

**CHELTENHAM TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

RESOLUTION NO. 30-20

**734 WILLOW GROVE AVENUE
CALVARY ORTHODOX PRESBYTERIAN CHURCH
PRELIMINARY/FINAL LAND DEVELOPMENT APPROVAL**

WHEREAS, Calvary Orthodox Presbyterian Church (“Developer”) is the owner and developer of a lot at the intersection of Church Road and Willow Grove Avenue in Cheltenham Township with an existing two-story Church building and parking lot on which is proposed the construction of a 560 SF classroom building, a concrete sidewalk and elevated ramp to the classroom, the installation of underground stormwater facilities and the installation of 8 new trees (“Development”); and

WHEREAS, the Developer was granted zoning relief by the Cheltenham Township Zoning Hearing Board on or about November 18, 2019 (“Zoning Decision”) wherein certain a special exception and certain zoning 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 Knudsen Engineering, Inc. dated September 10, 2020 (the “Plans”); and

WHEREAS, the Developer has also submitted stormwater management computations dated September 25, 2019 prepared by Knudsen Engineering, Inc. (referred to as the "Submittal"); and

WHEREAS, the Montgomery County Planning Commission (“MCPC”) issued a review letter on the Plans dated October 22, 2020;

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 and Submittal described herein subject, however, to the following conditions:

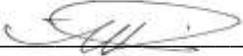
1. At this time, the Cheltenham Township Board of Commissioners **WAIVES** strict compliance with the following provisions of the Cheltenham Township Subdivision and Land Development Ordinance:
 - a. the requirement per Chapter 260, §304.C requiring the items within 200 feet of the site which must be shown on the Existing Features Plan (an aerial plan has been submitted instead) ;
 - b. the requirement per Chapter 260, §309A.5. a permitting small project to be considered a “Minor Land Development” (the Development does not meet the precise definition of “Minor Land Development”); and
 - c. the requirement per Chapter 260, §422.M.2 requiring the minimum storm sewer pipe size diameter of fifteen (15) inches (six (6) inch diameter pipes are shown on the Plans).
2. 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 22, 2020.

3. 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.
4. 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.
5. 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.
6. 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”).
7. 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.
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 terms and conditions of the declaration shall be satisfactory to the Township Solicitor, and the declaration shall be recorded simultaneously with the Plans.
9. 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.

10. 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 conditions 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 November 18, 2020.

ATTEST:


Robert Zienkowski
Township Manager and Secretary

**TOWNSHIP OF CHELTENHAM
BOARD OF COMMISSIONERS**

By: 
Daniel B. Norris, President