

February 15, 2011

VIA FACSIMILE AND REGULAR MAIL

Peter S. Friedman, Esquire
Friedman, Schuman, PC
101 Greenwood Avenue, Fifth Floor
Jenkintown, PA 19046-2636

Re: Cheltenham Township Zoning Hearing Board -- Appeal No. 3336

Dear Mr. Friedman:

On February 14, 2011, the Cheltenham Township Zoning Hearing Board voted to take the following actions with regard to your Application to Zoning Hearing Board for Zoning Relief, referenced as Appeal No. 3336:

The Zoning Hearing Board has granted the following relief:

1. a variance from the rules and regulation of the "Floodplain District" as outlined Article XXI, Section 295-156 to allow construction or replacement of the existing 8" T.C. Sanitary Sewer Line (if required) within the 100 Year Floodplain Area;
2. a variance from rules and regulations of the "Steep Slope Conservation District" as outlined in Article XXII, Section 295-167 to allow the construction of free-standing structures, building and retaining walls, internal accessways, driveways, parking areas, swimming pools, sanitary sewers, stormwater management facilities and other underground utilities and landscaping;
3. a variance from the rules and regulations of the "Steep Slope Conservation District" outlined in Article XXII, Section 295-168, to allow a variance to be granted for the development without first meeting the requirement to submit plans conforming to the stated Lines and Grades Plan requirements;
4. a special exception in accordance with the rules and regulations of the "Age Restricted Overlay District" as outlined in Article XXXIII, Section 295-242.B.1 to permit an Age Restricted Development;

5. a special exception in accordance with the rules and regulations of the "Age Restricted Overlay District" as outlined in Article XXXIII, Section 295-242.B.3 to permit a clubhouse with common areas and meeting rooms, indoor and outdoor recreational facilities and maintenance and security facilities;

6. a special exception in accordance with the rules and regulations of the "Age Restricted Overlay District" as outlined in Article XXXIII, Section 295-242.B.3 to permit a swimming pool for the residents of the Age Restricted Community only;

7. a variance from the rules and regulations of the "Age Restricted Overlay District" as outlined in Article XXXIII, Section 295-243.B.8.a. to allow sanitary sewer facilities, if required, within the floodplain;

8. a variance from the rules and regulations of the "Age Restricted Overlay District" as outlined in Article XXXIII, Section 295-243.B.8.d. to allow development within areas having a slope of 15% or greater;

9. a variance from the rules and regulations of the "Age Restricted Overlay District" as outlined in Article XXXIII, Section 295-243.B.8.e. to allow sanitary sewer facilities, if required, within the Riparian Buffer Areas; and

10. variances from the rules and regulations of the "Preservation Overlay District" as outlined in Article XXIV, Sections 295-187, 295-188 and 295-189 only.

The Zoning Board has, in addition, taken the following actions:

1. denied the appeal of the determination of the Zoning Officer and/or Township Engineer regarding man-made steep slopes as provided in Article XXII, Section 295-164.B.2.;

2. denied the request for a determination that the Lines and Grades Plans as submitted with the Application or as revised during the course of the hearings substantially conforms with the requirements set forth in Article XXII, Section 295-168;

3. denied the request for a determination that the number of parking spaces shown on Applicant's plans are not in excess of the maximum permitted under Article XXIX, Section 295-221.F.;

4. denied the request for a variance from the rules and regulations of Article XXIX, Section 295-221.F. to allow parking spaces exceeding 120% of the minimum required parking spaces;

5. denied the request for variances from the rules and regulations of the "Preservation Overlay District," as outlined in Article XXIV, Section 295-190; and

6. denied the request for an interpretation that the rules and regulations of the "Preservation Overlay District," as outlined in Article XXIV, Section 295-187 *et seq.* are not applicable to this Application.

The above grants of zoning relief are subject, however, to the following conditions:

1. At applicant's expense, the Township shall direct a third-party professional geotechnical engineer, acceptable to the Township, to conduct, based upon an adequate number of soil borings, a comprehensive Geotechnical Investigation and Analysis (the "Analysis"). The Analysis shall be performed over the entire development footprint to determine the suitability of the site's soils for the proposed development and the loads to be imposed thereon. The Analysis shall document findings and set forth whatever soil remediation and/or construction methods should be taken to prevent excessive settlement, slope failure and other adverse effects to the maximum practicable extent. The Analysis shall be subject to the review and approval of the Township Engineer. Applicant shall thereafter follow the soil remediation measures and the construction methods as directed by the Township Engineer.

2. The bottom of the foundation footing for all structures (including building, retaining walls, etc.) within the development shall be on a level either a minimum of three (3) feet below the existing pre-development grade or on subgrade competent to support the load being imposed, whichever level is lower. No pile footings shall be permitted.

3. Applicant shall submit Lines and Grades Plans, compliant with no standard less than the Zoning Code, as part of Applicant's submission for preliminary or final land development approval.

4. The development may be built in stages. However, the following infrastructure improvements shall be completed with the first stage: naturalization of the property including the return of portions of the property to a natural state, the allocation of property to public use and the other features of the development plans described by applicant's land planner.

5. No building, including, but not limited to, lots 67, 68, 69 and 70 as illustrated on Exhibit A-26.1, shall have the rear elevation facing Ashbourne Road.

6. 75% of the trees planted on the development shall be a minimum of 4" – 5" DBH at the time of planting, as illustrated on Exhibit A.3, dated July 8, 2010.

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7. Applicant shall provide bus shelters at the three bus stops on Ashbourne Road at Croyden Road, Boyer Road and Ashmead Road.

8. Unless otherwise prohibited by the decisions of the Zoning Hearing Board or by application of lawful federal, state or local regulations, the development shall be constructed in substantial conformity with the record, including testimony and exhibits, established by the Applicant and its witnesses during the course of the hearing in this appeal.

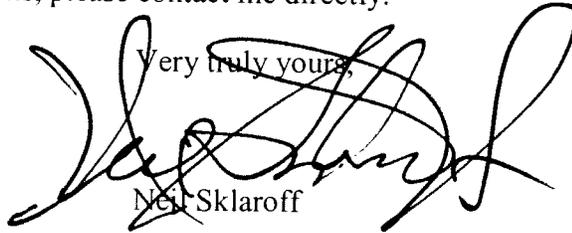
The Zoning Hearing Board will hereafter issue formal written findings of fact and conclusions of law, and appropriate parties will have 30 days from the issuance of those in which they may elect to file an appeal to the Montgomery County Court of Common Pleas. Applicants who elect to take action premised on the decision of the Zoning Hearing Board in advance of the expiration of the appeal period may do so at the applicant's own risk.

Please note that, pursuant to the Article XXVII, Section 295-210, where an application for special exception or variance has been refused or denied by the Zoning Hearing Board, the application may not be renewed within a period of one (1) year, unless there has been a change in conditions and unless the renewed application distinctly sets forth the changed conditions.

In addition, pursuant to Article XXVII, Section 295-211, unless the Zoning Hearing Board stipulates otherwise in its orders and decision, all decisions, grants of zoning relief and reasonable accommodations shall be effective for a period of two (2) years, after which time, if the applicant has failed to commence the use or obtained a building permit, the decision, grant of relief or reasonable accommodation shall cease and be of no effect.

Moreover, a building permit is required for any construction permitted or allowed in accordance with the above decisions.

If you have any questions, please contact me directly.

Very truly yours,

Neil Sklaroff

NS/lb

cc: David Onorato, Esquire
David S. Lynch
David Kraynik
Zoning Hearing Board