

Board of Commissioners

Matthew J. Comisky, Esq., President

February 15, 2006

Minutes

When addressing the Board of Commissioners, please state your name and address before making comments. As a courtesy to all, comments made from the audience during testimony or Board deliberation are not permitted and are not included as part of the public record. Public speakers are encouraged to summarize their comments and limit presentation to three minutes per item. The Board requests people in the audience turn off their cell phones at the beginning of the meeting.

Call to Order

A stated meeting of the Board of Commissioners of the Township of Lower Merion convened at approximately 8:18 pm. on the above date in the Township Administration Building, 75 E. Lancaster Avenue, Ardmore, PA, Mr. Matthew J. Comisky, President, presiding. Other members present were: Commissioners Brown, Burdo, Dellheim, Gelber, Gordon, Gould, Manko, Phillips, Reed, Rogan, Rogers, Rosenzweig and Zelov.

Approval of Minutes

The President moved for the approval of the minutes from the 54th Biennial Reorganization Meeting held on January 3, 2006 and from the stated Board of Commissioners meeting held January 18, 2006. Motion seconded by Mr. Manko with all voting aye. Minutes stand approved.

Announcements/Presentation

Report Out – The President reported out that the Board met in executive session on Tuesday, January 31, 2006 for a discussion of a matter of litigation.

Report Out – The President also reported out that the Board met earlier this evening to receive reports from its professional staff.

Report Out – The President further reported out that Monday, February 20, 2006, President's Day was a holiday. The Township Administration Building would be closed for business.

Announcement – The President announced that the Bryn Mawr Master Plan Charette will take place on the following days: Wednesday, March 1st from 6:00-9:00 p.m. in the Board Room, Township Administration Building, Thursday, March 2nd from 1:00 p.m. to 8:00 p.m. at the Bryn Mawr Presbyterian Church – Congregational Hall, and Friday, March 3rd from 9:00 a.m. to 12:00 p.m. at the Bryn Mawr Presbyterian Church – Congregational Hall.

Commissioner Zelov noted that this was an opportunity to seek public opinion on Bryn Mawr and for the public to speak. He encouraged the public to attend.

Report Out – The President reported out there were certain actions which would be taken tonight that, if approved, would result in the scheduling of two public hearing to be held on March 15, 2006 on:

a) An ordinance to amend the Code of the Township of Lower Merion, Chapter 155, Zoning, to permit fields with artificial recreation surfaces in a required setback.

b) An ordinance to amend the Code of the Township of Lower Merion, Chapter 135, Subdivision and Land Development, and Chapter 155, Zoning, to provide for the dedication of land for park and recreational purposes, or the payment of fees in lieu thereof, upon the subdivision or development of property for the purpose of erecting three or more residential units; establishing a per unit fee for park and recreation purposes; and permitting residential uses in the M Manufacturing and Industrial District without obtaining a special exception.

Presentation – Lower Merion Affordable Housing – The Board of LMAH presented a check in the sum of \$100,000 representing monies left over from Spring Ave affordable housing development. Former Commissioner Ora Pierce noted how the costs were kept down and acknowledged the efforts of John Alexander. She expressed hope there would be another community development project for which this money could be used. She thanked the Board and staff noting there were 10 happy families living there now.

Commissioners Gould and Phillips stated the check would not be put in the General Fund but used for the purpose intended. They thanked LMAH for their stewardship and for their efforts to continue to work towards a better community. Commissioner Phillips commented that this was indeed a lesson in stick-itiveness over the past 12 years and a testament to a commitment to affordable housing in the future.

Public Hearing

The President opened the floor for a public hearing on An Ordinance To Amend The Code Of The Township Of Lower Merion, Chapter 155, Zoning, To Allow Fences Over Six Feet In Height Without Openings If They Abut A Railroad Or Where A Residential Property Abuts A Commercial Property.

Bob Duncan summarized the amendment and distributed copies of the proposed ordinance, particularly noting a new section 155-130 A. (2) a. b. – Regulations of fences and walls.

Commissioner Gelber noted her introduction of this ordinance on behalf of her constituents who had little protection from the railroad.

The President called for anyone who wished to address the Board on this amendment. No response was heard. The Public Hearing was then declared closed at 8:36 p.m.

Public Comment

The President announced that the floor was now opened to provide the opportunity for the public to address the Board on matters relating to agenda items, which will be voted upon at this meeting. He called for anyone who wished to speak. No response was heard. He declared the public comment portion of the agenda closed.

Public Privilege of the Floor

The President reopened the Floor to provide the opportunity for the public to address the Board on any non-agenda item or any other public matter in which the Township has jurisdiction or authority.

The following individuals spoke:

Charlie Ward, President, Ardmore Initiative, welcomed the five new commissioners and introduced Caroline Stritzinger, new Executive Director of Ardmore Initiative. The Board welcomed her and wished her well.

Christine Jones, Ardmore, encouraged the new Board to step back and reassess all Township projects as new vision is needed. She felt Ardmore needed new thinking and a new historic preservation-qualified architectural firm for a new comprehensive plan as well as new buildings and a new Township planner over seeing planning – a new “Main Street Program,” properly executed could be incorporated for revitalizing the existing historic downtown. UI suggested starting small but wisely by first building a parking garage on the Bernicker lot and also a small efficient train station. Why not start as soon as possible. She expressed high hopes that the newly revitalized board would really listen to and interact with their caring constituents for a better township. A full copy of her testimony and excerpts from the “Big White Book” prepared by ULI members on 9/4 – by merchants of “The Block” and Christine Jones are available in the Office of the Township Secretary.

Sharon Eckstein, Ardmore SAC, felt the Development Plan B for Ardmore must be implemented and was distressed about the lack of public meetings and absence of it from agenda items. She invited the Board to a free screening of 4 documentaries produced through the Scribe Precious Places Project focusing on the use of eminent domain for private development followed by community conversation and discussion about the future of the neighborhoods scheduled for March 7 at 7 p.m. at St. Mary’s Episcopal Church, Ardmore.

Hugh Gordon, 111 Llanfair Road, Ardmore, noted is has been one year since the Montgomery County Planning Commission approved the Hillier Option B Redevelopment plan for Ardmore. He asked when an RFP could be expected. He felt no one knows what the consultant’s are doing and questioned why the process has to be so secretive. He wanted to see the plan open to the public and developers and asked that the public be included in the process. He noted the forthcoming public hearing on MUST and the lack of information on the potential projects under MUST which would require infrastructure support. He noted no studies had been done to determine how many residential units could be built in the MUST district etc. He stressed the need for a master plan. A full verbatim of his comments is available in the Office of the Township Secretary.

Jim Harrison, Villanova, felt the Radnor Centacor Corp would be an ideal site for the parking of school busses. He called the Board’s attention to the amount of trash found on the expressway, which washes into our creeks. He questioned if the Township was on top of it highway dollars and encouraged the cleanup of the Expressway. He further noted that the Schuylkill River was full of debris and advocated the building of a bridge over the river similar to the Liberty Bridge at Falls Park on the Reedy, in Greenville, SC, a picture of which is available in the Office of the Township Secretary. He also suggested the selling of public art and placing the money for use by the libraries.

Carla Zambelli, Haverford, questioned how long the Township was going around with eminent domain? She asked the Board to stop wasting money and noted there are people here who want to stay here.

She also noted that what is done in Ardmore will be reflected across the country and commented there were people here who want to work with the Township on this plan.

Pam Loughlan, Walk Rockland Coalition, was seeking to establish a pedestrian and bike path over the Rockland Avenue Bridge and reconnect Narberth and Merion. A petition in support of re-opening the bridge was submitted and is on file in the Office of the Township Secretary. Greg Noel, an architect from Narberth who is familiar with the conditions of the bridge, presented power point photographs of the orphan bridge showing its deterioration from lack of maintenance. He asked the Board to consider putting a plan in place for dealing with this project, perhaps bundling it the Open Space Plan and to help them find funding at the state and federal level. He felt it an achievable goal with the help of the elected officials. He noted his dialogue with Narberth and hoped to meet with them again in the near future.

Steve Gaylon, Ardmore, reminded all that meetings on the Development Plan had been going on for 4 or 5 years and tonight's comments of non-inclusion were absurd as it is an on-going process.

The President called for anyone else who wished to speak. No response was heard.

Response to Public Privilege of the Floor- He announced that this was now the appropriate time for any member of the Board, the Township Manager, or designated staff person to address and correct any statement made by a member of the public during the Public Privilege of the Floor portion of the agenda.

Vice President Manko informed the Board that he and President Comisky had met with Narberth officials on January 31st for a discussion of common issues. At that time, all agreed that the bridge was not repairable. He reported that Narberth was asking Pennoni Associates for a proposal to help the process along. He felt the best way to attract funding was from the public safety and welfare point of view. He indicated that the Township would work with Narberth.

Commissioner Gould responded to the intemperate comments directed against the Board. He felt it inappropriate to denigrate staff as they are hard working public servants.

Commissioner Gelber noted that she appreciated that the comments that Plan B was wrong and that the RFP is going through a thoughtful process now and is meant to be flexible. She also noted that the Township is evaluating if there is another approach other than an RF" P. She felt the Board was going in a right direction soon.

Commission Gordon thanked the Rockland Avenue Coalition for coming in and noted the difficulties of working with 2 different communities. He assured the Coalition that the Township will work from both sides of the tracks as the bridge serves a great number of township residents.

The President declared the Public Privilege of the Floor closed.

Consent Calendar

The President announced that the Consent Calendar items were indicated with a "(Consent)" notation in the immediate left-hand column next to each Committee item on the regular monthly Board agenda. If there were no request from any member of the Board for separate discussion of any item listed on the consent calendar, in which event the item would be removed from the Consent Calendar and considered in its normal sequence on the agenda.

Motion was made for approval, to include the Preliminary Land Development Plan for 401 W. Lancaster Avenue, Haverford, Commerce Bank, seconded by Mr. Reed, with all voting aye on a roll call vote. Let the record reflect the recusal from the Commerce Bank item of President Comisky. Consent Calendar approved.

Administrative & Human Resources Committee – Mr. Gordon, Chairman

Adoption of Ordinance 3769 – The Chairman presented for adoption AN ORDINANCE To Amend The Code Of The Township Of Lower Merion, Chapter 7 Thereof, Board Of Commissioners Procedural Code, To Amend The Section Dealing With Committees, Changing The Name Of The Library And Telecommunications Committee To Library Committee And The Name Of The Economic Development Committee To The Economic Revitalization Committee, And Creating Two New Committees, The Open Space Committee And The Telecommunications Committee.

