

PLANNING COMMISSION WORKSHOP MEETING NOTES

March 21, 2011

The Planning Commission Workshop on the Issues Report convened at approximately 7:05 p.m. on Monday, March 21, 2011. Present were Commission Members Alan Ritterband, Brian O’Leary, Tony Vale, and Laura Shell. Also present from the Board of Commissioners were Commissioner Gordon (Ward 12) and Commissioner Manos (Ward 9). Township staff present included Bob Duncan, Director of Building and Planning, Chris Leswing, Assistant Director of Building and Planning, Colleen Hall, Planner/GIS Technician and Carissa Koll-Hazelton, Planning Technician.

Civic Associations were also invited to attend. Representatives from each of the following civic associations were in attendance: Gladwyne, Haverford, Bryn Mawr, Merion Park, Merion, Wynnewood, Shortridge, North Ardmore and the Neighborhood Club of Bala Cynwyd.

Planning Commission Public Workshop

Mr. Ritterband opened the meeting and welcomed everyone to the Planning Commission workshop on the Issues Report. Mr. Ritterband stated that the evening will begin with a presentation from staff. Mr. Ritterband stated that there were also meeting notes from the last workshop on January 31st to approve, but he hadn’t had a chance to go through them.

Mr. Vale stated that he looked through the meeting notes and he had no concerns.

Mr. Ritterband asked if there was a motion to approve the meeting notes from the January 31st Special Planning Commission meeting on the Issues Report.

Mr. Vale made a motion to approve the meeting notes.

Mr. O’Leary seconded the motion.

All voted in favor. None were opposed.

Mr. Ritterband stated that the meeting notes are approved.

Mr. Leswing stated that the room was set up in a circle to encourage participation. Mr. Leswing stated that staff will incorporate the ideas from these workshops into the new comprehensive plan. Mr. Leswing stated that he is looking for the public’s feedback on the strategies that will be presented tonight. Mr. Leswing stated that he will try to keep the presentation short to encourage more participation and he will take his cues from Mr. Piltch regarding the length of the presentation.

Mr. Piltch, a member of the Merion Civic Association, responded that Mr. Leswing gets 10 minutes to finish his presentation.

Mr. Leswing stated that one of the things staff is proposing to do is to break the residential land use component into three categories, because there are three residential development patterns in

the Township. Mr. Leswing stated that the first pattern is the transit oriented development of the railroad suburb. Mr. Leswing stated that from 1930 and later it's really an automotive pattern. Mr. Leswing stated that he will get right into the presentation. Mr. Leswing stated that the Issues Report was prepared by staff in partnership with the Montgomery County Planning Commission and partially funded with Community Development Block Grant ("CDBG") funding. Mr. Leswing stated that future elements of the Comprehensive Plan will be funded with grants and staff time. Mr. Leswing stated that an additional consultant will not be hired to complete a new comprehensive plan.

Mr. Leswing stated that this evening the residential character of the Township will be discussed and the recommendations for the residential component of Land Use Element will be reviewed. Mr. Leswing stated that form based codes will be looked into and the zoning implications of the recommendations will be discussed. Mr. Leswing stated that one of the elements of the Comprehensive Plan is a Land Use Plan. Mr. Leswing stated that there will be three separate land use components including: residential, institutional, and commercial. Mr. Leswing stated that at the upcoming workshops historic preservation will be integrated into the land use discussions. Mr. Leswing stated that historic preservation is a vital component of the Comprehensive Plan and one recommendation is to have a separate Historic Preservation Element. Mr. Leswing stated that the zoning map that is currently displayed shows that the Township is predominantly residential and there is almost no industrial use in the Township. Mr. Leswing stated that when you look at the land use pattern you can see that residential land uses occupy approximately 74% of the land area. Mr. Leswing stated that the next largest land use is institutional occupying approximately 13% of the land area, and these are located in the residential districts.

Mr. Leswing stated that the Township got built-out before 1970 and there has been a small volume of new development from 1970 through 2010. Mr. Leswing stated that it's not the volume of new development, but the quality of the new development that has been alarming neighbors. Mr. Leswing stated that development is now occurring in and adjacent to the residential neighborhoods and having a greater impact on the existing neighborhood.

Mr. Leswing stated that staff looked at the composition of the housing stock and the majority of homes are single family, detached residences. Mr. Leswing stated that 25% of the housing stock in the Township is made up of apartments and condominiums. Mr. Leswing stated that twins and duplexes read like single family homes, but they're denser than single family homes. Mr. Leswing stated that at these workshops there has been a lot of talk about density. Mr. Leswing stated that when we look at the transition from commercial uses to residential uses the twin homes function well. Mr. Leswing stated that townhouses account for approximately 2% of the housing stock. Mr. Leswing stated that it looks like a townhouse development and not necessarily like a single family home.

