

**CHELTENHAM TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

RESOLUTION NO. ____-23

FINAL LAND DEVELOPMENT APPROVAL

222 Church Road

WHEREAS, 222 Church Road, LLC (“Developer”) is the owner of a certain tract of land containing 5.05 acres and located at 222 Church Road (the “Property”); and

WHEREAS, Developer proposes to subdivide the Property into ten (10) lots for the construction of eight single-family homes on proposed Lots 1-8, with the existing single-family home to remain on proposed Lot 9 and proposed Lot 10 offered for dedication to the Township (collectively, “Development”); and

WHEREAS, the Development is more particularly shown on a set of plans prepared by Robert E. Blue Consulting Engineers dated July 23, 2021, last revised September 27, 2022 (the “Plans”); and

WHEREAS, on April 20, 2022, the Township granted preliminary approval of the Development; and

WHEREAS, the Township’s Professional Consultants and Staff have issued review letters as more particularly set forth herein; and

WHEREAS, the Developer desires to obtain final land development approval of the Plans from the Cheltenham Township Board of Commissioners, in accordance with Chapter 260 of the Cheltenham Township Code (Subdivision and Land Development) and Section 508 of the Pennsylvania Municipalities Planning Code.

NOW, THEREFORE, BE IT RESOLVED that the Cheltenham Township Board of Commissioners hereby **GRANTS FINAL APPROVAL** of the Development as shown on the Plans described herein subject, however, to the following conditions:

1. Prior to the recording of the Plans, the Developer shall revise the Plans to resolve, to the satisfaction of the Township, all issues in the review letter dated February 24, 2023 prepared by Gannett Fleming, the Township Engineer (a true and correct copy of which is attached hereto as Exhibit “A”), and all subsequent review letters prepared by the Township Engineer, the entire contents of which are incorporated herein by reference.

2. Prior to the recording of the Plans, the Developer shall revise the Plans to comply, to the satisfaction of the Township, with all issues in the review letters dated April 1, 2022 and June 29, 2022 prepared by Rockwell Associates, the Township Arborist (true and correct copies of which are attached hereto as Exhibit “B”), and all subsequent review letters prepared by the Township Arborist, the entire contents of which are incorporated herein by reference.

3. Prior to the recording of the Plans, the Developer shall revise the Plans to comply, to the satisfaction of the Township, with the Shade Tree Advisory Committee’s conditions set forth in the

Meeting Minutes from January 12, 2023, a true and correct copy of which is attached hereto as Exhibit "C".

4. Prior to the recording of the Plans following final approval, Developer shall enter into a Land Development and Financial Security Agreement with Cheltenham Township (the "Agreement"). 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.

5. Prior to the recording of the Plans following final approval, 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"), AQUA, the Montgomery County Conservation District and the Montgomery County Department of Assets and Infrastructure, as applicable.

6. 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.

7. 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 Final Approval Resolution.

8. The cost of accomplishing, satisfying and meeting all of the terms and conditions and requirements of the Plans, notes to the Plans, and this Final Approval Resolution, shall be borne entirely by the Developer and shall be at no cost to the Township.

9. 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 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 within thirty (30) days from the date of this Resolution, this approval shall be deemed to be automatically rescinded and revoked and the application shall be considered denied based upon the failure to comply with the conditions set forth above, 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 **March 15, 2023**.

ATTEST:

**TOWNSHIP OF CHELTENHAM
BOARD OF COMMISSIONERS**

Alyson Elliott
Acting Township Manager / Secretary

By: _____
Daniel B. Norris, President

Exhibit "A"

Township Engineer Review Letter



*Excellence Delivered **As Promised***

February 24, 2023

Henry Sekawungu, Director of Planning and Zoning
Cheltenham Township
8230 Old York Road
Cheltenham, PA 19027

RE: 222 Church Road
Final Land Development Plan Review No. 4

Gannett Fleming, Inc. has completed a review of the Final Land Development Plans for the above referenced project. This project is located in the R2 Residential Zoning District and is Tax Parcel Number 31-00-06637-01 and contains 5.05 acres. This project proposes the following:

- To subdivide the existing 5.05 acre lot into 10 proposed lots. One of the lots is proposed to be dedicated to the Township.

The following documents were submitted for our review:

- Final Land Development Plans 222 Church Road prepared by Robert E. Blue Consulting Engineers dated 07/23/2021 and last revised 02/03/2023.
- 222 Church Road Post Construction Stormwater Management Report dated 01/04/2023
- Letter from Robert E. Blue Consulting Engineers dated 02/10/2023 responding to Township Engineer Comments
- Waiver request letter prepared by Robert E. Blue Consulting Engineers dated 09/02/2022
- Land Development application dated 09/20/2022
- Descriptions of Lots 1- 10 dated 09/02/2022
- Title Report, Deeds and Easement Descriptions

Final Land Development 222 Church Road

Plans Prepared By: Robert E. Blue Consulting Engineers
Dated: 07/23/2021 and last revised 02/03/2023

Gannett Fleming, Inc.

