

July 15, 2015  
Curtis Hall

A regular meeting of the **BOARD OF COMMISSIONERS** was held this evening, President Harvey Portner presiding. Members present were Commissioners Holland, McKeown, Norris, Rappoport, Sharkey and Simon.

Staff present were Charlyn Battle, Human Resources Director; Christopher Clewell, Public Works Superintendent; Alyson Elliott, Assistant Township Manager; Michael Fleming, Public Works Coordinator; John J. Norris, Chief of Police; Joseph O'Neill, Fire Marshal; Bruce Rangnow, Director of Fiscal Affairs; Henry Sekawungu, Director of Planning and Zoning; and Bryan T. Havir, Township Manager. Also present was Joseph M. Bagley, Esq., Township Solicitor. A Public Attendance List is attached.

1. The meeting commenced at 7:30 p.m. with the Pledge of Allegiance being led by Commissioner Holland.

Mr. Portner announced that prior to the meeting, the Commissioners held an Executive Session to discuss pending and anticipated litigation.

2. Each member having received a copy of the Commissioners' Regular Meeting Minutes dated June 17, 2015, upon motion of Mr. McKeown, the Minutes were unanimously approved by the Board of Commissioners.

3. Each member having received a copy of the Executive Summary Financial Report of the Manager/Secretary for the month of June, 2015, upon motion of Mr. McKeown, the Report was unanimously approved by the Board of Commissioners.

4. Each member having received a copy of the Accounts Paid Report for the month of June, 2015, upon motion of Mr. McKeown, the Report was unanimously approved by the Board of Commissioners.

5. **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).

Mr. Bagley announced the opening of the Hearing.

[Records of Public Hearings regarding changes to the Zoning Code are recorded as *Notes of Testimony* and are available from the Building and Zoning Department].

Upon motion of Mr. McKeown, the Board of Commissioners unanimously concluded the Hearing.

6. Review of the Public Works Committee Minutes dated July 8, 2015:

a. Upon motion of Mr. McKeown, the Board of Commissioners unanimously adopted **Ordinance No. 2307-15** 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 Public Hearing (see attached).

b. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously approved a Certificate of Appropriateness for Application L15-151: Carla M. Case, 1506 Willow Avenue, La Mott, PA 19027, for the replacement of existing exterior cladding, roofing materials, and twenty-seven windows, as recommended by the La Mott Board of Historical and Architectural Review.

c. Discussion ensued regarding Montgomery County's request for a waiver from land development for the proposed Montgomery County Emergency Communications Tower to be located on Cheltenham School District property at the Cheltenham Elementary School. Mr. Josh Stein, Montgomery County First Deputy Solicitor, was present. There was extensive discussion about whether or not the tower should be painted in the color "city lights" or remain galvanized metal. The School District supports a galvanized metal pole and such a pole would require less maintenance. Photos of poles painted and galvanized were distributed and reviewed.

Upon motion of Mr. Sharkey, the Board of Commissioners unanimously granted a waiver from the Land Development process to Montgomery County for the proposed Montgomery County Emergency Communications Tower on Cheltenham School District property at the Cheltenham Elementary School site located at 7853 Front Street, Cheltenham, and that said pole would be constructed as an unpainted galvanized structure.

d. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously approved Change Order #3 from Cardno BCM in the amount of \$42,397.00 for additional design and engineering services for permitting requirements for Interceptor A, Phases 2A, 2B, 3 and a Portion of 4.

e. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously approved **Resolution No. 22-15** approving the Conditions and Waivers as set forth in the Preliminary/Final Land Development Application #15-03, for the Matrix Ashbourne Associates, L.P. development known as Ashbourne Meadows, Ashbourne Road, Cheltenham, PA 19012 (see attached).

f. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously approved Change Order #1 in the amount of \$16,922 for roof work at the Rowland Community Center and Change Order #2 in the amount of \$8,662.20 as credit for the costs of a Performance Bond for said roof work from Laurant Construction Co., Inc.

g. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously adopted **Ordinance No. 2309-15** authorizing the condemnation of permanent right-of-ways 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 Ashmead Road Bridge repair work (see attached).

h. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously received the Public Works Committee Regular Meeting Minutes dated July 8, 2015.

