TOWNSHIP OF LOWER MERION

BUILDING AND PLANNING COMMITTEE

Wednesday, January 24, 2018
7:00 PM (Approximately)

Chairperson: Joshua L. Grimes, Elizabeth Rogan
Vice Chairperson: George T. Manos, Todd M. Sinai

AGENDA

1. AUTHORIZATION TO RELEASE FUNDS HELD IN ESCROW

2. CONDITIONAL USE APPLICATION - 325 W. Montgomery Avenue, Merion Cricket Club, Haverford, CU# 3794, Ward 10

3. TENTATIVE SKETCH PLAN – 325 W. Montgomery Avenue, Merion Cricket Club, Haverford, LD# 3794, Ward 10

4. PROPOSED ORDINANCE - Lot Width
AGENDA ITEM INFORMATION

ITEM: AUTHORIZATION TO RELEASE FUNDS HELD IN ESCROW

Consider for recommendation to the Board of Commissioners approval of the release of funds held in escrow as Improvement Guarantees in accordance with Section 135-5 of the Township Code for the following:

110 Montgomery Avenue
Escrow Release no. 5                                  $5,423.00

225 Bala Avenue
BMW of the Mainline
Escrow Release no. 4, Final                        $11,800.00

PUBLIC COMMENT

ATTACHMENTS:

<table>
<thead>
<tr>
<th>Description</th>
<th>Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Escrow Release Letters</td>
<td>Backup Material</td>
</tr>
</tbody>
</table>
LOWM 244.28

Christopher Leswing, Director of Building and Planning
Township of Lower Merion
75 East Lancaster Avenue
Ardmore, PA 19003

Re: 110 Montgomery Avenue Subdivision
   Escrow Release No. 5

Dear Mr. Leswing:

We have received a request for release to escrow for the above referenced permit. Based on our field investigations, we recommend release as follows:

<table>
<thead>
<tr>
<th>Item</th>
<th>Total Amount</th>
<th>Amount This Release</th>
<th>Total Released</th>
<th>Amount to Remain</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Site Preparation</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Tree Protection</td>
<td>$1,200.00</td>
<td>$ 0.00</td>
<td>$1,200.00</td>
<td>$ 0.00</td>
</tr>
<tr>
<td>2. Clearing, Grubbing &amp; Demolition</td>
<td>10,000.00</td>
<td>0.00</td>
<td>10,000.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Subtotal A</td>
<td>$11,200.00</td>
<td>$ 0.00</td>
<td>$11,200.00</td>
<td>$ 0.00</td>
</tr>
<tr>
<td>B. Erosion and Sediment Control</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Silt Fence</td>
<td>$1,440.00</td>
<td>$480.00</td>
<td>$1,440.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>4. Construction Entrance</td>
<td>1,000.00</td>
<td>0.00</td>
<td>1,000.00</td>
<td>0.00</td>
</tr>
<tr>
<td>5. Inlet Protection</td>
<td>500.00</td>
<td>0.00</td>
<td>500.00</td>
<td>0.00</td>
</tr>
<tr>
<td>6. Temporary Stabilization</td>
<td>750.00</td>
<td>0.00</td>
<td>750.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Subtotal B</td>
<td>$3,690.00</td>
<td>$480.00</td>
<td>$3,690.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>C. ROW Construction</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7. Roadway Restoration</td>
<td>$1,000.00</td>
<td>0.00</td>
<td>1,000.00</td>
<td>0.00</td>
</tr>
<tr>
<td>8. Concrete Curb</td>
<td>1,000.00</td>
<td>0.00</td>
<td>1,000.00</td>
<td>0.00</td>
</tr>
<tr>
<td>9. Sidewalk</td>
<td>3,000.00</td>
<td>0.00</td>
<td>3,000.00</td>
<td>0.00</td>
</tr>
<tr>
<td>10. Concrete Apron (New)</td>
<td>1,500.00</td>
<td>0.00</td>
<td>1,500.00</td>
<td>0.00</td>
</tr>
<tr>
<td>11. Concrete Apron (Demo)</td>
<td>1,000.00</td>
<td>0.00</td>
<td>1,000.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Subtotal C</td>
<td>$7,500.00</td>
<td>$0.00</td>
<td>$7,500.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>D. Temporary Basins</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12. Grading/Spreader &amp; Outflow Pipe</td>
<td>$3,000.00</td>
<td>$ 0.00</td>
<td>$3,000.00</td>
<td>$ 0.00</td>
</tr>
<tr>
<td>Subtotal D</td>
<td>$3,000.00</td>
<td>$ 0.00</td>
<td>$3,000.00</td>
<td>$ 0.00</td>
</tr>
<tr>
<td>E. Site Construction</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>13. Final Grading/Stabilization</td>
<td>$4,000.00</td>
<td>$2,000.00</td>
<td>$4,000.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>14. Common Drive Paving (6&quot; 2A Stone, 5&quot; BCBC, 1 ½&quot; ID-2 Wearing Course)</td>
<td>10,000.00</td>
<td>2,500.00</td>
<td>10,000.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Subtotal E</td>
<td>$14,000.00</td>
<td>$4,500.00</td>
<td>$14,000.00</td>
<td>$0.00</td>
</tr>
</tbody>
</table>

Total: $23,890.00
Amount to Remain: $0.00
<table>
<thead>
<tr>
<th>Item</th>
<th>Total Amount</th>
<th>Amount This Released</th>
<th>Total Released</th>
<th>Amount to Remain</th>
</tr>
</thead>
<tbody>
<tr>
<td>F. Stormwater Management</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>15. 12&quot; HDPE</td>
<td>$2,300.00</td>
<td>$0.00</td>
<td>$2,300.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>16. Bubble-Up Spreader</td>
<td>750.00</td>
<td>0.00</td>
<td>750.00</td>
<td>0.00</td>
</tr>
<tr>
<td>17. Storm Manholes</td>
<td>1,500.00</td>
<td>0.00</td>
<td>1,500.00</td>
<td>0.00</td>
</tr>
<tr>
<td>18. Yard Inlets</td>
<td>5,000.00</td>
<td>0.00</td>
<td>5,000.00</td>
<td>0.00</td>
</tr>
<tr>
<td>19. Seepage Bed B (Pipe, Stone &amp; Geotextile Material)</td>
<td>7,500.00</td>
<td>0.00</td>
<td>7,500.00</td>
<td>0.00</td>
</tr>
<tr>
<td>20. Seepage Bed A (Pipe, Stone &amp; Geotextile Material)</td>
<td>40,000.00</td>
<td>0.00</td>
<td>40,000.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Subtotal F</td>
<td>$57,050.00</td>
<td>$0.00</td>
<td>$57,050.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>G. Miscellaneous</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>21. Road Control Monuments</td>
<td>$800.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$800.00</td>
</tr>
<tr>
<td>Subtotal G</td>
<td>$800.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$800.00</td>
</tr>
<tr>
<td>H. Landscaping</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>22. Landscaping/Fence</td>
<td>$20,000.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$20,000.00</td>
</tr>
<tr>
<td>Subtotal H</td>
<td>$20,000.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$20,000.00</td>
</tr>
<tr>
<td>Subtotal A thru H</td>
<td>$117,240.00</td>
<td>$4,980.00</td>
<td>$96,440.00</td>
<td>$20,800.00</td>
</tr>
<tr>
<td>Engineering &amp; Contingencies</td>
<td>$11,724.00</td>
<td>498.00</td>
<td>9,644.00</td>
<td>2,080.00</td>
</tr>
<tr>
<td>Total Cost of Improvements</td>
<td>$128,964.00</td>
<td>$5,478.00</td>
<td>$106,084.00</td>
<td>$22,880.00</td>
</tr>
<tr>
<td>Plus 10%</td>
<td>12,896.00</td>
<td>547.00</td>
<td>10,608.00</td>
<td>2,288.00</td>
</tr>
<tr>
<td>110% of the Cost of Improvements per Section 509 of the Municipal Code</td>
<td>$141,860.00</td>
<td>$6,025.00</td>
<td>$116,692.00</td>
<td>$25,168.00</td>
</tr>
<tr>
<td>Retainage</td>
<td>$(602.00)</td>
<td>$(11,271.00)</td>
<td>11,271.00</td>
<td>11,271.00</td>
</tr>
<tr>
<td></td>
<td>$5,423.00</td>
<td>$105,421.00</td>
<td>$36,439.00</td>
<td></td>
</tr>
<tr>
<td>Release to Developer</td>
<td></td>
<td></td>
<td></td>
<td>$5,423.00</td>
</tr>
</tbody>
</table>

Balance remaining in Escrow Account | $36,439.00 |

We recommend a release of escrow in the amount of $5,423.00. As there is currently a balance of $41,862.00, following this release of $5,423.00, the balance remaining in the account will be $36,439.00.

Two Declarations of Completion are attached and must be signed and dated by the Township Manager following authorization of the Board of Commissioners.

Please advise if we may be of further assistance in this matter.

Very truly yours,

Kevin J. Bowers, P.E.