Valley Forge Corporate Center • 1010 Adams Avenue • Audubon, PA 19403-2402

t: 610.650.8101 • f: 610.650.8190

www.gannettfleming.com

Subdivision and Land Development

1. §260-15.C – The existing feature plan must show the required features within 200 feet of the tract boundaries. The applicant has requested a waiver from this requirement.
2. §260-15.D(4)(n) – Impervious coverage areas calculations must be provided on the plans. The applicant has provided a total for each lot, but a detailed breakdown for each lot must be provided.
3. §260-17.D(1) – All required local, state and federal permits that have been issued shall be submitted with the final plan. The applicant has indicated that all permits will be provided when issued.
4. §260-17.D(4) – Sewage facilities plan approval from PA DEP in compliance with the Township's Act 537 Sewage Plan must be submitted with the final plan. The SFPM was submitted and is being prepared for submission to the PADEP.
5. §260-17.D(5) – Approval of the erosion and sediment control plan from the Conservation District must be submitted with the final plan. Applicant has indicated that the approval will be provided upon issuance by the MCCD.
6. §260-17.D(6) – Stormwater management permits from PA DEP, including but not limited to NPDES permits must be submitted with the final plan. Applicant has indicated that the approval will be provided upon issuance by the MCCD.
7. §260-38.A(1) – An erosion and sedimentation control plan which meets the requirements of the DEP's Erosion /Sediment Pollution Control Program must be approved by the Montgomery County Conservation District and available on site for all earth-disturbance activities greater than or equal to one acre. The applicant has indicated that this has been submitted to the MCCD. Approval must be received from MCCD prior to final plan approval.
8. §260-45.A(2) – A Sewage Facilities Planning Module must be approved by the PA DEP prior to final plan approval.
9. §260-45.B – The sanitary sewer plans must be submitted to Aqua America for review and approval prior to final plan approval being granted by the Township. The plans are currently being reviewed by AQUA and approval will be forwarded when received.

Stormwater

1. §260-47.M(5)(g) – Roof drainage. The locations of any stormwater roof drains and pipes must be provided.
2. §290-13.A(4) – An erosion and sediment control plan, including all reviews and letters of adequacy from the Conservation District. Provide the most recent review letters and letters of adequacy from the Conservation District during each submission. Applicant has indicated that the approval will be provided upon issuance by the MCCD.
3. §290-31.A – The owner of any land upon which stormwater facilities and BMPs will be placed, constructed, or implemented, as described in the stormwater facility and BMP O&M plan, shall record the following documents in the office of the Recorder of Deeds of Montgomery County, within 90 days of approval of the stormwater facility and BMP O&M plan by the municipality: (1) The O&M plan, or a summary thereof; (2) O&M agreements under §290-33; and (3) Easements under §290-34. Documentation should be added to the plans requiring the future owners of lots 6, 7, 8, & 9 to update and execute operation and maintenance agreements for the stormwater BMPs on their respective lots. While the current application allows for the placement of BMPs on multiple lots, the agreement is only to be executed by the developer. Once multiple parties are involved, multiple documents and agreements will be necessary. Applicant has indicated that all agreements will be recorded following final plan approval.

The above items must be adequately addressed to the satisfaction of Cheltenham Township or made a condition of any consideration for approval.

If you have any questions or require any additional information, please contact me.

Very truly yours,

GANNETT FLEMING, INC.

A handwritten signature in blue ink, appearing to read 'R. Phillips', with a large, stylized initial 'R'.

Roger A. Phillips, P.E.
Senior Project Manager

Exhibit "B"

Township Arborist Review Letters



ROCKWELLTM
A S S O C I A T E S

www.Rockwellurbanforestry.com

222 Church Road

Via email – June 29, 2022

To: Mr. Edward A. Diasio, Esquire Wisler Pearlstine, LLP
Blue Bell Executive Campus
460 Norristown Road, Suite 110 Blue Bell, PA 19422-2323
Cc: Mr. Henry Sekawungu - Director of Planning and Zoning
From: John Hosbach – Rockwell
Reference: 222 Church Road Revised Plan - Cheltenham
File# 7282

Dear Mr. Diasio,

Pursuant to the applicant's revision to the plan (sheet 12 of 18) , the applicant has fulfilled the requirements I have requested during our site meeting and in relation to my 4/1/22 memorandum.

A few notes from my review.

- I. The subject sampling method to obtain data on the smaller trees (3"-6") was tallied and computed into the replacement requirements where applicable.
- II. The subject trees noted in my review letter dated 4/1/22 to be preserved has been targeted for preservation on the said plan.
- III. The Forest management areas have been depicted on the plan with my recommendations. This most certainly will increase the diversity, assist with the failing current stand of trees and provide a sustainable landscape.
- IV. The applicant is using a high percentage of native stock in the compensation schedule.
- V. The applicant is proposing 159 trees to be placed in a fee in lieu account which can be utilized for the ash culling replacements throughout the township.

