

May 5, 2009  
Township Building

A regular meeting of the **BUILDING AND ZONING COMMITTEE** was held tonight, Chairman Morton J. Simon, Jr. presiding. Members present were Commissioners McKeown, Muldawer, Portner, Sharkey and Swavola. Also present was Ex-Officio Member Greenwald. Staff present were Joseph Bagley, Esq., Wisler, Pearlstine, LLP; Bryan T. Havir, Assistant Township Manager; David M. Lynch, Township Engineer; Ruth Littner Shaw, Main Street Manager; and David G. Kraynik, Township Manager. A Public Attendance List is attached.

Mr. Simon called the meeting to order.

1. The Committee reviewed the Zoning Hearing Board agenda for May 11, 2009 as follows:

APPEAL NO. 3303: (Continued) – Appeal of York Road Realty Co., L.P. for the following Zoning Relief at the following locations:

- A. Premises owned by York Road Realty Co., L.P. known as 8116 Old York Road, Elkins Park, PA (a/k/a 8116 Church Road, or “The Old York Road Skating Rink” or Cheltenham Township Real Estate Registry Parcel (“CTRERP”) Block 174, Unit 054) (hereinafter referred to as “Rink Lot”);
- B. Premises owned by the Philadelphia Electric Company known as landlocked lot adjoining 8116 Old York Road (a/k/a CTRERP Block 174 Unit 056) (hereinafter referred to as “PECO Lot”); and
- C. Premises owned by the Township of Cheltenham known as (“Wall Park”) a/k/a CTRERP Block 174, Units 001 and 002 (hereinafter referred to as “Wall Park”) for the following improvements:
  - AA. On Rink Lot
    - 1. A modification of the Decision under ZHB Appeal No. 2968 so as to eliminate the following Conditions (both as to Rink Lot and PECO Lot):

Condition (3)

The access driveway proposed to be installed on the Proposed Parking Area as depicted on Exhibit A-10 shall be limited to the minimum necessary width to allow the dropping-off of handicapped persons from motor vehicles and the associated vehicular turn-around space, all as approved by the Township Engineer in accordance with generally accepted engineering principals; and

Condition (4)

There shall be no parking of vehicles or trailers on the Property and/or the PECO Property including, without limitation, within the Proposed Parking Area. The Proposed Parking Area shall be used only for the purposes set forth in Condition No. 3 above.

2. A Variance from the rules and regulations of the Class C-3 Commercial and Business District as outlined in CCS 295-117. for expansion of the non-conforming skating rink facility by construction of a parking field and associated improvements, installation of two (2) storage units and installation of one (1) storage trailer.
3. A Variance from the rules and regulations of the Class C-3 Commercial and Business District as outlined in CCS 295-121.A. for the following front yard setbacks instead of the minimum required 15'.
  - a. For two (2), 8'W x 40'L storage containers with a zero front yard setback.
  - b. For the storage trailer with a 6'± front yard setback.
4. A Special Exception in accordance with the rules and regulations of the "Steep Slope Conservation District" as outlined in CCS 295-168.B. and C. for any storm sewers and/or underground utility lines associated with the construction of the parking field.
5. Variances from the rules and regulations of the "Steep Slope Conservation District" as outlined in CCS 295-169. as follows:
  - a. From CCS 295-169.A.(1) for construction of storage trailer, retaining walls, sidewalk and landscaping.
  - b. From CCS 295-169.A.(2) for construction of the parking field.
  - c. From CCS 295-169.A.(3) for filling or removal of topsoil required for the construction of aforesaid improvements.
  - d. From CCS 295-169.B. to permit areas with slopes of 25% or greater within any of the required yard areas.

6. A determination as to the required amount of on-site parking.
7. A Variance from the rules and regulations of "Fences and Walls" as outlined in CCS 295-223. for 3'± of 6' high, chain link fencing within the required front yard setback area along the SEPTA R/W line instead of the maximum permitted 4' high fencing.