PENNONI ASSOCIATES
Township Engineer

cc: Robert E. Duncan, Assistant Township Manager
DeLuca Smith, LLC, 623 Argyle Road, Wynnnewood, PA 19096
LOWM 244.70

Christopher Leswing, Director of Building and Planning
Township of Lower Merion
75 East Lancaster Avenue
Ardmore, PA 19003

Re: BMW Development
   Escrow Release No. 4 (Final)

Dear Mr. Leswing:

We have received a request for release to escrow for the above referenced permit. Based on our field investigations and discussions with township staff, we recommend release as follows:

<table>
<thead>
<tr>
<th>Item</th>
<th>Total Amount</th>
<th>Amount This Release</th>
<th>Total Released</th>
<th>Amount to Remain</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Site Preparation</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Tree Protection/Tree Treatment</td>
<td>$500.00</td>
<td>$ 0.00</td>
<td>$500.00</td>
<td>$ 0.00</td>
</tr>
<tr>
<td>2. Curb, Sidewalk, Pavement Removal</td>
<td>2,500.00</td>
<td>0.00</td>
<td>2,500.00</td>
<td>0.00</td>
</tr>
<tr>
<td>3. Demolition</td>
<td>25,000.00</td>
<td>0.00</td>
<td>25,000.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Subtotal A</td>
<td>$28,000.00</td>
<td>$ 0.00</td>
<td>$28,000.00</td>
<td>$ 0.00</td>
</tr>
<tr>
<td>B. Erosion and Sediment Control</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Silt Sox</td>
<td>$8,000.00</td>
<td>$ 0.00</td>
<td>$8,000.00</td>
<td>$ 0.00</td>
</tr>
<tr>
<td>5. Grading &amp; Stabilization</td>
<td>25,000.00</td>
<td>0.00</td>
<td>25,000.00</td>
<td>0.00</td>
</tr>
<tr>
<td>6. Construction Entrance</td>
<td>1,250.00</td>
<td>0.00</td>
<td>1,250.00</td>
<td>0.00</td>
</tr>
<tr>
<td>7. Inlet Protection</td>
<td>4,500.00</td>
<td>0.00</td>
<td>4,500.00</td>
<td>0.00</td>
</tr>
<tr>
<td>8. Temporary Stabilization</td>
<td>2,500.00</td>
<td>0.00</td>
<td>2,500.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Subtotal B</td>
<td>$41,250.00</td>
<td>$ 0.00</td>
<td>$41,250.00</td>
<td>$ 0.00</td>
</tr>
<tr>
<td>C. Site Construction</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9. Roadway Restoration</td>
<td>$2,500.00</td>
<td>$ 0.00</td>
<td>$2,500.00</td>
<td>$ 0.00</td>
</tr>
<tr>
<td>10. Concrete Curb</td>
<td>50,000.00</td>
<td>0.00</td>
<td>50,000.00</td>
<td>0.00</td>
</tr>
<tr>
<td>11. Sidewalk</td>
<td>25,000.00</td>
<td>0.00</td>
<td>25,000.00</td>
<td>0.00</td>
</tr>
<tr>
<td>12. Concrete Apron</td>
<td>500.00</td>
<td>0.00</td>
<td>500.00</td>
<td>0.00</td>
</tr>
<tr>
<td>13. Porous Paving Walk</td>
<td>10,000.00</td>
<td>0.00</td>
<td>10,000.00</td>
<td>0.00</td>
</tr>
<tr>
<td>14. Patterned Concrete for Pocket Park</td>
<td>50,000.00</td>
<td>0.00</td>
<td>50,000.00</td>
<td>0.00</td>
</tr>
<tr>
<td>15. Paving/Meter Installation</td>
<td>70,000.00</td>
<td>0.00</td>
<td>70,000.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Subtotal C</td>
<td>$208,000.00</td>
<td>$ 0.00</td>
<td>$208,000.00</td>
<td>$ 0.00</td>
</tr>
</tbody>
</table>
### D. Sanitary Sewer

<table>
<thead>
<tr>
<th>Item Description</th>
<th>Total Amount</th>
<th>Amount Released</th>
<th>Total Released</th>
<th>Amount to Remain</th>
</tr>
</thead>
<tbody>
<tr>
<td>16. 8” DIP with DIP Sleeve</td>
<td>$25,000.00</td>
<td>$ 0.00</td>
<td>$25,000.00</td>
<td>$ 0.00</td>
</tr>
<tr>
<td>17. Manholes</td>
<td>15,000.00</td>
<td>0.00</td>
<td>15,000.00</td>
<td>0.00</td>
</tr>
<tr>
<td><strong>Subtotal D</strong></td>
<td><strong>$40,000.00</strong></td>
<td><strong>$ 0.00</strong></td>
<td><strong>$40,000.00</strong></td>
<td><strong>$ 0.00</strong></td>
</tr>
</tbody>
</table>

### E. Stormwater Management

<table>
<thead>
<tr>
<th>Item Description</th>
<th>Total Amount</th>
<th>Amount Released</th>
<th>Total Released</th>
<th>Amount to Remain</th>
</tr>
</thead>
<tbody>
<tr>
<td>18. 15” HDPE</td>
<td>$10,400.00</td>
<td>$ 0.00</td>
<td>$10,400.00</td>
<td>$ 0.00</td>
</tr>
<tr>
<td>19. 18” HDPE</td>
<td>5,250.00</td>
<td>0.00</td>
<td>5,250.00</td>
<td>0.00</td>
</tr>
<tr>
<td>20. 24” HDPE</td>
<td>1,300.00</td>
<td>0.00</td>
<td>1,300.00</td>
<td>0.00</td>
</tr>
<tr>
<td>21. 30” HDPE</td>
<td>13,530.00</td>
<td>0.00</td>
<td>13,530.00</td>
<td>0.00</td>
</tr>
<tr>
<td>22. 36” HDPE</td>
<td>14,400.00</td>
<td>0.00</td>
<td>14,400.00</td>
<td>0.00</td>
</tr>
<tr>
<td>23. City No. 1 Inlets</td>
<td>7,500.00</td>
<td>0.00</td>
<td>7,500.00</td>
<td>0.00</td>
</tr>
<tr>
<td>24. Manholes</td>
<td>16,000.00</td>
<td>0.00</td>
<td>16,000.00</td>
<td>0.00</td>
</tr>
<tr>
<td>25. Type M Inlets</td>
<td>2,500.00</td>
<td>0.00</td>
<td>2,500.00</td>
<td>0.00</td>
</tr>
<tr>
<td>26. Type C Inlets</td>
<td>12,500.00</td>
<td>0.00</td>
<td>12,500.00</td>
<td>0.00</td>
</tr>
<tr>
<td>27. Mechanical BMP Unit</td>
<td>50,000.00</td>
<td>0.00</td>
<td>50,000.00</td>
<td>0.00</td>
</tr>
<tr>
<td>28. Amended Soil/Stone</td>
<td>10,000.00</td>
<td>0.00</td>
<td>10,000.00</td>
<td>0.00</td>
</tr>
<tr>
<td><strong>Subtotal E</strong></td>
<td><strong>$143,380.00</strong></td>
<td><strong>$ 0.00</strong></td>
<td><strong>$143,380.00</strong></td>
<td><strong>$ 0.00</strong></td>
</tr>
</tbody>
</table>

### F. Miscellaneous

<table>
<thead>
<tr>
<th>Item Description</th>
<th>Total Amount</th>
<th>Amount Released</th>
<th>Total Released</th>
<th>Amount to Remain</th>
</tr>
</thead>
<tbody>
<tr>
<td>29. Benches/Trash Receptacles</td>
<td>$5,000.00</td>
<td>$ 0.00</td>
<td>$5,000.00</td>
<td>$ 0.00</td>
</tr>
<tr>
<td>30. Bicycle Racks</td>
<td>5,000.00</td>
<td>0.00</td>
<td>5,000.00</td>
<td>0.00</td>
</tr>
<tr>
<td>31. Road Control/Monuments</td>
<td>1,000.00</td>
<td>0.00</td>
<td>1,000.00</td>
<td>0.00</td>
</tr>
<tr>
<td>32. Crosswalk/HC Ramps</td>
<td>15,000.00</td>
<td>0.00</td>
<td>15,000.00</td>
<td>0.00</td>
</tr>
<tr>
<td>33. Lighting</td>
<td>12,000.00</td>
<td>0.00</td>
<td>12,000.00</td>
<td>0.00</td>
</tr>
<tr>
<td>34. Pavement Markings</td>
<td>7,500.00</td>
<td>0.00</td>
<td>7,500.00</td>
<td>0.00</td>
</tr>
<tr>
<td>35. Traffic Control/Directional Signs</td>
<td>2,500.00</td>
<td>0.00</td>
<td>2,500.00</td>
<td>0.00</td>
</tr>
<tr>
<td>36. As-Built Plan</td>
<td>4,500.00</td>
<td>0.00</td>
<td>4,500.00</td>
<td>0.00</td>
</tr>
<tr>
<td>37. Post Development Traffic Study</td>
<td>3,000.00</td>
<td>3,000.00</td>
<td>3,000.00</td>
<td>0.00</td>
</tr>
<tr>
<td><strong>Subtotal F</strong></td>
<td><strong>$55,500.00</strong></td>
<td><strong>$ 0.00</strong></td>
<td><strong>$55,500.00</strong></td>
<td><strong>$ 0.00</strong></td>
</tr>
</tbody>
</table>

### G. Landscaping

<table>
<thead>
<tr>
<th>Item Description</th>
<th>Total Amount</th>
<th>Amount Released</th>
<th>Total Released</th>
<th>Amount to Remain</th>
</tr>
</thead>
<tbody>
<tr>
<td>38. Landscaping/Guarantee</td>
<td>$23,600.00</td>
<td>$ 0.00</td>
<td>$23,600.00</td>
<td>$ 0.00</td>
</tr>
<tr>
<td>39. Off-Site Landscaping &amp; Delivery Cost</td>
<td>37,910.00</td>
<td>0.00</td>
<td>37,910.00</td>
<td>0.00</td>
</tr>
<tr>
<td><strong>Subtotal G</strong></td>
<td><strong>$61,510.00</strong></td>
<td><strong>$ 0.00</strong></td>
<td><strong>$61,510.00</strong></td>
<td><strong>$ 0.00</strong></td>
</tr>
</tbody>
</table>

**Subtotal A thru G**

- **$577,640.00**

**Engineering & Contingencies**

- **$57,764.00**

**Total Cost of Improvements**

- **$635,404.00**

**Plus 10%**

- **$63,540.00**

**110% of the Cost of Improvements per Section 509 of the Municipal Code**

- **$698,944.00**

**Release of Retainage**

- **$698,944.00**

**Total**

- **$11,800.00**

**Amount to Remain in Escrow Account**

- **$11,800.00**
We recommend a release of escrow in the amount of $11,800.00. As there is currently a balance of $11,800.00, following this release of $11,800.00, the balance remaining in the account will be $0.00 and the account will be closed.

Two Declarations of Completion are attached and must be signed and dated by the Township Manager following authorization of the Board of Commissioners.

Please advise if we may be of further assistance in this matter.

Very truly yours,

[Signature]

Kevin J. Bowers, P.E.
PENNONI ASSOCIATES
Township Engineer

cc: Robert E. Duncan, Assistant Township Manager
BMW of the Main Line
AGENDA ITEM INFORMATION

ITEM: CONDITIONAL USE APPLICATION - 325 W. Montgomery Avenue, Merion Cricket Club, Haverford, CU# 3794, Ward 10

Consider for recommendation to the Board of Commissioners approval of a conditional use application to exceed the allowable impervious surface associated with the expansion of the existing Club. The expansion is shown on a plan dated February 21, 2017, last revised December 19, 2017, prepared by Site Engineering Concepts, LLC and includes the demolition of eight (8) single family detached residential dwellings and two (2) maintenance garages, consolidation of 14 properties, and redevelopment of a five acre portion of the site for the construction of a new pool complex and relocation of four of the outdoor tennis courts.