This Ordinance was authorized for advertising at the January 18, 2006 meeting of the Board of Commissioners and duly advertised in the February 1, 2006 issue of Main Line Life.

All voted aye on a roll call vote.

Approval of Appointment – The Chairman recommended for approval the appointment of David A. Sonenshein as a member of the Personnel Review Board to fill the current vacancy created by the November 2005 resignation of Gloria Wolek, such term to expire November 2011.

This item approved under the Consent Calendar.

This item was referred to the Board at a meeting of the Administrative and Human Resources Committee held February 1, 2006.

Building and Planning Committee – Ms. Rogan, Chairperson

Adoption of Ordinance No. 3770 – The Chairperson presented for adoption AN ORDINANCE To Amend The Code Of The Township Of Lower Merion, Chapter 155, Zoning, To Allow Fences Over Six Feet In Height Without Openings If They Abut A Railroad Or Where A Residential Property Abuts A Commercial Property.

This Ordinance was authorized for advertising at the January 18, 2006 meeting of the Board of Commissioners and duly advertised in the February 1st and 8th, 2006 issues of Main Line Life.

All voted aye on a roll call vote.

Approval of Preliminary Subdivision Plan - The Chairperson recommended for approval:

815 N. Woodbine Avenue, SD# 3543, Ward 1.

Expiration Date – 3/31/2006.....Zoning – R1

Consider a Preliminary Subdivision Plan prepared by RKW Engineering Services, dated August 24, 2005, last revised January 10, 2006 showing Subdivision of the 143,486 square foot parcel into two (2) new lots of 92,206 square feet and 51,280 square feet for the construction of a new single-family dwelling. The following conditions shall be complied with **prior** to recording the Final Plan by means of plan revision, completion or financial guarantee, unless specifically exempted. The Building and Planning Committee recommended approval subject to the following conditions:

1. The applicant shall provide a letter explaining the future status of the existing retaining wall located along the property line with 708 Righters Mill Road to the property owner.
2. The new deeds shall contain a provision that there shall be no further subdivision on either lot.
3. The bubble up spreader shall be relocated to minimize impacts to the 50" oak tree.
4. Since the driveway to Lot B exceeds two hundred (200') feet in length, a pullout is required. It should be located in the area of the edge of the existing pool deck that is to be removed.
5. A utility easement shall be shown for the existing electric service to Lot A across Lot B. Metes and bounds shall be indicated for the easement.
6. Newly graded slopes of over 25% must be stabilized with sod or jute netting and seed. These areas shall be clearly delineated on the plan with shading.
7. Existing and proposed spot elevations shall be provided in the area of the pool house and deck removal and regrading. Contours/spot elevations shall be indicated for a peripheral strip of twenty (20') feet north of the property line. The limits of the existing retaining wall to remain shall be clarified.
8. The sequence of construction activities shall be clarified and shall include the demolition of the existing pool, decking and driveway paving and installation of the new driveway.
9. The allocation of the common driveway serving Lots A and B shall be clearly itemized in the tabulation of proposed impervious surface. The Zoning Officer must approve the final distribution of impervious surface.
10. Following the removal of the paving on Lot A, the stabilized construction entrance shall be relocated at the connection of the new driveway to Lot B.
11. The minimum separation distance between the retaining wall and the driveway to Lot B shall be dimensioned on the plan.

12. A certification by a civil engineer of the condition of the existing retaining walls to remain shall be provided and any recommended improvements/repairs shall be performed.
13. The architectural plans shall be coordinated with and shall comply with the grading proposed with this application.
14. The detail for the proposed twenty-four (24") inch concrete inlet shall be revised to show an eight (8") PVC pipe.
15. An isolation distance of ten (10'-0") feet shall be dimensioned between the water service and the sanitary lateral for Lot B.
16. An itemized breakdown of the existing impervious surface on the total lot shall be provided on page 2 of the plan set.
17. The location of the proposed gas service for Lot B shall be indicated to the gas main. The location of the main shall be clearly indicated and all necessary easements shall be indicated.
18. A crushed stone diversion berm shall be placed at the driveway access to Lot B to direct sediment laden runoff from the driveway into the temporary stormwater basin.
19. The Traffic Safety Unit of the Lower Merion Police Department must approve the final driveway configurations/locations.
20. A revised planting plan complying with Natural Features Code Sections 101-9, 101-5B, Zoning Code Section 155-167.7 and conditions herein shall be prepared and sealed by a Registered Landscape Architect and approved by the Township Arborist.
21. All woody vegetation to be retained within twenty-five (25') feet of a building site or disturbed area shall be protected from equipment damage by fencing placed at the driplines. Accurate location of the driplines and fence shall be provided. Since the tree protection fence has not been shown at the driplines of all trees to remain, the Township Arborist must approve the location of the tree protection fence shown on the plan.
22. Should any trees not scheduled or permitted to be removed be irreparably damaged during construction and die within eighteen (18) months of the conclusion of construction activities, those trees will be required to be replaced in accordance with the provision of Section 101-9A(2). Escrow shall be posted to guarantee the survival of the impacted trees until the allotted time has expired.
23. The applicant shall demonstrate to the satisfaction of the Township Arborist that appropriate measures are being taken to protect trees where paving and grading is proposed within their driplines.
24. Grade changes around the driplines of trees to be retained shall be minimized. Treatment of the impacted trees prior to construction to protect the root system shall be performed. The Township Arborist shall approve the procedure.
25. Soil within the driplines of trees disturbed by construction shall be aerated prior to the release of all financial guarantees.
26. On-site trees to be saved shall be prepared for construction by appropriate crown and root pruning and deep root fertilization prior to the issuance of a Runoff and Erosion Control Permit. The Township Arborist shall approve the procedure.
27. All trees in the right-of-way shall be trimmed. Dead or diseased trees shall be removed and replaced. New street trees shall be planted as required by the Shade Tree Commission.
28. The Township Engineer shall approve the Runoff and Erosion Control Permit. Revisions shall address the Township Engineer's January 26, 2006 review letter.
29. Any changes to the proposed house footprint, driveway configuration or stormwater management system may require Second Stage Plan approval from the Planning Commission and Board of Commissioners before permits can be issued.

- 30. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting on the property. The address numbers shall be a minimum of four (4) inches (102mm) high with a minimum stroke width of 0.5 inch (12.7mm).
- 31. New deeds shall be recorded for both lots concurrent with the recording of the Final Plan. The following restriction, to be verified by the Building and Planning Department, shall be placed in the deed for Lot B:
 - The continued operation and maintenance of the individual stormwater management facility shall be the responsibility of the owner.
- 32. The Final Plan, complying with all applicable requirements, shall be filed with the Department of Building and Planning within twelve (12) months from the date of approval by the Board of Commissioners.
- 33. The owner will make payment of fees and expenses of the Township's professional consultants who perform services on behalf of the Township with respect to these plans and the work contemplated thereunder and will establish and maintain with the Township those escrows for the payment of such fees required by Township Code. Owner agrees that any statement from the Township for such fees which remain unpaid for a period of 30 days may be recorded against the property as a municipal lien.
- 34. The owner shall make payment of the Township Engineer's and/or Clerk of the Works' inspection fees within 30 days of presentation. A penalty of 1.5% per month will be due for late payments from the date of presentation. If any shares are not paid within 60 days of presentation, the Township may elect to suspend any outstanding permits until all pending charges are settled.
- 35. The property owner(s) shall comply with all applicable federal, state, local and Lower Merion Township ordinances and laws regardless of specific mention herein.

In addition, the Building and Planning Committee recommended approval of the following waiver:

- 1. Subdivision Code Section 135-35A, Lots, to create a lot that is excessively irregular in shape.

This item approved under the Consent Calendar.

Approval of Waiver – The Chairperson recommended for approval

1330, 1336, 1344 W. Montgomery Avenue, Rosemont School of the Holy Child, W-05-09, Ward 6.

Expiration Date – N/A.....Zoning – R2

Consider a request to waive the Land Development process for the installation of one temporary modular classroom as shown on a plan prepared by Site Engineering Concepts, LLC dated December 1, 2005. The following conditions shall be complied with prior to the issuance of any permits. The Building and Planning Committee recommended approval subject to the following conditions:

- 1. All of the conditions of Zoning Appeal no. 3970 shall be incorporated by reference into this approval.
- 2. The temporary modular classroom unit shall be removed after a period of three (3) years or at the completion of the improvements proposed under Preliminary Land Development 3549, whichever shall occur first.
- 3. If the three parcels are not merged by the time the modular classroom is installed, the applicant shall remove impervious surface to offset the increase above zoning limits within six months of the installation of the modular classroom. The area to be removed shall be shown on the plan and shall not impact parking or circulation of vehicles.

4. The roof drains for the modular classroom shall directly connect to a seepage bed where feasible.
5. The limits of disturbance shall be clearly delineated on the plan and the amount of square feet of earth disturbance shall be listed.
6. Certification attesting to the completeness of the design and compliance with Chapter 121 of the Lower Merion Code shall be included on the plans.
7. The size and species of trees on the property within twenty-five (25') feet of disturbance shall be included on the plan.
8. If required, an NPDES Permit shall be obtained from the Montgomery County Soil Conservation District prior to issuance of any permit for the modular classroom.
9. No increase in enrollment shall be permitted with the addition of the modular classroom until the access and parking modifications proposed through the current Preliminary Plan application are approved and constructed.
10. Erosion control measures shall be provided on the plan with details that conform to Township standards. A construction access location and a soil stockpile shall be indicated.
11. All existing and proposed utilities shall be shown on the plan.
12. The applicant shall demonstrate to the satisfaction of the Township Arborist that appropriate measures are being taken to protect trees where paving and grading is proposed within their driplines.
13. All woody vegetation to be retained within twenty-five (25) feet of a building site or disturbed area shall be protected from equipment damage by fencing placed at the driplines. The location of the driplines and fence shall be provided. A detail shall be included on the plan that complies with township standards. The construction access path shall be clearly indicated and trees protected as required. If the tree protection fence is not shown at the driplines of all trees to remain, the Township Arborist must approve the location.
14. Grade changes around the driplines of trees to be retained shall be minimized. Treatment of the trees prior to construction to protect the root system shall be performed. The Township Arborist shall approve the procedure.
15. Should any trees not scheduled or permitted to be removed be irreparably damaged during construction and die within eighteen (18) months of the conclusion of construction activities, those trees will be required to be replaced in accordance with the provision of Section 101-9A(2).
16. If trenches for utilities are proposed within the driplines of trees, all disturbed roots must be cut as cleanly as possible. The trench must be backfilled as quickly as possible, avoiding compaction. Tree limbs must be cut back in proportion to the root area loss. Notes shall be added to the plan with these requirements.
17. Revisions to the plan shall address the applicable provisions in the Township Engineer's January 29, 2006 review letter.
18. The owner will make payment of fees and expenses of the Township's professional consultants who perform services on behalf of the Township with respect to these plans and the work contemplated thereunder and will establish and maintain with the Township those escrows for the payment of such fees required by Township Code. Owner agrees that any statement from the Township for such fees which remain unpaid for a period of 30 days may be recorded against the property as a municipal lien.
19. The owner shall make payment of the Township Engineer's and/or Clerk of the Works' inspection fees within 30 days of presentation. A penalty of 1.5% per month will be due for late payments from the date of presentation. If any shares are **not paid** within 60 days of presentation, the Township may elect to suspend any outstanding permits until all pending charges are settled.
20. The property owner(s) shall comply with all federal, state and applicable Lower Merion Township ordinances and laws regardless of specific mention herein.