BB. On PECO Lot

1. A Variance from the rules and regulations of the Class C-3 Commercial and Business District as outlined in CCS 295-117. for the use of a parking field for the non-conforming skating rink and installation of the storage trailer instead of any of the enumerated permitted uses.
2. A Variance from the rules and regulations of the Class C-3 Commercial and Business District as outlined in CCS 295-121.A. for a lesser front yard setback of 7'± instead of the minimum required 15' for the storage trailer.
3. Variances from the rules and regulations of the "Steep Slope Conservation District" as outlined in CCS 295-169. as follows:
  - a. From CCS 295-169.A.(1) for construction of storage trailer, retaining walls, sidewalk and landscaping.
  - b. From CCS 295-169.A.(2) for construction of the parking area.
  - c. From CCS 295-169.A.(3) for filling or removal of topsoil required for the construction of aforesaid improvements.
  - d. From CCS 295-169.B. to permit areas with slopes of 25% or greater within any of the required yard areas.
4. A Variance from the rules and regulations of "Fences and Walls" as outlined in CCS 295-223. for 15' of 6' high, chain link fencing within the required front yard setback area along the SEPTA R/W instead of the maximum permitted 4' high fencing.

CC. On Wall Park (said premises being within the Class R1 Residence District)

1. A Variance from the rules and regulations of "Signs" as outlined in CCS 295-197.A. for 25.5± S.F., 10' high, double sided, free-standing billboard advertising the "Old York Road Ice Rink" instead of one of the enumerated permitted sign types.

Upon motion of Mr. Portner, and unanimously approved by the Committee, the Township Engineer was directed to advise the Zoning Hearing Board that the Committee takes no action on this appeal but if relief is granted, it be contingent upon certain conditions as previously stated.

APPEAL NO. 3323: (Reconsideration) - Appeal of Breyer Woods Condominium Association, owner of Breyer Woods Condominium, Elkins Park, PA from the decision of the Zoning Officer for a variance from the Rules and Regulations of "Fences and Walls" as outlined in CCS 295-223. for 230 ± L.F. of 6' high, solid fencing within the front yard setback area along the Township Line Road frontage of the premises (Near Condo Units 111-114) instead of the permitted 4' high, 50% open fencing.

Mr. Lynch reviewed the appeal. He stated that a previous appeal was denied because the applicant wanted a solid fence. This appeal is exactly the same as the first appeal with the exception that the fence is now 50% open. A representative from Breyer Woods presented photos.

Upon motion of Mr. Portner, and unanimously approved by the Committee, the Township Engineer was directed to advise the Zoning Hearing Board that the Committee recommends approval of this appeal.

APPEAL NO. 3325: (Decision Only; former Appeal No. 3314) - Appeal of Phuong Mgod Trinh and Chuong Trinh, owners of premises known at 1101 Ashbourne Road, Cheltenham, PA, from the decision of the Zoning Officer for the following Zoning Relief for the noted improvements of the premises:

- a. Variances from the rules and regulations Article VII, entitled "R-4 Residence Districts," of Chapter 295 of the Cheltenham Code, as follows:
  - iii. From CCS 295-39.(1) and (2) for a lesser front yard setback than the minimum required 40" for the following:
    - 1. For a 8' x10' aluminum shed (Item 16 on Site Plan)
    - 2. For a 3'x5' plywood shed (Item 15)
    - 3. For a 8'x8' octagon gazebo (Item 14)
    - 4. For a 4'x4' tween plywood shed (Item 13)
    - 5. For a 9.5'x10.5' tree house w/gazebo (Item 12)
    - 6. For a 7'x10' swing gazebo (Item 11)
    - 7. For a 2.5'x4.5' vinyl shed (Item 10)
    - 8. For a 8'x10' vinyl shed (Item 9)
    - 9. For a 11'x18' pond/bridge area (Item 8)
    - 10. For a 2.5'x4.5' vinyl shed (Item 7)

- iv. From CCS 295-39.B(1) for a lesser rear yard setback than the minimum required 10' for the following:
  1. For the back yard deck (Irregular shape) (Item 4 and 6)
  2. For the canopy over backyard deck (Irregular shape) (Item 5)
  3. For a 3'x5' plywood shed (Item 3).

