

BOARD OF COMMISSIONERS

DANIEL S. BERNHEIM, PRESIDENT

WEDNESDAY, APRIL 17, 2019

MINUTES

CALL TO ORDER

A stated meeting of the Board of Commissioners of the Township of Lower Merion convened at approximately 7:54 p.m. on the above date in the Township Administration Building, 75 E. Lancaster Avenue, Ardmore, Pennsylvania, with Mr. Daniel S. Bernheim presiding. Other members in attendance were: Commissioners Rick Churchill, Ray A. Courtney, Anna Durbin, Andrew S. Gavrin, Joshua L. Grimes, George T. Manos, Michael F. McKeon, C. Brian McGuire, Tiffany O'Neill, Elizabeth Rogan, Todd M. Sinai, Anthony C. Stevenson and V. Scott Zelov.

APPROVAL OF MINUTES

Minutes of a stated meeting of the Board of Commissioners held on March 20, 2019, as distributed.

Motion to approve. Motion was made by Daniel Bernheim and seconded by Brian McGuire. Motion Passed.

Ayes: Bernheim, Churchill, Courtney, Durbin, Gavrin, Grimes, Manos, McGuire, McKeon, O'Neill, Rogan, Sinai, Stevenson, Zelov

ANNOUNCEMENTS / PRESENTATIONS

Mr. Bernheim reported the following:

- The Board met in Executive Session on Saturday, April 6, 2019 and Wednesday, April 17, 2019 to receive reports from its professional staff regarding: litigation; personnel matters; fire services system; Lower Merion School District; Centennial Road storm sewer project; zoning code update; and, WCAU building..
- An Arbor Day Ceremony will be held on Friday, April 26, 2019 at 9:30 a.m. at Penn Valley Elementary School.
- Clean Up Weekend is being held Saturday, April 27 and Sunday, April 28, 2019 from 9:00 a.m. until 4:00 p.m. each day at the Township's Public Works Complex. Residents may dispose of their refuse and recycling free of charge. Proof of residency is required. Recycling must be separated from refuse. No household hazardous waste will be accepted.
- The Township's Annual Open House will be held on Saturday, May 11, 2019 from 10:00 a.m. until 1:00 p.m. in the parking lot in front of the Public Safety Building, 71 E. Lancaster Avenue, Ardmore.

Vice President McGuire read the following Proclamation regarding Public Service Recognition during the month of May:

Whereas, Americans are served every day by public servants at the federal, state, county and municipal levels and these individuals do the work that keeps our nation operating; and

Whereas, public employees serve in many different capacities within our municipality and provide the residents of Lower Merion Township with many services contributing to the excellent quality of life in Lower Merion; and

Whereas, the Board of Commissioners recognizes the efforts of our various municipal professionals who, on a daily basis, take pride in their responsibilities to our community;

Now, therefore, be it resolved that we, the members of the Board of Commissioners, join with the nation in recognizing the week of May 5 - 11, 2019 as Public Service Recognition Week and call upon our citizens to commend the hard work and dedication of our Township employees; and

Be it further resolved, that we, the members of the Board of Commissioners, recognize the week of May 12 - 18, 2019 as National Police Week and encourage Lower Merion residents to acknowledge the selfless service provided by our law enforcement officers; and

Be it further resolved, that we, the members of the Board of Commissioners, declare the week of May 19 - 25, 2019 as National Public Works Week, and urge all citizens to recognize the vital contributions made to our community by our Public Works personnel.

PUBLIC PRIVILEGE OF THE FLOOR

Mr. Bernheim advised that the Floor was open to provide the opportunity for the public to address the Board on any non-agenda item or any other public matter in which the Township has jurisdiction or authority. The following individuals addressed the Board:

Alex McDonnell (President, Federation of Civic Associations) spoke of community concerns.

Adrian Seltzer (Wynnewood) spoke about: Police Department job offers; parking in Ardmore; and, SEPTA accessibility.

Carl Watson (Wynnewood) spoke about traffic on Presidential Boulevard.

Joseph Abramson (Bala Cynwyd) spoke about: the Police and Community Relations Committee; the fire service; and, Commissioner email addresses as they relate to Right to Know requests.

Michael Spatacco (Belmont Hills) spoke about zoning.

Joan Simansick (Belmont Hills) spoke about zoning.

Response to Public Privilege:

Mr. McKeon responded to the comments regarding zoning.

Ernie McNeely, Township Manager, responded to the comments about parking and SEPTA accessibility.

Mr. Bernheim responded to the comments regarding the fire service.

Several Commissioners responded to the comments regarding parking, traffic and Commissioner email addresses.