This item approved under the Consent Calendar.

Approval of Preliminary Plan – The Chairperson recommended for approval:

1330, 1336, 1344 W. Montgomery Avenue, Rosemont School of the Holy Child, LD# 3549, Ward 6.

Expiration Date – 3/5/2006.....Zoning – R2

Consider for approval a Preliminary Land Development Plan prepared by Site Engineering Concepts, LLC dated December 1, 2005 showing the consolidation of the three properties for the construction of a new three-story classroom addition, demolition of the existing gymnasium and the construction of a new gymnasium. The plan also shows the reconfiguration of existing parking and queuing along Wendover Avenue and adjacent to the existing estate house. The following conditions shall be complied with **prior** to recording the Final Plan by means of plan revision, completion or financial guarantee, unless specifically exempted. The Building and Planning Committee recommended approval subject to the following conditions:

1. All of the conditions of Zoning Appeal no. 3970 shall be incorporated by reference into this approval.
2. During construction stormwater management controls shall be addressed in the calculations and code required rate control shall be provided at all times during construction. Existing peak rates of runoff shall not be exceeded.
3. All roof drains shall be noted to be directly connected to the seepage bed, including connection of the temporary modular building to the proposed conveyance line, where feasible.
4. A narrative report shall be submitted describing the project and the engineering assumptions shall be listed. A summary table of the existing rates of runoff for all design storms shall be provided for each drainage area for the existing during and post development conditions.
5. Additional existing topography and features shall be shown to the east of the project for a peripheral strip thirty (30') feet wide to reflect existing drainage conditions/patterns.
6. Rate control shall be provided for the increased amount of impervious surface that drains to the intersection of Montgomery Avenue and Wendover Avenue.
7. The calculations must include an outflow hydrograph and routing of the basin and the stage-storage evaluation shall be included. Required rate control shall be provided.
8. Seepage beds shall be designed to empty the total design storm volume in twenty-four (24) hours or less.
9. Soil permeability tests shall be performed to a depth adequate to demonstrate the functioning of the system and the complete test reports shall be submitted for review.
10. The responsibility for the continued maintenance and operation of the detention basin and other facilities shall be the obligation of the property owner. Maintenance procedures shall be listed on the plan with schedules of activities and inspections clearly noted and included in the deed.
11. The applicant shall demonstrate that the existing storm sewers can convey the flows from the proposed connection with no increased adverse effect to the existing storm sewer system. The existing system shall be upgraded to the inlet on the west side of Montgomery Avenue and the existing inlets on the west side of Montgomery Avenue shall be noted to be made fully operational and repaired/replaced as directed by the Township.
12. Certification attesting to the completeness of the design and compliance with Chapter 121 of the Lower Merion Code shall be included on the plans.

13. Drainage area maps for both the during construction and post development analysis shall be provided with the calculations for verification of data used in the qualifications.
14. The entrance driveway from Wendover Avenue shall be reduced as directed by the Township Engineer's office.
15. All depressed curb cuts and their radii and the driveway and parking aisle widths shall be dimensioned on the plan.
16. A pavement marking and signage plan shall be submitted. Parking restriction signs, "One-Way", "Do-Not-Enter", "No-Left-Turn" and "Stop" signs shall be added to define and control circulation and handicap parking signs shall be included.
17. The sight distance analysis for exiting vehicles onto Wendover Avenue and left-turning vehicles from Wendover Avenue into the site driveway shall use 85th percentile speeds to determine the required sight distance. If 85th percentile speeds cannot be obtained, a design speed of 5 mph above the posted speed limit shall be used for the calculations. The actual and required sight distance triangles shall be shown for the exit driveway. The Traffic Safety Unit of the Lower Merion Police Department must approve the final driveway configuration/location.
18. The traffic study shall be revised to include an analysis for the Weekday PM Commuter Peak Hour and to evaluate whether it is necessary to restrict entering movements from Montgomery Avenue to Wendover Avenue during both the morning and afternoon peak hours to force school traffic to use alternate routes to access Wendover Avenue from the east. The study shall also determine whether vehicular queues along Wendover Avenue will block the relocated school entrance driveway. As part of this evaluation, the intersections of Wendover Avenue and Airedale Road and Airedale Road and Montgomery Avenue shall be evaluated if required by the Township Engineer.
19. The basis of the anticipated trip distribution patterns for the new school traffic must be documented and shown in a figure for each intersection in the study area. The traffic study shall provide documentation as to why the percent of vehicles making left and right turns from Wendover Avenue onto Montgomery Avenue does not match the existing percentage of traffic making those movements.
20. The traffic study shall include further analysis to determine if installation of a traffic signal at the intersection of Montgomery and Wendover Avenues is warranted and/or whether alternative measures are more appropriate.
21. Additional canopy trees shall be added to the landscape plan near large areas of impervious surface to help mitigate impacts of stormwater runoff.
22. All ornamental flowering trees shall be increased in size from 5'-6' to 6'-8' in height.
23. The applicant shall remove the existing chain link fence and replace it with a low estate fence along Montgomery Avenue.
24. A revised planting plan complying with Natural Features Code Sections 101-9 and 101-5B and conditions herein shall be prepared and sealed by a Registered Landscape Architect and approved by the Planning Division and the Township Arborist.
25. Newly graded slopes of over 25% must be stabilized with sod or jute netting and seed. This shall be noted on the grading plan and areas clearly indicated with shading.
26. The maximum bare area (without vegetative cover) shall not exceed twenty-five (25%) percent of the total area at any one time during construction. Additional phasing and establishment of vegetation/stabilization shall be provided and the amount of square feet of earth disturbance shall be listed.
27. Additional detail is required in the sequence of construction activities and shall include installation of the temporary basin, roof collection system and the connection of the stormwater conveyance lines. Notification of the Township Engineer shall be listed in the sequence following installation of protective

- barriers and prior to earth disturbance. Notification of the Township Engineer for inspection shall be listed prior to installation of the seepage bed and piping and the artificial turf recharge stone and overflow piping.
28. No grading changes shall be shown within three (3') feet of the property line to ensure transition to the grading on the adjoining property. This shall be noted on the plan.
 29. An NPDES Permit shall be obtained from the Montgomery County Soil Conservation District prior to issuance of any permit.
 30. The runoff crossing to the adjacent properties during the construction phase of the project shall be managed so that the water quality/quantity does not adversely impact adjacent properties. Diversion berms and inlets/piping shall be provided to ensure acceptable conditions during the construction phase.
 31. The soil limitation and hydrologic classification shall be provided.
 32. The existing structures, including driveways and paved areas, on adjoining properties within two hundred (200') feet of the property shall be provided to scale on the plans.
 33. The existing sanitary sewers shall be shown to within two hundred (200') feet of the development. Any easements and rim and invert elevations shall be shown.
 34. Existing utility service locations, including the existing sanitary laterals, shall be shown to the mains.
 35. The cartway width shall be provided for Wendover Avenue.
 36. The error of closure shall be provided for the consolidated lot and shall not be greater than 1:5,000.
 37. The location, size, material, and slope of the proposed sanitary lateral and the locations of all proposed utilities services shall be shown.
 38. Concrete road control monuments shall be shown to be installed at the right-of-way at the intersection of each property line and at all changes in direction.
 39. Wooded lot calculations shall be provided on the plans. The total number of trees removed for the proposed construction shall be tabulated.
 40. A detail of the proposed retaining wall shall be provided. Top and bottom of wall elevations shall be provided. Calculations must be provided for wall heights exceeding four (4') feet.
 41. A fill material and topsoil stockpile location shall be provided.
 42. A certification by a civil engineer of the condition of existing retaining walls to remain shall be provided and any recommended improvements/repairs shall be performed.
 43. All inlets in non-paved areas shall be shown to be graded in a twelve (12") inch sump condition to increase the efficiency of runoff collection. Spot elevations shall be added to the plan to clarify grading.
 44. A concrete apron shall be indicated at the new driveway access locations and the sidewalk shall be constructed across the driveway at grade. Details of the concrete apron shall be provided and shall conform to Township standards.
 45. The mean grade of the proposed structures shall be calculated and shown on the plan. The architectural plans shall be coordinated with and shall comply with the grading proposed with this application.
 46. Curb and sidewalk shall be noted to be replaced/repared as directed by the Township.
 47. A distance of fifteen (15') feet shall be dimensioned between the seepage bed and the existing sanitary sewer main on the property.
 48. A cross section shall be shown through the field with the relative position of the collection pipes, stone and surface. Elevations of the base and top of the

recharge system shall be indicated. The full depth of recharge must be provided below the overflow pipes. Spot elevations shall be provided in the plan view indicating any surface slope to the field.