Mr. Leswing stated that when staff reviewed recent land development activity it became clear that the form that we're seeing most often now is in new multi-family developments. Mr. Leswing stated that about three-quarters of the development we've seen since 2003 has been multi-family development. Mr. Leswing stated that a lot of these developments have been shelved due to the economy but several have been built and the Township wrestles with how these look.

Mr. Leswing provided an illustration of a single family home and stated that these homes vary in size, but they have good architecture contributing to Lower Merion's unique country feel. Mr. Leswing stated that Strawbridge Court is an example of a twin development. Mr. Leswing stated that College Park along Righters Ferry Road looks and feels more like twins than townhouses, but they are townhouses. Mr. Leswing stated that often new townhouse developments don't match the architecture of the existing community. Mr. Leswing stated that the Issues Report is recommending that a picture be taken of something, and work backwards from there to determine how new development should look.

Ms. Simon, a member of the Wynnewood Civic Association, asked if the PECO development included townhouses.

Mr. Leswing responded that it did.

Mr. Rieder, a member of the Gladwyne Civic Association, stated that the Township has grown by just under 3,000 units in 40 years, but roughly 1,000 units have been approved in the past five years according to the tables Mr. Leswing provided. Mr. Rieder asked how many units is too many and hypothetically asked when does the Township turn off the lights.

Mr. Leswing stated that there are a lot of people asking what the capacity is and the comprehensive plan will help the community to understand what that is.

Mr. Duncan stated that it is important to understand that at least half of those projects are in the commercial districts.

Mr. Leswing stated that it's difficult not to talk about residential uses in commercial districts, but he wants to focus on residential districts tonight. Mr. Leswing stated that moving onto the multi-family and apartment units he'd like to look at the Corinthian on Presidential Boulevard. Mr. Leswing stated that this building is not nestled into the landscape like some of these other examples were.

Sara Pevaroff Schuh, a member of the Neighborhood Club of Bala Cynwyd, stated that there is a different relationship to the street.

Mr. Leswing stated that the relationship of new development to the street is something that needs to be talked about. Mr. Leswing stated that is one thing that staff looked at with O'Neill's development along the river. Mr. Leswing provided a slide with a map showing where the ten

largest developments occurred between 2003 and 2008 . Mr. Leswing stated that the development on Righters Ferry Road is not shown on this slide, because it was more recently approved, but it consists of 580 units.

Ms. Simon stated that the Allaire project isn't up there either.

Ms. Koll-Hazelton stated that the map shows the largest developments between 2003 and 2008 and Allaire was not in the top ten largest developments, although it consisted of 20 units.

Mr. Leswing stated that he wanted to talk about the recommendations and how to go forward. Mr. Leswing stated that the big key for the residential component is to address how density impacts the residential neighborhoods and identify ways to mitigate adverse impacts of development. Mr. Leswing stated that there has been a lot of talk about traffic, and problems that occur during construction. Mr. Leswing stated that a lot of times it was the removal of trees and the scar to the landscape that was placed during construction that people oppose. Mr. Leswing stated that there are opportunities to look at the use of a Traditional Neighborhood Development ("TND") ordinance. Mr. Leswing stated that it has been applied successfully to developments that are occurring in cornfields, but staff is recommending using it here. Mr. Leswing stated that one recommendation is to identify and survey pilot neighborhoods where a TND ordinance could be put in place.

Mr. Rieder asked if there is a short definition of the term "Form Based Code".

Mr. Leswing stated that the term itself is hard to define, but Form Based Codes as compared to traditional Euclidian zoning focus more on the scale and massing of buildings and the relationship to the street and it places less of an emphasis on required uses. Mr. Leswing stated that traditional zoning has a certain lot width, maximum building coverage, building envelope and whatever happens, happens within that envelope. Mr. Leswing explained that with Form Based Codes more of an emphasis is placed on elements, such as the front porch, the driveway location and what the parking looks like. Mr. Leswing stated that Form Based Codes make sure that new development matches the built environment. Mr. Leswing stated that in the Township there are subtle charms that are difficult to replicate and actually not allowed to be replicated under the current Euclidean zoning in place.

Mr. Ritterband asked if the MPC sets specifics about what a TND can be.

Mr. Leswing stated that the MPC is rather permissive. Mr. Leswing stated that it works hand in hand with historic districts and it is a tool that can complement that.