PUBLIC COMMENT

Mr. Bernheim opened the Floor to provide the opportunity for the public to address the Board on matters relating to agenda items. The following individuals addressed the Board:

Fred Fromhold (representing the applicant for 104 Rose Lane) requested that the Board reconsider the requirement to install a 12 foot length of sidewalk along Rose Lane.

Joyce Sando (owner of 104 Rose Lane) requested that the Board reconsider the requirement to install a 12 foot length of sidewalk along Rose Lane..

Jamie Selway (Haverford) requested that the Board reconsider the requirement to install a 12 foot length of sidewalk along Rose Lane.

Joseph Abramson (Bala Cynwyd) spoke about the salary increases for the Township Manager and Township Secretary.

Carl Watson (Wynnewood) spoke about the 104 Rose Lane sidewalk requirement.

Eric Rasmussen (Haverford) requested that the Board reconsider the requirement to install a 12 foot length of sidewalk along Rose Lane.

Response to Public Comment:

Mr. Bernheim responded to question about the Township Manager and Township Secretary.

CONSENT CALENDAR

Mr. Bernheim noted that Mr. Zelov requested that item d (104 Rose Lane) be removed from the Consent Calendar and Mr. Sinai requested that item e (41 Lapsley Lane) also be removed. Mr. Bernheim motioned for approval of the Consent Calendar as amended and with the addition of the items from the Finance Committee and Police Committee held earlier in the evening. Mr. McGuire seconded the motion. All present voted in favor on a roll call vote. The Consent Calendar was duly adopted and the following items were approved:

Ayes: Bernheim, Churchill, Courtney, Durbin, Gavrin, Grimes, Manos, McGuire, McKeon, O'Neill, Rogan, Sinai, Stevenson, Zelov

The following items were referred to the Board of Commissioners at a meeting of the Administrative & Human Resources Committee held on April 3, 2019.

RATIFICATION OF 2019 SALARY INCREASE FOR THE TOWNSHIP MANAGER - Consider for approval ratification of a 3.5% salary increase for the Township Manager for 2019.

RATIFICATION OF 2019 SALARY INCREASE FOR THE TOWNSHIP SECRETARY - Consider for approval ratification of a 3.5% salary increase for the Township Secretary for 2019.

The following items were referred to the Board of Commissioners at a meeting of the Building & Planning Committee held on April 10, 2019.

AUTHORIZATION TO RELEASE FUNDS HELD IN ESCROW - Consider for approval the release of funds held in escrow as Improvement Guarantees in accordance with Section 135-5 of the Township Code for the following:

Danley 843, 847 & 859 Old Lancaster Road Escrow Release no. 15	\$10,042.00
One Ardmore Place Escrow Release no. 2	\$89,807.00
234 West Montgomery Avenue Escrow Release no. 7	\$8,167.00
440 Conshohocken State Road Escrow Release no. 4, Final	\$2,200.00
1400 Montgomery Avenue Rosemont College Athletic Fields Escrow Release no. 4, Final	\$12,500.00
600 Righters Ferry Road Escrow Release no. 28	\$24,734.00
223 N. Highland Avenue Kohelet Yeshiva High School Escrow Release no. 1	\$198,971.00
121 E. City Avenue Bala Cynwyd Shopping Center Escrow Release no. 3	\$11,965.00

RESOLUTION - CONDITIONAL USE APPLICATION - 9 & 11 Elliott Avenue & 762 W. Lancaster Avenue, Bryn Mawr, AQUA Pennsylvania, 3802C, Ward 4 - Consider for adoption a resolution approving a Conditional Use application to deviate from the architectural design standards in the Bryn Mawr Village District. The deviations are shown on architectural plans prepared by Bernardon dated February 15, 2019 showing the construction of a two-story building with a 7,484 square foot footprint. The specific conditional use requests are as follows:

1. Zoning Code Section 155- 215.E(2)(a)(1) - To provide 44.2% glazing at the ground floor of the primary front facade where between 65% to 70% clear windows and doors is required.
2. Zoning Code Section 155- 215.E(2)(a)(3) - To provide a ratio of windows to solid façade of 18:1 at the ground floor of the primary front facade where a ratio of at least 3:1 between openings and solid surfaces is required.
3. Zoning Code Section 155- 215.E(2)(a)(6)(a) - To provide a sill height of 3’4” above adjacent sidewalk level where the maximum sill height is two feet or lower.
4. Zoning Code Section 155-215.E(2)(d)- To use an exterior insulation and finish system ("EIFS") or synthetic stucco system, which is prohibited unless authorized by the Board of Commissioners by conditional use.