49. The proposed buildings shall be shown with heavier line weight or shading.
50. The pipe sizes and slopes shall be indicated in the plan view of the post-construction stormwater management plan.
51. Inlets shall be added to the central parking area where the collection pipes intersect the curb lines. The locations and sizes shall be adjusted to improve the efficiency of runoff collection. Additional top and bottom of curb elevations and spot elevations shall be added to clarify grading and ensure adequate drainage.
52. The existing inlet near storm manhole No. 1 shall be shown to be connected to the proposed storm system where feasible.
53. A planning module/exemption must be submitted. Approval from the City of Philadelphia and DEP must be obtained prior to recording the final plan.
54. A copy of the revised plan shall be submitted with any changes highlighted and shall be accompanied by a letter indicating how each requested revision has been addressed.
55. A lighting plan, including illuminance patterns shall be submitted and approved by the Director of the Building and Planning Department. Lighting shall be designed to shield the source of illumination and to prevent glare on adjacent properties.
56. All woody vegetation to be retained within twenty-five (25) feet of a building site or disturbed area shall be protected from equipment damage by fencing placed at the driplines. The location of the driplines and fence shall be provided. A detail shall be included on the plan that complies with township standards. If the tree protection fence is not shown at the driplines of all trees to remain, the Township Arborist must approve the location.
57. Grade changes around the driplines of trees to be retained shall be minimized. Treatment of the trees prior to construction to protect the root system shall be performed. The Township Arborist must approve the procedure.
58. Should any trees not scheduled or permitted to be removed be irreparably damaged during construction and die within eighteen (18) months of the conclusion of construction activities, those trees will be required to be replaced in accordance with the provision of Section 101-9A(2). This shall be noted on the plan and escrow posted to guarantee the survival of the impacted trees until the allotted time has expired.
59. If trenches for utilities are proposed within the driplines of trees, all disturbed roots must be cut as cleanly as possible. The trench must be backfilled as quickly as possible, avoiding compaction. Tree limbs must be cut back in proportion to the root area loss. Notes shall be added to the plan with these requirements.
60. The applicant shall demonstrate to the satisfaction of the Township Arborist that appropriate measures are being taken to protect trees where paving and grading is proposed within their driplines.
61. Treatment of impacted trees prior to construction to protect the root system shall be performed. The Township Arborist shall approve the procedure.
62. The Township Engineer shall approve the Runoff and Erosion Control Permit. Revisions shall address the Township Engineer's January 29, 2006 review letter.
63. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting on the property. The address numbers shall be a minimum of four (4) inches (102mm) high with a minimum stroke width of 0.5 inch (12.7mm).
64. Any changes to the approved plans shall require the submission of an as-built plan prior to the issuance of the Certificate of Occupancy. Building and

Planning staff can waive this requirement if the changes are determined to be insignificant.

- 65. The Final Plan, complying with all applicable requirements, shall be filed with the Department of Building and Planning within twelve (12) months from the date of approval by the Board of Commissioners.
- 66. The owner will make payment of fees and expenses of the Township's professional consultants who perform services on behalf of the Township with respect to these plans and the work contemplated thereunder and will establish and maintain with the Township those escrows for the payment of such fees required by Township Code. Owner agrees that any statement from the Township for such fees which remain unpaid for a period of 30 days may be recorded against the property as a municipal lien.
- 67. The owner shall make payment of the Township Engineer's and/or Clerk of the Works' inspection fees within 30 days of presentation. A penalty of 1.5% per month will be due for late payments from the date of presentation. If any shares are not paid within 60 days of presentation, the Township may elect to suspend any outstanding permits until all pending charges are settled.
- 68. The property owner(s) shall comply with all applicable federal, state, local and Lower Merion Township ordinances and laws regardless of specific mention herein.

In addition, the Building and Planning Committee recommended approval of the following waivers:

- 1. A waiver of the Subdivision & Land Development Code, Section 135-7, to not provide a Tentative Sketch Plan.
- 2. A waiver of Natural Features Code Section 101-5C (2), to construct the relocated driveway in slopes exceeding twenty-five (25%) percent.
- 3. A waiver of Subdivision Code Section 135-26, to construct curb openings greater than thirty-six (36') feet.

Approval of Waiver – The Chairperson recommended for approval:

245 E. Montgomery Avenue, Lower Merion High School, W-05-10, Ward 5.

Expiration Date – N/A..... **Zoning** – R2/R3/R4

Consider a request to waive the Land Development Process for the installation of an artificial turf field on the existing football field as shown on a plan prepared by Barry Isett and Associates, Inc. dated December 15, 2005 and last revised January 23, 2006. The following conditions shall be complied with prior to the issuance of any permits. The Building and Planning Committee recommended approval subject to the following conditions:

- 1. In the fall of 2006, the applicant shall implement a landscaped buffer on the south side of Montgomery Avenue on both the interior and exterior of the site. The buffer shall be designed to enhance stormwater management, be aesthetically pleasing, buffer noise, create a visual screen, encourage wildlife and be integrated with the overall stormwater management program. Input shall be obtained from the neighborhood and the Lower Merion Conservancy. Township staff shall approve the final buffer plan.
- 2. A traffic plan shall be provided detailing the path for the material delivery/removal for construction of the athletic field. Maneuverability of vehicles shall be demonstrated and the location of any temporary parking restrictions, if required, shall be indicated. An approximate duration schedule of the activity and parking restriction duration shall also be identified. The use of the tennis courts must be coordinated with the construction activity. Time and day restrictions mandated by conditions of approval shall be listed on the plan. The traffic plan shall be approved by the Township Engineer's office and the Traffic Safety Division of the Lower Merion Police Department prior to issuance of any permits.
- 3. Construction vehicle access shall be investigated from the Montgomery Avenue gate. Feasibility for the use of mats and the adjustment of the center field location or limits shall be fully investigated prior to the approval of the Fairhill Road gate access for heavy construction vehicle traffic.

4. The applicant shall perform weekly street sweeping of Fairhill Road and Kent Road. The Township may require the frequency of sweeping to be increased if determined necessary.
5. The applicant shall repair any damage to Township roadways documented to be incurred as a result of the construction truck activity at the conclusion of this phase of construction.
6. The applicant shall take measures to minimize dust during construction as directed by the Township.
7. The location of a stabilized construction entrance shall be shown for the lower lot.
8. The location of the outfalls for critical inlets on the lower lot shall be determined at this phase including those in the vicinity of the tennis courts, the inlet into which the artificial turf field will connect the overflow pipe, and those in the vicinity of the bleachers to the south of the artificial turf field. Inlets and the conveyance piping shall be verified to be adequate for the proposed design and shall be verified to be operational as part of this phase of construction. This shall be accomplished to the satisfaction of the Township Engineer.
9. The responsibility for the continued maintenance and operation of the stormwater recharge and collection facilities shall be the obligation of the property owner. This note shall be clearly indicated on the plan. Certifications for the adequate functioning of the system located below the artificial turf field shall be submitted in accordance with Township code.
10. During the construction basin shall account for tail water effects from the existing conveyance system. Outlet control adjustments to the basin routing shall be made as required or the existing conveyance system shall be upgraded to accept the outflow at the required rate. Calculations documenting capacity shall be submitted.
11. Areas of existing diffused drainage onto adjacent properties shall be managed so the peak rate of runoff does not increase in the general direction of discharge.
12. The existing terra cotta lined swale to the west of the lower lot shall be cleared of debris. The swale in the vicinity of the tennis courts shall be improved as required by the Township Engineer to adequately convey the runoff and to direct the flow to the cartway of Fairhill Road. Verification of the adequate operation of the existing on-site inlets and conveyance system shall be provided. The conveyance lines shall be documented to provide sufficient capacity or the capacity of the lines shall be increased.
13. Provisions shall be made to keep sheet runoff from flowing onto the artificial turf field to reduce the opportunity of sediment to impact the operation of the field's stormwater recharge system. Spot elevations shall be added to clarify the grading and proposed drainage patterns.
14. Soil permeability tests shall be submitted to the Township for the lower campus. It shall be demonstrated to the satisfaction of the Township Engineer that areas other than that for the artificial turf field can provide recharge opportunity for the remainder of the project. The location of the percolation tests shall be indicated on the plan and the complete test reports submitted for review. Test results shall be approved prior to issuance of permits for work on the lower lot.
15. Certification attesting to the completeness of the design and compliance with Chapter 121 of the Lower Merion Code shall be included on the plans.
16. The applicant shall indicate where construction vehicles will park during Phase I.
17. The applicant shall indicate where cars will park to use the tennis courts on Arnold Field during Phase I.
18. The amount of square feet of earth disturbance shall be listed for each parcel.
19. Newly graded slopes of over 25% must be stabilized with sod or jute netting and seed. This shall be noted on the grading plan and any applicable area shaded on the plan.

20. A sequence of construction activities shall be added for the lower lot construction. Installation of tree protection fence, the temporary basin, collection system, etc. shall be listed. Notification of the Township Engineer shall be listed in the sequence following installation of protective barriers and prior to earth disturbance. Notification of the Township Engineer for inspection shall be listed prior to installation of the conveyance piping and artificial turf field.
21. An NPDES Permit shall be obtained from the Montgomery County Soil Conservation District prior to issuance of any permit.
22. The soil type boundaries and existing utility service locations shall be clearly shown on the plan.
23. The existing storm sewers shall be shown downgrade of the property to within two hundred (200') feet. The location, size and material of the existing storm sewer shall be provided. The location, type, rim and invert elevation of existing inlets shall be shown.
24. The cartway width shall be provided for Kent Road and Fairhill Road. Curb/driveway locations shall be provided on each side of the cartway.
25. The location of the existing sanitary lateral near the bend in Fairhill Road shall be shown to its connection point to a structure or it shall be verified to be abandoned and sealed.
26. The error of closure shall be provided for each lot and shall not be greater than 1:5,000.
27. A certification by a civil engineer of the condition of the existing retaining walls to remain on the lower lot shall be provided and any recommended improvements/repairs shall be performed.
28. Any proposed lighting for the field shall be indicated on the plan. The lighting must meet all Township code restrictions and the lighting plan must be approved by the Director of Building and Planning. If lighting is not proposed at this time, a separate land development approval shall be obtained if lighting is ever proposed on Arnold Field.
29. Additional erosion control measures shall be added to the plan. Inlet protection shall be shown for all inlets located downgrade of earthmoving activities and a detail shall be added that complies with Township standards. Silt fence shall be shown downgrade of all disturbed areas along even contour lines.
30. Any future utilities known at this time that are to be located in the areas of the proposed athletic field shall be shown on the plans.
31. The artificial turf cross section shall be revised to indicate the requirement that a water passage test be conducted at the placement of the top course of stone to ensure design permeability of the stone medium.
32. A copy of the revised plan shall be submitted with any changes highlighted and accompanied by a letter indicating how each requested revision has been addressed in the re-submission.
33. The applicant shall demonstrate to the satisfaction of the Township Arborist that appropriate measures are being taken to protect trees where paving and grading is proposed within their driplines.
34. All woody vegetation to be retained within twenty-five (25) feet of a building site or disturbed area shall be protected from equipment damage by fencing placed at the driplines. The location of the fence shall be provided. A detail shall be included on the plan that complies with township standards. If the tree protection fence is not shown at the driplines of all trees to remain, the Township Arborist must approve the location.
35. Should any trees not scheduled or permitted to be removed be irreparably damaged during construction and die within eighteen (18) months of the conclusion of construction activities, those trees will be required to be replaced in accordance with the provision of Section 101-9A(2).

