

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, July 15, 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 June 17, 2015.
4. Acceptance of the Executive Summary Financial Report of the Manager/Secretary for the month of June, 2015.
5. Acceptance of the Accounts Paid Report for the month of June, 2015.
6. **PUBLIC HEARING**: To receive any and all comments regarding the adoption of an Ordinance amending the Township Zoning Code, Article XXXV entitled "Signs" specifically Section 295-197.b.(1) entitled "Industrial Districts" (G-Manufacturing and Industrial Districts) to modify certain off-premises advertising sign requirements in the G-Manufacturing and Industrial District and Section 295-197.e. entitled "Signs in the Commercial Enhancement Districts" to modify the Certificate of Appropriateness process for signs in the Commercial Enhancement Districts (see attached).
7. Consider adoption of an Ordinance amending the Township Zoning Code, Article XXXV entitled "Signs" specifically Section 295-197.b.(1) entitled "Industrial Districts" (G-Manufacturing and Industrial Districts) as stated in the above-referenced Item No. 6, Public Hearing (see attached).
8. Review of the Public Works Committee Regular Meeting Minutes dated July 8, 2015:
 - a. Adoption of a Resolution approving Cheltenham Township Preliminary/Final Land Development Plan Application #15-03 for Ashbourne Meadows (see attached).
 - b. Grant of a Request for Waiver from Land Development Plan Review by Montgomery County for a County Emergency Communications Tower on the Cheltenham Elementary School property.

- c. Approval of Change Order #3 from Cardno BCM for additional engineering and design services for permitting requirements for Interceptor A, Phases 2A, 2B, 3 and a Portion of 4.
 - d. Review of recent Zoning Hearing Board Decisions(s).
 - e. Approval of Change Orders #1 and 2 for Laurant Construction Co., Inc. at Rowland Community Center.
 - f. Adoption of an Ordinance authorizing the condemnation of permanent easements and temporary construction easements on, over, under and through certain parcels of land located at 111 Ashmead Road and 7600 Tookany Creek Parkway for the proposed bridge repair work.
9. Review of the Public Safety Committee Regular Meeting Minutes dated July 1, 2015:
 - a. Adoption of an Ordinance amending Chapter 285 of the Township Code, thereof, entitled "Vehicles and Traffic".
10. Review and acceptance of the Public Affairs Committee Regular Meeting Minutes dated July 1, 2015:
 - a. Award of a Professional Services Contract for Wayfinding Signage for the Elkins Park East Commercial District.
 - b. Authorize the Township Solicitor to draft a Stipulation and Settlement Agreement with AA Olympic Cheltenham LLC, owner of the Cheltenham Mall, to settle the tax appeal for the Mall.
11. Review and acceptance of the Building and Zoning Committee Regular Meeting Minutes dated July 1, 2015.
 - a. Authorize advertising of a Legal Notice, for two (2) weeks, to provide notification of the adoption of Ordinance No. 2303-15 known as Sections 295-240 through 295-244 of the Code repealing the Age-Restricted Overlay District in its entirety.
12. Review and acceptance of the Finance Committee Regular Meeting Minutes dated July 8, 2015.
 - a. Acceptance of the Final 2014 Annual Financial Report.

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13. Old Business.
14. New Business.
 - a. Appointment to a Citizens' Committee.
15. Citizens' Forum.
16. Adjournment.



Bryan T. Havir
Township Manager

**CHELTENHAM TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. - _____

AN ORDINANCE OF THE TOWNSHIP OF CHELTENHAM AMENDING ARTICLE XXXV OF THE ZONING ORDINANCE ENTITLED "SIGNS" SPECIFICALLY §295-197.B.(1) ENTITLED "INDUSTRIAL DISTRICTS" (G MANUFACTURING AND INDUSTRIAL DISTRICTS) TO MODIFY CERTAIN OFF-PREMISES ADVERTISING SIGN REQUIREMENTS IN THE G-MANUFACTURING AND INDUSTRIAL DISTRICT AND §295-197.E. ENTITLED "SIGNS IN THE COMMERCIAL ENHANCEMENT DISTRICTS" TO MODIFY THE CERTIFICATE OF APPROPRIATENESS PROCESS FOR SIGNS IN THE COMMERCIAL ENHANCEMENT DISTRICTS

NOW THEREFORE, the Board of Commissioners of Cheltenham Township does hereby **ENACT** and **ORDAIN** the following:

SECTION I – Amendment to the Code

Chapter 295 of the Codified Ordinances of the Township entitled "Zoning", Article XXXV entitled "Signs", Section 295-197B.(1) sign types, area, height, illumination and the number of signs is amended as follows, additions marked in bold and deletions crossed out:

(1) Sign types, area, height, illumination and the number of signs shall conform to the following:

<u>Sign Type</u>	<u>Maximum Sign Area</u>	<u>Maximum Sign Height</u>	<u>Illumination</u>	<u>Number of signs</u>
Monument	20 square feet	6 feet	Internal/external	One per property
Off-Premises Advertising Signs or Billboards	200 square feet	25 feet	Special-exception from-ZHB. External illumination only. Animated, flashing,	One per property; no more than two sign faces per off-premises

revolving, scrolling, rotating, oscillating, and LED signs are prohibited. Any external illumination of an off-premises advertising sign or billboard shall be shielded as necessary to direct light onto the sign without spillover on any side of the sign. advertising sign

Parallel Wall	10% of square footage of façade; 100 square feet maximum	Not to exceed eaves line or top of parapet wall	Internal/external	One per tenant space
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(1)(a) Each ~~free-standing billboard~~ off-premises advertising sign shall be located not less than 500 feet from any other ~~billboard~~ off-premises advertising sign and not less than 200 feet from a residential zoning district, nor shall it overhang any public right-of-way. An off-premises advertising sign shall not be located on a lot less than 10,000 square feet.

[All other portions of the table in Section 295-197B.(1) not amended above are hereby restated and ratified.]

SECTION II – Amendment to the Code

Chapter 295 of the Codified Ordinances of the Township entitled “Zoning”, Article XXXV entitled “Signs”, Section 295-197.E. issuance of Certificates of Appropriateness for signs in Commercial Enhancement Districts is amended as follows, additions marked in bold and deletions crossed out:

Signs in the Commercial Enhancement Districts. Any signage within the Commercial Enhancement Districts, as defined in the Cheltenham Township Commercial District Enhancement Plan, as approved and amended by the Board of Commissioners, shall require a **Certificate of Appropriateness (COA)** in addition to the above requirements. The COA is to be

issued by the ~~Building and Zoning Committee~~ Director of Planning and Zoning based on recommendations by the Township's Economic Development Task Force (EDTF). Signs must meet the design guidelines of the Commercial Enhancement Districts. No sign permit will be issued without first receiving the COA.

SECTION III – Severability

The provisions of this Ordinance are intended to be severable, and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION IV – Failure to Enforce Not a Waiver

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

SECTION V - Repealer

All other ordinances and resolutions or parts thereof insofar as they are inconsistent with this Ordinance are hereby repealed.

SECTION VI - Effective Date

This Ordinance shall take effect and be in force from and after its approval as permitted by law.

ORDAINED AND ENACTED into an Ordinance this 15th day of July, 2015.

CHELTENHAM TOWNSHIP

By: _____
Harvey Portner, President,
Board of Commissioners

Attest: _____
Bryan Havar, Township Manager/Secretary

**CHELTENHAM TOWNSHIP
BOARD OF COMMISSIONERS**

MONTGOMERY COUNTY, COMMONWEALTH OF PENNSYLVANIA

RESOLUTION NO. 2015-_____

ASHBOURNE MEADOWS

PRELIMINARY / FINAL LAND DEVELOPMENT APPROVAL

WHEREAS, ASHBOURNE MEADOWS ("Developer") is the equitable owner and developer of a certain tract of land consisting of 104.3± acres with frontage on Ashbourne Road and Jenkintown Road in Cheltenham Township on which the Developer intends to develop a 166-dwelling unit residential subdivision containing single family detached residences and townhouse units and certain open space (the "Development"); and

WHEREAS, the Development is more particularly shown on plans prepared by Taylor, Wiseman & Taylor, being plans consisting of sixty-nine (69) sheets dated January 12, 2015, last revised May 29, 2015 (the "Plans"); and

WHEREAS, Developer has previously obtained and supplied one (1) copy of a Post-Construction Stormwater Management Report prepared by Taylor, Wiseman & Taylor dated January 9, 2015, last revised April 17, 2015; and

WHEREAS, Developer has previously obtained and supplied one (1) copy of a waiver request letter prepared by Taylor, Wiseman & Taylor dated June 1, 2015; and

WHEREAS, Developer has previously obtained and supplied one (1) copy of an Ashbourne Country Club Bridge Assessment Report prepared by Harrison-Hamnett, P.C. Consulting Structural Engineers dated September 12, 2012; and

WHEREAS, Developer has previously obtained and supplied one (1) copy of a Grant of Sanitary Sewer Easement and Temporary Construction Easement to Cheltenham Township from the Montgomery County Recorder of Deeds recorded; and

WHEREAS, Developer has previously obtained and supplied one (1) copy of a Land Development Review response letter prepared by Taylor, Wiseman & Taylor dated April 28, 2015.

