

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, November 16, 2016

Curtis Hall

7:30 p.m.

1. Pledge of Allegiance
2. Roll Call
3. Approval of the Board of Commissioners' Regular Meeting Minutes dated October 19, 2016 and the Special Meeting Minutes dated November 2, 2016.
4. Acceptance of the Executive Summary Financial Report of the Manager/Secretary for the month of October 2016.
5. Acceptance of the Accounts Paid Report for the month of October 2016.
6. Presentation of a Resolution honoring Aldo Sborlini, Jr. of the Public Works Department on the occasion of achieving 20 years of service with Cheltenham Township.
7. Swearing-in of Officer David Schuettler as a new Cheltenham Township Police Officer by Magisterial District Judge Christopher J. Cerski.
8. In absentia, a presentation of a Resolution honoring Craig Littlepage, former Cheltenham High School athletic stand out and University of Virginia Athletic Director, recognizing his receipt of a Lifetime Achievement Award from the Montgomery County Coaches Hall of Fame.
9. Review and acceptance of the Public Works Committee Regular Meeting Minutes dated November 2, 2016:
 - a. Approval of a Certificate of Appropriateness for Application L16-175 of the Rite Aid Corp., to install lettering on existing awning signs and new acrylic inserts for an existing freestanding sign at 1401 West Cheltenham Avenue, La Mott.
 - b. Approval of a Certificate of Appropriateness for Application L-16-176 of Mr. David Keefrider, to construct a Dunkin Donuts and associated signage at 1403 West Cheltenham Avenue, La Mott.
 - c. Adoption of a Resolution granting conditional approval of CTDA 15-02 for the amended site plan of Cheltenham Partners, Inc. at 1347 Cheltenham Avenue (see attached).

AGENDA – BOARD OF COMMISSIONERS’ MEETING

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- d. Adoption of a Resolution granting conditional approval of CTDA 14-0514-04 for the amended site plan of Arcadia University at 450 South Easton Road (Kaname Tract) (see attached).
 - e. Adoption of a Resolution granting conditional approval of CTDA 16-04 for the amended site plan of EP Rec Partners, LLC at 46 East Church Road (see attached).
 - f. Award of a contract to Pipe Services Corporation in the amount of \$575,654.00 for the Cheltenham Village CCTV Video Inspection and Repairs Project.
 - g. Award of a contract to Tri-State Grouting in the amount of \$1,310,225.00 for the Glenside CCTV Video Inspection and Repairs Project.
 - h. Approval of a Resolution to authorize the advertisement of a Public Hearing to consider and possibly adopt an amendment to the Cheltenham Township Zoning Ordinance revising the permit procedure in historic districts at the regularly-scheduled meeting of the Board of Commissioners on December 21, 2016 (see attached).
10. Review and acceptance of Building and Zoning Committee Regular Meeting Minutes dated November 2, 2016.
 - a. Adoption of a Resolution authorizing a three-year renewal of the Township’s Planning Assistance contract with the Montgomery County Planning Commission for 2017-2019 (see attached).
 11. Review and acceptance of the Public Safety Committee Regular Meeting Minutes dated November 9, 2016.
 - a. Authorization to advertise the Board of Commissioners’ intent to consider and possibly adopt an Ordinance amending Chapter 285, Vehicles and Traffic, at its regularly-scheduled meeting on December 21, 2016.
 12. Review and acceptance of the Public Affairs Committee Regular Meeting Minutes dated November 9, 2016.
 - a. Authorization for the Township Solicitor to seek an injunction to remedy the property maintenance violations on a property located on Limekiln Pike.
 13. Review and acceptance of the Finance Committee Regular Meeting Minutes dated November 9, 2016.
 - a. Adoption of the 2017 Preliminary Operating and Capital Budgets.
 - b. Authorization to advertise a Public Hearing to consider the adoption of the 2017 Final Operating and Capital Budgets for at the regularly-scheduled meeting of the Board of Commissioners on December 21, 2016.
 - c. Approval of an amendment to the Township’s Municipalities Continuing Disclosure Cooperation (MCDC) administrative policy and to file a short notice on the Electronic Municipal Market Access (EMMA) notifying all bondholders that this change has been made.
 - d. Award of a professional services contract to Public Financial Management, Inc. (PFM) in an amount not to exceed \$10,000 to serve as a Sewer System Financial Advisor during the Phase I sewer system evaluation and asset valuation.

