate the future needs of the township. Its members should be experienced and knowledgeable in the field of civic planning; they should operate within every request for zoning changes; and their recommendations should carry weight with the Zoning Board and/or Commissioners.

The township actually does have a Planning Advisory Board but the final decisions are in the hands of the Commissioners.

The leaders of the Melrose Park improvement Association are proud of the unusual amount of concentrated action that characterizes their group. They feel it is active, volatile, and courageous, that their cooperative efforts have borne much fruit, and would hope that there would be a central organization of citizens from all corners of the township. Mr. Gordon Mertz, Secretary of the Zoning Hearing Board, in talking about the Association, said, "We pay a lot of attention to the Association. We are influenced by them, and their point of view is given a lot of consideration. That is not to say that their opposition or approval of a question determines our action, but we are certainly influenced by their opinion."

So that, though there may be contentions, personality conflicts, opposite points of view, etc. on individual issues, by and large the Melrose Park Improvement Association, the Zoning Board and the Township Commissioners have the same purposes to motivate the community to action; to retain the standards and values of the neighborhoods within the township; and to keep its character constant, so long as these things satisfy the health, safety and welfare of the community.

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