NOW, THEREFORE, BE IT RESOLVED that Cheltenham Township hereby grants preliminary/final approval of the land development 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 (“SALDO”):

a. the requirement per §260-8.A., that residential streets must have a minimum 50 foot right-of-way width and a minimum pavement width of 32 feet and secondary streets must have a minimum 60 foot right-of-way width and a minimum pavement width of 36 feet. The Plans propose a width of 32 feet for residential Roads “A” through “D”, and a pavement width of Road “E” of only 28 feet. The Plans indicate Ashbourne Road as having an existing right-of-way of 41.5 feet and a cartway of approximately 32 feet (instead of a cartway of 36 feet and a right-of-way of 60 feet). The Plans indicate Jenkintown Road has an existing right-of-way of 41.5 feet and a cartway of approximately 25 feet (instead of a cartway of 32 feet and a right-of-way of 50 feet).

b. the requirement per §260-8.B., that the minimum paving width of a cul-de-sac shall be thirty (30) feet. The Plans propose a paving width of twenty-nine (29) feet for the cul-de-sac at the end of Road "A".

c. the requirement per §260-9.B., that the curb line shall be rounded by a tangential arc having a minimum radius of thirty (30) feet, wherever practical. The Plans specify curb radii of twenty-five (25) feet at the internal roadway intersections.

d. the requirement per §260-10.B., that horizontal curves, wherever practicable, shall have a minimum radius on the center line of one hundred fifty (150) feet on residential streets. The Plans propose horizontal curves of ninety (90) feet.

e. the requirement per §260-11, that there shall be no roadway grades in excess of six percent (6%) nor less than one percent (1%) except by approval of the Board of Commissioners, and that at intersections, wherever practical, grades shall not exceed three percent (3%) for at least fifty (50) feet measured from the near side of the intersected street. The Plans provide for a roadway slope of six percent (6%) within fifty (50) feet of an intersection.

f. the requirement per §260-27.B., for concrete curb along the roadways. The Plans provide for Belgium block curb along the roadways within the Development.

g. the requirement per §260-27.C., that curbs and paving shall be constructed for the full length of all streets as may be judged necessary by the Board of Commissioners. A portion of the Property fronting on Tookany Creek Parkway and Jenkintown Road is not proposed to have curb.

h. the requirement per §260-30.D., for a noise study in the environmental impact study and from the requirement of §260-30.G(3) regarding the requirement of a report from a qualified real estate appraiser.

i. 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's sanitary sewer data within four hundred (400) feet of the parcel are to be shown on the Plans. An aerial photograph has been included in the Plans to depict the existing features within four hundred (400) feet of the site.

2. The request by the Developer for a waiver of the requirement for sidewalks on each side of every street of the Development, per SALDO §260-15, is partially granted. Sidewalks on both sides of the streets shall be required for all internal streets except where houses are located on only one side of the street, specifically a portion of Road "D" and a portion of Road "E". Along Ashbourne Road, a five-foot wide paved asphalt pathway shall be permitted in lieu of a concrete sidewalk. The Developer has agreed to place terms in the homeowners' association documents, which are acceptable to the Township Solicitor, requiring the homeowners' association to maintain the paved pathway and remove snow and ice from the paved pathway in accordance with Township regulations. The Developer has also agreed as conditions of the partial grant of this waiver (1) to modify the Plans, to the approval of the Township Engineer, to relocate the paved pathway closer to the median range between 5 feet distance and 15 feet distance from Ashbourne Road and (2) to not have any signs indicating that

the paved pathway is private or in any way other than open to the public. The waiver of sidewalks along Tookany Creek Parkway and Jenkintown Road is also granted.

3. 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 letter of Boucher & James, Inc., dated June 19, 2015, the entire contents of which are incorporated herein by reference and which is attached as an exhibit.

4. The Developer agrees to comply with the recommendations contained in the traffic engineering review letter prepared by F. Tavani and Associates ("Township's Traffic Consultant") 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.

5. The Developer agrees to comply with the recommendations set forth by the Cheltenham Township Planning Commission as referenced in the Minutes of the Commission's May 28, 2015 Meeting, except with regard to additional trail connections.

6. The Developer agrees to comply with the recommendations set forth by the Cheltenham Township Shade Tree Advisory Commission as referenced in the Minutes of the Commission's May 28, 2015 Meeting.

7. 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.

8. 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.

9. 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.

10. 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.

11. Prior to recording the Plans, Developer shall provide the Township with all required approvals from outside agencies having jurisdiction over the Development, including, but not limited to, approval from the Pennsylvania Department of Transportation, the Pennsylvania Department of Environmental Protection, and the Montgomery County Department of Assets and Infrastructure.

12. 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.

13. 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.

14. 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 July 15, 2015.

CHELtenham TOWNSHIP

By: _____
Harvey Portner, President
Board of Commissioners

Attest: _____
Bryan T. Havar, Manager/Secretary