AGENDA – BOARD OF COMMISSIONERS’ MEETING
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14. Review and acceptance of the Pension Board Regular Meeting Minutes dated November 4, 2016.
15. Old Business
16. New Business
17. Citizens’ Forum
18. Adjournment



Bryan T. Havir
Township Manager

**CHELTENHAM TOWNSHIP
BOARD OF COMMISSIONERS**

RESOLUTION NO. ____-16

1347 CHELTENHAM AVENUE DEVELOPMENT
PRELIMINARY / FINAL LAND DEVELOPMENT APPROVAL

WHEREAS, CHELTENHAM PARTNERS, INC. ("Developer") is the owner and developer of a certain tract of land known as 1347 Cheltenham Avenue in Cheltenham Township on which the Developer intends to develop an addition to an existing building, totaling approximately 2500 square feet for restaurant and banquet facilities, in the Township's C-4 Commercial District including the redevelopment and restriping of existing parking on two (2) adjacent lots, the addition of new parking and stormwater management facilities on one (1) adjacent lot, the construction of a retaining wall and installation of stormwater management (the "Development"); and

WHEREAS, the Development is more particularly shown on plans prepared by Mainstay Engineering Group, Inc. dated January 20, 2015, last revised September 23, 2016 (the "Plans"); and

WHEREAS, Developer requested a time extension prepared by Mainstay Engineering Group, Inc. dated September 1, 2016; and

WHEREAS, Mainstay Engineering Group, Inc. issued a response dated September 23, 2016 to the Township Engineer review letter; and

WHEREAS, Developer has previously obtained and supplied a Cross-Easement Agreement between 1347 Cheltenham Avenue and 1355 Cheltenham Avenue; a Cross-Easement Agreement between 1347 Cheltenham Avenue and 1349 Cheltenham Avenue; a Cross-Easement Agreement between 1347 Cheltenham Avenue and 1344 Willow Avenue; a Cross-Easement Agreement between 1347 Cheltenham Avenue and 1330 Willow Avenue; and a Cross-Access Agreement between 1347 Cheltenham Avenue and 1330 Willow Avenue.

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:
 - 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. The Plans indicate the right-of-way and cartway width for Willow Avenue are 50 feet and 28 feet, respectively;

b. the requirement per §260-15 of the installation of sidewalks on each side of every street of the Development.

c. the requirement per §260-25.B., that the minimum size of stormwater drainage pipes shall be 15 inches;

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

e. 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;

f. the requirement per §260-33.B(2) that the Plans be drawn on linen tracing cloth and the requirement per §260-33.B(4) that the Plans must be printed on linen cloth only;

g. the requirement per §260-34.E(3) that vertical profiles of proposed stormwater sewer must be included in the Plans; and

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 letter of Boucher & James, Inc., dated October 24, 2016, the entire contents of which are incorporated herein by reference and which is attached hereto as an exhibit.

3. The Developer agrees to execute an Operations and Maintenance Agreement ("O&M Agreement") with the Township covering all stormwater facilities and BMPs that are to be privately owned. The O&M Agreement shall be drafted to the satisfaction of the Township Solicitor.

4. The Developer shall receive approval of a Planning Module Application for the increase in sewage flows from the proposed restaurant and banquet facility approved by the Commonwealth Department of Environment Protection.

5. The Cross-Easements and Cross-Access Agreements must be fully executed and recorded in the Office of the Recorder of Deeds of Montgomery County.

6. The Boundary and Topographic Survey Plan notes a driveway easement between 1347 Cheltenham Avenue and 1349 Cheltenham Avenue terminating at the property line for 1330 Willow Avenue. The driveway easement must be revised to reflect the proposed new parking lot layout.

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 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, as applicable.

