

*Cheltenham Township, believing that public input is appropriate on any items coming before the Commissioners, will recognize any citizen wishing to address a specific item prior to the vote on that issue. In order to be recognized, please raise your hand.*



## **AGENDA**

### **COMMISSIONERS' MEETING**

**Wednesday, February 19, 2014**

**Curtis Hall**

**7:30 p.m.**

1. Pledge of Allegiance.
2. Roll Call.
3. Approval of the Board of Commissioners' Regular Meeting Minutes dated January 22, 2014.
4. Acceptance of the Executive Summary Financial Report of the Manager/Secretary for the month of January, 2014.
5. Acceptance of the Accounts Paid Report for the month of January, 2014.
6. Presentation of a Community Service Award to Scott Thomas Butler Dunbar in recognition of receiving the Dr. George Moerkirk Outstanding Contribution to EMS Award from the Pennsylvania Department of Health.
7. Review of the Public Works Committee Regular Meeting Minutes dated February 12, 2014.
  - a. Award of a Professional Services Contract for Engineering Services for the Sanitary Sewer Flow Monitoring Program.
  - b. Approval of a Change Order for an additional scope of work for the Interceptor A Sanitary Sewer Replacement Project.
  - c. Approval of a Request for Proposal for a Collaborative Image Building Project and cost sharing with the School District.
  - d. Consider action on the Zoning Hearing Board Decision on Appeal No. 3478 (see attached).
8. Review of the Parks and Recreation Committee Regular Meeting Minutes dated February 12, 2014.

AGENDA – Board of Commissioners Meeting  
February 19, 2014  
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9. Review and acceptance of the Public Safety Committee Regular Meeting Minutes dated February 11, 2014.
  - a. Ratification of the Township Manager’s Declaration of a Local State of Emergency.
  - b. Ratification of the Township Manager’s Declaration of Disaster Emergency.
10. Review and acceptance of the Public Affairs Committee Regular Meeting Minutes dated February 11, 2014.
  - a. Award of a Contract for Replacement of the new Boiler at the Cheltenham Art Center with a 50/50 cost-share.
  - b. Adoption of a Resolution authorizing the disposition of certain Township records.
11. Review and acceptance of the Building and Zoning Committee Regular Meeting Minutes dated February 11, 2014.
12. Review and acceptance of the Pension Board Regular Meeting Minutes dated February 7, 2014.
  - a. Approval of a change in the asset allocation of certain classes of investments.
  - b. Approval of an investment policy change.
13. Old Business.
14. New Business.
  - a. Consider an appointment(s) to a citizens committee by the Board President in accordance with Article XIII, Section 1302, of the Home Rule Charter.
  - b. Ratification of Wage Increases and Healthcare Plan Design Changes for non-salaried employees not covered by a collective bargaining contract.
  - c. Adoption of a Resolution authorizing a Township credit card to be established for certain departmental employees (see attached).
15. Citizens’ Forum.
16. Adjournment.

  
\_\_\_\_\_  
Bryan T. Havir  
Township Manager

*At 8:30 p.m., the Board of Commissioners will commence a Public Hearing for the Conditional Use application of Swift & Choi for the parcel of land located at 1900 Ashbourne Road, Elkins Park, PA.*

**ZONING HEARING BOARD  
OF CHELTENHAM TOWNSHIP  
MONTGOMERY COUNTY, PENNSYLVANIA**

**APPEAL NO. 3478**

**Applicants:** Annie Nguyen  
621 Boyer Road  
Cheltenham, PA 19012

**Subject Premises :** 621 Boyer Road

**Owner of Premises:** Annie Nguyen

**Nature of Application:** Applicant appeals from the determination of the Zoning Officer finding that placement of an outdoor shed, measuring 8' by 16', at the property with a rear yard setback of three feet and a side yard setback of 7 feet would violate the Cheltenham Zoning Ordinance of 1929, as amended, and, specifically, Article VIII, Sections 295-46(B) and (C), regulating setbacks in an R-5 Residence District.

Applicant seeks (1) a variance from the rules and regulations of the R-5 Residence District, Section 295-46(B)(1) to allow placement of a shed with a side yard setback of 7 feet instead of the minimum required 8 feet, and (2) a variance from the rules and regulations of the R-5 Residence District and the General Regulations, Sections 295-46(C) and 295-220(C), to allow placement of a shed with a rear setback of 3 feet instead of the minimum required 15 feet.

**Time and Place of Hearing:** Monday, January 13, 2014 – 7:40 p.m.  
Curtis Hall  
Church Road and Greenwood Avenue  
Wyncote, Pennsylvania

## FINDINGS OF FACT

1. Applicant Annie Nguyen ("Applicant") is the owner of the premises known as 621 Boyer Road, Cheltenham, Pennsylvania (the "Property").

2. Prior to the holding of the hearing in this matter, an advertisement, noting the time and place of the hearing and the contents of the appeal, was placed in a newspaper of general circulation.

3. The Property is located in an R-5 Residence District and is improved by a twin (semi-detached) single-family dwelling.

4. The following documents were made a part of the record:

ZHB-1. a listing of exhibits;

ZHB-2. a copy of the legal notice with regard to the holding of the hearing;

ZHB-3. an Application to the Zoning Hearing Board, referenced as Appeal No. 3478;

ZHB-4. a location map marked as Real Estate Registry Block 85, showing the location of the property;

ZHB-5. MEA Land Record Parcel Information dated December 9, 2013;

ZHB-7. Applicant's annotated plan of the Property;

ZHB-8. letter in support of Application authored by Scott A. Parker; and

ZHB-9. a series of five photographs of the Property and proposed shed.