Expiration Date – 2/23/2018

Zoning – R2/R7/HROD

Applicant: George Broseman, Esquire, Kaplin Stewart
Applicant's Representative: George Broseman, Esquire, Kaplin Stewart
Property Owner: Merion Cricket Club

On Tuesday, January 9, 2018 the Planning Commission recommended approval. The Hearing Officer's recommendation is attached.

PUBLIC COMMENT

ATTACHMENTS:

<table>
<thead>
<tr>
<th>Description</th>
<th>Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hearing Officer's Recommendation</td>
<td>Backup Material</td>
</tr>
</tbody>
</table>
BEFORE THE CONDITIONAL USE HEARING OFFICER
LOWER MERION TOWNSHIP, MONTGOMERY COUNTY
PENNSYLVANIA

CU Application #3794C

RECOMMENDATIONS FOR FINDINGS
OF FACT, CONCLUSIONS OF LAW AND ORDER

This conditional use application was filed by the Merion Cricket Club seeking approval to increase impervious surface coverage on a property located in the R-2 and R-7 zoning district pursuant to Code §155-152.C. Conditional Use Hearings were held on December 19, 2017 and January 10, 2018 before the Conditional Use Hearing Officer.¹

1. The Applicant is the Merion Cricket Club (“Club”) by its general manager Caleb Tindall (“Applicant”).

2. The Applicant’s attorney is George W. Broseman, Esq. (“Broseman”) of Kaplin Stewart.

3. The Applicant is the title owner of approximately 13.3 acres with frontages along West Montgomery Avenue, Grays Lane and Cheswold Lane, Lower Merion Township (referred to as the “Property”). Other parcels, with frontage on Elbow Lane, have rear yards adjoining the Property to the north-east.

4. The Property is situated in the R-2 and R-7 zoning districts and is also subject to the Historic Resource Overlay District (“HROD”) Code §155-87.20 et seq.

5. The Property is listed as a Class I historic resource on the Historic Resource Inventory. The Inventory listing specifies contributing elements including the Clubhouse complex, designed by Frank Furness and constructed in 1896-97, and the cottage. The Township’s position is that the contributing elements of the Clubhouse complex include the

¹ The Conditional Use Hearing Officer is authorized to conduct the hearing pursuant to Code §155-141.2.A.5.
Furness Clubhouse, the men’s locker room and the squash addition. It is disputed by the applicant whether the cottage and the men’s locker room are contributing elements to the Class I historic resource. See, Historic Resource Impact Study, Ex. A-2. See also, Lower Merion Township staff memo from Greg Prichard to the Building and Planning Committee, Ex. T-3; Broseman Letter dated January 12, 2018, Ex. A-19. The applicant also claims that it is unclear whether the Inventory listing includes the Cassatt memorial and stone gateposts with electric lamps.

6. The Property has been used as a sports club for more than one hundred twenty (120) years. In addition to the historic clubhouse and cottage, its facilities currently include grass tennis courts, indoor tennis and squash courts, locker rooms, restaurant, maintenance complex, outbuildings, parking areas and driveways (“Campus”).

7. The Applicant has acquired twelve (12) adjacent properties with an eye toward future expansion of the Campus. It is currently undergoing the land development approval process to enlarge the Property to more than eighteen (18) acres and install new facilities:

a. Demolition of eight (8) single family detached houses on adjacent properties:
   141 Grays Lane;
   143 Grays Lane;
   147 Grays Lane;
   206 Elbow Lane;
   214 Elbow Lane;
   216 Elbow Lane;
   134 Cheswold Lane,
   140 Cheswold Lane;

b. Demolition of two (2) detached maintenance garages located at 325 W. Montgomery Avenue;

c. Consolidation of fourteen (14) properties:
   325 West Montgomery Avenue;
   135/139 Grays Lane;
   141 Grays Lane;
   143 Grays Lane;
   147 Grays Lane;
206 Elbow Lane;
210 Elbow Lane;
214 Elbow Lane;
216 Elbow Lane;
218 Elbow Lane;
222 Elbow Lane;
226 Elbow Lane;
134 Cheswold Lane;
140 Cheswold Lane;

d. Redevelopment of a five (5) acre portion of the site, involving:
i. Reorientation of existing paddle tennis court;
ii. Replacement of an existing paddle hut;
iii. Relocation of the maintenance complex to an internal site;
iv. Elimination of an existing practice court;
v. Relocation of four outdoor tennis courts;
vi. Preservation and conversion of four existing dwellings facing Elbow Lane for club use;
vii. Construction of a new pool complex with auxiliary dining facilities;
viii. Installation of additional parking facilities;
ix. Relocation of one of the driveways onto Gray’s Lane;
x. Construction of a small addition to the clubhouse to house additional squash courts;
xi. Removal of existing drive on Grays Lane and reconstruction of an expanded drive further down Grays Lane.

8. The Lower Merion Zoning Hearing Board recently granted a special exception and variance for expanded use of the Merion Cricket Club in connection with this land development project, Appeal No. 4407 (2017).

9. This conditional use application concerns the Applicant’s request to exceed impervious surface limits applicable to the Property pursuant to Code §155-152C. The Applicant offers covenants on historic resources in consideration for approval of additional impervious surface coverage.

10. The Board of Commissioners may authorize deviations from bulk, area and setback requirements by conditional use approval, pursuant to Code §155-152.

11. The Lower Merion Historical Commission reviewed the land development plans and the conditional use application on October 23, 2017 and recommended approval of
impervious surface relief under the conditional use provisions of the HROD, Code §155-152.

The Historical Commission found that the new development will not have a significant negative impact on the Furness & Evans designed clubhouse building. It reviewed the overall site plan, the proposed pavilion structures, parking areas, and adaptive re-use of four homes on Elbow Lane. The Historical Commission does not have purview over the homes facing Elbow, Grays, and Cheswold Lanes which were designed between 1930 and 1960 by prominent local architect Walter Durham. While the Durham houses may qualify for designation as historic, in the opinion of the Historical Commission, the Applicant’s proposed expansion will support the continued use and preservation of the clubhouse. It complimented the retention of four (4) Durham houses on the proposed site plan and asked the Applicant to consider voluntarily listing them on the Historic Resource Inventory as Class II structures; obtaining façade easements on the homes’ front, sides and roof; allowing for exterior documentation of the residences slated for demolition; and salvaging materials and architectural elements from the demolished structures. See, Lower Merion Township staff memo, Ex. T-2 at p. 3.

12. The Lower Merion Planning Commission reviewed the conditional use application and the land development plans on December 4, 2017 and January 8, 2018. It recommended approval of the conditional use application without conditions. Moreover, it recommended approval of the land development plan with conditions. See Ex. T-4.


14. Andrea Campisi (“Campisi,”) Senior Planner at the Lower Merion Township Building and Planning Department, offered five (5) documents into evidence that were admitted into the record:
a. Proof of publication of the hearing notice (Exhibit T-1);

b. Lower Merion Township staff memo from Christopher Leswing to Hearing Officer dated 12/19/17 (Exhibit T-2);

c. Lower Merion Township staff memo from Greg Prichard to Building and Planning Committee date 12/19/17 (Exhibit T-3)(regarding the Class I historic resource, the 1895 clubhouse, and recommending recognizing additional elements contributing to the overall historic resource, including the 1928 locker room building, the stone gateposts and their ornamental electric lamps, and the Cassatt memorial);

d. Lower Merion Planning Commission recommendations dated 1/9/2018 (Exhibit T-4);

e. Lower Merion Township staff memo from Christopher Leswing to Planning Commission dated 1/5/18 (Exhibit T-5).

15. The Applicant offered twenty (20) documents in support of its conditional use application that were subsequently admitted into the record:

a. Conditional Use Application (Exhibit A-1);

b. Historic Resource Impact Study (Exhibit A-2);

c. Zoning Hearing Board decision, Appeal No. 4407 (2017) (Exhibit A-3);

d. Revised Tentative Sketch Land Development Plans (Exhibit A-4);

e. Frank Vain, CV (Exhibit A-5);

f. Frank Vain presentation “The Club of the Future” (Exhibit A-6);

g. Caleb Tindall, CV (Exhibit A-7);

h. Deeds (Exhibit A-8);

i. Maarten Pesch, CV (Exhibit A-9);

j. Maarten Pesch presentation “CUH: Project Overview” (Exhibit A-10);

k. Robert Lambert, CV (Exhibit A-11);

l. Historic Resource Inventory Listing of existing club property (Exhibit A-12);
m. Impervious surface calculation chart (Exhibit A-13);

n. Building footprints of Historic Clubhouse to be subject to Covenant (Exhibit A-14);

o. Stormwater Management Report (calculations have been provided to Township staff and Township Engineer) (Exhibit A-15);

p. Charles Neer, CV (Exhibit A-16);

q. John Wichner, CV (Exhibit A-17);

r. Traffic Impact Study (appendix C has been provided to Township staff and Township Engineer) (Exhibit A-18);

s. Lower Merion Township Ordinance No, 3208 (Exhibit A-19);

t. Broseman Letter dated 1/12/18 (Exhibit A-20).

16. Kenneth Aaron, Esq. and Carolyn C. Lindheim, Esq. of Weir & Partners, LLC entered appearances on behalf of individuals and entities group (“Neighbors”) listed on Ex. N-1. Counsel stated the Neighbors have come to an agreement with the Applicant regarding the proposed land development plan and presented no testimony at the conditional use hearings. The Neighbors submitted the following exhibits into the record:

   a. Entry of Appearance (Ex. N-1);

   b. Aaron Email dated 1/12/18 (Ex. N-2)

17. Six witnesses testified in support of the Application on behalf of the Merion Cricket Club:

   a. Frank Vain, President, McMahon Group (consultant on private clubs)

   b. Caleb Tindall, General Manager, Merion Cricket Club;

   c. Maarten Pesch, Principal, WRT (Architect and Planner)

   d. Robert Lambert, PE, Principal, Site Engineering Concepts (Engineer)

   e. Charles Neer, R.L.A., WRT (Landscape Architect)
f. John Wichner, P.E., McMahon Associates (Traffic Engineer)

18. Broseman testified that conditional use approval is sought to modify the impervious surface limits otherwise applicable to the Property in the R-2 and R-7 District, pursuant to the Historic Resource Overlay District (“HROD”). The requested relief is part of the proposed expansion of the Applicant’s facilities intended to support continued viability of the Merion Cricket Club (“Land Development Project” or “Project”). In preparation for the Project, the Applicant has had multiple meetings with Neighbors, Township staff and professional consultants affiliated with the Township. Feedback from the meetings resulted in substantial modifications to the Project and culminated with an agreement between the Applicant and many neighbors. The Applicant has previously received special exception and variance approval from the Lower Merion Zoning Hearing Board for the Project, Appeal No. 4407 (2017). See, Memo from Broseman to Leswing dated 1/5/2018 included in Ex. T-5.

