

**CHELTENHAM TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

RESOLUTION NO. 29-17

**1403 CHELTENHAM AVENUE DEVELOPMENT
PRELIMINARY / FINAL SUBDIVISION APPROVAL**

WHEREAS, CHELTENHAM PARTNERS, INC. ("Developer") is the owner and developer of a certain tract of land known as 1403 Cheltenham Avenue in Cheltenham Township on which the Developer intends to demolish an existing building, totaling approximately 1,292 square feet, and erect a 2000 square foot restaurant building with a drive-through window, in the Township's C-4 Commercial District including the development of new parking, landscaping lighting and storm water management facilities ("Development"); and

WHEREAS, the Development is more particularly shown on plans prepared by Charles E. Shoemaker, Inc. dated August 12, 2016, last revised April 17, 2017 (the "Plans"); and

WHEREAS, the Township Engineer issued review letters dated March 15 and April 27, 2017; and

WHEREAS, Charles E. Shoemaker, Inc. issued a response dated April 18, 2017 to the March 15, 2017 Township Engineer review letter; and

WHEREAS, the Township's traffic engineer, F. Tavani Associates, Inc. issued a review letter dated March 28, 2017;

WHEREAS, the Montgomery County Planning Commission review the application in a letter dated November 7, 2016.

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

b. 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. 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 April 27, 2017, the entire contents of which are incorporated herein by reference and which is attached hereto as an exhibit.

3. Prior to the recording of the Plans, the Developer will accept direction from the Township staff as to whether an additional light is necessary at the rear of the property, near the exit on School Lane.

4. The Developer shall revise the landscaping plan to: (A) add two (2) trees along School Lane and (B) add one (1) additional tree to the lot.

5. The Developer agrees to execute an Operations and Maintenance Agreement ("O&M Agreement") with the Township covering all stormwater facilities and BMPs that are to be privately owned. The O&M Agreement shall be drafted to the satisfaction of the Township Solicitor.

6. The Developer shall receive approval of a Planning Module Application for the sewage flows from the proposed restaurant by the Commonwealth Department of Environmental Protection.

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 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, as applicable.

12. 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.

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 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 17, 2017.

ATTEST:



Bryan T. Havir
Township Manager and Secretary

**TOWNSHIP OF CHELTENHAM
BOARD OF COMMISSIONERS**

By: 
Morton J. Simon, Jr., President



Boucher & James, Inc.
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April 27, 2017

Mr. Henry Sekawungu, Director of Planning and Zoning
Cheltenham Township
8230 Old York Road
Elkins Park, Pennsylvania 19027

**SUBJECT: LAND DEVELOPMENT PLAN REVIEW NO. 3
DUNKIN' DONUTS – 1403 CHELTENHAM AVENUE
CHELTENHAM TOWNSHIP, MONTGOMERY COUNTY, PA
PROJECT NO. 16-82-086R**

Dear Henry,

Pursuant to your request, we have completed our third review of the Land Development Plan submitted for the above referenced project. The submitted information was prepared by Charles E. Shoemaker, Inc. and consists of the following items:

- Response letter dated April 18, 2017.
- Stormwater Management and Erosion and Sediment Control Plan Narrative dated August 12, 2016, last revised April 17, 2017.
- A sixteen (16) sheet Land Development Plan dated August 12, 2016, last revised April 17, 2017.

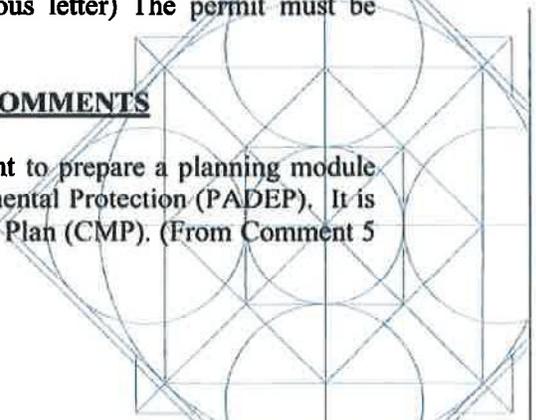
Based on our review of the information and our previous review letter dated March 15, 2017, we offer the following comments for your consideration.

ZONING ORDINANCE COMMENTS

1. Per §295-221.B.(4), vehicular access shall be from a side street where possible. Two (2) existing driveways will be utilized as one-way driveways to and from Cheltenham Avenue (S.R. 0309), and a two-way driveway from School Lane is proposed. A letter from Charles E. Shoemaker, Inc., received on November 28, 2016, indicates that School Lane is a one-way street which limits access to the proposed site and that a permit from the Pennsylvania Department of Transportation will be obtained for the proposed driveways along Cheltenham Avenue (S.R. 0309). (From Comment 2 from our previous letter) The permit must be submitted upon receipt.

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE COMMENTS

2. Per §260-30.C, it shall be the responsibility of the Applicant to prepare a planning module when required by the Pennsylvania Department of Environmental Protection (PADEP). It is noted that this project is not on the Connection Management Plan (CMP). (From Comment 5



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from our previous letter) The Planning Module information was submitted by the Township to PADEP in March 2017 and is currently under review.

3. Per §260-30.G.(3), 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. The Applicant is requesting a waiver from §260-30.G.(3). (From Comment 6 from our previous letter)
4. Per §260-32.D.(2) and §260-32.D.(5), 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, and topography within four hundred (400) feet must be provided on the plan. An aerial photograph has been provided. We would support a partial waiver of this requirement. Partial waivers are requested from §260-32.D.(2) and §260-32.D.(5). (From Comment 7 from our previous letter)

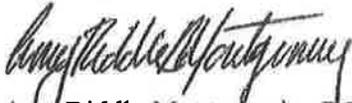
PLAN REVISION COMMENTS

5. The proposed storm sewer now ties into an existing inlet along Cheltenham Avenue (S.R. 0309). Approval from the Pennsylvania Department of Transportation is required for the proposed connection. A copy of the approval must be submitted to the Township upon receipt. (Comment 23 from our previous letter) The response indicates the required Highway Occupancy Permit will be obtained. A copy of this permit must be provided upon receipt.

We recommend the above comments be addressed to the satisfaction of Cheltenham Township prior to approval of this land development plan.

Please contact me if you have any additional questions or concerns.

Sincerely,



Amy Riddle Montgomery, P.E.
Township Engineer

ARM/mep/cg

cc: Bryan T. Havir – Township Manager
Richard A. Stoneback, P.E. – Charles E. Shoemaker, Inc.
Jason Winig – L-W Properties
Steven Hor, District Mgr. – Northeast Donut Shops Mgmt. Corp
Brian Olszak - Montgomery County Planning Commission