36. Since trenches for utilities are proposed within the driplines of trees, all disturbed roots must be cut as cleanly as possible. The trench must be backfilled as quickly as possible, avoiding compaction. Tree limbs must be cut back in proportion to the root area loss. Notes shall be added to the plan with these requirements.
37. Grade changes around the driplines of trees to be retained shall be minimized. Treatment of the trees prior to construction to protect the root system shall be performed. The Township Arborist shall approve the procedure.
38. A Runoff and Erosion Control Permit shall be obtained for the artificial turf field construction. Revisions shall address the Township Engineer's January 29, 2006 review letter.
39. The owner will make payment of fees and expenses of the Township's professional consultants who perform services on behalf of the Township with respect to these plans and the work contemplated thereunder and will establish and maintain with the Township those escrows for the payment of such fees required by Township Code. Owner agrees that any statement from the Township for such fees which remain unpaid for a period of 30 days may be recorded against the property as a municipal lien.
40. The owner shall make payment of the Township Engineer's and/or Clerk of the Works' inspection fees within 30 days of presentation. A penalty of 1.5% per month will be due for late payments from the date of presentation. If any shares are **not paid** within 60 days of presentation, the Township may elect to suspend any outstanding permits until all pending charges are settled.
41. The property owner(s) shall comply with all federal, state and applicable Lower Merion Township ordinances and laws regardless of specific mention herein.

This item approved under the Consent Calendar.

Approval of Tentative Sketch Plan – The Chairperson recommended for approval:

27-33 Old Lancaster Road, SD# 3548, Ward 9.

Expiration Date – 3/3/2006.....**Zoning** – R6A

Consider a Tentative Sketch Plan prepared by Momenee and Associates, Inc. dated December 1, 2005, last revised January 20, 2006 showing the construction of a four-story, 21-unit residential condominium building. All conditions shall be complied with on the Preliminary Plan unless specifically exempted. The Building and Planning Committee recommended approval subject to the following conditions:

1. All building elevations shall utilize consistent materials and shall be evaluated for compatibility with the surrounding neighborhood.
2. The HVAC units shall be screened on all sides whether placed on the roof or on the ground.
3. Streetscape improvements, including street trees and benches, shall be provided. The applicant shall also work with staff during the Preliminary Plan process to develop the area at the corner of Upland Terrace and Old Lancaster Road into a public amenity.
4. The applicant shall consider constructing a low stone wall or decorative estate fence, in addition to any landscaping, to screen the surface parking lot from Upland Terrace, Old Lancaster Road and neighboring homes.
5. A traffic study shall be submitted with the Preliminary Plan that fully evaluates the proposed driveway access and level of service to Old Lancaster Road. The effect on adjacent existing driveways shall be fully considered and evaluated. The developer shall also contact the Township Engineer's Office to determine any intersections, including but not limited to City Avenue and Old Lancaster Road, to be evaluated with regard to traffic impact from the proposed development.
6. The sight distance for the new driveway must meet the desirable sight distance as specified by PaDOT and any improvements necessary to be performed to achieve the required stopping distance shall be indicated. The Traffic Safety

- Unit of the Lower Merion Police Department must approve the final driveway configuration/location.
7. Existing trees shall be preserved or transplanted to the greatest extent feasible.
 8. The applicant shall evaluate the health of all existing on-site trees in order to prevent damage to surrounding properties.
 9. The applicant shall demonstrate that the building height complies with Zoning Code Section 155-137.
 10. Maneuverability of cars within the garage and the feasibility of underground parking shall be evaluated with the Preliminary Plan. The location of the columns and walls shall be evaluated for the effect of access/egress to/from each space. The locations of the columns shall be adjusted as directed by the Township Engineer.
 11. At a minimum, the increased volume of stormwater generated by the proposed development for the twenty-five (25) year storm shall be recharged. Calculations documenting this shall be submitted with the Preliminary Plans.
 12. The Can number for the pre-development conditions on the site shall be considered as meadow for all rate and volume control analysis. This shall be fully evaluated with the Preliminary Plans.
 13. Discharge from the stormwater basin shall be converted from a concentrated flow to a sheet flow. The overflow shall be piped to the existing storm sewer in Old Lancaster Road. Details and connection points shall be provided with the Preliminary Plans.
 14. Seepage beds shall be designed to empty the total design storm volume in twenty-four (24) hours or less. Calculations verifying this shall be submitted with the Preliminary Plans.
 15. Soil permeability tests shall be performed to a depth adequate to demonstrate the functioning of the system. The location of the percolation tests shall be indicated on the plan and the complete test report must be submitted for review with the Preliminary Plans.
 16. A sequence of construction activities shall be submitted with the Preliminary Plans. Installation of tree protection fence, a temporary basin, seepage bed, roof collection system, and connection to the existing storm sewer shall be listed. Notification of the Township Engineer shall be listed in the sequence following installation of protective barriers and prior to earth disturbance. The demolition of the existing structures shall be listed. Notification of the Township Engineer for inspection shall be listed prior to installation of the seepage bed and piping.
 17. An NPDES Permit must be obtained from the Montgomery County Soil Conservation District if the projected disturbance equals or exceeds one acre.
 18. The runoff crossing to the adjacent properties during the construction phase of the project shall be managed so that the water quality/quantity does not adversely impact the adjacent properties. Diversion berms, stoned construction staging areas, and inlets/piping shall be provided in order to ensure acceptable conditions during the construction phase. This shall be evaluated with the Preliminary Plans.
 19. The number of proposed units shall be shown on the plan. Evaluations for parking requirements and handicap spaces must be based on the number of units.
 20. Proposed drainage patterns and areas that are developed that will be directed to the stormwater facilities shall be shown. The potential overflow/tie in location from the proposed stormwater system shall be indicated on the plan.
 21. A new radius right-of-way shall be provided at the intersection of the right-of-way of Upland Terrace with Old Lancaster Road.
 22. Erosion control measures shall be provided with the Preliminary Plans. The proposed construction access location shall be indicated and details that conform to Township standards shall be shown.

23. The Preliminary Plan shall include a soil stockpile location, all existing and proposed utilities, areas set aside for stormwater management during construction and addresses of all adjoining property owners.
24. A concrete apron shall be indicated at the new driveway access location and the sidewalk shall be shown to be carried across the driveway at grade.
25. Details of the concrete apron and sidewalk shall be provided with the Preliminary Plans. Details shall conform to Township standards.
26. The mean grade of the structure shall be calculated and shown on the Preliminary Plans. The architectural plans shall be coordinated with and shall comply with the grading proposed.
27. A pavement marking plan shall be submitted with the Preliminary Plan. Centerline markings for the access driveway, stop bars and signs, and parking restriction signage shall be included.
28. A lighting plan shall be submitted with the Preliminary Plan. The location, fixture type, wattage, pole height and illumination patterns shall be indicated. The lighting shall be designed to reduce the off-site migration of light, to shield the source of illumination and to prevent glare on adjacent properties.
29. A planting plan complying with Natural Features Code Sections 101-9, 101-5B, Zoning Code Section 155-50A(6) and conditions herein shall be prepared and sealed by a Registered Landscape Architect and submitted with the Preliminary Plan application.
30. Wooded lot calculations shall be provided with the Preliminary Plans. The total number of trees removed for the proposed construction shall be indicated.
31. The proposed location of any trash dumpster/storage shall be provided on the Preliminary Plan. The dumpsters shall be screened or located in the building. The applicant shall also explore the use of a hydraulic compactor.
32. A letter from Aqua Pennsylvania shall be submitted certifying adequate water supply for the proposed development.
33. Revisions to the plan shall address the Township Engineer's January 26, 2006 review letter.
34. The Preliminary Plan, complying with all applicable requirements, shall be filed with the Department of Building and Planning within twelve (12) months from the date of the Tentative Sketch Plan approval.
35. The owner will make payment of fees and expenses of the Township's professional consultants who perform services on behalf of the Township with respect to these plans and the work contemplated thereunder and will establish and maintain with the Township those escrows for the payment of such fees required by Township Code. Owner agrees that any statement from the Township for such fees which remain unpaid for a period of 30 days may be recorded against the property as a municipal lien.
36. Approval of this Tentative Sketch Plan does not ensure that the developer or the owner can ultimately develop the property as shown in the plan. The proposed development's compliance with various Township ordinances, including but not limited to the Natural Features Conservation Code shall not be determined until the applicant submits a Preliminary Plan for Township approval.
37. The property owner(s) shall comply with all federal, state and applicable Lower Merion Township ordinances and laws regardless of specific mention herein.

This item approved under the Consent Calendar.

Approval of Reappointments – The Chairperson recommended for approval Glenn W. McClelland and Norman Besden to another three-year term on the Electrical Examining Board, both members whose terms expired at the end of January.

This item approved under the Consent Calendar.

Approval of Appointment – The Chairperson recommended for approval the appointment of Brian O’Leary to a four-year term on the Planning Commission to replace Robert Schwartz whose term expires February 2006.

This item approved under the Consent Calendar.

Approval of Certificates of Appropriateness – The Chairperson recommended for approval:

- a. Consider a Certificate of Appropriateness for 28 W. Lancaster Avenue, Ardmore, Suncatchers, to close air conditioner openings and install trim around an exit door along the pedestrian walkway side of the building.

On February 7, 2006, HARB recommended approval subject to the following conditions:

- Brick to match the adjacent wall shall be installed at the west elevation;
- The former air conditioner locations shall be recessed 1" from the wall plane;
- The exit door trim at the west elevation shall be painted a similar color as the adjacent brick;
- A metal frame to match the storefront shall be installed between the west elevation window and the adjacent wall surface;
- The trim over the sign band shall be completed and flashing installed wrapping the top edge; and
- The previously approved sign shall be installed by February 15, 2006.

- b. Consider a Certificate of Appropriateness for 59 W. Lancaster Avenue, Ardmore, Shanti Medical Spa and Wellness Center, to install an awning over the rear entrance.

On February 7, 2006, HARB recommended approval subject to zoning review and approval.

- c. Consider a Certificate of Appropriateness for 3 ½ W. Lancaster Avenue, Ardmore, The Republican Committee of Lower Merion and Narberth, Formerly the Ardmore Business District Office, to recover an existing front façade awning frame.

On February 7, 2006, HARB recommended approval as submitted.

- d. Consider a Certificate of Appropriateness for 9 W. Lancaster Avenue, Ardmore, Ego Salon, to install a front façade awning and finalize the exterior trim and stucco color.

On February 7, 2006, HARB recommended approval subject to the following conditions:

- The stucco color shall match MAB color Alto #5051 and the cornice color shall match MAB color Hazelwood #5053; and
- The revised awning shall be retractable and shall have a 3' projection and a straight rather than a scalloped valance.