Mr. Lynch reviewed the appeal and reported that the Zoning Hearing Board had requested that certain items be removed from the property if the property should cease being owned by the family. The applicant wrote a letter of agreement but did not list the specific items. The Zoning Hearing Board is waiting for a revised letter.

There was no recommendation needed by the Committee on this appeal since testimony has concluded.

APPEAL NO. 3326: Appeal of Phoebe Ministries, owner of premises known as 208 Fernbrook Avenue, Wyncote, PA (a/k/a "Wyncote Church Home"), from the Decision of the Zoning Officer for the following Zoning Relief in order to enlarge the parking field for a net gain of 16 spaces and to install an exterior emergency generator (said premises being within the Class R-4 Residence District):

- a. A Special Exception in accordance with "Non-conforming Uses" as outlined in CCS 295-227.B. and C. for the expansion of the non-conforming use of the premises.
- b. A determination that the proposed expansion of the parking field is sufficient to the meet the needs of the facility.

Mr. Lynch reviewed the appeal. Patrick Dolan, Engineer, was present to represent the applicant.

Dorothy Stone, 221 Maple Avenue, was concerned about the change in the plan for a drainage system. Since water presently collects on her property, she was concerned about the relocation of said system as well as mosquitoes. Mr. Dolan stated that the drainage system was relocated so that large trees would not have to be removed. Mr. Lynch explained the construction of the new system through underground pipes into seepage beds. Ms. Stone asked about the procedure for mosquito issues. Mr. Portner advised her that the County Health Department takes

action on such matters. Mr. Lynch advised that said system will be reviewed at the Public Works Committee meeting on Tuesday, May 12, 2009 under the applicant's Land Development Plan.

In response to a question from Mary Beth Carroll, 124 Rices Mill Road, regarding the drainage ditch, Mr. Lynch stated that it connects to the new inlet.

Upon motion of Mr. Portner, and unanimously approved by the Committee, the Township Engineer was directed to advise the Zoning Hearing Board that the Committee takes no action on this appeal.

APPEAL NO. 3327: Appeal of Alan Greenberg, owner of premises known as 8310 High School Road, Elkins Park, PA, from the Decision of the Zoning Officer for the following Zoning Relief In order to add a 14.83' x 27' (Irr.) deck to the rear of the residence:

- a. Variances from the rules and regulations of the Class R-4 Residence District as follows:
  - i. From CCS 295-39.B.(1) for a lesser side yard setback of two (2) feet instead of the minimum required 10'.
  - ii. From CCS 295-39.C. for a lesser rear yard setback of 20' instead of the minimum required 25'.

Mr. Lynch reviewed the appeal. The applicant received zoning relief three (3) years ago but never acted on it.

Upon motion of Mr. McKeown, and unanimously approved by the Committee, the Township Engineer was directed to advise the Zoning Hearing Board that the Committee takes no action on this appeal.

APPEAL NO. 3328: Appeal of Fairfield Wyncote LLC, Owner of premises known as 8440, 8460, 8470, and 8480 Limekiln Pike, Wyncote, PA (a/k/a "The Towers at Wyncote" Apartment Complex), from the discussion of the Zoning Officer for the following zoning relief for existing non conforming signage as noted below (said premises being within the Class C-1 Commercial Zoning District):

A. 8440 Limekiln Pike (Clubhouse/Leasing Office and Fitness Center)

1. Variations from the rules and regulations of "Signs" as outlined in Article XXV of Chapter 295 of the Cheltenham Code, as follows:

- a. From CCS 295-197.C.(1) (a) for the following free-standing signage is in excess of the permitted one (1) free standing sign per single use of property, as follows:
  - i. Sign 6 on the south side of the Limekiln Pike Entrance at 5.33'W x 4.21'H : 22.44 SF
  - ii. Sign 7 on south side of Limekiln Pike 360 ± ' southerly Limekiln Pike Entrance at 5'W x 10'H: 50 SF.
- b. From CCS 295-196.A.(3) for Directional Sign 3K at entrance drive to Clubhouse/Leasing Office having a sign area of 15 SF (6'W x 2.5'H) instead of the maximum permitted 4 SF.