Mr. Rieder asked if there is a track record in the United States regarding Form Based Codes. Mr. Rieder asked if there is any place that has put a Form Based Code in place and looked back after 20 years and said that it's the best thing they've ever done.

Mr. Leswing stated there aren't a lot of communities like Lower Merion out there. Mr. Leswing stated that in those areas where Form Based Codes have been enacted you will see a lot of new urbanist design. Mr. Leswing stated that Celebration is a good example of that or the Kentlands down in Maryland are another example. Mr. Leswing stated that Form Based Codes work from the ground up.

Hugh Gordon, a member of the North Ardmore Civic Association, asked if that is what was imposed on Haverford.

Mr. Leswing responded not exactly; the Haverford Station Historic District was created.

Mr. Gordon stated that Haverford failed miserably.

Mr. Duncan stated that he disagrees with that conclusion.

Mr. Gordon stated that no one who lives there likes Tom Hall's plan.

Scott Kalner, a member of the Merion Civic Association and a member of the Township's Historical Architectural Review Board, stated that the development couldn't be built like the surrounding neighborhood because of the existing zoning.

Ms. Simon asked if it would have made a difference if the ordinance for the Haverford Station Historic District had included standards for new construction..

Mr. Duncan stated that the zoning was not changed. Mr. Duncan stated that it was designated as a historic district.

Ms. Simon stated that the neighbors opted for a historic district after Allaire came through. Ms. Simon asked if design guidelines could have made a difference had they been incorporated into the zoning code for that historic district.

Mr. Duncan responded that it could have.

Mr. Kalner stated that the Township could have had design guidelines without a historic district.

Ms. Salganicoff, with the Lower Merion Conservancy stated that it sounds like about an "either/or" with the Form Based Codes and historic districts.

Mr. Leswing stated that it's an "and/or".

Ms. Salganicoff agreed. Ms. Salganicoff stated that if there had been a zoning change in addition to the historic district designation there would have been different benefits.

Mr. Duncan stated that with a Form Based Code the Township could begin looking at places like Brookhurst that may not qualify as a historic district, but could qualify for a Form Based Code to keep the residential character.

Ms. Salganicoff asked if the recommendation is to survey the entirety of the Township. Ms. Salganicoff asked how that happens; it is an enormous task that was started here in 1990.

Mr. Leswing stated that he is proposing doing a couple pilot areas and finding the ideal candidates where those broad sweeps can be made.

Mr. Kalner stated that it is possible that the Form Based Code districts won't coincide with historic districts.

Mr. Duncan stated that it is highly likely, but looking at the historic districts is a good place to start because it's an area that the community has already indicated that they want to preserve.

Mr. O'Leary stated that in the County he has seen that accomplished.

Chad Graham, a member of the North Ardmore Civic Association, stated that if Form Based Codes are used throughout the Township to encourage conformity then the Township won't get those eclectic neighborhoods anymore.

Mr. O'Leary stated that the Code can be drafted so that there's a certain degree of conformity but still allow for unique buildings.

Mr. Leswing stated that a Form Based Code would not allow for the glaring mismatch between new construction and the existing neighborhood.

Mr. Piltch stated that the Township has two problems. Mr. Piltch stated that it sounds like they are attempting to control the form via zoning of specific neighborhoods that will result in spot zoning, which is against state law. Mr. Piltch asked how far these codes can go before they criticize design beyond what they should be doing. Mr. Piltch asked where those crossroads are.

Mr. Duncan stated that is the difficult legal issue that has to be addressed.

Mr. O'Leary stated that a Form Based Code could be used to regulate the form and scale and place fewer regulations on the architecture.

Mr. Piltch asked when the code begins to dictate architecture.

Mr. Duncan stated that the enabling legislation recognizes the Form Based Codes that Mr. Leswing is talking about.

Ms. Pevaroff Schuh stated that material choices are significant in determining what looks out of place. Ms. Pevaroff Schuh stated that the cheap materials and garage placement at a new development in Bala Cywyny make it stand out as a no quality development.

Mr. Duncan stated that dictating materials is where you start to cross that line.

Ms. Pevaroff Schuh asked if the Township can start at not allowing cheap materials to be used.

Attendees generally responded no.

Mr. Rieder asked why Mr. Leswing has recommended a pilot project be used to determine the success and applicability of the Form Based Codes. Mr. Rieder stated that he doesn't want to be the pilot project. Mr. Rieder stated that he would be less concerned if examples were provided of an approach that has been used successfully in other communities. Mr. Rieder stated that if this isn't successful it's not like you can raze the neighborhood and start over. Mr. Rieder stated that he is coming back with the question he had earlier. Mr. Rieder stated that it seems that someone should say that this is how many housing units the Township can handle.