- e. Consider a Certificate of Appropriateness for 2 E. Lancaster Avenue, Ardmore, Milkboy Coffee, to allow the recently renovated front façade to remain even though it was not installed in accordance with the plans approved by HARB.

On February 7, 2006, HARB recommended approval subject to the following conditions:

- The stucco within the storefront opening shall be painted with stucco paint either dark brown or grey subject to an on-site committee review;
- The grilles at the storefront window base shall not be installed; and
- The signage shall be individual, rear-illuminated, pin mounted, brushed aluminum letters located between the transom and storefront windows on Lancaster Avenue and the north bay of Cricket Avenue with the letter height subject to on-site committee review.

This item approved under the Consent Calendar.

Approval to Advertise – The Chairperson recommended for approval that the Township Secretary be authorized to advertise a notice of intention to hold a public hearing and adopt an ordinance amendment on March 15, 2006 for an ordinance to amend the Code of the Township of Lower Merion, Chapter 155, Zoning, to permit fields with artificial recreation surfaces in a required setback.

This item approved under the Consent Calendar.

Approval to Advertise – The Chairperson recommended for approval that the Township Secretary be authorized to advertise a notice of intention to hold a public hearing and adopt an ordinance amendment on March 15, 2006 for an ordinance to amend the Code of the Township of Lower Merion, Chapter 135, Subdivision and Land Development, and Chapter 155, Zoning, to provide for the dedication of land for park and recreational purposes, or the payment of fees in lieu thereof, upon the subdivision or development of property for the purpose of erecting three or more residential units; establishing a per unit fee for park and recreation purposes; and permitting residential uses in the M Manufacturing and Industrial District without obtaining a special exception.

This item approved under the Consent Calendar.

Approval of Release of Funds – The Chairperson recommended for approval the release of funds held in escrow as Improvement Guarantees in accordance with Section 135-5 of the Township Code for:

190 Presidential Boulevard The Corinthian Escrow Release No. 8	\$13,070.00
1107 Lancaster Avenue Kelly's Beer Parlor Escrow Release No. 1, Final	\$29,058.00

This item approved under the Consent Calendar.

These items were referred to the Board at a meeting of the Building and Planning Committee held February 8, 2006.

Approval of Preliminary Land Development Plan – The Chairperson recommended for approval:

401 W. Lancaster Avenue, Commerce Bank, LD# 3535, Ward 4.

Expiration Date – 3/3/2006.....**Zoning** – CL

Consider for approval a Preliminary Land Development Plan prepared by Taylor Wiseman and Taylor dated September 16, 2005, last revised January 19, 2006. The following conditions shall be complied with prior to recording the Final Plan by means of plan revision, completion or financial guarantee, unless specifically exempted. The Building and Planning Committee recommended approval subject to the following conditions:

1. The trees removed from the required buffer shall be replaced with new trees and shrubs designed to provide a buffer screening. The type and location of the trees and shrubs in the buffer shall be approved by the Township Arborist. (P, TA) (PRFP)
2. The applicant shall provide staffing at times of peak operation to ensure that queued vehicles do not create a hazard. The decision to continue staffing and the hours of that staffing may be amended if the post-development traffic study indicates that modifications are appropriate as approved by the Township Engineer. (TE) (PCO)
3. The applicant shall install adequate informational signage to direct vehicles into two separate queue lanes as directed by the Township Engineer. (TE) (PRFP)
4. A post development traffic study shall be performed to review the operation of the improvements to ensure that adequate measures are being implemented to ensure that the site is functioning properly. (TE) (PCO)
5. A seepage bed shall be added to recharge the volume of runoff from the roof area for a two (2) year storm. Discharge from the seepage bed shall be connected to the existing storm sewer system. (TE) (PGP)
6. All roof drains shall directly connect to the required seepage bed, if feasible. At a minimum, it shall be verified that the roof drains are not connected to the sanitary sewer system. (TE) (PGP)
7. The impact of the connection of the storm inlet to the existing stormwater conveyance lines in Lancaster Avenue shall be analyzed and improvements shall be designed and implemented if insufficient capacity exists. (TE) (PGP)

8. Maintenance requirements of the erosion control provisions shall be listed on the plan in outline form. Routine end-of-day checks and following storms shall be required during the construction to ensure the measures are working properly. (TE) (PGP)
9. Drainage area maps for the proposed inlets and piping shall be provided with calculations documenting capacity. (TE) (PGP)
10. A sequence of construction activities shall be added to the plan. Installation of tree protection fence, silt fence, seepage bed, roof collection system, and the connection to the existing storm system shall be listed. Notification of the Township Engineer shall be listed in the sequence following installation of protective barriers and prior to earth disturbance. The demolition of the existing paving shall be listed. Notification of the Township Engineer for inspection shall be listed prior to installation of the seepage bed and piping. The required forty-eight (48) hours notice shall be listed on the plan. (TE) (PGP)
11. No grading changes shall be shown within three (3') feet of the property line without written permission from the adjoining property owner. The maintenance responsibilities for the connection of the adjacent property downspouts into the proposed storm sewer shall be clarified. (TE) (PGP)
12. The existing structures on adjoining properties within two hundred (200') feet of the property shall be shown. (TE) (PRFP)
13. The existing sanitary sewers shall be shown to within two hundred (200') feet of the development. (TE) (PRFP)
14. Existing utility mains and service locations, including the sanitary lateral, shall be shown. The manholes shall be labeled on the plan. (TE) (PRFP)
15. The cartway width shall be provided for Haverford Station Road. Curb/driveway locations shall be provided on each side of the cartway. The type and limits of curb shall be provided. Depressed curb shall be indicated for the existing driveways. The lengths shall be dimensioned on the plan. (TE) (PGP)
16. The existing storm sewer shall be shown to within two hundred (200') feet of the property. The location, size, material, and slope for the lines shall be indicated. Rim and invert elevations shall be shown. (TE) (PGP)
17. The actual sight distance triangle shall be shown for the exit driveway. It shall be demonstrated that the existing driveway provides the minimum safe stopping distance required by PaDOT Publication Title 67, Chapter 441. (TE) (PRFP)
18. The proposed aisle width between the proposed angled parking and the proposed drive-through lane shall be increased as directed by the Township Engineer. (TE) (PRFP)
19. A temporary soil stockpile location shall be provided on the plans and shall indicate that all excess soil shall be immediately removed. (TE) (PGP)
20. Details for concrete sidewalk shall be provided for required repair work in the right-of-way. Details must conform to Township standards. (TE) (PGP)
21. The existing inlet receiving the connection of the proposed storm sewer shall be noted to be repaired/replaced as directed by the Township. A PaDOT permit shall be obtained if required and the Township shall be copied on all correspondence. (TE) (PGP)
22. An As-Built Plan must be submitted following completion documenting compliance with the use of the one (1%) percent additional impervious surface limit. (P) (PER)
23. The inlet sediment protection detail shall be modified to be consistent with Township standards. (TE)
24. A roadway restoration detail shall be provided for reference. Township and PaDOT standards shall be shown for use as applicable. (TE) (T=PGP)
25. A lighting plan, including illuminance patterns, shall be submitted and approved by the Director of the Building and Planning Department. Lighting shall be designed to shield the source of illumination and to prevent glare on adjacent properties. (B) (PRFP)
26. The applicant shall demonstrate to the satisfaction of the Township Arborist that appropriate measures are being taken to protect trees where paving and grading is proposed within their driplines. (TA) (PGP)

27. Should any on-site trees not scheduled or permitted to be removed be irreparably damaged during construction and die within eighteen (18) months of the conclusion of construction activities, those trees shall be replaced in accordance with the provision of Section 101-9A(2). This shall be noted on the Plan and escrow posted to guarantee the survival of the impacted trees until the allotted time has expired. (TA) (PGP)
28. All woody vegetation to be retained within twenty-five (25) feet of any disturbed area shall be protected from equipment damage by fencing placed at the driplines. The Township Arborist shall approve the location of the tree protection as shown on the plan. (TA) (PGP)
29. Treatment of impacted trees prior to construction to protect the root system shall be performed. The Township Arborist shall approve the procedure. (TA) (PGP)
30. A revised planting plan complying with Natural Features Code Sections 101-9 and 101-5B and conditions herein shall be prepared and sealed by a Registered Landscape Architect and approved by the Planning Division and the Township Arborist. (TA) (PRFP)
31. All sidewalk and curb on the property frontage shall be indicated to be repaired or replaced as directed by the Township. (TE) (PGP)
32. The Township Engineer shall approve the Improvement Construction and Minor Grading Permits. Revisions shall address the Township Engineer's January 26, 2006 review letter. (TE) (PGP)
33. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting on the property. The address numbers shall be a minimum of four (4) inches (102mm) high with a minimum stroke width of 0.5 inch (12.7mm). (B)
34. Any changes to the approved plans shall require the submission of an as-built plan prior to the issuance of the Certificate of Occupancy. Building and Planning staff can waive this requirement if the changes are determined to be insignificant. (P)
35. The Final Plan, complying with all applicable requirements, shall be filed with the Department of Building and Planning within twelve (12) months from the date of approval by the Board of Commissioners.
36. The owner will make payment of fees and expenses of the Township's professional consultants who perform services on behalf of the Township with respect to these plans and the work contemplated thereunder and will establish and maintain with the Township those escrows for the payment of such fees required by Township Code. Owner agrees that any statement from the Township for such fees which remain unpaid for a period of 30 days may be recorded against the property as a municipal lien.
37. The owner shall make payment of the Township Engineer's and/or Clerk of the Works' inspection fees within 30 days of presentation. A penalty of 1.5% per month will be due for late payments from the date of presentation. If any shares are not paid within 60 days of presentation, the Township may elect to suspend any outstanding permits until all pending charges are settled.
38. The property owner(s) shall comply with all applicable federal, state, local and Lower Merion Township ordinances and laws regardless of specific mention herein.

In addition, the Planning Commission recommended approval of the following waivers:

1. A waiver of Subdivision & Land Development Code, Section 135-7, to not provide a Tentative Sketch Plan.

This item approved under the Consent Calendar. (Mr. Comisky's recusal on this item noted.)

This item referred to the Board at a special meeting of the Building and Planning Committee held February 15, 2005 at approximately 7:55 p.m.

Finance Committee – Mr. Reed, Chairman

Award of Contract – The Chairman recommended for approval that in accordance with bids received on Tuesday, January 24, 2006 at 11:00 A.M. prevailing time for the **Belmont Hills Community Center Replacement of Two (2) Pedestrian Bridges and Installation of Exterior Lighting**, it is the recommendation of the Purchasing Agent with the approval of the Township Engineer and the Director of Public Works that contracts be awarded to the following responsible low bidders.