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 filed within thirty (30) days from the date of this Resolution, this approval and the waivers granted in Paragraph 1 (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.

ADOPTED and **APPROVED** by the Cheltenham Township Board of Commissioners at its public meeting held on November 16, 2016.

ATTEST:

**TOWNSHIP OF CHELTENHAM
BOARD OF COMMISSIONERS**

Bryan T. Havir
Township Manager and Secretary

By: _____
Morton J. Simon, Jr., President



Boucher & James, Inc.
CONSULTING ENGINEERS

Secretary of the Board of Planning
1350-10th, West Chester, PA 19380
610-319-5407
www.bjengineers.com

2733 Bristol Lane
Sellersburg, PA 17329
610-696-0100
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355 Main Street, Suite 230
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610-319-5407
Fax 610-319-9400
www.bjengineers.com

AN EMPLOYEE OWNED COMPANY

INNOVATIVE ENGINEERING

October 14, 2016

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OCT 18 2016

CHELTENHAM TOWNSHIP

Mr. Henry Sekawungu, Director of Planning and Zoning
Cheltenham Township
8230 Old York Road
Elkins Park, Pennsylvania 19027

**SUBJECT: PRELIMINARY/FINAL PLAN REVIEW NO. 3
1347 CHELTENHAM AVENUE DEVELOPMENT
CHELTENHAM TOWNSHIP, MONTGOMERY COUNTY, PA
PROJECT NO. 14-82-046R**

Dear Henry:

Pursuant to your request, we have completed our third review of the Land Development Plans submitted for the above referenced project. The submitted information consists of a 21-sheet Land Development plan set dated January 20, 2015, last revised September 23, 2016, prepared by Mainstay Engineering Group, Inc.; a Response from the Applicant's Attorney dated September 19, 2016; and a request for time extension dated September 1, 2016 and a Response to the Township Engineer Review Letter, dated September 23, 2016, both prepared by Mainstay Engineering Group, Inc.

Based on our review of the information and our previous review letter dated July 11, 2016, we offer the following comments for your consideration.

ZONING ORDINANCE COMMENTS

1. Per §295-132, a green area shall be required and maintained. This area shall be not less than two and one-half per centum (2 1/2%) for a lot area of not more than 8,000 square feet. For each additional 1,000 square feet of lot area, there shall be an additional one and one-half per centum (1 1/2%) of green area provided up to 15,000 square feet; thereafter, the green area shall include not less than 13% of the lot area. Based on a lot area of 30,548 square feet for 1347 Cheltenham Avenue, a green area of 3,971 square feet is required. Based on an approximate lot area of 21,985 square feet for 1349 Cheltenham Avenue, a green area of 2,858 square feet is required. (Comment 1 of our previous review letter) The existing non-conformity will remain unchanged or be reduced. No action required.
2. Per §295-133, there shall be maintained a buffer area, except where a public right-of-way intervenes, the depth of which shall be at least eight feet measured from the district boundary line on a lot area of not more than 8,000 square feet. For each additional 1,000 square feet of lot area, there shall be an additional foot of depth of buffer area up to 15,000

square feet; thereafter, for each additional 1,000 square feet of lot area, there shall be one-half (1/2) foot of depth of buffer area required. Based on a lot area of 30,548 square feet for 1347 Cheltenham Avenue, a buffer area of 23 feet from the district boundary line is required for 1347 Cheltenham Avenue. In addition, based on an approximate lot area of 21,985 square feet for 1349 Cheltenham Avenue, a buffer area of 18.5 feet from the district boundary line is required for 1349 Cheltenham Avenue. No buffer is currently existing for either parcel. This is an existing nonconformity which will not be changed by the proposed project. (Comment 2 from our previous review letter) No action required.