Ms. Pevaroff Schuh stated that this discussion can't be separated from the proposed City Avenue zoning, although it's nestled in a commercial zoning district it will allow for a much higher density.

Mr. Leswing asked Mr. Rieder the best way to pick a number.

A resident asked Mr. Leswing if the Township could do that.

Mr. Watson, a member of the Shortridge Civic Association, stated that density is dictated by the capacity of the infrastructure.

Kate Galer, a resident of Ardmore, stated that every time a new house is built the community is impacted by additional stormwater.

Mr. Leswing stated that he would argue that the older homes didn't have to provide for any stormwater management, whereas new construction does.

Ms. Galer stated that there's more water on the street.

Mr. Duncan stated that in the residential neighborhoods there's not necessarily an increase in density, but there may be a change in form.

Ms. Simon asked if there is already an enabling piece of legislation to allow for Form Based Codes.

Mr. Leswing stated that the first thing staff wants to find out tonight is if this is the direction that the community wants to go. Mr. Leswing stated that recently the Township has seen ranchers torn down and much larger homes going up. Mr. Leswing hypothetically asked what a teardown/rebuild looks like in Bala Cynwyd. Mr. Leswing stated that development is going to happen and the Township can't just pull the plug. Mr. Leswing stated that the community has to have a growth management plan. Mr. Leswing stated that as developers come forward they can develop to code, but the community has indicated that they hate what it looks like.

Ms. Simon asked what the teardown/rebuild at the intersection of Harriton Road and Morris Avenue would have looked like if there was a Form Based Code in place.

Mr. Duncan stated that he doesn't think that's a fair question for Mr. Leswing considering that it is one specific property out of thousands in the Township and he may not be familiar with that one residence.

Andy Orr, a member of the Haverford Civic Association, stated that if there was form based zoning 20-30 years ago none of us would be here. Mr. Orr stated that the Township can't and shouldn't regulate good design. Mr. Orr stated that form based zoning wouldn't have allowed Frank Lloyd Wright to design a home in the Township.

Mr. Leswing stated that if a Form Based Code is drafted that staff would want to be sure that it passes the common sense test and allows for a certain amount of creativity in design. Mr. Leswing continued the presentation and discussed 20 North Buck Lane as a case study. Mr. Leswing stated that the property is located in the R6A Residence District, which is a transitional zone between commercial districts and residential districts. Mr. Leswing stated that the R6A district favors higher density, multi-family development next to residential neighborhoods and staff ran into this problem with Buck Lane. Mr. Leswing stated that if you look at the homes around here Allaire didn't fit in with the residential neighborhood because it was a large apartment building.

Mr. Kalner stated that an apartment building may have been fine on Montgomery Avenue.

Mr. Duncan stated that this property is located near other buildings of a similar scale.

Mr. Leswing stated that the apartment building created an abrupt transition that the community didn't want. Mr. Leswing stated that the project didn't work economically and the developer came back with a proposal for townhouses. Mr. Leswing stated that everyone conjures images of what a development looks like and the developer came in with groups of townhouses and each block had to have at least three buildings together. Mr. Leswing stated that there is not a precedent for that in this neighborhood. Mr. Leswing stated that the Township worked with the developer to get creative to separate out the townhouses with connections so that the building reads as a twin.

Mr. Kalner stated that one of the challenges when trying to develop new residences in this railroad suburb is how to accommodate the car without the new development sticking out.

Mr. Leswing stated that the buildings are raised in the back so that there is an alley in and out and these alleys read to the streetscape. Mr. Leswing stated that one of the questions asked in the land development process was what characteristics of this new development would relate to the existing residences. Mr. Leswing stated that it was a challenge because the setback on Buck Lane is different than Old Lancaster Road. Mr. Leswing stated that it is a funky lot and that is where we'll see new developments in the future because the lots that are easy to develop are gone.

Leigh Anne Smith, a member of the Bryn Mawr Civic Association, asked what the difference was in density and whether that can be regulated.

Mr. Leswing stated that you can't down-zone the Township.

Ms. Shell stated that the Township could be down-zoned, although it may be challenged.

Mr. Duncan stated that the Township can't rule out apartment buildings entirely, but the codes can direct where they go.

Leslie Greenberg, a member of the Merion Civic Association, stated that it appears that there are just too many houses on the lot.