19. Frank J. Vain (“Vain,”) President of the McMahon Group, Inc., is an internationally recognized consultant and expert on private clubs (Ex. A-5). He is a native of the Philadelphia area and has been the consultant for thousands of private clubs of all sizes and types. Vain has been retained by the Applicant and gave a presentation entitled “The Club of the Future” at the conditional use hearing. Vain testified that all clubs are currently facing major challenges because of demographic, economic and lifestyle changes. Over 2,000 private clubs have closed nation-wide since 1990. Natural attrition of club members arises from death, aging and lifestyle changes and clubs need new members to replace those lost to sustain itself. The target age group is 35-45 years old for replacement members. Membership dues provide the important income stream to sustain private clubs while other revenue sources are usually not profitable (e.g. food, retail, etc.). Clubs need facilities that appeal to all family members such as tennis, squash and swimming. Other clubs that are thriving have improved facilities and
offerings similar to those proposed by the Applicant. In contrast, other clubs which have failed have seen, in some instances, the clubhouse demolished (LuLu) and land sold for development (Philmont).

20. With regard to the Merion Cricket Club, Vain testified that it has a significant rate of declining membership particularly among young families defecting to more competitive offerings at other clubs. The current rate of attrition is not sustainable given declining membership dues. There is a demand for expanded facilities particularly among young families. Potential new members must be attracted from a wider geographic area by offering better facilities. The Club needs to upgrade and expand its facilities to stabilize and restore membership levels. Vain opined that the Merion Cricket Club will not be able to maintain and preserve the historic clubhouse without making these changes, leading to the land development plan and conditional use application.

21. Caleb Tindall (“Tindall,”) General Manager and Chief Operating Officer of the Merion Cricket Club, (Ex. A-7) testified about current facilities at the Property and declining membership for the past eight years averaging 42 memberships annually. Competitor clubs offering more amenities and offerings, as well as new competition in the local geographic area, are attracting Merion Cricket Club members and causing them to leave. The Merion Cricket Club needs to expand its facilities and provide new programs to sustain itself. The historic clubhouse is inefficient and has significant operational and maintenance costs arising from its age and original construction. Tindall agreed with Vain that the Club will not be able to maintain and preserve the historic clubhouse without the Project being approved and implemented.

22. Maarten I. Pesch (“Pesch,”) AIA, LEED AP, architect and urban planner, and principal of WRT (Ex. A-9) gave a presentation on proposed improvements to the Club (Ex. A-10). He described a balancing act between upgrading facilities and strengthening programs at the
Club and the existing space constraints on the Property and compatibility with the surrounding neighborhood. The Property has approximately 14 acres, a historic Clubhouse and four (4) entrances and exits. Phase One of the project, involving interior renovations, is currently underway. Phase Two improvements are detailed on the proposed land development plan (Ex. A-4, A-10). Overall, Pesch described a plan to increase the size of the campus by consolidating properties on Elbow Lane, demolishing eight structures, relocating some existing structures, building new facilities, creating an attractive buffer zone and decreasing driveways from four (4) to two (2). A new aquatics center located in the middle of the campus will minimize impact on the surrounding neighborhood. A swimming pool, locker rooms, dining facilities, open pavilion and courtyard are proposed for the aquatics center. Existing paddle courts will be moved in response to neighbors’ requests and relocated in a slightly larger building with four (4) courts. The existing maintenance complex will no longer have access from Cheswold Lane, reducing the impact of delivery and trash trucks on neighbors, and one (1) driveway accessing Grays Lane will be used by maintenance vehicles. Four (4) existing houses on Elbow Lane will be converted to Club uses. They will have reverse access away from Elbow Lane with existing driveways removed. The back of the houses may change in the future, but not the facades facing Elbow Lane. An existing large Elm tree will be protected in the center of the campus. Pesch testified it isn’t possible to make the proposed improvements without relief from impervious surface coverage limits. The proposed improvements are directly related to sustaining the Club and preserving the historic clubhouse in perpetuity.

23. Robert M. Lambert, Jr. (“Lambert,”) the Principal of Site Engineering Concepts and a registered engineer in the Commonwealth of Pennsylvania, testified for the Applicant. He has a master’s of science in civil engineering and has practiced for twenty (20) years. Lambert is the project engineer and prepared plans for the land development project, (Ex. A-4.)
24. Lambert described the Property as split zoned in the R-2 and R-7 districts, and subject to the HROD. The R-7 district permits 40% impervious surface coverage and the R-2 allows 24% impervious surface coverage. Split zoned parcels are blended to calculate impervious surface coverage. Lambert testified that institutional uses require sufficient parking which adds to impervious surface coverage and create challenges to redevelop the Property. The Applicant’s original plan set called for more impervious surface coverage, but walkways were modified to reduce the amount by approximately 10,000 sq. ft. The revised plans call for 48.4% impervious surface, which is 4% more than permitted by Code. The percent of modification to underlying permitted impervious is 13.8%. Ex. A-13. The footprint of the historic resource is depicted on Ex. A-14.

25. Lambert’s executive summary of compliance with stormwater management requirements of Code § 155-152 is provided in Ex. A-15. He testified that the existing properties have no stormwater management and all runoff is directed toward Cheswold Lane. The proposed plan includes stormwater management designed to control rate and volume of runoff and “dramatically exceeds requirements for infiltration.” 13,000 cubic feet is required and 31,000 cubic feet is provided. Overall, Lambert testified that the proposed plan seeks a” relatively small increase in impervious surface coverage and provides a dramatic reduction in runoff.” There will be no impact on health safety or welfare from the requested increase in impervious surface coverage.

26. Lambert testified that 69 parking spaces are required under Code §155-95(T) and 70 parking spaces are included in the proposed plan, which is part of the request for relief from impervious surface coverage requirements. The proposed plan complies with all applicable regulations and will enhance the health, safety and welfare of Lower Merion residents according to Lambert.
27. Charles B. Neer, ASLA, Landscape Architect and Senior Associate of WRT holds a Master of Landscape Architecture degree and has 18 years of experience in his field, see Ex A-16. WRT created the proposed landscape plans shown in Ex. A-4, sheets 13-19. They depict concentric screening, a berm and new plantings on consolidated Elbow Lane and Cheswold Lane properties, evergreen trees to screen courts, and preservation of the heritage Elm at the center of the Campus. Neer testified that the proposed landscaping will be compatible with the health, safety and welfare of Lower Merion residents.

28. John H. Wichner, PE, PTOE, is a registered Professional Engineer with a Master of Science in transportation engineering employed by McMahon Associates, Inc., Ex. A-17. He previously testified before the Zoning Hearing Board of Lower Merion Township about this project in 2017. McMahon Associates completed a Traffic Impact Study for the proposed land development project. Wichner testified that, assuming new facilities are built and there is a gradual increase to 6,000 members of the Merion Cricket Club, there will be 102 new trips during the weekday midday peak hour; 102 new trips during the weekday afternoon peak hour and 116 new trips during the Saturday midday peak hour. Site access will be provided via existing driveways along Montgomery Avenue and the exit-only driveway along Grays Lane. One new full movement driveway is proposed along Grays Lane to replace an existing full movement driveway slated for removal. The existing full movement driveway on Cheswold Lane will be decommissioned from regular use and serve as a controlled emergency access point that will also be available for limited maintenance use. Levels of service at intersections will operate LOS C or better during all peak periods, with the exception of a few individualized movements at two signalized intersections currently operating below that level under existing conditions. See, Ex. A-18. The Lower Merion Township Engineer has reviewed the Traffic
Impact Study and given feedback to McMahon Associates which has been incorporated into the proposed plan.

29. At the conclusion of the conditional use hearing on December 19, 2017, the Hearing Officer agreed to continue the hearing to January to allow time to receive the Planning Commission’s recommendations.

30. On January 10, 2018 the conditional use hearing resumed, and Township staff submitted recommendations of the Planning Commission and an updated memo written by Leswing into the record (Ex. T-4 & 5). Testimony was concluded but the record was held open to allow the parties time to submit documentary evidence regarding the issues raised in the Prichard Memo (Ex. T-3) including defining the contributing structures to the historic resource in light of Code § 155-152.B.

31. On January 12, 2018, Broseman submitted a letter stating the Applicant “contends the qualifying building area under Code § 155-152.B is 16,419 s.f.,” Ex. A-19 at p.1. In contrast, the Township indicates the qualifying building area is 26,014 s.f. because it includes the 1928 men’s locker room addition, see Ex. A-19 at p. 2; see also Ex. T-3 at p. 1 (stating the “National Historic Landmark nomination for the club describes not only the 1895 Frank Furness-designed clubhouse, but the property as a whole,” which includes the 1928 men’s locker room addition.)

32. Aaron sent a message dated January 12, 2018 stating he “does not take a specific position as to which buildings are included within the purview of the 50% limitation calculation for §155-152.B,” but requesting a determination of the extent of the historic resource that is to be subjected to the permanent protection guarantee of §155-153.B.4. He further requested a determination of the calculation of the 50% of the building area for the historic resource, so that the degree of any reduction of the impervious surface limitation is clear. Ex. N-2.
APPLICABLE ORDINANCES

33. Lower Merion Township’s Historic Resource Overlay District (“HROD”) recognizes as a matter of public policy that the preservation and protection of buildings, structures and sites of historic, architectural, cultural, archeological education and aesthetic merit are public necessities and are in the interests of the health, prosperity and welfare of the people of Lower Merion Township, Code §155-149.