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE COMMENTS

3. Per §260-8.A., residential streets must have a minimum 50 foot right-of-way width and a minimum pavement width of 32 feet. The right-of-way and cartway width for Willow Avenue dimensioned are 50 feet and 28 feet, respectively. The applicant has requested a waiver from providing the required widening. (Comment 4 from our previous review letter)
4. Per §260-25.B., the minimum size of stormwater drainage pipes shall be 15 inches. The applicant has requested a waiver from this requirement. (Comment 5 from our previous review letter) *4 inch pipe*
5. A professional engineer licensed in the Commonwealth of Pennsylvania shall provide an environmental impact study for the proposed improvements in accordance with §260-30. The applicant has requested a waiver from the noise analysis (§260-30.D) and real estate appraisal (§260-30.G(3)). (Comment 6 from our previous review letter)
6. Per §260-32.G(3), the Environmental Impact Study shall include a real estate appraisal analysis. The applicant has requested a waiver from this requirement. (Comment 7 from our previous review letter)
7. Per §260-32.D(2) and (5), 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. The applicant is requesting a waiver from §260-32.D(2) and (5). (From Comment 8 from our previous review letter)
8. Per §260-33.B(2), the plan shall be drawn on linen tracing cloth, in ink. The applicant has requested a waiver from these requirements. (Comment 9 from our previous review letter)
9. Per §260-33.B(4), plans must be printed on linen cloth only. The applicant has requested a waiver from these requirements. (Comment 10 from our previous review letter)

Mr. Henry Sekawungu
1347 Cheltenham Avenue Development
October 14, 2016
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10. Per §260-34.E(3), vertical profiles of the proposed storm sewer are required in accordance with §260-34.E(3). The applicant has requested a waiver from this requirement. (Comment 11 from our previous review letter)

STORMWATER MANAGEMENT COMMENTS

11. Per §290-33, the owner shall sign an O&M agreement with the municipality covering all stormwater facilities and BMPs that are to be privately owned. (Comment 14 from our previous review letter) The Applicant has acknowledged this comment.

ADDITIONAL COMMENTS

12. Copies of approval/permits from all agencies having jurisdiction on any aspect of the project, including the Montgomery County Planning Commission's Land Development Plan Review must be submitted to the Township. The Applicant has indicated the requested approvals/permits will be submitted. (Comment 15 from our previous review letter)
13. A planning module application for the increase in sewage flows from the proposed banquet and restaurant must be approved by DEP. (Comment 16 from our previous review letter) The Applicant has indicated the Planning Module Application is under review.
14. The Land Development Plan lists the times and number of off-street parking spaces available for the operation of the proposed banquet facility. A shared parking agreement, detailing the times and available parking spaces permitted by the Zoning Variance granted on February 11, 2013 must be submitted for review. (Comment 17 from our previous review letter) The Applicant indicates the agreement has been submitted for review. We recommend the Solicitor's office review these documents.
15. The Boundary and Topographic Survey Plan notes a driveway easement between 1347 and 1349 Cheltenham Avenue, terminating at the property line for 1330 Willow Avenue. The Land Development Plan shows this driveway easement crossing proposed parking spaces and going through the proposed building addition at 1347 Cheltenham Avenue. The driveway easement must either be revised to reflect the proposed parking lot layout or the easement must be terminated. (Comment 18 from our previous review letter) The Applicant indicates the agreement has been submitted for review. We recommend the Solicitor's office review these documents.
16. The Site Plan shows a section of 34 parking spaces on 1349 Cheltenham Avenue; however, 16 of these parking spaces cannot be accessed from 1349 Cheltenham Avenue without entering or exiting through the driveway for the adjacent parcel to the northwest (N/F Y&P Development, Inc.) which is not one of the shared parking users. An access agreement, signed by the adjacent property owner must be provided in order to use the northwestern row of parking spaces on 1349 Cheltenham Avenue with access from the adjacent driveway. (Comment 19 from our previous review letter) The Applicant indicates the

Mr. Henry Sekawungu
1347 Cheltenham Avenue Development
October 14, 2016
Page 4 of 4

agreement has been submitted for review. We recommend the Solicitor's office review these documents.