Mr. Duncan stated that limiting the form may alter the appearance from the street.

Mr. Greenberg asked if the Township could restrict density.

Mr. Duncan stated that the density could be restricted. Mr. Duncan hypothetically asked at what point is the Township subject to a legal challenge that may result in the entire Zoning Code being overturned.

Commissioner Gordon stated that there were a series of developments that came in where single family dwellings were bought and torn down and these apartments were developed in the R6A Residence District. Commissioner Gordon stated that the Board of Commissioners changed the density requirements slightly and the Township hasn't had any more applications like that. Commissioner Gordon stated that he doesn't agree with the premise that the Township can't downzone. Commissioner Gordon stated that Ardmore was up-zoned to allow for buildings 6 ½ to 7 stories in height. Commissioner Gordon asked how much development the Township would have if they didn't up-zone.

Mr. Duncan stated that the minimum lot area per residential unit was increased.

Mr. Leswing stated that the revision impacted residential developments in the commercial zones. Mr. Leswing stated that tonight he would like to stay focused on those residential land uses. Mr. Leswing stated that if the Comprehensive Plan says that we want density near transit and if we say that we want affordable housing then we need density in transition zones that go back to the single family residential neighborhoods.

Mr. Duncan stated that he is in agreement with regards to the concerns relating to the R6A Residence District and the Township needs to take a fresh look at that. Mr. Duncan stated that higher density is needed to allow for the development of affordable housing, but we have higher density in some areas and the new developments are not including affordable housing.

Ms. Simon asked if Allaire would have been more acceptable if it had looked different. Ms. Simon stated that it seemed like for the neighborhood, because of its eclectic style, if the building had underground parking that would've relieved concerns.

A resident stated that Austin Park and some of the other more recent developments are not in commercial areas and it would be better to have more underground parking to avoid having vast parking lots.

Mr. Leswing stated that underground parking is a great idea, but the expense of it without density is impractical. Mr. Leswing stated that it costs money to provide underground parking and developers need a certain return to do that. Mr. Leswing stated that in some of the commercial areas where we're trying to pile so many things, such as affordable housing, we may find that it's not a viable product.

Commissioner Gordon stated that developers won't build affordable housing in Lower Merion.

Mr. Leswing stated that affordable housing is important and it can be done by preserving the existing housing stock, which may be the best strategy. Mr. Leswing stated that getting affordable housing in new products will be hard and the Township won't get a significant amount of it. Mr. Leswing stated that the townhouses at the PECO site is an example of a recent affordable housing development in the Township.

Ms. Pevaroff Schuh asked if those townhouses are LEED rated. Ms. Pevaroff Schuh stated that by having certain requirements it may deter sustainable design. Ms. Pevaroff Schuh stated that she values the pattern and the eclectic nature that is out there. Ms. Pevaroff Schuh stated that many neighborhoods are pedestrian oriented and that aspect needs to be built into this. Ms. Pevaroff Schuh stated that the Township doesn't need the car to disappear to say that we want the pedestrian to be a priority.

Mr. Leswing stated that staff is trying to define what these neighborhoods are. Mr. Leswing stated that the pedestrian quality of Bala Cynwyd is great, but when you get out to Gladwyne and Rosemont you'll have residents who will tell you not to allow a sidewalk in their neighborhood.

Ms. Pevaroff Schuh stated that there is an eclectic makeup of the township.

Mr. Leswing stated that it's a part of how we define neighborhoods. Mr. Leswing stated that the English Village is a classic and there are also neighborhoods that have been developed over time and it will be a challenge.

Mr. Kalner stated that the Township could write into the Form Based Codes that every house has to have a porch.

Ms. Pevaroff Schuh stated that the 1930's house with the front porch isn't very efficient.

Ms. Shell stated that it's not about the architectural style as much as it is about how the house is set on the street.

Mr. Kalner stated that a front porch helps to break down the scale of the house from the street. Mr. Kalner explained that a front porch helps to define the spaces from the public to the semi-public to the private.

Commissioner Gordon stated when we run out of oil we'll need them again. Commissioner Gordon asked why communities in the state of Utah have great uniformity and materials and we don't.

Ms. Shell stated that some Townships have design review boards that go as far as regulating the paint color. Ms. Shell stated that the community can choose how regulatory they would like the Township to be.

Mr. O'Leary stated that Pennsylvania is about as conservative as it gets.

Ms. Simon stated that until the MPC is amended we're not going anywhere because it will be challenged.

Mr. Leswing stated that he is proposing to do just that in order to regulate infill development.

