

**CHELTENHAM TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

RESOLUTION NO. 24-20

**1829 and 1831 CHELTENHAM AVENUE
PRELIMINARY/FINAL LAND DEVELOPMENT APPROVAL**

WHEREAS, Penrose Medical Investments, LLC (“Developer”) is the record owner and developer of two existing lots which are proposed for consolidation into one 4,596 square foot lot to be used as an expanded medical office (“Development”); and

WHEREAS, the Developer was granted zoning relief by the Cheltenham Township Zoning Hearing Board on or about November 9, 2015 (“Zoning Decision”) wherein a special exception and certain variances were granted with certain conditions (a true and correct copy of the Zoning Decision is attached hereto and incorporated herein as Exhibit “A”); and

WHEREAS, the Development is currently proposed as more particularly shown on certain preliminary/final land development plans prepared by Robert E. Blue Engineers, P.C. dated February 26, 2020, last revised May 15, 2020 (the “Plans”); and

WHEREAS, the Township Engineer, Boucher & James, Inc., issued a review letter on the Plans dated May 28, 2020, consisting of four (4) pages; and

WHEREAS, the Montgomery County Planning Commission (“MCPC”) issued a review letter on the Plans dated July 19, 2019;

NOW, THEREFORE, BE IT RESOLVED that the Cheltenham Township Board of Commissioners hereby **GRANTS** preliminary/final approval of the land development and lot consolidation as shown on the Plans described herein subject, however, to the following conditions:

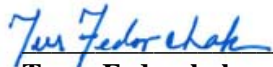
1. At this time, the Cheltenham Township Board of Commissioners **WAIVES** strict compliance with the following provisions of the Cheltenham Township Subdivision and Land Development Ordinance:
 - a. the requirement per Chapter 260, §30.D regarding the requirement for an environmental impact study;
 - b. the requirement per Chapter 260, §32.D.(2) that the location, names and widths of streets, including those 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 water courses, sanitary sewers, storm drains and similar features based on Cheltenham Township Sanitary Sewer Data within four hundred (400’) feet of the parcel are required to be shown, where the applicant has provided an aerial photo; and
 - c. the requirement per Chapter 260, §§32.D.(5) and (7) that the topography within and adjacent to the property for a minimum distance of four hundred (400’) feet, where the applicant has provided an aerial photo; and
 - d. the requirement per Chapter 260, §32.F that whenever a lot is subdivided so that existing structures may be separately owned or vacant ground added to abutting properties without improvements, then the Board may waive the requirement of filing a Preliminary Plan.

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 May 28, 2020.
3. Prior to the recording of the Plans, the Developer shall record a deed of consolidation, previously reviewed and approved by the Township Solicitor, consolidating the two lots, 1829 and 1831 Cheltenham Avenue, within forty-five (45) days of this approval.
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 above-referenced May 28, 2020 review letter, 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 above-referenced May 28, 2020 review letter, 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 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 August 19, 2020.

ATTEST:



Terry Fedorchak

Interim Township Manager and Secretary

**TOWNSHIP OF CHELTENHAM
BOARD OF COMMISSIONERS**

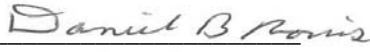
By: 
Daniel B. Norris, President

EXHIBIT "A"
ZONING DECISION

**IN AND BEFORE THE ZONING HEARING BOARD
OF CHELTENHAM TOWNSHIP, PENNSYLVANIA**

IN RE: Application of Penrose Medical Investments, LLC

NO. 15-3537

ORDER

AND NOW, this 9 day of November, 2015, upon consideration of the application of Penrose Medical Investments, LLC, Applicant, for the property located at 1831 W. Cheltenham Avenue, Melrose Park, PA, Applicant requested the following relief in order to expand to existing medical office use into the adjoining building at 1829 W. Cheltenham Avenue, formally a real estate office in the R-5 Residential Zoning District:

(a) The following variances from the requirements of the use, lot and building areas, front, side and rear yards setbacks, and off-street parking:

1. Section 295-43., use regulations for professional/physician's office.
2. Section 295-44., for the existing lot area, of 4,596 sq. ft. in place of the required 7,500 sq. ft.
3. Section 295-45., for the existing building area, of 38% in place of the required 30%.
4. Section 295-46.A.(1) for the front yard depth, of 13' in place of the required 40'.
5. Section 295-46.B.(1) for the side yard depth, of 5.5' in place of the required 8'.

6. Section 295-46.C. for the rear yard depth, of 13' in place of the required 25'.
7. Section 295-221.H. for the existing parking spaces, to provide 3 spaces in place of the required 6 spaces.
 - (b) A special exception from Section 295-48. For the area and width requirements for non-conforming lots in the R-5 Residential District.
 - (c) An interpretation/change in the existing non-conforming use, or in the alternative a variance from Section 295-227.A to allow for the non-conforming use of the property to continue as such.
 - (d) An interpretation/continuation of the existing non-conforming building, or in the alternative a variance from Section 295-227.B to allow for the non-conforming building on the property to continue as such.

The Board approved the above requests as variances with the following conditions:

1. There shall be no residential use.
2. The two (2) parcels shall be consolidated.

All material representations made by the applicant on the record at the hearing shall be treated as conditions of the grant and be binding on the applicant. Material representations include, but are not limited to, lighting, size of buildings, construction material and grading. During any subsequent land development/subdivision process, the Board of Commissioners may require or allow changes to these representations.

All use and development permitted by this Decision shall conform to the exhibits and testimony presented by the Applicants, unless inconsistent with any specific conditions imposed by this Board, in which case the specific conditions shall take precedence.

The properties involved are 1831 W. Cheltenham Avenue and 1829 W. Cheltenham Avenue, Melrose Park, PA 19027 and are located in the R-5 Residential Zoning District.

CHELtenham TOWNSHIP ZONING HEARING BOARD

AMEE FARRELL, CHAIRPERSON



ALAN S. GOLD, VICE CHAIRPERSON



PETER R. LABIAK, BOARD MEMBER