PLAN REVISION COMMENTS

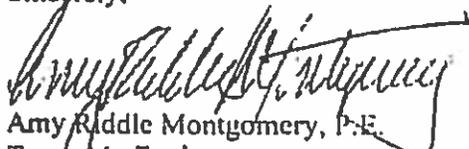
17. The pipe slopes shown on Sheet 7 do not match those in Appendix D of the Stormwater Management Narrative, the Pipe Capacity Check. The Narrative and plans shall be revised for consistency of pipe sizes, slopes, and lengths. (Comment 26 from our previous review letter) Calculations must also be provided for storm sewer inlet I-14 to and from ST-A and ST-B, and inlet I-26 to existing inlet I-36. Additionally, a calculation for inlet I-21 to ST-A is provided, however this storm sewer is not labeled on the plan.
18. Sheet C-2 is missing from the plan set and must be provided. It appears the Land Development Plan has been re-labeled as Sheet C-3.
19. "Preliminary" shall be removed from the Plans.

We recommend the above comments be addressed to the satisfaction of Cheltenham Township prior to approval of this Land Development project.

In order to facilitate an efficient re-review of revised plans, the Design Engineer should provide a letter, addressing item by item, their action in response to each of our comments.

Please contact me if you have any additional questions or concerns.

Sincerely,


Amy Riddle Montgomery, P.E.
Township Engineer

ARM/mep/cg

cc: Bryan T. Havir – Township Manager
David Ahn – Cheltenham Partners, Inc. (Applicant)
Harold Litchman, AIA, PP – GLP Architects, PC
Brian Olszak – Montgomery County Planning Commission
David F. Citro, P.E. – Mainstay Engineering Group, Inc.

**CHELTENHAM TOWNSHIP
BOARD OF COMMISSIONERS**

RESOLUTION NO. ____ -16

**ARCADIA UNIVERSITY GROUNDS BUILDING LAND DEVELOPMENT
PRELIMINARY / FINAL LAND DEVELOPMENT APPROVAL**

WHEREAS, ARCADIA UNIVERSITY ("Developer") is the legal owner and developer of a certain tract of ground located at the intersection of Church Road and S. Easton Road (450 S. Easton Road) in the R-1 Residential Zoning District consisting of multiple existing education buildings and associated driveways, sidewalks and parking; and

WHEREAS, a previous land development plan for the Grounds Building and Kaname Parcel was approved in January 2015, and plans have been submitted as a modification to the previously-approved land development plan whereby the proposed Grounds Building and associated parking area has been reduced in size and the driveway and stormwater management subsequently revised, as more particularly shown on plans prepared by Gilmore & Associates, Inc. dated June 27, 2014, last revised September 28, 2016 (Sheets 1-23) (the "Plans"); and

WHEREAS, Gilmore & Associates, Inc. has issued a response dated September 28, 2016 to the Township Engineer review letter; and

WHEREAS, Developer has supplied a Post-Construction Stormwater Management Report dated June 14, 2016, last revised September 28, 2016; and

WHEREAS, Developer has supplied an Erosion and Sediment Control Report dated June 27, 2016, last revised September 28, 2016; and

WHEREAS, Developer has Supplied Drainage Area Plans dated June 27, 2014, last revised September 28, 2016; 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 off-site easements to legally discharge stormwater or connect to utilities; and

WHEREAS, Developer desires to obtain preliminary/final land development 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 as shown on the Plans described herein subject, however, to the following conditions:

1. 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 October 25, 2016, the entire contents of which are incorporated herein by reference and which is attached hereto as an exhibit.

2. The Developer agrees to execute an Operations and Maintenance Agreement (“O&M Agreement”) with the Township covering all stormwater facilities and BMPs that are to be privately owned. The O&M Agreement shall be drafted to the satisfaction of the Township Solicitor.

3. The Developer shall receive approval of a Planning Module Application for the increase in sewage flows from the proposed restaurant and banquet facility approved by the Commonwealth Department of Environment Protection.

4. 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 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.

5. 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.

6. 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.

7. 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.

8. 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, as applicable.

9. 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.

10. 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.

11. 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 filed within thirty (30) days from the date of this Resolution, this approval and the waivers granted in Paragraph 1 (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.

ADOPTED and APPROVED by the Cheltenham Township Board of Commissioners at its public meeting held on November 16, 2016.