Ms. Simon stated that Pennsylvania is more development oriented than other places, which is why we can't do some of the things that communities in California can do. Ms. Simon stated that one of the major criticisms about Celebration is that cheap materials were used, but we're not going to get Pennsylvania fieldstone for new developments. Ms. Simon stated that we're in a "made in China" world. Ms. Simon stated that she thinks this is a creative process to come up with a way to take these things into consideration and codify it. Ms. Simon stated that it is helpful to understand the difference between Form Based Codes and historic districts.

Mr. Kalner stated that he would like to see Form Based Codes enacted in areas that aren't historic districts.

Mr. Leswing stated that he would like to do that. Mr. Leswing stated that he has been hearing that new development is out of scale with the existing neighborhoods, but that residents also want to protect their property rights. Mr. Leswing stated the Township is not proposing to take away the value of what people own.

Mr. O'Leary stated that he would like to mention conservation zoning concept used in Montgomery County. Mr. O'Leary stated that it's similar in concept to Form Based Codes. Mr. O'Leary stated that it is basically used to make sure that new development matches.

Ms. Salganicoff stated that conservation zoning was tried in Philadelphia and that she heard from folks who work there that it is a difficult process to regulate. Ms. Salganicoff stated that it's overseen by the Planning Commission and it hasn't worked well. Ms. Salganicoff stated that she

still feels like she's in learning mode. Ms. Salganicoff stated that she would like to hear what Mr. Leswing is saying and what the Planning Commission's response is. Ms. Salganicoff stated that she would like to be more familiar with this approach and she would like to hear how this works in other places.

Mr. Leswing stated that a recommendation is to look at the zoning and perhaps not allow such large apartments in the transition areas. Mr. Leswing stated that it will help with density and form in the neighborhood so that new developments feel like an extension of the neighborhood. Mr. Leswing stated that Mr. Gordon stated earlier that the Haverford Station Historic District failed, but one of the disappointments was that it didn't regulate the new development to the degree that residents wanted.

Mr. Gordon stated that it was undermined by the existing zoning.

Mr. Leswing stated that the zoning only comes in when talking about new development. Mr. Leswing stated that the day-to-day concern is the regulation of the building materials. Mr. Leswing stated that here you have a modest home in the historic district and if you have the expense of putting in architecturally correct windows it may not work. Mr. Leswing stated that he does not think the solution is to create another Architectural Review Board.

Mr. Kalner stated that he liked the idea of the neighborhood conservation district.

Mr. O'Leary stated that a conservation district is similar to Form Based Codes in that it deals with the relationship to the built environment. Mr. O'Leary stated that Pottstown has had it in place for five years.

Ms. Simon asked how it is applied in Pottstown.

Mr. O'Leary stated that they have design regulations and zoning districts and they use a combination of the two to regulate new development.

Mr. Leswing stated that the Township could spend six months exploring this with the Comprehensive Plan to address infill development in areas. Mr. Leswing stated that he was not looking to go into detail about this, but he wanted to know if this is something that the community wants staff to explore.

A resident asked if a conservation district would allow for a veto for new development.

Mr. Kalner stated that it allows new development to be more predictable.

Mr. Leswing stated that right now there is no ability to regulate where the garage goes or where the windows go.

A resident asked if a Form Based Code would say that every home in a certain distance needs to have a front porch and regulate how big that is.

Mr. O'Leary stated that the block is usually the boundary.

Mr. Leswing stated that in thinking about Brookhurst there are charming blocks with deep front porches and garages in the back, but that would not be allowed under current zoning. Mr. Leswing stated that someone came in and demoed one building and built two to the setback standards and because the setbacks weren't the same as the existing homes the building stood out like a sore thumb.

A resident asked if the idea behind this is that if the Township is going to allow a higher density that they want to do it sensibly.

Mr. Leswing stated that he was actually proposing a reduction in the density. Mr. Leswing stated that the one thing we couldn't regulate with Buck Lane was the density.

Mr. Vale stated that he had an observation that there is a tension between what we're seeing and getting in terms of new development and what we've got. Mr. Vale stated that when you encourage transit and village-oriented development there's an inevitable tension because traditional transit developments were not built or designed to accommodate cars and today the market demands that cars be accommodated. Mr. Vale stated that he would like the Township to do whatever they can to reduce the amount of space that's devoted to cars if the whole idea is to promote transit oriented development. Mr. Vale stated that it accounts for a lot of impervious space in a transit oriented development.

Mr. Leswing stated that limiting the amount of required parking spaces near a transit oriented development is a great idea, but there is no desire to see more on-street parking with new development.

