

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, May 20, 2015

Curtis Hall

7:30 p.m.

1. Pledge of Allegiance.
2. Roll Call.
3. Approval of the Board of Commissioners' Regular Meeting Minutes dated April 15, 2015.
4. Acceptance of the Executive Summary Financial Report of the Manager/Secretary for the month of April 2015.
5. Acceptance of the Accounts Paid Report for the month of April 2015.
6. Presentation of Community Service Award to Christine Gessler at the Fight Like Frank Foundation for their generous donation of a ballistic vest for K9 Odie.
7. Resolution honoring employee Kathryn McDevitt upon the occasion of her retirement after six years of service.
8. Review and acceptance of the Public Works Committee Regular Meeting Minutes dated May 13, 2015:
 - a. Award of Contract for 2015 Road Milling and Resurfacing Project.
 - b. Award of Contract for Furnishing Biodegradable Paper Leaf and Grass Collection Bags.
 - c. Approval of Change Order #2 from GoreCon, Inc., dated April 23, 2015, for John Russell Circle South Roadway Reconstruction Project in the amount of \$50,050.
 - d. Approval of Change Order #1 from Tri-State Grouting, dated May 8, 2015, for the Rock Creek Interceptor Project in the amount of \$5,820.
 - e. Wawa Preliminary /Final Land Development – Route 309 & Limekiln Pike, Plan No. 15-04 (see attached).

- f. Acceptance of offer submitted in response to Request for Proposals for the Sale of Real Estate on Old Soldiers Road, Cheltenham.
 - g. Renewal of three (3) year lease agreement with the tenant at Shovel Shop.
 - h. Authorization to advertise an Ordinance partially condemning two parcels (111 Ashmead Road and 7600 Tookany Creek Parkway) for required road right-of-way and temporary construction easements in connection with the Ashmead Road Bridge Project.
 - i. Adoption of a Resolution fixing the amount of each performance bond provided to the Township in connection with competitive bidding at 100% of the amount of the liability under the contract where the Board does not specifically provide otherwise.
9. Review and acceptance of the Parks and Recreation Committee regular Meeting Minutes dated May 13, 2015.
 - a. Authorization to extend lease agreement with School District for playground equipment at Cedarbrook Middle School through December 15, 2015.
 - b. Award of bid for transportation services for Parks and Recreation Summer Programs.
10. Review and acceptance of the Public Safety Regular Meeting Minutes dated May 6, 2015:
 - a. Adoption of an Ordinance amending Chapter 285 of the Township Code entitled, "Vehicles and Traffic."
11. Review and acceptance of the Public Affairs Committee Regular Meeting Minutes dated May 6, 2015:
 - a. Authorization to advertise an Ordinance executing the renewal of the Franchise Agreement with Comcast Cable Communications and granting a Non-Exclusive Franchise to Comcast Cable Communications Management to construct, reconstruct, operate, maintain and extend a cable communications system in the Township in accordance with the terms of said cable franchise agreement.
12. Review and acceptance of Building and Zoning Committee Meeting Minutes dated May 6, 2015.
 - a. Authorization to advertise an Ordinance to repeal the Age Restrict Overlay Zoning District (Article XXXIII) of the Zoning Code.
13. Review and acceptance of Pension Board Meeting Minutes dated May 1, 2015.
14. Old Business

15. New Business
 - a. Approval of Tentative Contract Agreement for Salaried Employees’ Association for 2014-2016
16. Citizens’ Forum.
17. Adjournment



Bryan T. Havir
Township Manager

**CHELTENHAM TOWNSHIP
BOARD OF COMMISSIONERS**

MONTGOMERY COUNTY, COMMONWEALTH OF PENNSYLVANIA

RESOLUTION NO. 2015-_____

GOOD PRO CHELTENHAM L.P.

PRELIMINARY / FINAL LAND DEVELOPMENT APPROVAL

WHEREAS, GOOD PRO CHELTENHAM L.P. ("Developer") is the equitable owner and developer of a certain tract of land consisting of 3.63± acres with frontage on Ogontz Avenue, Limekiln Pike, MacDonald Avenue and Clubhouse Lane in Cheltenham Township on which the Developer intends to develop a Wawa convenience food store with fuel dispensing facilities (the "Development") and Developer is also the equitable owner of the premises consisting of approximately 4.5 acres with frontage on Clubhouse Lane in Cheltenham Township, Montgomery County, Pennsylvania, labeled as Parcel 3B in the Plans referred to below; and

WHEREAS, the Development is more particularly shown on plans prepared by Bohler Engineering, Inc. being plans consisting of thirty-five (35) sheets dated February 9, 2015, last revised April 20, 2015 (the "Plans"); and