ATTEST:

**TOWNSHIP OF CHELTENHAM
BOARD OF COMMISSIONERS**

Bryan T. Havir
Township Manager and Secretary

By: _____
Morton J. Simon, Jr., President

Mr. Henry Sekawungu
Arcadia Grounds Building Phase I Land Development Review No. 3
October 25, 2016
Page 2 of 2

3. Per §290-33, the owner shall sign an O&M agreement with the municipality covering all stormwater facilities and BMPs that are to be privately owned. (Comment 4 of our previous letter) The Applicant has acknowledged this comment.

ADDITIONAL COMMENTS

4. The erosion and sedimentation controls for the stream restoration have been revised. The required approvals for the revised plans must be provided upon receipt. (Comment 7 of our previous letter) The Applicant has acknowledged this comment.
5. Copies of approvals/permits from all agencies having jurisdiction on any aspect of the project must be submitted to the Township including, but not limited to, the following:
 - a. Montgomery County Conservation District – Revised Erosion and Sedimentation Control Plan Approval
 - b. Pennsylvania Department of Environmental Protection – Revised NPDES Permit(Comment 9 of our previous letter) The Applicant has acknowledged this comment.

We recommend the above comments be addressed to the satisfaction of Cheltenham Township prior to approval of this Land Development project.

Please contact me if you have any additional questions or concerns.

Sincerely,



Amy Riddle Montgomery, P.E.
Township Engineer

ARM/jad/cg

cc: Bryan T. Havir – Township Manager
Thomas Macchi, Arcadia University – Applicant
Harold Litchman, AIA, PP – GLP Architects, PC
Brian Olszak – Montgomery County Planning Commission
Tom Hanna, P.E. – Gilmore & Associates

**CHELTENHAM TOWNSHIP
BOARD OF COMMISSIONERS**

RESOLUTION NO. ____ -16

**46 E. CHURCH ROAD LAND DEVELOPMENT
PRELIMINARY / FINAL LAND DEVELOPMENT APPROVAL**

WHEREAS, EP REC PARTNERS, LLC ("Developer") is the equitable owner and developer of a certain tract of land consisting of an approximately 6.5 acre site which the Developer proposes to redevelop from a former tennis facility into an indoor/outdoor soccer facility with additional parking as the result of the elimination of an existing dome and swimming pool (the "Development"); and

WHEREAS, the Development is more particularly shown on plans prepared by ProTract Engineering, Inc. dated July 18, 2016, last revised October 19, 2016 (9 sheets) (the "Plans"); and

WHEREAS, Protract Engineering, Inc. issued a response letter dated October 21, 2016 to the Township Engineer review letter.

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:

a. the requirement per §260-8 that a secondary street is required to have a cartway of 36 feet. The Plans indicate that Church Road varies from 27.1 to 33.9 feet while Jenkintown Road varies from 15.8 to 19.1 feet in width;

b. the requirement per §260-15 that sidewalks be required on each side of every street and on the side of every street on which the subdivision abuts unless otherwise determined by the Board of Commissioners;

c. 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 water courses, sanitary sewers, storm drains and similar features as well as topography based on Cheltenham Township's sanitary sewer data within 400 feet of the parcel are to be shown on the Plan. An aerial photograph has been included in the Plans to depict the existing features within 400 feet of the site; and

d. the requirement per §290-20 and -21 that calculations of recharge volume and water quality volume be provided; and

e. the requirement per §290-22.A.(1) to allow the use of the Rational Method, rather than the SCS Method for detention basin design.

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 letter of Boucher & James, Inc., dated October 24, 2016, the entire contents of which are incorporated herein by reference and which is attached as an exhibit.

3. The Developer agrees to execute an Operations and Maintenance Agreement (“O&M Agreement”) with the Township covering all stormwater facilities and BMPs that are to be privately owned. The O&M Agreement shall be drafted to the satisfaction of the Township Solicitor.

4. The Developer has volunteered to contribute Seven Thousand Five Hundred Dollars (\$7500.00) to the Township, in three equal, monthly installments commencing the month that a final use and occupancy permit is issued.

