

**CHELTENHAM TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

RESOLUTION NO. 24-18

**2960 CHURCH ROAD (WESTMINSTER THEOLOGICAL SEMINARY)
PRELIMINARY / FINAL LAND DEVELOPMENT APPROVAL**

WHEREAS, Westminster Theological Seminary (“Developer”) is the owner and developer of a certain tract of land known as 2960 Church Road in Cheltenham Township on which the Developer intends to demolish a building known as Van Till Hall and replace it with a new building consisting of five (5) classrooms, twenty-four (24) offices, four (4) student areas and a 500-seat chapel and auditorium as well as a proposed library addition, interior renovations and four (4) new dormitory buildings along with associated site improvements (“Development”); and

WHEREAS, the Development is more particularly shown on Plans prepared by Wilkinson & Associates, Inc. dated September 29, 2017, last revised February 26, 2018, along with a Drainage and Stormwater Management Report and Erosion Control Narrative dated November 1, 2017, last revised March 5, 2018, and one (1) sheet entitled Construction Phasing Plan dated September 29, 2017, last revised February 26, 2018 (the “Plans”); and

WHEREAS, the Township Engineer issued review letters dated December 20, 2017, February 21, 2018 and March 15, 2018; and

WHEREAS, Wilkinson & Associates, Inc. issued a response dated February 28, 2018 to the February 21, 2018 Township Engineer Review Letter; and

WHEREAS, the Shade Tree Advisory Commission (“STAC”) provided certain recommendations and conditions at their meeting on January 11, 2018;

WHEREAS, the Township’s Traffic Engineer, F. Tavani Associates, Inc. issued a review letter dated January 5, 2018; and

WHEREAS, the Montgomery County Planning Commission (“MCPC”) reviewed the application in a letter dated December 5, 2017; and

WHEREAS, the Zoning Hearing Board issued certain zoning relief for the subject property in Appeal No. 17-3569 by Order dated May 11, 2017, which Order is incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED that the Cheltenham Township Board of Commissioners 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 §260-15 that sidewalks shall be required on each side of every street and on the side of the street on which the land development abuts, unless otherwise determined by the Board of Commissioners. A condition of Zoning Appeal No. 17-3569 requires the Developer to construct a walking trail through the proposed Development. An eight-foot wide gravel walking trail with an associated easement is shown on the Plans extending along the southern side of the new access drive between Willow Grove Avenue and Church Road and shall be constructed by the Developer, including, but not limited to, the complete construction of trail connections. The waiver requested by the Developer is limited to installation of sidewalk along Willow Grove Avenue and Church Road;

b. the requirement per §260-30.G.(3) that a qualified real estate appraiser, practicing in the Commonwealth of Pennsylvania, shall study and report on the property values, population density, and character and aesthetics of the existing structures within the area of the project;

c. the requirement per §260-32.D(2) and §260-32.D(5) that the location, names and widths of streets, including those shown on the Township Plan of Streets, the location and names of railroads, the location of property lines and names of owners, and the location of watercourses, sanitary sewers, storm drains and similar features, and topography within four hundred (400) feet of the project must be provided on the Plan. An aerial photograph has been provided in lieu of showing existing features within 400 feet of the project site;

d. the requirement per Chapter 290, Table 290-23.1 and Chapter 291, Table 408-1, that the post development 2-, 5-, 10-, 25-, 50- and 100- year storm events must be reduced to the predevelopment 1-, 5-, 10-, 25-, 50- and 100- year storm events, respectively, conditioned upon: (1) the design engineer revisiting the 2-year post development peak flow of Drainage Area 3 as discussed in the Township Engineer Review Letter dated March 15, 2018; and (2) the addition of a note on the plan that if reserve parking spaces are constructed in the future that the stormwater management shall be revised by the Developer and approved by the Board of Commissioners in advance of the construction of any reserve parking spaces.

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 March 15, 2018, the entire contents of which are incorporated herein by reference.

3. Prior to the recording of the Plans, the Developer shall revise the Plans to conform to the recommendations and conditions of the STAC meeting on January 11, 2018.

4. Prior to the recording of the Plans, the Developer shall revise the Plans to conform to the review comments and recommendations of the MCPC set forth in their December 5, 2017 letter.

5. 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.

6. 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.

7. 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 not to be eliminated during the construction of the Development.

8. Prior to recording the Plans, Developer shall enter into a Land Development and Financial Security Agreement (“Financial Security Agreement”) with Cheltenham 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.

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 Financial Security Agreement shall be borne entirely by the Developer and shall be at no cost to the Township.

10. 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.

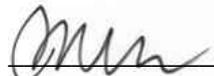
11. Consistent with Section 509(b) of the Pennsylvania Municipalities Planning Code (as amended) the payment of all applicable fees and the funding of all escrows under the Land Development and Financial Security Agreement shall be accomplished within ninety (90) days of the date of this Resolution unless 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.

12. 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 **May 16, 2018**.

ATTEST:

**TOWNSHIP OF CHELTENHAM
BOARD OF COMMISSIONERS**



Bryan T. Havir
Township Manager and Secretary

By: 
Daniel B. Norris, President