

**CHELTENHAM TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

RESOLUTION NO. 28-20

**315 & 319 WEST GLENSIDE AVENUE
PRELIMINARY/FINAL LAND DEVELOPMENT APPROVAL AND LOT CONSOLIDATION**

WHEREAS, KD2 Properties, LLC (“Developer”) is the owner and developer of two existing lots which are proposed for consolidation into one 5,921 square foot parcel as well as the adaptive reuse of the existing commercial building into a professional office use and the demolition of the existing single family dwelling to allow for the creation of a parking lot to serve the office use (“Development”); and

WHEREAS, the Developer was granted zoning relief by the Cheltenham Township Zoning Hearing Board on or about February 10, 2020 (“Zoning Decision”) wherein certain variances were granted (the Zoning Decision is incorporated herein by reference as though set forth at length herein); and

WHEREAS, the Development is currently proposed as more particularly shown on certain preliminary/final land development plans prepared by Charles E. Shoemaker, Inc. dated April 14, 2020 and a landscaping plan prepared by InFocus Planning dated August 11, 2020 (the “Plans”); and

WHEREAS, the Developer has also submitted a Stormwater Management and Erosion and Control Plan Narrative prepared by Charles E. Shoemaker, Inc. dated April 10, 2020 (referred to as the "Submittal"); and

WHEREAS, the Montgomery County Planning Commission (“MCPC”) issued a review letter on the Plans dated August 3, 2020;

NOW, THEREFORE, BE IT RESOLVED that the Cheltenham Township Board of Commissioners hereby **GRANTS** preliminary/final approval of the land development and lot consolidation as shown on the Plans and Submittal 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 Chapter 260, §304.C requiring the items within 200 feet of the site which must be shown on the Existing Features Plan;
 - b. the requirement per Chapter 260, §415 requiring sidewalks to be between 5’ and 8’ with a 4’ verge for all non-single-family residential zoning districts;
 - c. the requirement per Chapter 260, §422.M.2 requiring the minimum storm sewer pipe size diameter of fifteen (15) inches;
 - d. the requirement per Chapter 260, §421 and §619 to provide a trash enclosure;
 - e. the requirement per Chapter 260, §423 requiring street trees along all existing streets when they abut or lie within the proposed subdivision or land development, except where existing trees serve to meet the planting requirement;
 - f. the requirement per Chapter 260, §425.D requiring that for vehicular use areas of any size which are located in the side or rear yard of a property, or otherwise abut and adjacent

property where no right-of-way intervenes, a fifteen-foot (15') landscape buffer satisfying the requirements of SALDO Section 260-424.C.1.b-d shall be provided;

- g. the requirement of Chapter 260, §425.E requiring that for vehicular use areas of any size abutting a public or private street or sidewalk right-of-way, the applicant shall provide one the buffer option, listed in this Section, along the entire frontage of the vehicular use area;
 - h. the requirement of Chapter 260, §425.F.3.d requiring that a minimum width of planting island be nine (9) feet; and
 - i. the requirement of Chapter 260, §436 requiring that landscaped screening be provided along the façade of a non-residential building.
2. As a condition for the approval by the Board herein, the Developer agrees that (1) the stormwater conveyance pipes must be sized to utilize the maximize storage volume in the proposed seepage basin to reduce the stormwater runoff from the property in conformance with the SALDO and (2) Developer shall pay a fee-in-lieu of providing the landscaped screening required under Chapter 260, §436 in the amount of Three Thousand and no/100 Dollars (\$3,000.00) at the time the building permit for the Development is issued by the Township.
 3. Prior to the recording of the Plans, the Developer shall revise the Plans to conform to: the review comments and recommendations of the Township's Engineer set forth in the review letter of October 14, 2020.
 4. 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, the Submittal, and the Zoning Decision.
 5. 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 ("DEP"), and the Montgomery County Conservation District, as applicable.
 6. Prior to the start of construction, Developer shall notify the Township Manager and the Township Engineer and schedule a preconstruction meeting with the Township. 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 to not be eliminated during the construction of the Development.
 7. Prior to recording of the Plans, Developer shall enter into a Land Development and Financial Security Agreement ("Financial Security Agreement") with the Township. The Financial Security 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 ("MPC").

8. The cost of accomplishing, satisfying and complying with all of the terms and conditions and requirements of the Plans, notes to the Plans, the Submittals, this Preliminary/Final Approval Resolution, and the Financial Security Agreement shall be borne entirely by the Developer and shall be at no cost to the Township.
9. 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 terms and conditions of the declaration shall be satisfactory to the Township Solicitor, and the declaration shall be recorded simultaneously with the Plans.
10. Consistent with Section 509(b) of the MPC (as amended) the payment of all applicable fees and the funding of all escrows under the Land Development and Financial Security Agreement shall be accomplished within ninety (90) days of the date of this Resolution unless a written extension is granted by the 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 MPC, 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 (a) the Township receives written notice of a rejection of any of the conditions set forth herein within thirty (30) days from the date of this Resolution or (b) the Developer files an appeal 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 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 the condition set forth in Paragraph 2, all as authorized by Section 508 of the MPC.


APPROVED at the public meeting of the Cheltenham Township Board of Commissioners held on October 21, 2020.

ATTEST:



Robert Zienkowski
Township Manager and Secretary

**TOWNSHIP OF CHELTENHAM
BOARD OF COMMISSIONERS**

By: 
Daniel B. Norris, President