5. The Developer shall receive approval of a Planning Module Application for any increase in sewage flows from the proposed facility approved by the Commonwealth Department of Environment Protection.

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 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 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, as applicable.

11. 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.

12. 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 one hundred and twenty (120) 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.

13. 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 filed within thirty (30) days from the date of this Resolution, this approval and the waivers granted in Paragraph 1 (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.

ADOPTED and APPROVED by the Cheltenham Township Board of Commissioners at its public meeting held on November 16, 2016.

ATTEST:

**TOWNSHIP OF CHELTENHAM
BOARD OF COMMISSIONERS**

Bryan T. Havir
Township Manager and Secretary

By: _____
Morton J. Simon, Jr., President

**TOWNSHIP OF CHELTENHAM
MONTGOMERY COUNTY, PENNSYLVANIA**

RESOLUTION NO. _____

AN ORDINANCE AMENDING CHAPTER 295 (ZONING), ARTICLE XX (HD HISTORICAL DISTRICT), OF THE CODE OF CHELTENHAM TOWNSHIP, §295-151: PERMIT PROCEDURE FOR BOARDS OF HISTORICAL ARCHITECTURAL REVIEW, TO REPLACE REVIEW AND APPROVAL BY THE BOARD OF COMMISSIONERS OF AN APPLICATION FOR A PERMIT FOR THE ERECTION, RECONSTRUCTION, ALTERATION, RESTORATION, DEMOLITION OR RAZING OF A BUILDING OR BUILDINGS IN A HISTORICAL DISTRICT OF THE TOWNSHIP WITH REVIEW AND APPROVAL BY THE PUBLIC WORKS COMMITTEE, A COMMITTEE OF THE WHOLE.

WHEREAS, the Township of Cheltenham, Montgomery County, Pennsylvania desires to amend Chapter 295 (Zoning), Article XX (HD Historical District) of the Code of Cheltenham Township, §295-151: Permit procedure for Boards of Historic Architectural Review, to replace review and approval by the Board of Commissioners of an application for the erection, reconstruction, alteration, restoration, demolition, or razing of a building or buildings in a historical district of the Township with review and approval by the Public Works Committee, a committee of the whole; and

WHEREAS, the Pennsylvania Municipalities Planning Code (MPC) requires municipalities to hold a public hearing in accordance with public notice prior to the consideration and adoption of an amendment to the Township's Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Cheltenham, Montgomery County, Commonwealth of Pennsylvania that the Township Administration is authorized to advertise a public hearing for Wednesday, December 21, 2016, at 7:30 p.m. (prevailing time) at Curtis Hall, 1250 West Church Road, Wyncote, Pennsylvania, 19095 to consider and possibly vote to adopt an ordinance amending Chapter 295 (Zoning), Article XX (HD Historical District) of the Code of Cheltenham Township, §295-151: Permit procedure for Boards of Historic Architectural Review, to replace review and approval by the Board of Commissioners of an application for the erection, reconstruction, alteration, restoration, demolition, or razing of a building or buildings in a historical district of the Township with review and approval by the Public Works Committee, a committee of the whole.

BE IT FURTHER RESOLVED that the advertisement shall appear in the *Times Chronicle* on Sunday, November 27, 2016, and Sunday, December 4, 2016.

I HEREBY CERTIFY that the foregoing Resolution was adopted by the Board of Commissioners of the Township of Cheltenham, County of Montgomery, Commonwealth of Pennsylvania, at its public meeting held at Curtis Hall, 1250 West Church Road, Wyncote, Pennsylvania, 19095, under my hand and the Seal of the Township of Cheltenham, this sixteenth day of November, A.D., 2016, in the year of the Township of Cheltenham the one hundred seventeenth.

Resolved and adopted this 16th day of November, A.D., 2016.

ATTEST:

**TOWNSHIP OF CHELTENHAM
BOARD OF COMMISSIONERS**

Bryan T. Havir
Township Manager and Secretary

By: _____
Morton J. Simon, Jr., President