B. 8460 Limekiln Pike (Building No. 1)

1. Variances from The Rules and Regulations of "Signs" as outlined in Article XXV of Chapter 295 of the Cheltenham Code, as follows:
  - a. From CCS 295-196.A.(3) for the following directional signs which sign areas exceed the maximum permitted 4 SF:
    - i. Sign 3F on south side main accessway at 2.5'W x 3'H: 7.5 SF
    - ii. Sign 3G on north side main accessway at 5'W x 8.5'H: 42.5 SF
    - iii. Sign 3H at main entrance Building No. 1 at 2'W x 2.5'H: 5 SF
    - iv. Sign 3I at main entrance Building No. 1 at 2'W x 2.5'H: 5 SF
    - v. Sign 3L at Limekiln Pike Guard House at 2.75'W x 3.08'H: 8.48 SF
    - vi. Sign 3M at Limekiln Pike Guard House at 2.75'W x 2'H : 5.5 SF
  - b. From CCS 295-197.C.(1) (a) for the following parallel wall signage in excess of the permitted one (1) parallel wall sign per signage use of property:
    - i. Sign 10 at Limekiln Pike Guard House at 6.17'W x 3' H : 18.5 SF
    - ii. Sign 11 at Building No. 1 main entrance at 16.38' W x 4.33 H: 70.92 SF
  - c. From CCS 295-196.A. (12) (h) for Temporary Sign 14 (5'W x 4'H: 20 SF) at Building No. 1 main entrance drive-thru attached to balcony above having been in place longer than the permitted 30 days.

C. 8470 Limekiln Pike (Building No. 2)

1. Variances from the rules and regulations of "Signs" as outlined CCS 295-196.A.(3) for the following directional signs which sign areas exceed the maximum permitted 4 SF:
  - a. Sign 3D on south side main accessway at 2.5'W x 3'H: 7.5 SF
  - b. Sign 3E on north side main accessway at 2.67'W x 4.04'H : 10.78 SF

D. 8480 Limekiln Pike (Building No. 3)

2. Variances from the Rules and Regulations of “Signs: as outlined in Article XXV of Chapter 295 of the Cheltenham Code, as follows:
  - a. From CCS 295-197.C.(1) (a) for the following parallel wall signage which sign areas exceed the maximum permitted 100 SF:
    - i. Sign 2A on Building No. 3 west wing facing south: 6’Wx80’H: 480 SF
    - ii. Sign 2B Building No. 3 north wing facing west: 6’Wx80’H : 480 SF
    - iii. Sign 2C Building No. 3 east wing facing northeast: 6’Wx80’H: 480 SF
  - b. From CCS 295-196.A.(3) for the following directional sign which sign areas exceed the maximum permit of 4 SF:
    - i. Sign 3A on south side of main accessway at 2.5’Wx3’H: 7.5 SF
    - ii. Sign 3B on south side of main accessway at 2.5’Wx3’H: 7.5 SF
  - c. From CCS 295-197.C.(1) (a) for Freestanding Sign 8 (11.58’W x 4.46’H: 51.65 SF) at Easton Road Entrance having a greater sign area of 51.65 SF instead of the maximum permitted 50 SF.

Michael Yanoff, Esq. represented the applicant. Mr. Lynch reviewed the appeal.

Mr. Yanoff advised that his client will be requesting a continuance to develop a comprehensive sign plan. This application will be extensively amended, and the applicant will be asking for a continuance. Due to the extensive amendment, the Committee agreed that a two-month continuance would be in order. Mr. Greenwald asked about the status of certain banner signs that were a Code violation and were supposed to have been removed. Mr. Yanoff stated that they will be removed. The applicant is waiting for the necessary equipment to do the removal.