Ms. Simon stated that this issue hits on the needs of the institutions and the needs of residents. Ms. Simon stated that there is a huge problem on Buck Lane because of the number of students from the Haverford School who are parking there. Ms. Simon stated that those people are struggling because of the need for parking at the Haverford School and there is a tension in the Township between the institutions and the residential neighborhoods.

Mr. Leswing stated that he's also talked about reducing the number of curb cuts with Haverford Court to allow for a better pedestrian environment.

Mr. Kalner stated that currently there is one curb cut every 40 feet because of the existing houses, but having one wide driveway is out of character.

Mr. Leswing stated that he has looked at these things and the driveway needed to be a certain width for the Fire Marshall. Mr. Leswing stated that the community has to decide where their priorities are. Mr. Leswing stated that he would like to move onto some of the other recommendations regarding the R3 Residence District. Mr. Leswing stated that there are nice homes on smaller lots and during the Issues Report process staff heard that people are boxed in.

Mr. Leswing stated that staff asked if there is an opportunity for the modest growth of these homes over time since this is where a lot of the Zoning Hearing Board requests are generated.

Mr. Orr asked if the number of Zoning Hearing Board applications in the R3 Residence district were compared to the number of houses in the district as compared to others.

Ms. Hall stated that the R3 Residence District comprises a much smaller land area than other residential zoning districts.

Mr. Ritterband asked Mr. Leswing if he was talking about allowing for more impervious surface in the R3 District.

Mr. Leswing stated that in some ways staff is recommending that greater impervious surface be allowed. Mr. Leswing stated that a lot of these areas are already nonconforming to the impervious surface standards. Mr. Leswing stated that in the Historic Resource Overlay District there are incentives that can be taken advantage of in return for a covenant. Mr. Leswing stated that there may be an opportunity to get more covenants by allowing additional impervious surface. Mr. Leswing stated that a reach back provision could also be explored that would require homes that don't have stormwater management systems in place to put some stormwater management in place.

Alison Graham, a member of the North Ardmore Civic Association, stated that her clever husband just asked what the trade-off is if you have to cut down trees to create better stormwater management.

Mr. Leswing stated that a series of triggers would have to be put into place and creative stormwater management options explored.

Commissioner Manos stated that the R3 Residence District and the R4 Residence District have similar problems. Commissioner Manos stated that these are already dense areas and you'd be reducing the amount of open space if additional impervious surface was allowed. Commissioner Manos hypothetically asked if reducing the amount of open space is okay. Commissioner Manos stated that here the density would be increased and the payback would be better stormwater management. Commissioner Manos stated that he is sympathetic to the property owners who are constrained by the impervious surface requirements, but arguably they knew the constraints when they moved in. Commissioner Manos stated that the other aspect of allowing the nonconforming buildings to expand in these districts is that the buildings will encroach into what otherwise would've been a setback area. Commissioner Manos stated that if the buildings do not encroach into the setbacks they'd have a better chance to manage stormwater.

Mr. Kalner stated that depends. Mr. Kalner stated that they might be nonconforming today and although a 20 feet wide side yard is required, they may only have a side yard of 10 feet today.

Commissioner Manos stated that there is additional room to provide stormwater management because there is a certain amount of existing open space. Commissioner Manos stated that maybe they should be able to expand, but there should be some compensation for that.

Mr. Leswing stated that staff is looking at the modernization of older homes. Mr. Leswing stated that residents are doing that to accommodate better appliances, and update their houses. Mr. Leswing stated that there's a balance because we want to see the trees and provide for stormwater management while also allowing a reasonable expansion to older homes.

Ms. Pevaroff Schuh stated that the average homeowner doesn't comply with Township standards and if we're going to talk about Form Based Codes we need to talk about landscaping.

Ms. Shell asked if a neighborhood conservation ordinance would include landscaping requirements.

Mr. Leswing stated that it would and that it would regulate and encourage improvements in the public way.

Mr. Piltch stated that if he remembers the laws correctly if he has a large tree in his yard he can remove it without any kind of permit as long as he's not doing so in order to build. Mr. Piltch said that he could take the tree down today and come in tomorrow with a permit to build and there's not a thing the Township can do about it.

Mr. Leswing stated that Mr. Piltch is talking about changing the regulations and that walks the line between property rights and personal responsibility. Mr. Leswing stated that in the public way the Township can say where the trees go, but that is not the case in the private realm. Mr. Leswing stated that public education is also needed to inform residents of the importance of trees.