34. The HROD is intended to meet the following objectives:

A. Promote the general welfare by protecting the integrity of the historic resources of Lower Merion Township;

B. Establish a clear and public process by which proposed land use changes affecting historic resources can be reviewed;

C. Discourage the unnecessary demolition of historic resources;

D. Provide incentives for the continued use of historic resources and to facilitate their appropriate reuse;

E. Encourage the conservation of historic settings and landscapes;

F. Promote the retention of historical integrity in the context of proposed land use and/or structural changes;

G. Identify historic resources in the community and to create a Historic Resource Inventory, to the end that the portion of such resources available to the public view might be preserved.

35. “Historic resource” is defined as “all historic buildings, sites, objects and historic districts which are designated on the Historic Resource Inventory, Chapter 180” Code §155-155-149.1.

36. “Noncontributing resource” is defined as “buildings, sites, structures, and objects located within historic districts, which have not been determined to support the district’s
historical significance through location, design, setting, materials, workmanship, feeling, and/or association,” Code §155-155-149.1.

37. The Lower Merion Historic Resource Inventory lists 325 W. Montgomery Avenue, the subject Property. A “Description of the Resource” provides:

The Merion Cricket Club was designed by Furness, Evans & Co. in 1895. It replaced an early cricket club that was destroyed by fire. Allen Evans was a prominent member of this elite club. It is located near the northern perimeter of the property, along Grays Lane. To the south of the building are the cricket fields and tennis courts. The stable is located in the northeastern corner of the property and several additional outbuildings are located in the southeastern corner. The oldest part of the brick building is the western half of the building complex. It received several large additions to the east in 1905 and 1911. Designed in typical Furness style, the historic building showcases various Victorian design elements of the period. The complex roof system incorporates hipped roofs, gabled wall dormers, hipped and shed roofed dormers and various brick chimneys. The T-shaped massing is 2 ½ and 3 ½ stories tall and much of the first level on the southern interior façade is open for viewing the cricket fields behind the building.

Ex. A-12

28. The Board of Commissioners may, by conditional use, grant relief from impervious surface requirements pursuant to Code § 155-152:

**Bulk, area and setback requirements**

Provided that the guarantee referenced in § 155-153.B.4 has first been submitted and approved, the requirements of the underlying zoning district relating to building area, impervious surfaces, and front, side and rear yard setbacks may be modified up to 15% with respect to Class I and Class II Historic resources, subject to obtaining a recommendation from either the Historical Commission or the Board of Historical Architectural Review, pursuant to Chapter 88, and to obtaining conditional use approval from the Board of Commissioners. These modifications shall apply to the area of the lot as it existed on March 15, 2000.

A. Where the requirements are modified pursuant to this section, the applicant must demonstrate to the satisfaction of the Board of Commissioners that the degree of relief required to accommodate the reasonable development, use or enhancement of the historic resource;

B. The additional building area and impervious surface coverages permitted by this section may not exceed 50% of the building area of the historic resource(s) subjected to the § 155-153(B) guarantee;
C. Where the requested relief is determined by the Board of Commissioners to be essential to the preservation of the historic resource because without such relief it would not be physically or economically possible to maintain the historic resource, the Board of Commissioners may, by conditional use, reduce such requirements to a greater degree than permitted by this section to protect the historic resource.

38. Specific requirements for conditional use approval are set forth in Code §155-153.

39. The Applicant for conditional use approval must also comply with general requirements found in Code §155-141.2, excerpted in pertinent part as follows:

**Conditional Use Procedure and Standards**

(...)

B. The Board of Commissioners may grant approval of the listed conditional use under any district, provided that the following standards and criteria are complied with by the applicant for the conditional use. The burden of proving compliance with such standards shall be on the applicant.

1. The applicant shall establish by credible evidence that the use or other subject of consideration for approval complies with the community development objectives as stated in Article I of this chapter and the declaration of legislative intent that may appear at the beginning of the applicable district under which approval is sought.

2. The applicant shall establish by credible evidence compliance with conditions for the grant of conditional uses enumerated in that section which gives the applicant the right to seek a conditional use.

3. The applicant shall establish by credible evidence that the proposed use or other subject of consideration for approval shall preserve the character of the neighborhood.

4. The applicant shall establish by credible evidence that the proposed use or other subject of consideration for approval shall be properly serviced by all existing public service systems. The peak traffic generated by the subject of approval shall be accommodated in a safe and efficient manner or improvements made in order to effect the same.

5. The applicant shall establish by credible evidence that the proposed use or other subject of consideration for approval is properly designed with regard to internal circulation, parking, buffering and all other elements of proper land planning.

6. The applicant shall provide sufficient plans studies or other data to demonstrate compliance with the regulations for the permitted use or such regulations as may be the subject of consideration for a conditional use approval.

7. The Board of Commissioners shall impose such conditions as are advisable to ensure compliance with the purpose and intent of this chapter which may include without limitation planting and buffers, harmonious
design of buildings, protection of watercourses, environmental amenities, and the elimination of noxious, offensive or hazardous elements.

C. Standards of proof.

1. An applicant for a conditional use shall have the burden of establishing both:
   a. That his application for a conditional use falls within the provision of this chapter which accords to the applicant the right to seek a conditional use; and
   b. That allowance of the conditional use will not be contrary to the public interest.

2. In determining whether the allowance of a conditional use is contrary to the public interest, the Board shall consider whether the application, if granted, will:
   a. Adversely affect the public health safety and welfare due to changes in traffic conditions, drainage, air quality, noise levels, natural features of the land, neighborhood property values and neighborhood aesthetic characteristics.
   (…)
   e. Otherwise adversely affect the public health, safety, morals or welfare.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

40. The Applicant seeks relief from impervious surface limits pursuant to Code §155-152 to increase the existing non-conforming impervious surface coverage on the site from 43.6% to 48.4% for an increase of 38,324 square feet or 4.8% of the total lot area.

41. Code §155-152 provides relief from bulk, area and setback requirements for properties with historic resources in the HROD.

42. The Property contains a Class I historic resource listed on the Lower Merion Historic Resource Inventory, specifically the large brick clubhouse built in 1895 with additions to the east constructed in 1905 and 1911. See, Ex. A-12.

43. The Historical Commission recommended impervious surface coverage relief by conditional use pursuant to Code §155-152 on October 23, 2017. See, Ex. T-2, p. 2-3.
44. The Applicant has established through credible evidence that relief from impervious surface coverage limits is required to accommodate the reasonable development, use or enhancement of the historic resource. Testimony by Frank Vain and Caleb Tindall established that the Club is losing members at an unsustainable rate and must expand its facilities and offer new programs to become competitive and attract new members. Construction of an aquatics center with auxiliary dining facilities, relocated tennis courts, relocated maintenance complex, new parking spaces, driveway and other proposed improvements were described in testimony by Frank Vain, Caleb Tindall, Maarten Pesch, Robert Lambert and Charles Neer. All witnesses testified the proposed improvements are directly related to sustaining the Club and preserving the historic clubhouse in perpetuity.

45. The additional building area and impervious surface coverages exceed 50% of the building area of the historic resource(s) subjected to the § 155-153(B) guarantee, which does not comply with Code §155-152.B. The building area of the historic resource is 26,014 s.f. according to Township staff, and includes the Men’s Locker Room addition. The Applicant, however, contends the building area of the historic resource is 16,419 s.f., and excludes the Men’s Locker Room addition. See, Ex A-13; A-14; A-20. Both calculations exceed the 50% limitation, therefore this subsection of the ordinance does not apply, Ex. A-20.

46. Where the requested relief is determined by the Board of Commissioners to be essential to the preservation of the historic resource, because without such relief it would not be economically possible to maintain the historic resource, the Board of Commissioners may, by conditional use, reduce such requirements to a greater degree than permitted by this section to protect the historic resource. Code §155-152.C.

47. Here, the Applicant has demonstrated that greater relief is essential to the preservation of the historic resource, because without such relief it would not be economically
possible to maintain the historic resource. Caleb Tindall testified that the historic clubhouse is inefficient and has significant operational and maintenance costs arising from its age and original construction. The Merion Cricket Club is at a disadvantage compared to its competitors because it has significantly higher operational and maintenance costs. Frank Vain testified that the club must reverse its current rate of attrition to sustain itself and remain economically viable. He presented persuasive evidence that other similar clubs which failed to remain competitive have failed and their land has been sold for development. See, Ex. A-6 entitled “The Club of the Future.”

48. The application procedures for conditional use approval found in Code § 155-153.A were met by the Applicant providing an application and a historic resource impact study containing all required information, Ex. A-1; Ex. A-2.

49. The Applicant has shown that approval of the application will not jeopardize the preservation of the historic resources contained on the property through the Historic Resource Impact Study (Ex, A-2); the testimony of Maarten Pesch and his presentation of the Conditional Use Hearing Project Overview (Ex. A-10); and the testimony and plans prepared by Robert Lambert (Ex. A-4; A-12, 13,14 & 15) in compliance with Code §155-153.B.1.

50. The requirements of Code §155-153.B.2 have been met according to testimony of Maarten Pesch.

51. The requirements of Code §155-153.B.3 have also been met according to testimony of Maarten Pesch.

52. The Applicant has agreed to provide the guarantee required by Code §155-153.B.4 although the extent of the guarantee is not agreed upon. It is recommended that the guarantee include the stone driveway pillars with electrical lights, the Cassatt Memorial and the Men’s Locker Room addition, see discussion infra.
53. The historical integrity of the resources has been provided for through the design of all proposed building improvements, as well as through implementation of buffering, landscaping, lighting, storage, access and traffic management, interior circulation, loading, parking, fencing, signage, and all other land development features, in compliance with Code §155-153.B.5. The testimony, plans, studies and documentary evidence provided by Maarten Pesch, Robert Lambert, Charles Neer and John Wichner satisfy these requirements.

54. The Applicant has shown that the grant of the application will not be destructive of the integrity of the historic resource or detrimentally affect the value of surrounding properties, satisfying Code §155-153.B.6. The Historic Resource Impact Study, together with the testimony, plans, studies and documentary evidence provided by Maarten Pesch, Robert Lambert, Charles Neer and John Wichner satisfy these requirements.

55. The parking requirements for the proposed use have been exceeded according to the testimony of Robert Lambert and John Wichner, as well as the Traffic Impact Study, in compliance with Code §155-153.B.7. Lambert testified that the proposed project requires 69 parking spaces and 70 will be provided.