Upon motion of Mr. Greenwald, and unanimously approved by the Committee, the Township Engineer was directed to advise the Zoning Hearing Board that the Committee recommends a request for a continuance of two (2) months if the banner signs are removed. If the banner signs are not removed, the Committee recommends denial of a continuance and takes no action on this appeal except to recommend that any relief for banner signs be denied.

Mr. Yanoff stated that in his request for a continuance, he will include the removal of the banner signs.

Appeal No. 3330 – Appeal of Thor Cheltenham Mall LP, owner of premises known as 2385 W. Cheltenham Avenue, Wyncote, PA (a/k/a “Cheltenham Square Mall”), from the Decision of the Zoning Officer for the following Zoning Relief for a Free-standing Archway Sign, bottom of sign 16' above grade with a sign area of 383.3± SF (38.33'W x 10' H) at the rear entrance to the Cheltenham Square Mall adjacent to the “Target” store:

- a. A Variance from the rules and regulations of the Class C-2 Commercial and Business District as outlined in CCS 295-111.C. for a lesser rear yard depth of 8.5' instead of the minimum required 25' for the free-standing archway support closest to the Mall.
- b. Variances from the rules and regulations of “Signs” as outlined in CCS 295-197.C. (1) (a), as follows:
  1. For a second free-standing sign instead the permitted one free-standing sign per single use of property.
  2. For a greater sign area of 385 ± SF instead of the maximum permitted 50 SF.
  3. For a greater sign height of 26' instead of the maximum permitted 15'.

Virginia Berger represented the applicant and distributed photos of the sign. Mr. Lynch reviewed the appeal, which calls for a 26-foot arch.

Upon motion of Mr. Greenwald, and unanimously approved by the Committee, the Township Engineer was directed to advise the Zoning Hearing Board that the Committee takes no action on this appeal.

2. Upon motion of Mr. Muldawer, and unanimously approved by the Committee, the Planning Commission Meeting Minutes dated April 29, 2009, were received.

3. The Committee discussed a recommendation by the Ad Hoc Zoning Review Committee for a Township-wide Design Review Board. Mr. Kraynik reported that representatives from the committee could not attend this evening’s meeting and have asked that the matter be deferred to the next Public Works or Building and Zoning Committee meetings. Due to an extensive agenda for the May 12, 2009 Public Works Committee meeting, the Committee unanimously agreed to place this matter on the agenda for the June 2, 2009 Building and Zoning Committee meeting.

4. Upon motion of Mr. Greenwald, and unanimously approved by the Committee, the Ad Hoc Zoning Review Committee Meeting Minutes dated April 29, were received.

5. The Committee discussed a proposed Ordinance amending the Subdivision Code (see attached). Mr. Lynch noted certain revisions from the proposed version of said Ordinance presented to the Committee last month; specifically, existing Planimetric features cannot be changed once a development plan has been approved.

There was extensive discussion regarding the Township's Building Permit process. Mr. Swavola felt that no Building Permit should be issued for an item that could be in violation of a land development plan, and it is important to find a way to prevent any such errors. An applicant should not apply for a permit for something that is not compliant with a development plan. He felt verbiage was needed that speaks to this issue. Mr. Bagley advised that the proposed Ordinance does not address re-development of existing parcels, and all Planimetric features must remain in place. It was Mr. Simon's opinion that the Township should have an ordinance that addresses Building Permit language so that if an applicant receives a Building Permit for a feature that is not compliant with a land development plan, the Township is not responsible and the onus of correcting the error falls on the applicant. Mr. Bagley stated that he would review the State Building Code.

