

**CHELTENHAM TOWNSHIP  
MONTGOMERY COUNTY, PENNSYLVANIA**

**RESOLUTION NO. 31-20**

**8200 OGONTZ AVENUE  
CHELTENHAM PLAZA  
PRELIMINARY/FINAL LAND DEVELOPMENT APPROVAL**

**WHEREAS**, KL Investments, LLC (“Developer”) is the owner and developer of a lot located south of the intersection of Ogontz Avenue and State Route 309, 8200 Ogontz Avenue, and located within the C-2 Commercial District in Cheltenham Township, with an existing shopping center, stand-alone Dunkin Donuts store, associated parking lots on which is proposed the demolition of the existing Dunkin Donuts building, the demolition of selective pavement areas, landscape beds, and concrete curbs, the construction of a new 1,815 square foot Dunkin Donuts store, the construction of a new 5,855 square foot commercial building, the reconstruction and restriping of the asphalt parking areas, the closure of the existing driveway on Ogontz Avenue at the North side of the property, and other associated work on underground stormwater facilities, landscape islands and landscaped beds (the “Development”); and

**WHEREAS**, the Development is currently proposed as more particularly shown on certain preliminary/final land development plans prepared by Mainstay Engineering Group, Inc. dated January 17, 2020, last revised October 2, 2020, with Sheets 12 and 41 of 41 Sheets last revised November 9, 2020 (the “Plans”).

**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 applicable Cheltenham Township Subdivision and Land Development Ordinance:
  - a. SALDO Section 260-30.D. - requiring a noise analysis for the environmental impact study;
  - b. SALDO Section 260-30.E. - requiring an open space analysis for the environmental impact study;
  - c. SALDO Section 260-30.F. - requiring a traffic study for the environmental impact study;
  - d. SALDO Section 260-30.G.(3) - requiring a real estate appraisal analysis for the environmental impact study;
  - e. SALDO Section 260-33.B.(2) - requiring the Record Plan(s) to be drawn on linen tracing cloth, rather than accepting paper copies of the Record Plan(s);
  - f. SALDO Section 260-33.B.(4) - requiring the Record Plan(s) to be printed on linen cloth, rather than accepting paper copies of the Record Plan(s);
  - g. SALDO Section 260-32.C.(6) and SALDO Section 260-32.D.(5) - requiring the provision of elevations based on Cheltenham Township Sanitary Sewer Datum (The Developer offers to provide a calculation for the conversion of the given Datum to Cheltenham Township Sanitary Sewer Datum);
  - h. SALDO Section 260-32.D.(2) - requiring the provision of the location of property lines and names of owners; and the location of watercourses, sanitary sewers, storm drains

and similar features within four hundred (400) feet of any part of the land to be subdivided (The Developer offers the Topographic Survey Plan of the site and supplement with aerial imagery within 400 feet); and

- i. SALDO Section 260-32.D.(5) - requiring the provision of topography adjacent to the property for a minimum distance of four hundred (400) feet (The Developer offers the Topographic Survey Plan of the site and supplements with aerial imagery within 400 feet).
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 29, 2020.
3. 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 Traffic Engineer set forth in the review letter of September 14, 2020.
4. 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.
5. 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.
6. 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.
7. 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").
8. 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.
9. 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.

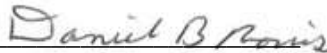
10. Consistent with Section 509(b) of the MPC (as amended) the payment of all applicable fees and the funding of all escrows under the Land Development and Financial Security Agreement shall be accomplished within ninety (90) days of the date of this Resolution unless a written extension is granted by 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.
11. 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:**

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

**TOWNSHIP OF CHELTENHAM  
BOARD OF COMMISSIONERS**

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