5. The Property had previously been improved by an outdoor shed.

6. The block containing the Property has a number of properties improved by twin, semi-detached homes, several of which have sheds and/or detached garages.

7. Applicant proposes to install a shed measuring 8 feet in depth and 16 feet in width, somewhat larger in width than the previous shed.

8. Applicant proposes to install the new shed at a point so that the rear property setback mirrors the setback created by the previous shed.

9. Applicant represented that she explained the plan to her neighbors, and none opposed the installation of the proposed shed. Indeed, Mr. Parker wrote a letter of support to the Commissioners' Building and Zoning Committee.

10. Applicant has demonstrated unnecessary hardship.

11. A grant of relief to allow the placement of an outdoor shed, measuring 8 feet in depth and 16 feet in width resulting in a rear yard setback of 3 feet and a side yard setback of 7 feet will not alter the essential character of the zoning district and will not impair the appropriate use or development of adjacent property.

12. A grant of relief to allow the placement of an outdoor shed, measuring 8 feet in depth and 16 feet in width resulting in a rear yard setback of 3 feet and a side yard setback of 7 feet will not be contrary to the public interest.

### **CONCLUSIONS OF LAW**

1. Installation of an outdoor shed resulting in less than required rear and side yard setbacks is not permitted by the Cheltenham Zoning Code. However, in accordance with the Pennsylvania Municipalities Planning Code and the Cheltenham Zoning Ordinance, the Cheltenham Township Zoning Hearing Board is empowered to hear and decide requests for variances where it is alleged that strict conformance with the governing ordinances would result in unnecessary hardship.

2. Under the circumstances of this matter, Applicant has met her burden in establishing that, due to the unique physical circumstances of the Property and those imposed by surrounding properties, a failure to grant relief will result in an unnecessary hardship to the Property.

3. The variances as hereafter granted to allow use of the Property for an outdoor accessory shed are the minimum variances from the governing standards that will afford relief and the minimum modification of the applicable zoning regulations.

### **DECISION**

**WHEREFORE**, this 13th day of January, 2014, the Cheltenham Township Zoning Hearing Board, by a 2-0 vote, grants the following variances to allow the placement and use of an outdoor shed:

(1) a variance from Article VIII, Section 295-46(C) and Article XXIX, Section 295-220(C) to allow a rear yard setback of 3 feet; and

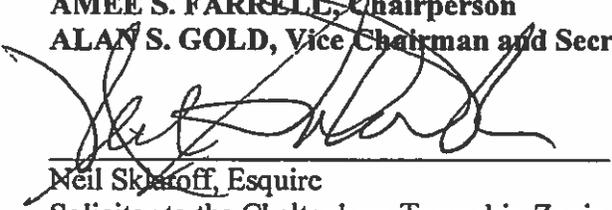
(2) a variance from Article VIII, Section 295-46(B)(1) to allow a side yard setback of 7 feet.

These grants of relief are conditioned upon Applicant providing to Cheltenham Township a copy of the recorded deed to the Property.

This grant of relief is not a waiver of any provision of the Cheltenham Zoning Ordinances not specifically addressed in this decision.

**CHELTENHAM TOWNSHIP ZONING HEARING BOARD**

~~AMEE S. FARRELL, Chairperson~~  
~~ALAN S. GOLD, Vice Chairman and Secretary~~



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Neil Sklaroff, Esquire  
Solicitor to the Cheltenham Township Zoning Hearing Board

**THIS DECISION IS OFFICIALLY ISSUED ON FEBRUARY 4, 2014.**

**CHELTENHAM TOWNSHIP**

**RESOLUTION NO. \_\_\_\_\_-14**

**A RESOLUTION AUTHORIZING TOWNSHIP CREDIT CARDS  
TO BE ESTABLISHED FOR CERTAIN DEPARTMENTAL EMPLOYEES**

**WHEREAS**, the Board of Commissioners of Cheltenham Township, Montgomery County, Pennsylvania desire to establish a Business Credit Card Account with TD Bank, N.A. through use of credit cards for and in connection with the business of this municipality; and

**WHEREAS**, the Township Manager is hereby authorized to execute and make a determination on behalf of the Township all matters relating to issuance of business credit cards limited to the number of cards to be issued, the persons designated to receive and use same, and any changes of personnel among those thus designated; and

**NOW THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Township of Cheltenham, County of Montgomery, Commonwealth of Pennsylvania, that the Township Manager be authorized to administer all matters related to the issuance of a Township credit card to Township employees from T.D Bank, N.A.

**DONE IN ELKINS PARK, PENNSYLVANIA**, under my hand and the Seal of the Township of Cheltenham, this 19th day of February, A.D., 2014, in the year of the Township of Cheltenham the one hundred fifteenth.

Resolved and adopted this 19<sup>th</sup> day of November, A.D., 2014.

**BOARD OF COMMISSIONERS  
TOWNSHIP OF CHELTENHAM**

By \_\_\_\_\_  
Harvey Portner, President

ATTEST: \_\_\_\_\_  
Bryan T. Havir, Township Manager