Expiration Date – May 2, 2019.....Zoning – BMV-4/BMV-3/R4
Applicant: Michael Convery, P.E., Aqua Pennsylvania, Inc.
Property Owner: Aqua Pennsylvania, Inc.
Applicant's Representative: Denise Yarnoff, Esquire, Riley, Riper, Hollin & Colagreco

On April 10, 2019, the Building & Planning Committee recommended adoption of the resolution approving the Conditional Use application.

RESOLUTION

WHEREAS, the Township of Lower Merion received application #3802C from Michael Convery seeking relief from Zoning Code Section 155-215.E.3 to not comply with the Architectural elements in the Bryn Mawr Village District for the construction of a new building at 9 & 11 Elliott Avenue, Bryn Mawr, AQUA Pennsylvania, Ward 4 as follows:

1. Zoning Code Section 155- 215.E(2)(a)(1) - To provide 44.2% glazing at the ground floor of the primary front facade where between 65% to 70% clear windows and doors is required;
2. Zoning Code Section 155- 215.E(2)(a)(3) - To provide a ratio of windows to solid façade of 18:1 at the ground floor of the primary front facade where a ratio of at least 3:1 between openings and solid surfaces is required.
3. Zoning Code Section 155- 215.E(2)(a)(6)(a) - To provide a sill height of 3’4” above adjacent sidewalk level where the maximum sill height is two feet or lower;
4. Zoning Code Section 155-215.E(2)(d)- To use an exterior insulation and finish system ("EIFS") or synthetic stucco system, which is prohibited unless authorized by the Board of Commissioners by conditional use.

WHEREAS, the application was referred to Pamela M. Loughman, Esq., Hearing Officer, to take testimony and make recommended Findings of Fact, Conclusions of Law and an Order for the consideration of the Board of Commissioners; and

WHEREAS, following a hearing on the application, the Hearing Officer prepared and has submitted to the Board of Commissioners her Report in the form of a document styled “Recommendations for Findings of Fact, Conclusions of Law and Order” whereby the Hearing Officer recommends that the application be granted; and

WHEREAS, the Board of Commissioners, having reviewed and considered the Hearing Officer’s Report, wishes to render its decision.

NOW THEREFORE, the Board of Commissioners of the Township of Lower Merion hereby resolves that the Findings of Fact and Conclusions of Law set forth in the attached Report of Pamela M. Loughman, Esq., Hearing Officer, be and the same are hereby adopted as the Findings of Fact and Conclusions of Law of the Board of Commissioners in the matter of the application of Jonathan Baske.

The Board deems the following order to be appropriate:

ORDER

AND NOW on this 17th day of April 2019 application 3802C for conditional use approval is granted based on the documents and plans submitted in support of the application, all of which are specifically incorporated herein by reference thereto, and subject to the following condition:

1. The proposed EIFS on the new building shall have a finish consistent with the finish of the EIFS on the existing Aqua headquarters building. The finish of the proposed EIFS shall be subject to the approval of staff.

PRELIMINARY LAND DEVELOPMENT PLAN - 9 & 11 Elliott Avenue & 762 W. Lancaster Avenue, Bryn Mawr, AQUA Pennsylvania, LD# 3802, Ward 4 - Consider for approval a Preliminary Land Development Plan. The Plan prepared by Chester Valley Engineers, Inc. dated June 29, 2018 and last revised February 15, 2019, shows the consolidation of 9 & 11 Elliott Avenue with a lot line change between the consolidated Elliott Avenue parcel and the W. Lancaster Avenue parcel, construction of a two-story building with a 7,484 square foot footprint fronting on Elliott Avenue; reconfiguration and expansion of the existing parking lot on Elliott Avenue to create 40 parking spaces and reconfiguration of the existing surface parking lot on 762 W. Lancaster Avenue to create eight parking spaces.

The application requires the following relief which was recommended for approval by the Building & Planning Committee:

- a. Subdivision and Land Development Code Section 135-35A(2) to increase the existing irregularity of the lot lines.

Expiration Date – 4/30/2019.....Zoning – BMVD-4/BMVD-3/R-4
Applicant: Michael Convery, P.E., Aqua Pennsylvania, Inc.
Property Owner: Aqua Pennsylvania, Inc.
Applicant's Representative: Denise Yarnoff, Esquire, Riley, Riper, Hollin & Colagreco

On April 10, 2019 the Building & Planning Committee recommended approval subject to the following conditions:

Township Engineer's Review:

1. The Township Engineer's review letter dated February 25, 2019 shall be incorporated by reference into these conditions of approval to the extent the same is consistent with these conditions of approval.