WHEREAS, Developer has previously obtained and supplied one (1) copy of a General Project Description & Stormwater Management Calculations prepare by Bohler Engineering, Inc. dated February 6, 2015, last revised April 20, 2015; and

WHEREAS, Developer has previously obtained and supplied one (1) copy of a General Project Description & Stormwater Management Calculations and Environmental Impact Statement for the Fairways at Cedarbrook Hills prepared by Bohler Engineering, Inc. dated December 11, 2003, last revised May 15, 2007; and

WHEREAS, Developer has previously obtained and supplied one (1) copy of a waiver request letter prepared by Bohler Engineering, Inc. dated April 20, 2015; and

WHEREAS, Developer has previously obtained and supplied one (1) copy of a Transportation Impact Study Review prepared by F. Tavani and Associates, Inc. dated April 19, 2015; and

WHEREAS, Developer has previously obtained and supplied one (1) copy of the light fixture specification sheets from Philips Lighting Company and Cree Lighting; and

WHEREAS, Developer has previously obtained and supplied one (1) copy of a Land Development Review comment response letter prepared by Bohler Engineering, Inc. dated April 20, 2015; and

WHEREAS, Developer has previously obtained and supplied or will obtain and supply to the Township all applicable permits from all authorities, agencies and districts having jurisdiction in any way over the Development and any necessary offsite easements to legally discharge stormwater or connect to utilities; and

WHEREAS, the Developer desires to obtain preliminary/final land development and subdivision approval of the Plans from Cheltenham Township in accordance with Section 508 of the Pennsylvania Municipalities Planning Code.

NOW, THEREFORE, BE IT RESOLVED that Cheltenham Township hereby grants preliminary/final approval of the land development and subdivision as shown on the Plans described herein subject, however, to the following conditions:

1. At this time, the Cheltenham Township Board of Commissioners waives strict compliance with the following provisions of the Cheltenham Township Subdivision and Land Development Ordinance:

a. the requirement per §260-8.A., that secondary streets must have a minimum 60 foot right-of-way width and a minimum pavement width of 36 feet. Limekiln Pike, which is considered a secondary street, has both a variable width right-of-way and variable width. The plan proposes widening of the Limekiln Pike cartway along the property frontage from a minimum width of approximately 24 feet to a minimum width of 34 feet.

b. the requirement per §260-15, that sidewalks shall be required on the side of every street is partially waived. Sidewalks shall not be required on MacDonald Avenue and Clubhouse Lane.

c. the requirement per §260-20.B.(2), that nothing shall be permitted to be placed, planted, set or put within the area of an easement and the area shall be kept as lawn. The plan proposes a stormwater easement along the east side of the property for the relocation of the existing storm sewer pipe. The Site Plan proposes sidewalk, curb, paving, shrubbery and an illuminated sign within the easement area.

d. the requirement per §260-32.D(2) and (5), that the location, names and widths of streets, including those shown on the Township plan of streets; the location and name of railroads; the location of property lines and names of owners; and the location of watercourses, sanitary sewers, storm drains and similar features as well as topography based on Cheltenham Township sanitary sewer data within four hundred (400) feet of the parcel are required to be shown. An aerial photograph has been included in the plan set to depict the existing features within 400 feet of the site.

e. the requirement per §280-9.A(1)(c), that in no event may grading be performed on a site which shall result in the removal of more than 50% of the vegetation on the site at any time.

2. Prior to the recording of the Plans, the Developer shall revise the Plans to resolve to the satisfaction of the Township Engineer all issues set forth in the review letters of Boucher & James, Inc., dated April 10, 2015 and May 6, 2015, the entire contents of which are incorporated herein by reference and are attached hereto as exhibits.

3. The width of the driveway connecting the Development to Limekiln Pike shall be as per Pennsylvania Department of Transportation's requirements.

4. The signage described in paragraph 2 of the Stipulation and Settlement Agreement dated March 6, 2015, by and among Wyngate Development Homeowners, Good Pro Cheltenham L.P., the Zoning Hearing Board of Cheltenham Township, and Cheltenham Township, as well as James A. Rosenstein, Esquire, attorney for Wyngate Development Homeowners, Peter S. Friedman, Esquire and Michael Yanoff, Esquire, attorneys for Good Pro Cheltenham, L.P., Carol M. Lauchmen, Esquire, solicitor to the Zoning Hearing Board of Cheltenham Township, and Joseph M. Bagley, Esquire, solicitor to Cheltenham Township, as is further depicted on the Plans, is hereby approved.

