

**CHELTENHAM TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

RESOLUTION NO. 53-17

**ASHBOURNE MEADOWS
AMENDED SUBDIVISION PLAN APPROVAL**

WHEREAS, ASHBOURNE MEADOWS (“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 160-dwelling unit residential subdivision containing single family detached residences and townhouse units and certain open space (the "Development"); and

WHEREAS, Cheltenham Township requested, and the Developer approved of, a revision to the Development plans wherein an additional 0.81 acres of lot area will be allocated to “Lot C” and, eventually, conveyed to the Township; and

WHEREAS, the Development is more particularly shown on plans prepared by Taylor, Wiseman & Taylor for “Ashbourne Meadows,” being plans consisting of seventy-four (74) sheets dated January 12, 2015, last revised May 1, 2017 (the “Revised Plans”); and

WHEREAS, the Developer has obtained and supplied one (1) copy of a Post-Construction Stormwater Management Report prepared by Taylor, Wiseman & Taylor dated January 9, 2014, last revised January 23, 2017; and

WHEREAS, Developer has obtained and supplied one (1) copy of an Erosion & Sediment Control Report, prepared by Taylor, Wiseman & Taylor dated June 9, 2016, last revised January 23, 2017; and

WHEREAS, Developer has obtained and supplied one (1) copy of a cover letter, prepared by Taylor, Wiseman & Taylor dated August 22, 2017; and

WHEREAS, Developer has obtained and supplied one (1) copy of the Construction Cost Estimates; and

WHEREAS, Developer has obtained and supplied one (1) copy of the Montgomery County Conservation District Adequacy Letter dated April 4, 2017; and

WHEREAS, Developer has obtained and supplied one (1) copy of the Pennsylvania Department of Environmental Protection Individual Permit issued April 7, 2017.

NOW, THEREFORE, BE IT RESOLVED that Cheltenham Township hereby grants preliminary/final approval of the Development as shown on the Resided Plans described herein subject, however, to the following conditions:

1. All of the conditions set forth in the Board of Commissioners' Resolution No. 22-15 adopted July 15, 2015, which conditions are set forth in the attached Exhibit "A," are incorporated herein by reference as though set forth at length herein.

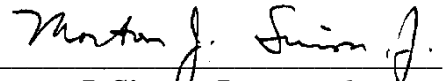
ADOPTED and **APPROVED** by the Cheltenham Township Board of Commissioners at its public meeting held on **October 18, 2017**.

ATTEST:

**TOWNSHIP OF CHELTENHAM
BOARD OF COMMISSIONERS**



Bryan T. Havir
Township Manager and Secretary

By: 

Morton J. Simon, Jr., President

**CHELTENHAM TOWNSHIP
BOARD OF COMMISSIONERS**

MONTGOMERY COUNTY, COMMONWEALTH OF PENNSYLVANIA

RESOLUTION NO. 2017-_____

ASHBOURNE MEADOWS

PRELIMINARY / FINAL LAND DEVELOPMENT APPROVAL

WHEREAS, ASHBOURNE MEADOWS ("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, Cheltenham Township requested, and the Developer approved of, a revision to the Development plans wherein an additional 0.81 acres of lot area will be allocated to "Lot C" and, eventually, conveyed to the Township; and

WHEREAS, the Development is more particularly shown on plans prepared by Taylor, Wiseman & Taylor for "Ashbourne Meadows", being plans consisting of seventy-four (74) sheets dated January 12, 2015, last revised May 1, 2017 (the "Revised Plans"); and

WHEREAS, Developer has obtained and supplied one (1) copy of a Post-Construction Stormwater Management Report prepared by Taylor, Wiseman & Taylor dated January 9, 2014, last revised January 23, 2017; and

WHEREAS, Developer has obtained and supplied one (1) copy of an Erosion & Sediment Control Report, prepared by Taylor, Wiseman & Taylor dated June 9, 2016, last revised January 23, 2017; and

WHEREAS, Developer has obtained and supplied one (1) copy of a cover letter, prepared by Taylor, Wiseman & Taylor dated August 22, 2017; and

WHEREAS, Developer has obtained and supplied one (1) copy of the Construction Cost Estimates; and

WHEREAS, Developer has obtained and supplied one (1) copy of the Montgomery County Conservation District Adequacy Letter dated April 4, 2017; and

WHEREAS, Developer has obtained and supplied one (1) copy of the PADEP Individual Permit, issued April 7, 2017.

NOW, THEREFORE, BE IT RESOLVED that Cheltenham Township hereby grants preliminary/final approval of the Development as shown on the Revised Plans described herein subject, however, to the following conditions:

1. All of the conditions set forth in the Board of Commissioners' Resolution No. 22-15 adopted July 15, 2015, which conditions are set forth in the attached Exhibit "A", are incorporated herein by reference as though set forth at length herein.

APPROVED at the public meeting of the Cheltenham Township Board of Commissioners held on October 18, 2017.

CHELTENHAM TOWNSHIP

By: _____
Morton J. Simon, Jr., President
Board of Commissioners

Attest: _____
Bryan T. Havir, Manager/Secretary

EXHIBIT "A"

**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