56. The Applicant has agreed to comply with signage ordinances and any conditions set by the Board of Commissioners regarding signage, per Code §155-153.B.8.


58. The Applicant has complied with the general standards for conditional use approval contained in Code §155-141.2 (B)(2), supra. Some of these general standards overlap with specific standards found in Code §155-87.25 et seq. while compliance with all general
standards has been assured through reviews by Township Staff, the Township Engineer, the Historical Commission and the Lower Merion Planning Commission.

59. The Applicant has demonstrated granting the conditional use shall preserve the character of the neighborhood through the testimony and documentary exhibits in compliance with Code §155-141(B)(3). The proposed development is in keeping with pedestrian oriented design and respects the scale, proportion, character and materials of structures within a five-hundred-foot radius, see Code §155-87.25.A.2.

60. The proposed development shall be serviced by existing public service systems, pursuant to Code §155-141(B)(4). The peak traffic generated by the proposed development shall be accommodated in a safe and efficient manner according to John Wichner, the traffic engineer and the Traffic Impact Study he conducted, Ex. A-18.

61. The proposed development has been properly designed with regard to internal circulation, parking, buffering and other elements of proper land planning, pursuant to Code §155-141(B)(5), according to testimony of Maarten Pesch, Robert Lambert, Charles Neer, and John Wichner, see Revised Tentative Sketch Land Development Plan Set, Ex. A-4.

62. Sufficient plans, studies and other data showing compliance with the regulations for the permitted use have been submitted to Township Staff, the Lower Merion Planning Commission and the Hearing Officer pursuant to Code §155-141(B)(6).

63. The Applicant has agreed to comply with any condition which may be imposed by the Board of Commissioners and accepted by the Applicant in compliance with Code §155-141(B)(7).

**DISCUSSION**

64. The Merion Cricket Club is a significant historic resource in Lower Merion Township and a notable site in the annals of American sports. Architecturally, it is a fine
example of Colonial Revival design by Frank Furness dating to 1895, which has been expanded over the years with architecturally sympathetic additions. The property has been the site of the Davis Cup tennis championship and the Pennsylvania Lawn Tennis Championships in the past. Originally intended as a site to host cricket matches, the club has introduced tennis, squash, badminton, golf and bowling over its 120-year history.

65. Today, the Club is increasingly losing members as competitors with expanded programs and lower overhead enter the local market. The Club’s long term viability is threatened by continually falling membership levels impacting its revenue streams from its membership dues. The Applicant’s proposed improvements are directly related to sustaining the Club and preserving the historic clubhouse in perpetuity. Consolidating additional parcels to create enough room to build a swimming pool complex and redesigning part of the campus will allow the Club to expand its programming and attract new members, shoring up the financial condition of the Club. To the extent they require relief from impervious surface limitations in the applicable zoning districts, the Applicant has presented a compelling case for relief greater than 50% to be granted.

66. There is a disagreement between the Applicant and Township staff about the extent of the guarantee required by Code §155-153.B.4. At issue is whether the Men’s Locker Room addition, stone gateposts with electrical lights and Cassatt memorial are historic resources or contributing historic resources which should be included in the covenant. The Lower Merion Historic Resource Inventory listing differs from its National Historic Landmark designation for reasons that are unclear. The Township contends that the Inventory listing should be the guiding document from which the resources upon which the covenant is placed are defined.
67. The stone gate posts with electrical lights are historic resources according to the Applicant’s Historic Resource Impact Study, Ex. A-2, at p.12-13. It lists the “site wall” under the heading “Historic Resource on the site” and describes:

the most important feature of the site aimed at the public has been the low stone wall of quarry-faced coursed ashlar schist with half round capstone that has surrounded the perimeter of the property since its opening in 1892. (…) The wall is broken on Montgomery Avenue by a large gateway of the same rough-cut stone schist (…) The gate and the wall attest to the permanence of the vision of the club.

Ex. A-2 at p. 12.

68. The Cassatt Memorial is part of the site wall. It was created in the early twentieth century as a monument to A. J. Cassatt, the Merion Cricket Club’s longtime president, neighbor and Lower Merion Township Road supervisor. A bronze plaque in bas relief depicts Cassatt on horseback in his civic role surveying the township roads. Ex. A-2 at p. 12-13. The Cassatt Memorial is either a historic resource or a contributing resource since it is part of the site wall, see supra.

69. The “principal historic resource is the main clubhouse that faces the lawn with its rear façade and port-cochere facing Grays Lane;” according to the Historic Resource Impact Study, Ex. A-2 at p. 14. The “locker room” is categorized as one “portion of the clubhouse” in the study, Ex. A-2 at p. 23. It was designed in 1928 by Baily & Bassett, together with the squash wing and dormitory and “nearly doubled the length of the complex,” supra at 17. Baily & Bassett’s work complemented the original Furness design through choice of material and design inflection toward the Colonial Revival, see supra at 17. It is recommended that the guarantee include the locker room as an integral part of historic resource or contributing resource even though it is not specifically called out in the Lower Merion Township Historic Resource Inventory. See, Ex. T-3 c.f. Ex. A-12. While ambiguities should be interpreted in favor of the
Applicant, they should also comport with the Applicant’s Historic Resource Impact Study. See Ex. T-20.

70. Calculation of 50% of the building area of the historic resource, so that the degree of any reduction of the impervious surface limitation is clear, is a matter for the Township to determine in light of defined historic resources and contributing resources.

71. There has been commendable negotiation and collaboration between the Club, its design professionals, and neighbors over the proposed improvements. The Club has made significant changes to its initial plan to satisfy concerns of neighbors and in return earned the support of its neighbors for this project. No opposition to this conditional use application was presented at the conditional use hearing.

For the reasons set forth above, the following Order is recommended to the Board of Commissioners.

ORDER

AND NOW on this ___ day of January, 2018, the application of the Merion Cricket Club for conditional use approval is granted, subject to the following conditions:

1. The applicant shall submit a Declaration of Covenants, Easements and Restrictions to guarantee the permanent protection of the historical integrity of the exterior of the main clubhouse, the squash addition, the men’s locker room building and the cottage in a form satisfactory to the Township Solicitor.

This grant of Conditional Use approval is based on the documents and plans submitted in support of the application, all of which are specifically incorporated herein by reference thereto.

Pamela M. Loughman, Esq.
Conditional Use Hearing Officer
Township of Lower Merion
AGENDA ITEM INFORMATION

ITEM: TENTATIVE SKETCH PLAN – 325 W. Montgomery Avenue, Merion Cricket Club, Haverford, LD# 3794, Ward 10

Consider for recommendation to the Board of Commissioners approval of a Tentative Sketch Plan. The Plan dated February 21, 2017, last revised December 19, 2017, prepared by Site Engineering Concepts, LLC shows the demolition of eight (8) single family detached residential dwellings and two (2) maintenance garages, consolidation of 14 properties, and redevelopment of a five acre portion of the site for the construction of a new pool complex and relocation of four of the outdoor tennis courts.

Expiration Date – 1/25/2018.................................Zoning – R2/R7/HROD

Applicant: George Broseman, Esquire, Kaplin Stewart
Applicant's Representative: George Broseman, Esquire, Kaplin Stewart
Property Owner: Merion Cricket Club

The application requires the following relief as recommended by the Planning Commission:

- Natural Features Code Section 101-5C(2b), to grade and install improvements in slopes exceeding twenty-five (25%) percent.
- Subdivision & Land Development Code Section 135-27K, to not dedicate additional right of way along Grays Lane, Elbow Lane and Cheswold Lane.
- Subdivision & Land Development Code Section 135-28, to not install sidewalks along the street frontage of the property.

The following conditions shall be complied with prior to the issuance of any permits by means of plan revision, completion or financial guarantee, unless specifically exempted. On Tuesday, January 9, 2018 the Planning Commission recommended approval subject to the following conditions:

Township Engineer’s Review:

1. The Township Engineer’s review letter dated December 29, 2017 shall be incorporated by reference into these conditions of approval to the extent the same is not inconsistent with these conditions of approval or any waivers or modifications granted. With respect to item B.27 the applicant may provide an indemnity satisfactory to the Township to allow the Final Plan to be recorded.

Elevations:

2. Architectural elevations and renderings of all sides of all proposed buildings and additions shall be submitted with the Preliminary Plan, including proposed materials, with the exception of the squash court addition. The squash court addition shall be subject to a separate review by the Historical Commission.

3. The mean grade of the structures shown shall be verified. Documentation showing the calculations shall
be provided. The architectural plans shall be coordinated with and shall comply with the grading proposed with this application.

**Historical Commission:**

4. The applicant shall provide restrictions enforceable by the Township to address the possible removal, modification and replacement of the remaining Elbow Lane structures and the landscaping of the area between those structures and Elbow Lane or shall submit an application to the Historical Commission to request that the remaining Elbow Lane properties be added to the Historic Resource Inventory as Class II Historic Resources.

5. The applicant shall provide photographic documentation of both the exterior and interior of the residences on Elbow Lane prior to demolition.

6. Selected materials and significant architectural elements from the structures to be demolished shall be salvaged where determined reasonably feasible by the applicant.

**Landscape Plan:**

7. The applicant shall work with staff to identify locations where street trees can be provided along the existing frontage of the property.

8. A maintenance and operations plan for the proposed landscaping along the eastern property line and southeastern corner of the property shall be submitted to the Township for review given its function as a buffer.

9. The applicant shall investigate upgrading or replacing the existing board on board fencing located along the existing frontage on Grays Lane to provide a more refined buffer and site edge.

10. A landscape plan complying with the applicable sections of the Natural Features Code, Subdivision & Land Development Code Section 135-30 and conditions herein shall be prepared and sealed by a Registered Landscape Architect and submitted with the Preliminary Plan.

**Sidewalks/Circulation:**

11. The applicant shall install sidewalks as required by Subdivision & Land Development Code Section 135-28A unless a waiver or partial waiver is granted.

12. A pedestrian circulation plan for the site shall be submitted with the Preliminary Plan.

13. Crosswalk signage (crosswalk ahead & crosswalk) as well as a center lane pedestrian crossing sign shall be provided along Grays Lane. The applicant shall maintain the center lane pedestrian crossing sign and replace the sign as needed or every two years.

14. An ADA accessible ramp shall be provided on Grays Lane opposite of the proposed crosswalk.

15. The existing crosswalks in the vicinity of the property shall be refurbished if determined necessary by the Director of Building & Planning.