6. The Committee reviewed recent decisions of the Zoning Hearing Board as follows:

APPEAL NO. 3306 – Appeal of Phoebe Ministries, owner of the premises known as Wyncote Church Home, 208 Fernbrook Avenue, Wyncote, Pennsylvania, from the determination of the Zoning Officer finding that enclosure of five (5) open porches and enlargement of the parking field for a net gain of 16 spaces would violate the Cheltenham Zoning Ordinance of 1929, as amended, and, specifically, Article XXIX, Section 295-227, regulating nonconforming use, and Article XXIX, Section 295-221, regulating off-street parking.

The Zoning Hearing granted the applicant's request for relief, subject to conditions.

Upon motion of Mr. Portner, and unanimously approved by the Committee, no action was taken.

APPEAL NO. 3321 – Appeal of Beth Sholom Congregation, owner of the premises known as 8231 Old York Road, Elkins Park, Pennsylvania, from the determination of the Zoning Officer finding that expansion of the playground area at the southwest corner of the Property, the installation of playground equipment within the front yard setback of the Property, as well as the construction of a handicapped accessible walkway on the northeast side of the building would violate the Cheltenham Ordinance of 1929, as amended, and, specifically, Article VII, Section 295-36, regulating uses, and Article VII, Section 295-39, regulating yard setbacks.

The Zoning Hearing granted the applicant’s request for relief, subject to conditions.

Upon motion of Mr. Simon, and unanimously approved by the Committee, no action was taken.

APPEAL NO. 3324 – Appeal of Frederick Robinson, II, owner of the premises known as 7325 Keenan Street, LaMott, Pennsylvania 19027, from the determination of the Zoning Officer finding that the creation of a subdivision of the Property into two building lots which creates a less than required lot area for the new Lot B, measuring 3400 square feet, would violate the Cheltenham Ordinance of 1929, as amended, and, specifically, Article X, Section 295-58, regulating lot area and lot width.

The Zoning Hearing granted the applicant’s request for relief.

Upon motion of Mr. Portner, and unanimously approved by the Committee, no action was taken.

7. Upon motion of Mr. Greenwald, and unanimously approved by the Committee, the report of the Building Inspector for the month of April 2009, was received.

8. Under Old Business: Mr. McKeown asked for an update on a certain sign at a property at 20 Central Avenue, Cheltenham. Mr. Lynch reported that he and his staff are investigating said sign. It is in a C3 District. He has to determine whether the sign is a personal expression, advertises an institution or is a commercial free-standing sign.

9. Under Citizens Forum:

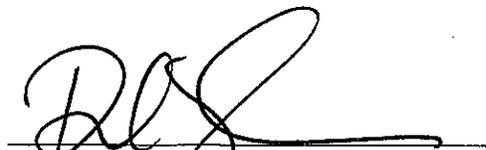
a. Loretta Leader, 542 W. Glenside Avenue, inquired about the following:

- She asked for a clarification of the removal of the banners at the Towers of Wyncote. Mr. Greenwald explained that the property owner is removing them but is waiting for special equipment to do so.
- She reported illegal banner signs at the Wyncote House. Mr. Lynch stated that he is aware of them, and will be sending a Notice of Violation.
- She reported illegal signage at a furniture store on Glenside Avenue and at the Mio Pomodoro Restaurant at the Wyncote-Jenkintown Train Station.
- She reported trucks with lettering on them being parked on streets in Glenside. She was told that the parking of trucks on residential streets is a matter for the Police Department, and the parking of trucks on private property is a zoning matter. Mr. Sharkey suggested that the Police Department contact Mrs. Leader for further information.

b. Vincent Santarelli, 11 Evergreen Avenue, Wyncote, reported the following:

- Tractor Trailers being parked in the vicinity of Ogontz Avenue and Route 309. They first parked behind the Midas Muffler but have now moved to the Shop Rite parking lot. He was told that the Police Department is aware of this and is monitoring the situation.
- There is a home in deplorable condition at the corner of Greenwood Avenue and Longfellow Road. Mr. Kraynik will ask code enforcement to investigate the property.
- The new office building at the Towers of Wyncote has yet to be landscaped. Mr. Lynch stated he will investigate it.