7. Review of the Public Safety Committee Regular Meeting Minutes dated July 1, 2015:

a. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously adopted **Ordinance No. 2308-15** amending Chapter 285 of the Traffic Code entitled "Vehicles and Traffic" (see attached).

b. Mr. Sharkey thanked the Glenside Fire Company for its swift response to a recent fire in the Township.

c. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously received the Public Safety Committee Regular Meeting Minutes dated July 1, 2015.

8. Review of the Public Affairs Committee Regular Meeting Minutes dated July 1, 2015:

a. Upon review of the Wayfinding Signage for the Elkins Park East Commercial District:

i. Mr. Simon requested that the Wayfinding sign noted in the Minutes to be located at Rt. 611 northbound at Chelton Hills Drive be eliminated.

ii. Upon review of Gannett Fleming's final cost for Wayfinding Signage, which was \$3,500 (\$500 lower than the original cost of \$4,000), Ms. Rappoport was pleased that the cost was reduced but believed that going forward, the Township should tell the contractor what the budget is and not keep the amount open-ended.

iii. Mr. Sharkey asked that the Township purchase only the amount of signs that are absolutely needed and not create an excess amount of signs that will be left over.

iv. Upon motion of Mr. McKeown, the Board of Commissioners awarded a Professional Services Contract to Gannett Fleming for Wayfinding Signage in the amount of \$3,500.00 for the Elkins Park East Commercial District (AYES: Holland, McKeown, Norris, Portner, Sharkey, Simon; NAY: Rappoport).

b. Upon motion of Mr. McKeown, the Board of Commissioners unanimously authorized the approval of a Stipulation and Settlement Agreement with AA Olympic

Cheltenham LLC, owner of the Cheltenham Mall, to settle the tax appeals for the Mall. The Motion included approval of a separate Stipulation and Settlement Agreement for the Chik-fil-A Tax appeals at the same Mall.

c. Upon motion of Mr. McKeown, the Board of Commissioners unanimously authorized the approval of Stipulations and Settlement Agreements with AA Olympic Cheltenham LLC and Chick-fil-A to settle the respective tax appeals.

d. Upon motion of Mr. McKeown, the Board of Commissioners unanimously received the Public Affairs Committee Regular Meeting Minutes dated July 1, 2015.

15. Review of the Building and Zoning Committee Minutes dated July 1, 2015:

a. For Appeal No. 15-3523, 512 Glenside Avenue, Wyncote, Ms. Rappoport noted that the Committee was on the record as voting “denial”. She asked that it be corrected and that the Committee unanimously voted “no action”.

b. Upon motion of Mr. Simon, the Board of Commissioners unanimously authorized the advertising of a Legal Notice advising of the future consideration and possible adoption of an ordinance amending Chapter 251 of the Township Code entitled “Peddling, Soliciting and Transient Sales” to add certain terms and provisions regulating transient vendors, transient sales and establishing requirements for peddlers and solicitors permits and for transient sales permits.

c. Solicitor Bagley reviewed his recommendation to advertise Legal Notices as they relate to the adoption of Ordinance Nos. 2207-10 and 2303-15 repealing the Age-Restricted Overlay District in its entirety. In this respect:

i. Upon motion of Mr. Simon, the Board of Commissioners unanimously authorized two (2) publications of a Legal Notice providing notification pursuant to 53 P.S. Section 10108, of the adoption of Ordinance No. 2207-10 repealing Article XXXIII of Chapter 295 of the Code entitled “Age-Restricted Overlay District” and also known as Ordinance No. 2154-08. Said Legal Notice notifies persons of the right to challenge the validity of the Ordinances with Legal Action within 30-days of the second advertisement.

ii. Upon motion of Mr. Simon, the Board of Commissioners unanimously authorized two (2) publications of a Legal Notice providing notification pursuant to 53 P.S. Section 10108, of the adoption of Ordinance No. 2303-15 repealing Article XXXIII of Chapter 295 entitled “Age-Restricted Overlay District” of the Codified Ordinances of Cheltenham Township, also known as Sections 295-240 through 295-244 of the Code of the Township of Cheltenham. Said Legal Notice notifies persons of the right to challenge the validity of the Ordinances with Legal Action within 30-days of the second advertisement.

d. Upon motion of Mr. McKeown, the Board of Commissioners unanimously received the Building and Zoning Committee Regular Meeting Minutes dated July 1, 2015.