General Construction

Giovannone Construction, Inc.

1160 Harts Lane
Conshohocken, PA 19428

Total Bid: \$ 84,870.00

Electrical Construction

Carr & Duff, Inc.
2100 Byberry Road
Huntingdon Valley, PA 19006

Total Bid: \$ 14,600.00

Funds are available through the Capital Projects Fund. (#4042.5511)

This item approved under the Consent Calendar.

Adoption of Resolution – The Chairman recommended for approval the adoption of the following Resolution appointing the Deputy Township Treasurer and Deputy Tax Collector.

WHEREAS, Joseph McCaffrey, Township Treasurer and Tax Collector has requested the Board of Commissioners to approve his appointment of Rita Khalaila as Deputy Township Treasurer and Deputy Tax Collector for the period beginning January 1, 2006 and ending December 31, 2006; and

WHEREAS, the Commissioners of Lower Merion Township are satisfied to grant this request, subject to the terms and conditions hereinafter set forth,

NOW, THEREFORE, BE IT RESOLVED that Rita Khalaila is hereby approved as Deputy Township Treasurer and Deputy Tax Collector for the period beginning January 1, 2006 and ending December 31, 2006. The approval is contingent upon the corporate surety bond of Joseph McCaffrey approving the said appointments and that said appointments will not prejudice or affect in any way the obligation of the surety on its bond to the Township of Lower Merion or increase in any way the cost to the Township.

This item approved under the Consent Calendar.

Approval of Resolution - The Chairman recommended for approval the adoption of the following Resolution, exonerating the Township Treasurer from collection of 2005 real estate taxes.

WHEREAS, Felix DiPrinzio, Tax Collector of Lower Merion, did on the 11th day of January 2006, make a return to the County Commissioners of Montgomery County, of unpaid real estate taxes for the year 2005, totaling \$453,486.00, exclusive of interim taxes, a copy of such return having been filed with the Township Secretary.

NOW, THEREFORE, BE IT RESOLVED, that Felix DiPrinzio be and is hereby exonerated from the collection of real estate taxes for the year 2005 totaling the sum of \$453,486.00, exclusive of interim real estate taxes for the year 2005.

RESOLVE FURTHER, that the record of account of the Township be adjusted in accordance with the foregoing Resolution, that a certified copy of such Resolution be furnished to Felix DiPrinzio and a copy of such return, as filed by the Township Secretary, be identified by the signature of the Township Secretary and the same duly filed with the Township records.

This item approved under the Consent Calendar.

Approval to Advertise – The Chairman recommended for approval that the Township Secretary be authorized to advertise Notice of Intention to Adopt an amendment to Ordinance No. 3729 adopted December 15, 2004 and amended by Ordinance No. 3764 adopted December 21, 2005, making a change in certain appropriations, some of which appropriations have proven to be larger than needed and some to be insufficient, and authorizing the proper Township Officers to make the required transfers from and to appropriations heretofore made or receipts not heretofore estimated. (The actual appropriation changes will be provided to the Finance Committee in March after the fiscal year 2005 books are complete.)

This item approved under the Consent Calendar.

Approval to Forgive Loan – The Chairman recommended for approval to authorize the Township Manager to approve a request from the Senior Citizens Center of Ardmore for loan forgiveness of their \$25,000 issued by the Township in November of 2002.

This item approved under the Consent Calendar.

These items were referred to the Board at a meeting of the Finance Committee held

February 1, 2006.

Health Committee – Mrs. Gelber, Chairperson

Approval of Appointment – The Chairperson recommended for approval a recommendation to the Board to appoint Andrea Gilbert, President of Bryn Mawr Hospital, to the newly created Health Advisory Council for a three year term to expire in January 2009.

This item approved under the Consent Calendar.

This item was referred to the Board at a meeting of the Health Committee held February 1, 2006.

Police Committee, Mrs. Phillips, Chairperson

Adoption of Ordinance No. 3771 – The Chairperson presented for adoption An Ordinance To Amend The Code Of The Township Of Lower Merion, Chapter 145 Thereof, Entitled Vehicles And Traffic, Article XV, Schedules, §145-118, Schedule XVIII: Parking Time Limited, By Deleting A "2 Hour Time Limit" Regulation On The East Side Of Greenfield Ave., From Roosevelt Terrace to Spring Ave. and Establishing A "2 Hour Time Limit, 8 a.m. to 6 p.m., Except Sat. and Sun." Regulation On The East Side Of Greenfield Ave. From 200' North of Roosevelt Terrace to Spring Ave.; and Amending Section 145-115, Schedule XV by Establishing a "No Parking At Any Time" Regulation on the South Side of Oakwood Drive To Include the Pedestrian Walkway/Staircase Of The South Building.

This Ordinance was authorized for advertising at the January 18, 2006 meeting of the Board of Commissioners and duly advertised in the February 1, 2006 issue of Main Line Life.

All voted aye on a roll call vote.

Adoption of Ordinance No. 3772 – The Chairperson presented for adoption AN ORDINANCE To Amend Chapter 145 Of The Code Of The Township Of Lower Merion, Vehicles And Traffic, To Remove Reference To Residential Parking Stickers; To Make Unlawful The Use Or Misuse Of Parking Permits As Set Forth In The Ordinance; And To Provide That The Township Can Revoke, Refuse To Renew Or Refuse To Issue A Permit In The Name Of One Who Has Violated The Provisions Of Articles Related To On And Off Highway Parking Permits.

This Ordinance was authorized for advertising at the January 18, 2006 meeting of the Board of Commissioners and duly advertised in the February 1, 2006 issue of Main Line Life.

All voted aye on a roll call vote.

Public Works Committee – Mrs. Dellheim, Chairperson

Award of Contract – The Chairperson recommended for approval the award of a bid for a contract to J.D. Eckman, Inc., in the amount of \$7,424,628.25 for reconstruction of the Church Road and Merion Avenue Bridges contingent upon concurrence from the Pennsylvania Department of Transportation (PennDOT).

This item approved under the Consent Calendar.

Award of Contract – The Chairperson recommended for approval the award of a contract to Pennoni Associates, Inc., in the amount of \$731,834.86 for services as Construction Inspector for the Church Road and Merion Avenue Bridges Reconstruction Project.

This item approved under the Consent Calendar.

This item was referred to the Board at a meeting of the Public Works Committee held February 1, 2006.

Telecommunications Committee – Mrs. Brown, Chairperson

Approval of Resolution – The Chairperson recommended for approval a Resolution authorizing the Township Manager to enter into an intergovernmental agreement with other municipalities in the Montgomery County Consortium of Communities to obtain legal services for the joint negotiation of an agreement for cable television services from Verizon.

A RESOLUTION TO AUTHORIZE AN INTERGOVERNMENTAL AGREEMENT WITH OTHER MONTGOMERY COUNTY MUNICIPALITIES FOR LEGAL SERVICES TO NEGOTIATE A MODEL AGREEMENT WITH VERIZON FOR CABLE SERVICES

WHEREAS, the Boroughs pursuant to the provisions of "The Borough Code", 53 P.S. §45101, et seq., and the Second Class Townships pursuant to the provisions of "The Second Class Township Code", 53 P.S. §65101, et seq., and the First Class Townships pursuant to the provisions of the "First Class Township Code", 53 P.S. §55101, et seq., when not inconsistent with state or federal law, are authorized to oversee and regulate trade, commerce, and the use of public streets, ways and property within their jurisdictions; and

WHEREAS, "The Borough Code", supra., and "The Second Class Township Code", supra., and the "First Class Township Code", supra., as well as the provisions of 53 Pa. C.S.A. §2301, et. seq., provide for intergovernmental cooperation between and among municipalities in the exercise or performance of their respective governmental functions, powers, and responsibilities and authorize joint agreements as may be deemed appropriate for such purposes; and

WHEREAS, numerous townships and boroughs in the Montgomery County Consortium of Communities have determined that it is in the best interests of their residents to cooperate in obtaining legal services for the negotiation of a Model Cable Franchise Agreement ("Model Agreement") with Verizon Pennsylvania Incorporated ("Verizon") for the provision of cable television services ("cable services") to the respective municipalities; and

WHEREAS, the Governing Body of Lower Merion Township has determined that it is in the best interests of the residents of the Township to cooperate with other Montgomery County municipalities in obtaining legal services for the negotiation of the Model Agreement with Verizon; and

WHEREAS, the Governing Body of Lower Merion Township desires to authorize its appropriate officers to enter into an Intergovernmental Agreement with other Montgomery County municipalities for obtaining legal services for the negotiation of a Model Agreement with Verizon for cable services pursuant to the terms of the Intergovernmental Agreement;

NOW, THEREFORE, BE IT RESOLVED as follows: The appropriate officers of the Township of Lower Merion are hereby authorized to enter into an Intergovernmental Agreement with other Montgomery County municipalities to obtain legal services for the negotiation of a Model Agreement with Verizon for cable services.

This item approved under the Consent Calendar.

This item was referred to the Board at a meeting of the Telecommunications Committee held February 1, 2006.

Old Business

The President called for any old business to come before the Board. Vice President Manko acknowledged Brian O'Leary's value to the Township as a planner.

Commissioner Gould urged the Lower Merion School District to stop using its website for political propaganda specifically in the area of property tax reform and the back end referendum.

Commissioner Rogers spoke to the need for both volunteers and donations to the local volunteer fire companies. He reminded our residents once again that the fire companies are 100% volunteer.

Commissioner Burdo thanked the Lower Merion Fire Department and the Public Works Department for the work they did over the weekend with the unusually heavy snowfall. He noted the Township had plenty of salt and the crews got out there and got the job done.

New Business

The President called for any new business to come before the Board. President Comisky offered the following statement

President Comisky: As our Township Manager indicated during last month's Board of Commissioners' meeting, the Board of Commissioners will be publicly reviewing its position on the topic of the Redevelopment Plan for Ardmore. This Board appears to have some unanimity on certain issues and some divergence of opinions on others. It is my personal belief that we still lack sufficient information to make any clear decision with respect to any particular project.

However, we know there has been an expectation from the community to learn of the Board of Commissioners' current thinking, particularly now that we have a newly-seated Board. It is also an

appropriate time to clear up some misconceptions, reaffirm our aspirations and, hopefully, to move forward in a positive way toward something we all agree upon – the important revitalization of Ardmore.