There being no further business, upon motion of Mr. Greenwald, and unanimously approved by the Committee, the meeting was adjourned, and the Board commenced an Executive Session regarding real estate and personnel matters.



David G. Kraynik  
Township Manager

as per Anna Marie Felix



**PUBLIC ATTENDANCE LIST**  
**Public Affairs Committee, 7 p.m.**  
**Public Safety Committee, 7:30 p.m.**  
**Building and Zoning Committee, 8 p.m.**  
**Tuesday, May 5, 2009**  
**Township Building**

NAME (Please Print)	ADDRESS	E-MAIL/TELEPHONE
David Beck	7438 NORMANDY LANE MELROSE PARK, PA 19027	
Jesse Civello	147 Mt. Carmel Avenue Glenside, PA 19038	jcivello@verizon.net
Paul Richard	117 RICES Mill Rd WYNCOTE, PA 19095	
Mary Beth Carroll	123 Rices Mill Rd Wyncote Pa. 19095	MBCarroll@aol.com
ALAN GREENBERG	8310 HIGHSCHOOL RD. EUCINS PARK 19027	215 635-9825

**BOARD OF COMMISSIONERS OF  
CHELTENHAM TOWNSHIP  
MONTGOMERY COUNTY, PENNSYLVANIA**

**ORDINANCE NO. \_\_\_\_-09**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE  
TOWNSHIP OF CHELTENHAM TO ADD CERTAIN CLARIFYING  
PROVISIONS WITH REGARD TO THE ENFORCEMENT OF THE  
SUBDIVISION CODE**

The Board of Commissioners of Cheltenham Township does hereby ENACT and ORDAIN as follows:

**SECTION I – Amendment of the Code**

- A. Chapter 260 of the Code of the Township of Cheltenham, also known as the Cheltenham Township Subdivision Code of 1974 is amended by renumbering Section 260.50, entitled “Preventive Remedies”, as Section 260.53.
- B. Chapter 260 of the Code of the Township of Cheltenham, also known as the Cheltenham Township Subdivision Code of 1974, is amended to add the following provisions:

**SECTION 260.50. Requirement of Approval and Recording**

No construction, demolition or installation of improvements for a land development or a subdivision shall be undertaken on a property prior to approval and recording of a subdivision or land development plan(s) unless expressly provided for in a letter of approval or contingent approval from the Township regarding such plan(s).

**SECTION 260.51. Compliance with Approved Plan(s) Prior to Recording**

If the time for recording of an approved plan(s) is extended in writing by the Township in accordance with the Subdivision Code, all construction, demolition and other work on the property that is the subject of the approved subdivision or land development plan(s), shall fully comply with the approved, final plan(s).

**SECTION 260.52. Compliance with Approved Plan(s) After Recording**

Except as otherwise set forth in Section 260.51, all construction, demolition and other work on a property that is the subject of a final approved subdivision or land development plan(s), shall fully comply with all approved and recorded subdivision and or land development plan(s) for said property.

Any and all existing planimetric elements, including but not limited to curbing, driveways, fences, lighting standards, parking fields layout (striping), storm drainage facilities, storm water management facilities, underground utilities, etc. shown on the recorded plan shall not be altered or removed unless subject to a subsequent subdivision or land development plan.

Any and all recorded planimetric elements shall be maintained, renewed, and repaired by the property owner. The maintenance, renewal, and repair shall be in accordance with the Township Code and the recorded plans.

**SECTION III – Severability**

The provisions of this Ordinance are 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 – Effective Date**

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

**SECTION VI– Repealer**

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

**ORDAINED AND ENACTED** by the Board of Commissioners of Cheltenham Township, Montgomery County, Pennsylvania, this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

**CHELTENHAM TOWNSHIP**

Attest: \_\_\_\_\_  
David G. Kraynik, Secretary

By: \_\_\_\_\_  
Paul R. Greenwald, President  
Board of Commissioners