16. Review of the Finance Committee Regular Meeting Minutes dated July 8, 2015:
- a. Upon motion of Mr. Norris, the Board of Commissioners unanimously accepted the 2014 Annual Financial Report.
  - b. Upon motion of Mr. Norris, the Board of Commissioners unanimously received the Finance Committee Regular Meeting Minutes dated July 8, 2015.
17. Under Old Business: None
18. Under New Business:
- a. Upon motion of Mr. Portner, and in accordance with the Home Rule Charter, the Board of Commissioners unanimously appointed J. Kathleen Marcus to the Human Relations Commission to fill an unexpired term that expires on January 1, 2016.
  - b. Solicitor Bagley asked for the Board's concurrence with a recent Assessment of Civil Penalty imposed by the Pennsylvania Department of Environmental Protection ("PADEP"), which is based on three (3) sanitary overflow events and is based on the volumes and impacts of those volumes, for a penalty total of \$13,547.00. Solicitor Bagley reminded the Board that \$10,000 of this amount is due to the neglect of a certain franchise fast food restaurant in the Township, and is reimbursable by that franchise, and a portion of the remaining \$3,547.00 includes PADEP's administrative fees and costs.

Upon motion of Mr. Portner, the Board of Commissioners unanimously accepted the recent determination of the Consent Assessment of Civil Penalty from the Pennsylvania Department of Environmental Protection in the amount of \$13,547.00 with the understanding at \$10,000 of this amount is reimbursable by the franchise that caused the overflows.

c. Ms. Rappoport suggested that the Township consider an Ordinance addressing invasive plants such as bamboo. Solicitor Bagley stated that he has such an Ordinance from another Township that can be reviewed. Mr. Simon reported that he receives a lot of complaints about overhanging tree branches.

There being no further business, upon motion of Mr. Portner, the meeting was adjourned at 9:15 p.m.

  
Bryan T. Havir  
Township Manager

per Anna Marie Felix

**CHELTENHAM TOWNSHIP  
MONTGOMERY COUNTY, PENNSYLVANIA  
ORDINANCE NO. 2307-15**

**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	External illumination only. Animated, flashing, revolving, scrolling, rotating,	One per property; no more than two sign faces per off-premises

			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

(1)(a) Each off-premises advertising sign shall be located not less than 500 feet from any other 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-premise 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 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 15<sup>th</sup> day of July, 2015.

CHELTENHAM TOWNSHIP  
BOARD OF COMMISSIONERS

*Harvey Portner*

By: \_\_\_\_\_  
Harvey Portner, President

*Bryan T. Havir*

Attest: \_\_\_\_\_  
Bryan T. Havir, Manager  
And Secretary

**CHELTENHAM TOWNSHIP  
BOARD OF COMMISSIONERS**

**MONTGOMERY COUNTY, COMMONWEALTH OF PENNSYLVANIA**

**RESOLUTION NO. 22-15**

**ASHBOURNE MEADOWS**

**PRELIMINARY / FINAL LAND DEVELOPMENT APPROVAL**

**WHEREAS, MATRIX ASHBOURNE ASSOCIATES, L.P. ("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**

*Harvey Portner*

By: \_\_\_\_\_

**Harvey Portner, President  
Board of Commissioners**

*Bryan T. Havir*

Attest: \_\_\_\_\_

**Bryan T. Havir, Manager/Secretary**

**ORDINANCE NO. 2308-15**

**AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF CHELTENHAM, CHAPTER 285 THEREOF, ENTITLED VEHICLES AND TRAFFIC, BY AMENDING CERTAIN STREET AND PARKING REGULATIONS.**

The Board of Commissioners of the Township of Cheltenham hereby ordains:

**SECTION 1.** The Code of the Township of Cheltenham, Chapter 285, Article IV, entitled Schedule of Traffic Regulations, Section 285-43 thereof is hereby amended by **DELETING** the following:

MAPLE AVENUE (9) NO LEFT TURN onto Washington Lane

**SECTION 2.** The Code of the Township of Cheltenham, Chapter 285, Article IV, entitled Schedule of Traffic Regulations, Section 285-43 thereof is hereby amended by **ADDING** the following:

MAPLE AVENUE (9) NO LEFT TURN onto Washington Lane;  
Monday through Friday 7:00 a.m. to 9:00 a.m. and  
4:00 p.m. to 6:00 p.m.