Mr. O'Leary stated that perhaps when someone removes trees and cannot replace the trees on-site a fee could be submitted in-lieu of tree replacement to create "Green Streets". Mr. O'Leary stated that the Township should look for creative ways to allow property owners to do things to improve stormwater management.

Mr. Watson stated that a fee-in-lieu of tree replacement would only work if there is a home being developed.

Mr. O'Leary stated that other options could be considered. Mr. O'Leary stated that perhaps if a property owner goes over the maximum impervious surface then they could either provide for stormwater management or pay a fee.

Mr. Leswing stated that there is not an easy answer and there won't be communal retention basins. Mr. Leswing stated that is where Ms. Pevaroff Schuh's expertise as a landscape architect comes in handy. Mr. Leswing stated that she designed the rain garden in Linwood Park so that

the water hits the curb and goes into the rain garden. Mr. Leswing hypothetically asked if this solved all the stormwater management problems and responded that it did not, but it helped. Mr. Leswing stated that the group was just discussing the R3 District, where most of these homes were built before 1939. Mr. Leswing stated that a lot of these property owners have needed to get variances in order to allow for modest expansions to their homes. Mr. Leswing asked if there should be some flexibility given in order to allow for these expansions without going through the onerous Zoning Hearing Board process.

Ms. Shell stated that expansions to these homes should be reviewed on a case by case basis. Ms. Shell stated that the properties are unique and some are smaller, but there are many properties that have very little room to expand. Ms. Shell stated that these properties shouldn't be generalized.

Mr. Leswing stated alternatively standards could be set or the zoning could be changed.

A resident asked what it takes to change the zoning so that there can't be future subdivisions of large properties resulting in a loss of trees and open spaces.

Mr. O'Leary stated that the Zoning Map would need to be changed.

A resident asked what it takes to do that.

Mr. Leswing stated that technically the process would be to go through a Comprehensive Plan process and decide as a community what we need to do. Mr. Leswing stated that staff would come forward with recommendations with the codes and the specifics. Mr. Leswing stated that ultimately it would be an ordinance change requiring a public meeting and the Board of Commissioners would have to approve the zoning change.

Ms. Shell stated that most of the discussion tonight has been about Form Based Codes and what this resident is bringing up is a concern about future subdivisions. Ms. Shell asked Mr. Leswing how many large lots are left in the Township that could be subdivided.

Mr. O'Leary stated that limiting the number of future subdivisions would require a zoning change. Mr. O'Leary stated that it could be a change to go from ¼ acre lots to 1 acre lots, and the Township would have to be willing to put up with legal challenges.

Mr. Leswing stated that such a change would penalize those property owners who have held onto their land while their neighbors sold off and subdivided their properties.

Ms. Shell stated that it's not a taking.

Mr. Leswing asked if it is fair. Mr. Leswing stated that is one of the things that the community needs to decide. Mr. Leswing stated that having a conservation overlay district may help with this issue.

Mr. Orr stated that it seems to be a mismatch between the existing zoning and what exists today. Mr. Orr stated that it seems as if all the Township needs to do is realign the Zoning Map to match existing conditions. Mr. Orr stated that it would not allow for additional subdivisions and it would not be a taking. Mr. Orr stated that if the current zoning code can't preserve the existing character then it needs to be changed.

Ms. Salganicoff stated that she hopes for a future discussion that Transfer of Development Rights ("TDR") can be discussed as a tool. Ms. Salganicoff stated that the development at Buck Lane may have been different if the developer would've been able to sell some of his development rights.

Mr. Kalner stated that the problem with TDR is that you have to have a receiving district and in some ways that may not be practical in a community like Lower Merion where we can't even find room for additional density in our commercial areas.

Ms. Salganicoff stated that one way to use this tool is to bank the TDR to fund the conservation goals of the Township. Ms. Salganicoff asked if that is something that can be explored.

Mr. Leswing stated that staff will look into the use of conservation easements and TDR although he believes that TDR works better for institutions than residential properties.

Mr. Greenberg asked if staff looking at decreasing density.

Mr. Leswing stated that staff is not looking at increasing density, but evaluating the appropriate density and the form and pattern of new development.

Ms. Shell stated that maybe what we need to hear from people if there is a location that is a problem, so staff can look into it. Ms. Shell stated that this is a time for the community to provide input to staff.

Mr. Leswing stated that Lower Merion is a good place to live and that he looks forward to hearing from everyone at the next Planning Commission workshop regarding institutions and drew the meeting to a close at approximately 9:12 p.m.

Meeting notes recorded by Carissa Koll-Hazelton, Planning Technician