

**TOWNSHIP OF CHELTENHAM  
MONTGOMERY COUNTY, PENNSYLVANIA**

**RESOLUTION NO. 07-21**

**0 GREENWOOD AVENUE  
MINOR LAND DEVELOPMENT APPROVAL**

**WHEREAS**, Sarah Kamangu (“Developer”) is the owner and developer of an existing 1.513 acre lot zoned R-1 created from a previous subdivision approved in 2006 which included a note that indicated "any future development of lot #2 shall require the submission of a Land Development Plan in accordance with the requirements of Chapter 260, entitled 'Subdivision and Land Development' of the Cheltenham Code and the approval thereof by the Board of Commissioners"; this minor land development proposes the construction of a single-family dwelling and driveway ("Development"); and

**WHEREAS**, the Development is currently proposed as more particularly shown on certain land development plans prepared by All County and Associates, Inc. dated October 1, 2020 as well as a certain Drainage Plan prepared by All County and Associates, Inc. dated October 9, 2020 and an Erosion and Sedimentation Control Plan Narrative dated October 12, 2020 (the "Plans"); and

**WHEREAS**, the Township Engineer issued a review letter on the Plans dated February 4, 2021 (“Review Letter”); and

**WHEREAS**, the Montgomery County Planning Commission (“MCPC”) issued a review letter on the Plans dated January 22, 2021.

**NOW, THEREFORE, BE IT RESOLVED** that the Cheltenham Township Board of Commissioners hereby **GRANTS** minor land development approval 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 requirements per Chapter 260, §15.C. that existing features within 200 feet of the tract boundaries be shown on the Plan (partial)(aerial plan provided);
  - b. the requirements per Chapter 260, §15.D.4(o) that a proposed landscaping plan shall be prepared, signed and sealed by a landscape architect licensed in the Commonwealth of Pennsylvania (partial) (no registered landscape architect);
  - c. the requirements per Chapter 260, §40 that sidewalks shall be installed along all existing and proposed public and private streets, common driveways, and common parking areas;
  - d. the requirements per Chapter 260, §48.A1. that street trees shall be planted along all existing streets when they abut or lie within the proposed Development;

- e. the requirements per Chapter 260, §§34.D (1) and (3) that each tree three inches dbh or greater that is destroyed shall be replaced with a sufficient number of trees whose caliper measurement equals the dbh measurement of the tree which is destroyed or removed (partial waiver)(see Condition No. 2 below);
  - f. the requirements per Chapter 260, §77.E.1 maximum grades for driveways shall not exceed ten (10%) percent of the grade;
  - g. the requirements per Chapter 260, §37.C(2) that no permanent excavation shall be made with a cut face steeper in slope than three horizontal to one vertical (3:1);
  - h. the requirements per Chapter 260, §34.D(1) that each tree three inches (3”) dbh or greater that is destroyed shall be replaced with a sufficient number of trees whose total caliper measurement equals the dbh measurement of the tree which is destroyed or removed.
2. The Developer shall plant 29 trees on the subject lot in accordance with the landscaping plan and shall, with 45 days of the adoption of this resolution, pay a total of Five Thousand Dollars (\$5,000.00) to a designated Township tree fund in lieu of planting the remainder of the trees required to be planted by Chapter 260.
  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 Engineer set forth in the Review Letter.
  4. The Development shall be constructed in strict accordance with the content of the Plans, notes on the Plans, the Township Engineer’s Review Letter and the terms and conditions of this Minor Land Development Approval Resolution.
  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. The cost of accomplishing, satisfying and complying with all of the terms and conditions and requirements of the Plans, notes to the Plans, the Township Engineer’s Review Letter and the Minor Land Development Approval Resolution, shall be borne entirely by the Developer and shall be at no cost to the Township.
  7. Under the provisions of the MPC, the Developer has the right to accept or reject conditions imposed by the Board of Commissioners upon Minor Land Development Approval Resolution 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 all of the conditions set forth in Paragraph 1, all as authorized by Section 508 of the MPC.

**APPROVED** at the public meeting of the Cheltenham Township Board of Commissioners held on February 17, 2021.

**ATTEST:**

**TOWNSHIP OF CHELTENHAM  
BOARD OF COMMISSIONERS**

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

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