

**CHELTENHAM TOWNSHIP  
BOARD OF COMMISSIONERS**

**MONTGOMERY COUNTY, COMMONWEALTH OF PENNSYLVANIA**

**RESOLUTION NO. 15-21**

**CTDA NO. 21-02 — MINOR SUBDIVISION PLAN FOR 216 AND  
222 E. CHURCH ROAD, ELKINS PARK**

**PRELIMINARY/FINAL SUBDIVISION APPROVAL  
AND LOT LINE ADJUSTMENT**

**WHEREAS, David Bernstein** ("Applicant") is the owner of two (2) parcels of land located at 216 and 222 E. Church Road, Elkins Park by which he intends to subdivide a 1-acre tract from the rear of the existing lot at 222 E. Church Road and make a lot line adjustment between 216 and 222 E. Church Road pursuant to a certain settlement agreement between Applicant and Cheltenham Township resolving the condemnation action between the said two (2) parties (Court of Common Pleas of Montgomery County Docket No. 2020-06461) in order to complete a portion of the proposed Tookany Creek Trail Phase 3 ("Settlement Agreement") (all of the foregoing background, "Development"); and

**WHEREAS**, the aforesaid Development is set forth on a plan prepared by Charles E. Shoemaker, Inc. dated November 18, 2020, Sheet 1 of 1 ("Plan"); and

**WHEREAS**, the Montgomery County Planning Commission ("MCPC") issued a review letter on the Plan dated April 2, 2021 recommending approval; and

**WHEREAS**, the Township Engineer, Gannett Fleming, Inc., issued a review letter on the Plan dated April 6, 2021, consisting of two (2) pages; and

**WHEREAS**, the Public Works Committee of the Township at its April 7, 2021 public meeting, voted to recommend approval.

**NOW, THEREFORE, BE IT RESOLVED** that the Cheltenham Township Board of Commissioners hereby **GRANTS** preliminary/final approval of the lot line adjustment and minor subdivision of the Development as shown on the Plan described herein subject, however, to the following conditions:

1. Prior to the recording of the Plan, the Applicant shall revise the Plan to resolve to the satisfaction of the Township Engineer all issues set forth in the review letter of Gannett Fleming, Inc., dated April 6, 2021, the entire contents of which are incorporated herein by reference.

2. The Development shall be laid out, adjusted and subdivided in strict accordance with the content of the Plan, notes on the Plan and the terms and conditions of this Preliminary/Final Approval Resolution.

3. Prior to recording the Plan, the Applicant shall execute that certain Settlement Agreement with Cheltenham Township approved in principal by the Board of Commissioners at its March 17, 2021 public meeting.

4. The cost of accomplishing, satisfying and complying with all of the terms and conditions and requirements of the Plan, notes to the Plan, and this Preliminary/Final Approval Resolution, except as otherwise provided in the Settlement Agreement, shall be borne entirely by the Applicant and shall be at no cost to the Township.

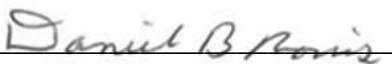
5. Under the provisions of the Pennsylvania Municipalities Planning Code, the Applicant has the right to accept or reject conditions imposed by the Board of Commissioners upon preliminary/final approval. In the absence of an appeal or a notice of rejection filed in writing within thirty (30) days from the date of this Resolution, the conditions set forth herein shall be deemed to have been accepted by the Applicant. 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 Applicant files an appeal of any of the conditions set forth herein within thirty (30) days from the date of this Resolution, this approval 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 above Paragraph 1, all as authorized by Section 508 of the Pennsylvania Municipalities Planning Code.

**APPROVED** at by the Cheltenham Township Board of Commissioners at its public meeting held on April 21, 2021.

**ATTEST:**

**TOWNSHIP OF CHELTENHAM  
BOARD OF COMMISSIONERS**

  
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**Robert Zienkowski**  
*Township Manager and Secretary*

By:   
**Daniel B. Norris, President**