SYCAMORE AVENUE (G) HANDICAPPED PARKING, east side; in front of  
7319 Sycamore Avenue

WILSON AVENUE (6) 20 MPH SPEED LIMIT, Huber Street to Ruralside \  
Avenue

**SECTION 3.** That in all other respects Chapter 285 of the Code of the Township of Cheltenham is hereby approved and accepted as amended, and shall continue in full force and effect.

**SECTION 4.** This Ordinance shall take effect and be in force from and after its approval as required by law.

**ENACTED** into an Ordinance this 15<sup>th</sup> day of July, 2015.

BOARD OF COMMISSIONERS  
TOWNSHIP OF CHELTENHAM

*Harvey Portner*

By \_\_\_\_\_  
Harvey Portner, President

*Bryan T. Havir*

ATTEST: \_\_\_\_\_  
Bryan T. Havir, Township Manager and Secretary

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

**ORDINANCE NO. 2309-15**

**AN ORDINANCE AUTHORIZING THE CONDEMNATION OF  
PERMANENT RIGHTS OF WAY AND TEMPORARY  
CONSTRUCTION EASEMENTS ON, OVER, UNDER AND  
THROUGH CERTAIN PARCELS OF LAND LOCATED AT 111  
ASHMEAD ROAD AND 7600 TOOKANY CREEK PARKWAY,  
CHELTENHAM TOWNSHIP, MONTGOMERY COUNTY,  
PENNSYLVANIA AND FURTHER AUTHORIZING ALL ACTS  
NECESSARY TO ACCOMPLISH SAME BY THE  
APPROPRIATE TOWNSHIP OFFICERS**

**WHEREAS**, Cheltenham Township (“Township”) is undertaking needed repair to a certain bridge located over the Tookany Creek on Ashmead Road known as the Ashmead Road Bridge; and

**WHEREAS**, the proposed bridge repair work will necessitate obtaining permanent rights of way and temporary construction easements over portions of the properties located at 111 Ashmead Road and 7600 Tookany Creek Parkway, Cheltenham Township, Montgomery County, Pennsylvania, which properties are more specifically described on Exhibit A hereto; and

**WHEREAS**, the Township is statutorily vested with the power of eminent domain in order to lay out, open, widen, extend, vacate, grade or change the grades or lines of streets and highways, and the construction of bridges and piers and abutments therefor, and the construction of slopes, embankments, and public works pursuant to Section 1901 of the First Class Township Code, 53 P.S. §56901; and

**WHEREAS**, it is the judgment of the Township Board of Commissioners that, attempts at negotiation and communication having not yet been successful, it is necessary to authorize all

actions necessary to be taken to condemn the subject properties for permanent rights of way and temporary construction easements designated by the engineers acting on behalf of the Township.

**NOW, THEREFORE, IT IS HEREBY ENACTED THAT** the Township Board of Commissioners authorizes: (1) the condemnation of permanent rights of way and temporary construction easements as more particularly described in the exhibits attached hereto as Exhibits B and C on, over, under and through certain portions of the land located at, respectively, 111 Ashmead Road (Parcel No. 31-0001279-004) and 7600 Tookany Creek Parkway (Parcel No. 31-000-1258-007); (2) the Township Solicitor is hereby authorized to prepare, file and record all documents necessary to accomplish same; and (3) the Township Manager is authorized to execute any and all documents necessary to accomplish same.

#### **SECTION I. DISCLAIMER**

Nothing in this Ordinance shall limit, in any manner whatsoever, the Township's right to enforce any ordinance or law of the Township of Cheltenham, County of Montgomery or Commonwealth of Pennsylvania. Nothing in this Ordinance shall be a defense of any citation issued by any municipal corporation or the Commonwealth pursuant to any other law or ordinance.

#### **SECTION II. - SEVERABILITY**

The provisions of this Ordinance are severable, and if any Section, sentence, clause or phrase shall be held by a court of competent jurisdiction to be illegal, invalid, or unconstitutional, the remaining portions of this Ordinance shall not be affected or impaired thereby.

#### **SECTION III. - REPEALER**

Any ordinance or part of any ordinance conflicting with the provisions of this Ordinance shall be deemed and the same are hereby repealed to the extent of such conflict.