16. Top and bottom of curb elevations shall be provided along the proposed driveway.

17. Full reveal curb shall be installed where the old driveway is to be revised on Grays Lane. The length of full
reveal and depressed granite curb shall be dimensioned.

18. A detail of the geo-block stabilized access drive to be used on the Elbow Lane properties shall be provided. Depending on the design, those areas may be required to be considered as non-porous.

Utilities:

19. The water service shall be kept a minimum isolation distance of ten (10’) feet to the sanitary sewer lines. The minimum distance shall be shown on the plans.

20. The location of the utility disconnection point shall be shown for each lateral and service.

Construction Details:

21. Separate building permits shall be obtained for the pools. The pools, equipment, and enclosure shall comply with the 2009 IBC, Section 3109.

22. The location of proposed fencing shall be shown on the Final Plan and the applicable grading plan. The height of the fence shall be labeled and a detail provided. The design shall comply with all applicable zoning requirements.

23. A Highway Permit is required for the work proposed within the right of way of Grays Lane.

24. The construction entrance shall be relocated outside of the area for excavation of proposed utilities where feasible.

25. A detail of the retaining walls shall be provided. Calculations shall be provided for wall heights exceeding four (4’) feet. Top of wall and bottom of wall elevations shall be added to clarify the design.

26. A certification by a civil engineer of the condition of any existing retaining walls within the project area to remain shall be provided. Any recommended improvements/repairs shall be made a condition of the permit issue.

Stormwater Management:

27. The applicant shall investigate the installation of stormwater best management practices on the site such as creating breaks in curbing around planted islands to aid in stormwater absorption.

28. Calculations qualifying the erosion control measures shown on the plan shall be provided.

29. All invert elevations shall be provided on the seepage bed plan view details.

30. The invert elevation for the outlet pipe from sediment trap No. 2 shall be consistent in the stormwater calculation and the drawings.

31. Inlet protection shall be provided for all existing inlets downgrade of the earth disturbance and for all proposed inlets until final stabilization of the site is achieved. A detail consistent with Township standards shall be included on the plan.

Plan Requirements:

32. The tabulation of the building square footage used in the generation of the required parking shall be
itemized in greater detail. The approval of the values used and final determination of the parking requirements
shall be made by the Zoning Officer.

33. Plan view details with better scale shall be used in the areas of the proposed buildings to more clearly
represent the location of trench drains, conveyance piping, roof drain connections, etc. This shall be submitted
with the Preliminary Plan.

Standard Conditions of Approval:

34. A lighting plan shall be submitted with the Preliminary Plan. The location, luminaire type, wattage, pole
height and illumination patterns shall be indicated. The lighting shall be designed to reduce the off-site
transmission of light, to shield the source of illumination and to prevent glare on adjacent properties.

35. Additional utility improvements that result in material changes to the approved plan including loss of
required parking, changes to circulation patterns or alteration of the quantity or location of landscaping shall
require an amendment to the plan.

36. A copy of the revised plan shall be submitted with any changes highlighted. A letter shall also be provided
with the revised plan indicating how each requested revision has been addressed in the re-submission.

37. The Preliminary Plan, complying with all applicable conditions of approval, shall be filed with the
Department of Building and Planning within twelve (12) months from the date of the Tentative Sketch Plan
approval by the Board of Commissioners.

38. Approval of this Tentative Sketch Plan does not ensure that the developer or the owner can ultimately
develop the property as shown on 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.

39. The owner shall 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 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 applicable federal, state, county, local and Lower Merion
Township ordinances and laws regardless of specific mention herein.

PUBLIC COMMENT

ATTACHMENTS:

<table>
<thead>
<tr>
<th>Description</th>
<th>Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Montgomery County Planning Commission Review Letter</td>
<td>Backup Material</td>
</tr>
</tbody>
</table>
November 13, 2017

Mr. Christopher Leswing, Assistant Planning Director
Building & Planning Department
Township of Lower Merion
75 East Lancaster Avenue
Ardmore, PA 19003

Re: MCPC #17-0241-001
Plan Name: Merion Cricket Club
(1 lot/21,949 sq. ft. on approximately 18.23 acres)
Situate: Montgomery Avenue (E); Grays Lane (S)
Township of Lower Merion

Dear Mr. Leswing:

We have reviewed the above-referenced subdivision and land development in accordance with Section 502 of Act 247, "The Pennsylvania Municipalities Planning Code," as you requested on October 10, 2017. We forward this letter as a report of our review.

BACKGROUND

The applicant, The Merion Cricket Club, proposes to consolidate 15 properties located on an area of land bounded by West Montgomery Avenue, Grays Lane, Elbow Lane, and Cheswold Lane, to create a single lot with an area of approximately 18.23 acres. Seven existing residential structures are proposed to be demolished and four existing residential structures are shown as remaining. Approximately five acres of land on the eastern portion of the combined lot is proposed to be redeveloped as part of an expansion of the existing Merion Cricket Club.

Site improvements shown at this time as part of the proposed redevelopment of the site include:

- Relocation of four existing tennis courts
- New outdoor pool with pool pavilion, locker building, and food and beverage building
- Two new maintenance buildings
Mr. Christopher Leswing  
Asst. Planning Director  
November 13, 2017

- New paddle tennis building; reconfiguration and addition of one paddle tennis court  
- New open-air garden pavilion and greenhouse  
- Expand squash area of existing main building  
- Construct 84 new surface parking spaces and remove 14 existing parking spaces  
- New internal pedestrian circulation pathways, retaining walls, and landscaping

The applicant has also submitted a conditional use application to exceed the impervious cover limits. The properties are located partially in the Township’s R2—Residence and R7—Residence zoning districts.

**RECOMMENDATION**

The Montgomery County Planning Commission (MCPC) generally supports the applicant’s proposal. However, in the course of our review we identified the following issues that we feel should be addressed prior to moving forward with the land development. Our review comments are as follows:

**REVIEW COMMENTS**

**NEIGHBORHOOD CHARACTER**

The proposed site plan on Sheet 05 shows that four of the existing residential structures are proposed to remain as part of the redevelopment of the site. The future use of the individual structures shown to remain is unclear. More information from the applicant regarding the proposed use and any proposed improvements to the existing structures would be helpful in evaluating the overall impact of the project on the established surrounding neighborhood.

**PEDESTRIAN CIRCULATION**

Section 135-28.A. of the Township’s Subdivision and Land Development Ordinance requires that sidewalks be provided along heavily traveled streets, or where the Board of Commissioners determines that sidewalks are needed for the public’s safety and convenience. It appears that there are currently no sidewalks along the Grays Lane, Elbow Lane, and Cheswold Lane frontages of the combined site.

The Circulation Element of the Township’s Comprehensive Plan, adopted in January 2016, includes the recommendation to “implement the prioritized plan for bicycle and pedestrian improvements to create a complete network around schools, community facilities, public transportation nodes, and commercial centers.” This site’s close proximity to the Haverford Train Station and commercial destinations along Lancaster Avenue suggests that increasing the sidewalk network in this neighborhood would be beneficial to the community.

**CONCLUSION**

We wish to reiterate that MCPC generally supports the applicant’s proposal to consolidate 15 properties and redevelop a portion of the site as part of an expansion of the existing Merion Cricket Club; however, we
feel that sidewalks should be constructed along all public street frontages as part of this development due to the site’s close proximity to transit and commercial destinations within the community.

Please note that the review comments and recommendations contained in this report are advisory to the municipality and final disposition for the approval of any proposal will be made by the municipality.

Should the governing body approve a final plat of this proposal the applicant must present the plan to our office for seal and signature prior to recording with the Recorder of Deeds office. A paper copy bearing the municipal seal and signature of approval must be supplied for our files.

Sincerely,

Marley Bice, AICP, Senior Planner
610-278-3740 – mbice@montcopa.org

c: The Merion Cricket Club c/o Caleb Tindall, Applicant
   Site Engineering Concepts, LLC, Applicant’s Engineer
   Gilbert P. High, Jr., Esq., Twp. Solicitor
   Ernie B. McNeely, Twp. Manager
   Edward P. Pluciennik, P.E., Twp. Engineer

Attachment A: Reduced Copy of Applicant’s Site Plan
Attachment B: Aerial Image of Site
Merion Cricket Club
170241001
AGENDA ITEM INFORMATION

ITEM: PROPOSED ORDINANCE - Lot Width

Consider for recommendation to the Board of Commissioners authorizing the Township Secretary to advertise notice of intent to hold a public hearing and adopt an ordinance on March 21, 2018 to amend the Code of the Township of Lower Merion, Chapter 155, Zoning, Articles IV, V, VI, VII, VIII, IX, X, XI, XII, XIII, Sections 155-12, 16, 20, 24, 28, 32, and 36 to amend the area and width regulations by increasing the minimum lot width for single-family detached dwellings.

PUBLIC COMMENT

ATTACHMENTS:

<table>
<thead>
<tr>
<th>Description</th>
<th>Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Issue Briefing</td>
<td>Issue Briefing</td>
</tr>
<tr>
<td>Proposed Ordinance</td>
<td>Ordinance</td>
</tr>
</tbody>
</table>
I. Action To Be Considered By The Board:

Consider for recommendation to the Board of Commissioners authorization to advertise and hold a public hearing on March 21, 2018, and consider for adoption an ordinance amending the minimum lot width requirements in the following Residence Districts: RAA, RA, R1, R2, R3, R4, and R5.

II. Why This Issue Requires Board Consideration:

A public hearing must be authorized by the Board of Commissioners for Zoning Code amendments.

III. Current Policy Or Practice (If Applicable):

Land development and subdivision within the Township is regulated by both the Subdivision and Land Development Code (SALDO) and the Zoning Code. The SALDO establishes the underlying form and pattern of residential neighborhoods by establishing minimum standards for road width and the creation of lots. Lots are the building blocks of the Township. The Zoning Code defines how a lot may be used and establishes minimum standards to control the bulk, area, and coverage of lots. The two codes work together to promote orderly, efficient, and harmonious development in the Township.