The potential for the use of government condemnation of private property – also referred to as “eminent domain” – unfortunately, has overshadowed the Township’s dream to bring success and vitality to Ardmore. The establishment of the Ardmore Redevelopment Area and Plan in 2004, while enabling this potential tool, did *not* make *using* eminent domain a *fait accompli*. In fact, the use of eminent domain has always been *far* from a forgone conclusion – it has always been viewed as a last resort, and one that all Board and Planning Commission members have always hoped would never need to be used. The Township’s plans regarding the Ardmore Transit Center project have never been far enough along for us to know which, if any, properties would be affected. In addition, if any would be affected, our preference has been to negotiate with the owners of the property to see if an amicable resolution could be reached.

The community should be clear that there has never been “eminent domain abuse” in this Township – only allegations of such abuse, which emerged only when the possibility of the use of eminent domain arose in context of future development in Ardmore.

Still, acquisition of private property through the powers of eminent domain is a legal tool that has been used by governments throughout the world for centuries. Last year a majority of the then Justices on the United States Supreme Court once again upheld the use of eminent domain for private enterprise if it served a public purpose.

As many of you are aware, many states reacted to the majority opinion by proposing legislation which would adopt the dissenting Justices’ opinion. In that regard, there is a measure currently being considered by our State legislature that if made law would restrict local and state governments such as the Township from using eminent domain for private enterprise. Both Pennsylvania Senate and House bills have been approved by the respective legislative bodies, and the matter is now in Committee to presumably iron out the final details before a jointly adopted law can be provided to Governor Rendell for his signature.

If this bill is adopted by the Commonwealth, it is our understanding that the use of eminent domain for private enterprise to facilitate an urban redevelopment project such as the Ardmore Transit Center Project would be prohibited.

As the Board is currently composed, all of the Commissioners view eminent domain for private enterprise as a last alternative. In fact, there are a significant number of Commissioners who would like to go on record as saying that Lower Merion Township will no longer consider the use of the powers of eminent domain for private enterprise in the Ardmore Redevelopment Plan rather than wait for this legislation to determine the matter.

It is our collective hope that our ability to move forward in a positive direction in the revitalization of Ardmore will be facilitated if we make it clear, as I now wish to do, that there will be no eminent domain abuse. To emphasize this Board’s purpose to move in a positive direction, it is this Board’s desire and current goal to once again meet with store and property owners located in the vicinity of the proposed Ardmore Transit Center project to continue our dialog and possibly partner with them to achieve mutual goals.

Having said this, it is important to note the distinction between eminent domain for private enterprise and eminent domain for public use. Private enterprise eminent domain is the condemnation of a private owner’s property for the purposes of deeding the property to another private owner. Public use eminent domain is the condemnation of private property for governmental purposes in order to enable needed infrastructure improvements for rights-of-way, roadways, bridges, parking facilities, sewers, parks and public space, and the like.

Eminent Domain for public use must remain as a viable tool for the Township, but only employed in rare situations, and never as a first course of action. Discussion and negotiation with the goal of amicable acquisition for fair-market-value always precedes invoking the powers of eminent domain.

These recent years have been difficult ones in Ardmore. The Board regrets that there remain some misunderstandings and disagreement within our community. This Board, in making this statement tonight, is hopeful that a bridge will begin to be built, and the lines of communication re-opened, so that our collective dreams for Ardmore can ultimately be realized.

To that end, it’s appropriate to recap where we stand today toward the goal of Ardmore’s revitalization.

- The federally mandated regulatory process, including the NEPA process, is moving forward to enable the Township’s use of the \$6 million federal appropriation for needed transit improvements. Another Open House to gather community input will be held in April, with a final public hearing to complete the process to be scheduled for June.
- A memorandum of agreement between the Township and SEPTA is nearly completed, which will enable us to move forward with the needed transit-related design and improvements.
- The Ardmore Retail Study by Midge McCauley of Downtown Works has given valuable insight into a market strategy that can renew Ardmore into a vital retail destination. (shows mom and pop stores not large box stores)

- In conjunction with our business district authority – Ardmore Initiative – formerly known as Ardmore 2000, new marketing materials and strategies to promote Ardmore as a desirable locale for new businesses have been created.
- A Request for Proposals (RFP) seeking creative ideas for the Ardmore Transit Center project is being prepared for public review and ultimate issuance.

As we have said before, we believe that Ardmore's best days lie ahead of us. We recognize that there is no such thing as a perfect plan or one that will meet the ideal of every person who cares about Ardmore. We intend to continue toward our goals – seeking great ideas for the Ardmore Transit Center project and bringing those ideas to fruition in a project that will bring a much needed infusion of success and vitality to the Ardmore community.

Commissioner Rosenzweig thanked the President for his statement and asked that the following Resolution be read into the record. He commented that the following Resolution is intended to be moved at the March 15, 2006 meeting of the Board at which time public comment will be elicited. Commissioners will then discuss and vote. He further noted that the resolution was a result of a collaborative effort co-sponsored by Commissioners Brown, Gordon, Rogers, Zelov and himself.

BOARD OF COMMISSIONERS

RESOLUTION

WHEREAS, the Board of Commissioners has determined that the Ardmore Business District requires redevelopment and economic revitalization in order to be a competitive and vibrant center of commerce in Lower Merion Township; and

WHEREAS, the Board of Commissioners has previously recommended that Plan B for the Ardmore Transit Center of the Ardmore Redevelopment Plan be approved by the Lower Merion Township and Montgomery County Planning Commissions; and

WHEREAS, the Lower Merion Township and Montgomery County Planning Commissions duly approved the aforesaid Ardmore Redevelopment Plan; and

WHEREAS, Plan B of the Ardmore Transit Center project was approved pursuant to the Urban Redevelopment Law, which empowers the Redevelopment Authority of Montgomery County, as agent of the Township, to exercise eminent domain in the acquisition of certain properties should that exercise be deemed necessary to acquire properties otherwise not obtainable to achieve the development of the Ardmore Transit Center project; and

WHEREAS, the potential for the exercise of eminent domain in the Ardmore Transit Center project for private enterprise, development and gain has become a distraction to the overall goal of revitalization in Ardmore; and

WHEREAS, the present Board of Commissioners wishes to reconsider the recommendation for the approval of Plan B of the Ardmore Transit Center project with the Ardmore Redevelopment Plan specifically with regard to the use of eminent domain for the potential acquisition of those properties implicated by the Ardmore Transit Center project; and

WHEREAS, the Board of Commissioners considers the redevelopment of the Ardmore business district and Transit Center essential to the long-term health and welfare of Lower Merion Township, and further, the Board of Commissioners deems it vital to take advantage of those federal funds available for the proposed Ardmore Transit Center and related transit improvements.

NOW, THEREFORE, be it resolved that neither the Township of Lower Merion nor its agents shall exercise the power of eminent domain to acquire by way of a total taking those properties presently identified by Plan B of the Ardmore Transit Center project solely for the purpose of private enterprise, development and gain; and be it

FURTHER RESOLVED that any and all requests for proposals (RFPs) relative to the Ardmore Transit Center shall reflect this resolution of the Board; and be it

FURTHER RESOLVED that this is the intent and purpose of the Board of Commissioners to continue to advance the redevelopment of the Ardmore business district and Transit Center in further collaboration with the community.

Adjournment

The President recognized Commissioner Reed for the reading of the Resolution to Adjourn:

RESOLVED, that this stated meeting of the Board of Commissioners of the Township of Lower Merion stands adjourned. A Special Meeting of the Board for the Continuation Of the Public hearing on Mixed Use Special Transit District (MUST) will be held on Thursday, February 16, 2006 at 6:30 p.m. And a Special Meeting of the Board will be held on Tuesday, March 14, 2006 at approximately 8:00 p.m.

at the Township Administration Building, 75 E. Lancaster Ave., Ardmore, PA. The next stated meeting of the Board will be held on Wednesday, March 15, 2006 at 8:00 p.m. at the Township Administration Building, 75 E. Lancaster Ave., Ardmore, PA.

Meeting adjourned at 9:30 p.m.

Respectfully submitted,

Eileen R. Trainer
Township Secretary

**SPECIAL MEETING OF THE BOARD OF COMMISSIONERS
CONTINUED PUBLIC HEARING
MIXED USE SPECIAL TRANSIT
MUST**

Bruce D. Reed, Vice President

February 16, 2006

MINUTES

Call to Order

A stated meeting of the Board of Commissioners of the Township of Lower Merion convened at approximately 6:40 pm. on the above date in the Township Administration Building, 75 E. Lancaster Avenue, Ardmore, PA, Bruce D. Reed, Vice President, presiding. Other members present were: Commissioners Brown, Comisky, Gelber, Gordon, Manko, Phillips, Reed, Rogan, Rogers, Rosenzweig and Zelov. Excused: Commissioners Gould, Dellheim and Burdo.

Continued Public Hearing on MUST

Mr. Duncan He spoke regarding purpose and applicability, residential uses, non-residential uses, Restaurants, walk up windows, Personal service shops, which exclude massage parlors.

He then reviewed the amendments to the proposed ordinance.

Chairman Reed called for anyone who wished to address the Board.

The following individuals addressed the Board:

Chad Graham, on behalf of his wife, 124 Anton Road, Wynnewood

Chris Jones, 105 Old Gulph Road, Gladwyne

Hugh Gordon, 111 Llanfair Rd, Ardmore

Leigh Ann Smith, 122 Fishers Rd. Bryn Mawr

They spoke to the following topics:

- Typographical points on page 19 Architectural Design Standards and Page 23 Street/Shade Trees, Section 5. Sidewalks.
- Uniformity for the various areas affected
- Advanced availability of materials
- On and off street parking
- Impervious surface, height, mass, parking structures and rezoning of properties.

Commissioner Reed gave the Board the opportunity to present their amendments.

Commissioner Gelber:

- The first amendment that I'm proposing addresses the fear of rezoning that was raised by Leigh Ann Smith. What I would like to do is restrict the provision of MUST to properties or parcels where any part of it is zoned commercial as of the date that this ordinance is passed. What I want to do is discourage the spread of the commercial district into the residential district that is surrounding it and have our revitalization dollars spent on properties, where at least part of the property is zoned commercial.
- I want to encourage the creation of front and side yards with landscaping and public gathering spaces. I don't want to have every building built right to the built-to line. If you look at Chestnut Hill or some other communities, if there is a garden or public space in front of the building it creates some variety in the pedestrian experience. What I am proposing is Creation of Front and Side Yards with Landscaping and Public Gathering Spaces and encouraged an amendment to Section 3C.
- In Section 3F10 we are providing for incentive for penthouse, that penthouses are excluded from the other provisions. I have a philosophical problem with encouraging penthouses which do add to height and not incentivising enough affordable housing. What I would like to do is eliminate penthouses, not eliminate penthouses. Penthouses would have to be included in the maximum height that we are going to allow. Basically