**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 as soon after adoption as is permitted by law.

**ORDAINED AND ENACTED** by the Board of Commissioners of Cheltenham Township, Montgomery County, Pennsylvania, this **15<sup>th</sup> day of July 2015.**

**CHELtenham TOWNSHIP**

By: Harvey Portner  
**Harvey Portner, President,**  
**Board of Commissioners**

Bryan T. Havir  
Attest: **Bryan T. Havir, Township Secretary**

**EXHIBIT "A"**

{01094394 }

**SCHEDULE OF PROPERTY CONDEMNED**  
**(Declaration of Taking)**



ROW OFFICE PROJ. NO.	N/A
COUNTY	Montgomery
S.R. - SECTION	7102 Sec ARD
MUNICIPALITY	Cheltenham Township

<b><u>TYPE OF TAKE</u></b>
PT- Partial Take
TT- Total Take

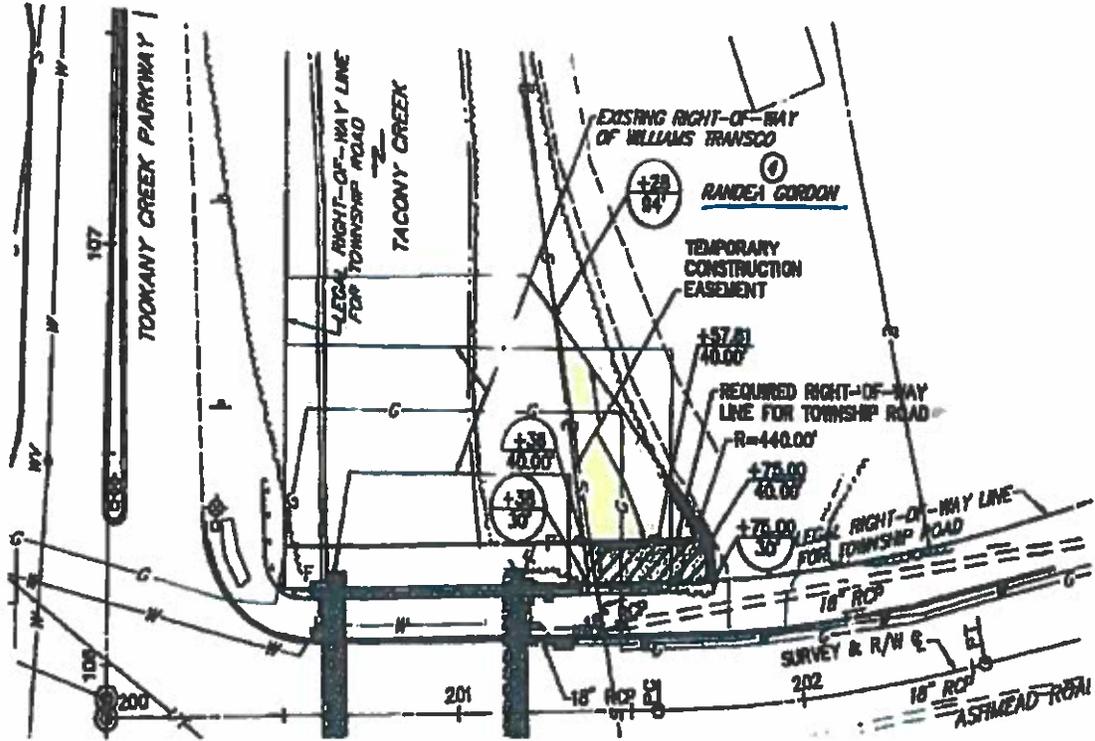
<b><u>TYPE OF DESCRIPTION</u></b>
D- Deed Description
P- Plan lodged for recording with Notice of Condemnation
R- Plan now recorded in Recorder's Office

Parcel No.	Claim Number	Type of Take	Name, Property Interest of Condemnees, Mailing Address, and Location of Condemned Property	Attached Exhibit Number (if any)	Type of Description	Plan (if any) Recorded in
4	N/A	PT	Randea Gordon 111 Ashmead Road Cheltenham, PA 19102-1501  Location of Condemned Property:  Deed Book 5349 Page 1898  Tax Map # 31-00-01279-00-4			
5	N/A	PT	JC Melrose Country Club, Inc. 7600 Tookany Creek Parkway Cheltenham, PA 19102-1825  Location of Condemned Property:  Deed Book 5553 Page 207  Tax Map # 31-00-01258-00-7 Tax Map # 31-00-01255-23-5			

**EXHIBIT "B"**

(01094394)

### RIGHT OF WAY PLAN



**EXHIBIT "C"**

{01094394 }