VI. The applicant from my site review and review of this plan, has considered and attempted to preserve as many trees as possible given the infrastructure improvements and degrading canopy.

VII. It must be conveyed that numerous large canopy trees are being preserved. The areas in which removals are required, are degraded and failing in health. The prominent and healthy stock is to remain and to be protected.

In closing, I understand the concerns and opposition from the community. However, this subject plan as it relates to the landscape, mitigation and preservation was designed with great intention. Longevity, sustainability and future health of the urban forest has been implemented in this design process. I believe that overall, this will increase the diversity and stock quality of the existing degraded plant structure to be condemned.



John Rockwell Hosbach Jr., Urban Forester

Registered Consulting Arborist #483, ISA Certified Arborist PD-0372

ISA Tree Risk Assessment Qualified, ASCA Qualified Tree and Plant Appraiser



Exhibit “C”

Shade Tree Advisory Committee’s January 12, 2023 Meeting Minutes

A regular meeting of the **Shade Tree Advisory Commission (STAC)** for January was held tonight via Web-Conference. Those in attendance were: Bern Panzak, Lewis Ruberg, Mindy Lemoine, and James Houck. Staff liaisons in attendance were: Henry Sekawungu, Director of Planning & Zoning, and Julia Detwiler, Planner. John Hosbach, Township Arborist, was also present.

1. Call to order – The meeting was called to order by Mr. Panzak at 7:32 p.m. A quorum was present.
2. Ms. Lemoine moved to accept the August 11, 2022 minutes. Mr. Houck seconded and the motion passed unanimously.
3. Review of CTDA #21-06 – Final Subdivision for 222 Church Road, Elkins Park, PA 19027, for the proposed subdivision of the existing parcel into ten (10) lots, with eight (8) lots for new residential dwellings, one (1) lot for the existing residential dwelling, which is to remain and with the final lot to be dedicated to the Township as open space with revised landscaping plans.

Mr. John Hosbach, Township Arborist, presented the changes that had been made to the landscape plan, including the planting of 200 additional whips. He explained that the existing woodland was failing and that the proposed plan, based on a sampling of a small area that was applied to the whole lot, would increase species diversity.

Mr. Robert Blue and Mr. Mike Baginski, engineers for the applicant, and Ms. Bernadette Kearney, applicant's attorney, were present.

Discussion ensued with respect to the following:

- Risk assessment performed by Rockwell Associates;
- The longevity of preserved trees on the property;
- The long-term management and maintenance of Forest Management Areas on the site;
- How long new trees would be guaranteed;
- The ownership of the stormwater management basin;
- How the proposed trees affected stormwater management calculations for the site;
- The protection measures proposed for the existing trees that would be preserved;
- The number of mature trees that would be preserved on the site; and
- The sequence of construction on the site.

Upon motion of Mr. Panzak, seconded by Ms. Lemoine, three members of the Committee recommended approval (with Mr. Ruberg abstaining) with the following conditions:

- The Forest Management Areas would be required to persist and allowed to mature in perpetuity
- It would be made known to buyers that the Forest Management Areas existed as part of the record plan, and that they could not clear cut or remove trees, except for dead material
- Replacement trees would be the responsibility of the homeowners
- Tree protection would be in place prior to earth disturbance activities and that a representative from the Township or the Township Arborist would be present to observe earth work

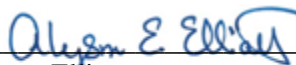
4. Old Business

- a. Ms. Lemoine gave an update on her presentation to the Board of Commissioners regarding the proposed tree canopy management plan and that the Commissioners supported the plan with some conditions. Ms. Lemoine and Ms. Detwiler had met to discuss the plan and had proposed the following:

- Starting with small portions of the Township
- Emphasizing planning and long-term analysis
- Providing education to the community through social media
- Coordinating with the Township Arborist and the Pennsylvania Horticultural Society
- Focusing on trees in Downtown Glenside

5. New Business

- a. Ms. Lemoine informed the Committee that Julie Slavet of Tookany/Tacony-Frankford Watershed Partnership (TTF) had inquired about the removal of trees planted by TTF in Rock Lane Park. Staff responded that they would follow up, and also requested additional information.
 - b. Ms. Lemoine announced that there was a tree planting opportunity coming up and that applications for trees were due February 2, 2023, for the April planting season.
 - c. Township Staff discussed training opportunities for the Committee and that Ms. Detwiler would periodically send out information on upcoming trainings.
6. Adjournment – There being no further business, Mr. Panzak made a motion to adjourn, Mr. Ruberg seconded and the meeting was adjourned at 9:11p.m.



Alyson Elliott
Acting Township Manager

Per: Julia Detwiler