5. The Developer agrees to comply with the recommendations contained in the traffic engineering review letter prepared by F. Tavani and Associates dated April 19, 2015, to the satisfaction of the Township Engineer, the Township's Traffic Consultant, and the Board of Commissioners. The entire contents of the April 19, 2015 traffic engineering review letter is incorporated herein by reference and is attached as an exhibit.

6. Prior to recording the Plans, Developer shall enter into a Land Development and Financial Security Agreement with Cheltenham Township. The Agreement shall be satisfactory to the Township Solicitor and the Board of Commissioners and the Developer shall obligate itself to complete all of the public improvements shown on the Plans in accordance with

Township criteria and specifications as well as to secure the completion of the said public improvements by posting satisfactory financial security as required by the Pennsylvania Municipalities Planning Code.

7. Although the maintenance of all stormwater collection, detention and conveyance facilities shall be the responsibility of Developer, its successors and assigns, Developer shall, prior to the recording of the Plans, execute a declaration to reserve easements in favor of the Township so that the stormwater facilities may be maintained by the Township (with all expenses charged to the Developer) in the event that the maintenance responsibilities of the stormwater facilities are not fulfilled after reasonable notice to do so. The declaration shall be subject to the review and approval of the Township Solicitor and shall be recorded simultaneously with the Plans.

8. The Development shall be constructed in strict accordance with the content of the Plans, notes on the Plans and the terms and conditions of this Preliminary/Final Approval Resolution.

9. The cost of accomplishing, satisfying and meeting all of the terms and conditions and requirements of the Plans, notes to the Plans, this Preliminary/Final Approval Resolution, and the Land Development and Financial Security Agreement shall be borne entirely by the Developer and shall be at no cost to the Township.

10. Prior to issuance of a certificate of use and occupancy for the Development, Developer shall provide the Township with all required approvals from the Pennsylvania Department of Transportation.

11. Prior to recording of the Plans, Developer shall provide the Township with all required approvals from outside agencies having jurisdiction over the Development (except the Pennsylvania Department of Transportation, which is provided for in the preceding paragraph),

including, but not limited to the Pennsylvania Department of Environmental Protection, the Montgomery County Department of Assets and Infrastructure and the Montgomery County Conservation District.

12. The Township representative shall not sign the Mylar version of the Plans until he determines that the Plans comply with the Township Engineer's letters of April 10, 2015 and May 6, 2015.

13. Developer has agreed to install and maintain signage internal to the site directing motorists to the northern driveway of the Development for all Pennsylvania State Route 309 south movements and Developer shall modify the Plans accordingly.

14. Developer shall provide the Township Manager and the Township Engineer with at least seventy-two (72) hours notice prior to the initiation of any grading or ground clearing (whether for the construction of public improvements or in connection with individual buildings or additions) so that the Township may certify that all appropriate erosion and sedimentation control facilities have been properly installed and also that snow fencing or other types of boundary markers (acceptable to the Township) have been installed to protect such trees as are specifically proposed not to be eliminated during the construction of the Development.

15. Consistent with Section 509(b) of the Pennsylvania Municipalities Planning Code (as amended) the payment of all applicable fees and the funding of all escrows under the Land Development and Financial Security Agreement must be accomplished within ninety (90) days of the date of this Resolution unless a written extension is granted by Cheltenham Township. Until the applicable fees have been paid and the escrows fully funded, the final plat or record plan shall not be signed nor recorded. In the event that the fees have not been paid and the escrow has not been

funded within ninety (90) days of this Resolution (or any written extension thereof), this contingent approval shall expire and be deemed to have been revoked.

16. Under the provisions of the Pennsylvania Municipalities Planning Code, the Developer has the right to accept or reject conditions imposed by the Board of Commissioners upon preliminary/final approval. In the absence of an appeal or a notice of rejection filed in writing within thirty (30) days from the date of this Resolution, the conditions set forth herein shall be deemed to have been accepted by the Developer. If the Township receives written notice of an appeal or rejection of any of the conditions set forth herein within thirty (30) days from the date of this Resolution, this approval and the waivers granted in Paragraphs 1 and 2 (which waivers are granted contingent upon the acceptance of the conditions set forth herein) shall be deemed to be automatically rescinded and revoked and the application shall be considered denied based upon the failure to fully comply with all of the sections set forth in Paragraph 1, all as authorized by Section 508 of the Pennsylvania Municipalities Planning Code.

APPROVED at the public meeting of the Cheltenham Township Board of Commissioners held on May 20, 2015.

CHELTENHAM TOWNSHIP

By: _____
Harvey Portner, President
Board of Commissioners

Attest: _____
Bryan T. Havir, Manager/Secretary