The SALDO requires that a lot may not be created whose depth is greater than 2.5 times its width. However, under the current Zoning Code standards, a lot in the RAA, RA, R1, and R2 Residence Districts that meets the minimum lot width would violate the lot depth requirement of the Subdivision and Land Development Code to meet the minimum lot area, as illustrated in the graphic on the following page.
For example, the RAA district has a minimum lot width of 90 feet and minimum lot area of 90,000 square feet. If a lot provides the minimum 90-foot lot width, the lot would exceed the 2.5 to 1.0 ratio before meeting the minimum 90,000 square feet lot area. The proposed amendment increases the minimum lot width and promotes consistency between the SALDO and Zoning Code.

IV. Other Relevant Background Information:

All zoning districts will receive a comprehensive evaluation as part of the Zoning Code update underway by DPZ, the consulting firm retained by the Township. DPZ is revising the Township’s Zoning Code and Land Development Ordinances towards a form based orientation emphasizing the relationship between new development and the established residential fabric rather than promoting lot by lot development under the existing traditional code. The Comprehensive Plan process identified that the Township’s land development codes were effective tools when the Township was developing, but the current codes are ineffective at ensuring that new infill development and redevelopment is in harmony with existing conditions.

Several recent subdivision applications in established neighborhoods have incited neighborhood opposition and arguments that the new subdivisions have been out of character with the surrounding community. This concern prompted a review of the zoning standards in the Residence Districts. Staff has concluded that modifying the lot width requirements may limit the number of inappropriate subdivisions thereby maintaining the community character, improve consistency between the Zoning Code and the Subdivision and Land Development Code, and have a minimal impact on existing residents. Generally, an inappropriate subdivision is characterized as a subdivision that is inconsistent with the established neighborhood pattern or results in the loss of natural or historic resources contributing to the character of a neighborhood.

A benefit to increasing the minimum lot width is that there is no impact on a homeowner’s ability to modernize or expand their existing home even if the property becomes nonconforming to the lot width provisions.
The tables below illustrate how amended lot width standards will improve consistency between the Zoning Code and the SALDO in the RAA, RA, R1, and R2 Districts.

<table>
<thead>
<tr>
<th>District</th>
<th>Current Zoning Standard</th>
<th>SALDO</th>
<th>Consistent Standards (Y/N)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Lot Width</td>
<td>Lot Area</td>
<td>Potential Lot Depth</td>
</tr>
<tr>
<td>RAA</td>
<td>90</td>
<td>90,000</td>
<td>1,000</td>
</tr>
<tr>
<td>RA</td>
<td>90</td>
<td>45,000</td>
<td>500</td>
</tr>
<tr>
<td>R1</td>
<td>90</td>
<td>30,000</td>
<td>333</td>
</tr>
<tr>
<td>R2</td>
<td>80</td>
<td>18,000</td>
<td>225</td>
</tr>
<tr>
<td>R3</td>
<td>70</td>
<td>10,000</td>
<td>143</td>
</tr>
<tr>
<td>R4</td>
<td>60</td>
<td>6,000</td>
<td>100</td>
</tr>
<tr>
<td>R5</td>
<td>50</td>
<td>5,000</td>
<td>100</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>District</th>
<th>Proposed Zoning Standard</th>
<th>SALDO</th>
<th>Consistent Standards (Y/N)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Min. Lot Width</td>
<td>Lot Area</td>
<td>Potential Lot Depth</td>
</tr>
<tr>
<td>RAA</td>
<td>200</td>
<td>90,000</td>
<td>450</td>
</tr>
<tr>
<td>RA</td>
<td>150</td>
<td>45,000</td>
<td>300</td>
</tr>
<tr>
<td>R1</td>
<td>125</td>
<td>30,000</td>
<td>240</td>
</tr>
<tr>
<td>R2</td>
<td>95</td>
<td>18,000</td>
<td>189</td>
</tr>
<tr>
<td>R3</td>
<td>75</td>
<td>10,000</td>
<td>133</td>
</tr>
<tr>
<td>R4</td>
<td>65</td>
<td>6,000</td>
<td>92</td>
</tr>
<tr>
<td>R5</td>
<td>55</td>
<td>5,000</td>
<td>91</td>
</tr>
</tbody>
</table>

*Max. Conforming Lot Depth = Lot width x 2.5 permitted by SALDO

Modestly increasing the minimum lot width in the R3, R4, and R5 Districts will limit the number of possible subdivisions and help to maintain the existing built pattern of the neighborhood. Staff analyzed the impact of increasing the lot width in the R6, R6A, and R7 Districts and found that the existing lots were generally conforming to the existing Code requirements. Increasing the lot width in these areas could potentially result in new infill development that is larger, and out of scale with the existing pattern, so the existing lot width is not proposed to be amended in the R6, R6A, and R7 Districts.

The proposed amendment is consistent with the following Comprehensive Plan recommendations:

- LR1: Maintain the character of established neighborhoods.
- LR1a: Consider alternatives, including but not limited to increasing the minimum lot width or the minimum lot size to manage further subdivision in the residential districts.

The proposed amendment is also consistent with the following Land Use Objective:

- Preservation and enhancement of single-family neighborhoods by promoting logical modernizations of existing house stock, *limiting inappropriate subdivision* and discouraging speculative property assembly and redevelopment of affordable neighborhoods

The Comprehensive Plan included a potential residential build out scenario. Under the proposed lot width amendment, the number of new housing units in the RAA-R5 districts could potentially be reduced by
roughly 650 units. The analysis does not include institutional properties or properties over five-acres, because of our limited ability to predict the placement of new roads.

V. Impact On Township Finances:

There is no impact on Township finances.

VI. Staff Recommendation:

Staff recommends the Board authorize a public hearing to consider the proposed amendment.
AN ORDINANCE

NO. ________

AN ORDINANCE To Amend The Code Of The Township Of Lower Merion, Chapter 155, Zoning, Articles IV, V, VI, VII, VIII, IX, X, XI, XII, XIII, Sections 155-12, 16, 20, 24, 28, 32, And 36 To Amend The Area And Width Regulations By Increasing The Minimum Lot Width For Single-Family Detached Dwellings.

The Board of Commissioners of the Township of Lower Merion hereby ordains:

Section 1. The Code of the Township of Lower Merion, Chapter 155, entitled Zoning, Article IV, RA Residence Districts, Section 155-12 shall be amended to provide as follows:

§ 155-12 Area and width regulations.

A. Lot area and width. A lot area of not less than 90,000 square feet and a lot width of not less than 90 feet at the street line and extending from the street line to a point 25 feet beyond that point of the proposed building closest to the rear lot line shall be provided for every building hereafter erected or used for any use permitted in this district.

Section 2. The Code of the Township of Lower Merion, Chapter 155, entitled Zoning, Article V, RA Residence Districts, Section 155-16 shall be amended to provide as follows:

§ 155-16 Area and width regulations.

A. Lot area and width. A lot area of not less than 45,000 square feet and a lot width of not less than 90 feet at the street line and extending from the street line to a point 25 feet beyond that point of the proposed building closest to the rear lot line shall be provided for every building hereafter erected or used for any use permitted in this district.

Section 3. The Code of the Township of Lower Merion, Chapter 155, entitled Zoning, Article VI, R1 Residence Districts, Section 155-20 shall be amended to provide as follows:

§ 155-20 Area and width regulations.

A. Lot area and width. A lot area of not less than 30,000 square feet and a lot width of not less than 90 feet at the street line and extending from the street line to a point 25 feet beyond that point of the proposed building closest to the rear lot line shall be provided for every building hereafter erected or used for any use permitted in this district.

Section 4. The Code of the Township of Lower Merion, Chapter 155, entitled Zoning, Article VII, R2 Residence Districts, Section 155-24 shall be amended to provide as follows:

§ 155-24 Area and width regulations.

Revised 01/16/18
A. Lot area and width. A lot area of not less than 18,000 square feet and a lot width of not less than 80 feet at the street line and extending from the street line to a point 25 feet beyond that point of the proposed building closest to the rear lot line shall be provided for every building hereafter erected or used for any use permitted in this district.

Section 5. The Code of the Township of Lower Merion, Chapter 155, entitled Zoning, Article VIII, R3 Residence Districts, Section 155-28 shall be amended to provide as follows:

§ 155-28. Area and width regulations.

A. Lot area and width. A lot area of not less than 10,000 square feet and a lot width of not less than 70 feet at the street line and extending from the street line to a point 25 feet beyond that point of the proposed building closest to the rear lot line shall be provided for every building hereafter erected or used for any use permitted in this district.

Section 6. The Code of the Township of Lower Merion, Chapter 155, entitled Zoning, Article IX, R4 Residence Districts, Section 155-32 shall be amended to provide as follows:

§ 155-32. Area and width regulations.

A. Lot area and width. A lot area of not less than 6,000 square feet and a lot width of not less than 60 feet at the street line and extending from the street line to a point 25 feet beyond that point of the proposed building closest to the rear lot line shall be provided for every building hereafter erected or used for any use permitted in this district.

Section 7. The Code of the Township of Lower Merion, Chapter 155, entitled Zoning, Article X, R5 Residence Districts, Section 155-36 and 37 shall be amended to provide as follows:


For single-family detached dwellings, the following requirements shall apply:
A. Area and width regulations.

(1) Lot area and width. A lot area of not less than 5,000 square feet and a lot width of not less than 50 feet at the street line and extending from the street line to a point 25 feet beyond that point of the proposed building closest to the rear lot line shall be provided for every building hereafter erected or used as a single-family detached dwelling.

§ 155-37. Buildings other than single-family detached dwellings.

For buildings other than single-family detached dwellings and townhouses, the following requirements shall apply:
A. Area and width regulations.
(1) Lot area and width. A lot area of not less than 5,000 square feet and a lot width of not less than 60 feet at the street line and extending from the street line to a point 25 feet beyond that point of the proposed building closest to the rear lot line shall be provided for every building hereafter erected or used for any use permitted in this district other than a single-family detached dwelling or a townhouse.

Section 8. Nothing in this Ordinance or in Chapter 155 of the Code of the Township of Lower Merion, as hereby amended, shall be construed to affect any suit or proceedings in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 155 prior to the adoption of this amendment.

Section 9. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of this court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this ordinance. It is hereby declared to be the intent of the Board that this ordinance would have been adopted if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

Section 10. This Ordinance shall take affect and be in force from and after its approval as required by law.

Enacted by the Board of Commissioners of the Township of Lower Merion this______ day of_______________, 2018.

BOARD OF COMMISSIONERS OF THE TOWNSHIP OF LOWER MERION

______________________________
Daniel S. Bernheim, President

ATTEST:

___________________________________
Jody Kelley, Secretary