Conditional Use:

2. The applicant shall comply with any conditional use conditions which shall be listed on the Final Plan.

Architectural Elevations:

3. The applicant shall provide photographic documentation of the exterior of the buildings on Elliott Avenue prior to demolition.
4. The new building shall be designed as a separate building from the existing Aqua building to include a fire wall that separates the buildings in compliance with the International Building Code fire rating requirements. Any openings in the fire wall shall comply with the International Building Code fire wall opening limitations.
5. Architectural elevations and renderings of all sides of the proposed building shall be submitted with the Final Plan, including the proposed materials. The applicant shall provide a chart to demonstrate compliance with the Architectural Design Standards in Zoning Code Section 155-215 or conditional use to deviate from those standards shall be obtained.

6. The proposed building shall be constructed substantially as shown on the architectural elevations prepared by Bernardon, dated February 15, 2019, with the exception of any de minimis changes, including those mutually agreed to with staff, or imposed by the conditional use approval.
7. If permitted by conditional use, the color of the EIFS shall match the color of the existing building.
8. All signage shall be subject to a separate review for compliance with the Zoning Code by the Zoning Officer.
9. The HVAC/mechanical equipment shall be screened on all sides whether on the roof of the building or on the ground. If located on the roof, the screening shall be integrated into the architecture of the building to improve the appearance and better mitigate noise from the unit(s).
10. The mean grade of the addition shall be calculated and shown on the plan. The architectural plans must be coordinated with and must comply with the grading proposed with this application.

Landscape Plan & Greening Standards:

11. A revised landscape plan, complying with Natural Features Code Section 101-9 with the exception of any relief, Subdivision and Land Development Code Sections 135-30 and 135-41.4, Zoning Code Section 155-213.E and conditions herein shall be prepared and sealed by a Registered Landscape Architect and submitted with the Final Plan.
12. The applicant shall contact the adjacent property owner on which Starbucks is located to coordinate plantings and fencing.
13. All chain link fencing shall be removed from the project area.
14. The applicant shall provide native or non-invasive adapted plant species on the landscape plan.
15. A maintenance and operations plan shall be submitted for the proposed landscaping, street furniture and other amenities installed as part of this project.
16. The plan shall be revised to provide two bicycle racks on site.
17. Landscape improvements provided for this application shall be perpetually maintained in a healthy and/or sound condition in compliance with Natural Features Code Section 101-11. The applicant shall record a covenant on the property in a form acceptable to the Township Solicitor to guarantee this requirement. A draft covenant shall be submitted with the Final Plan.
18. The applicant shall consider providing an educational component to the project to highlight the environmental benefits of greening and stormwater bio-filtration.
19. The required buffer shall be brought up to current standards as directed by the Zoning Officer, which includes the removal of all unauthorized improvements.

Stormwater Management:

20. Adequate protection during construction for the seepage beds shall be provided and shown on the plans.
21. The dimensions of the biofiltration area shall be clarified and the full design shall be provided on the plan, including a cross section. Pedestrian access through the area shall also be clarified.

22. The manhole receiving the connection of the seepage bed outflow pipe shall be repaired or replaced as directed by the Township. A note to this effect shall be added to the Grading and Utility Plan.
23. A detail of the proposed inlets shall be provided on the plan.
24. The proposed seepage beds shall be a minimum of five (5') feet from the existing underground electric service.
25. AASHTO No. 1 stone shall be used in the seepage bed in the main parking area.
26. All HDPE pipe shall be further specified as smooth interior.
27. The trench drain outlet structure invert elevation and length/slope of the pipe shown in the detail shall be consistent with the calculations.

Parking & Circulation:

28. A crossover access easement and a shared parking agreement shall be provided for the required parking that is located on 762 W. Lancaster Avenue but serves this development and for the portion of the row of eight parking spaces in the Elliott Avenue parking lot that is located across the property line.
29. A post-development study of the intersection of Lancaster Avenue and Elliott Avenue shall be provided and shall include signal timing adjustments for optimization of operation to be performed if required and if/as approved by the Township.

Construction Details:

30. Existing depressed curb, not part of the proposed driveway access, shall be raised to full reveal. The length of any curb to be raised to full reveal shall be dimensioned on the plan.
31. Silt fence shall be shown around the topsoil and fill material stockpiles.
32. Sidewalk details shall be revised to conform to Township standards. A minimum concrete compressive strength of 4000 psi shall be specified.
33. Sidewalk and curb shall be repaired/replaced at the direction of the Township.
34. The construction entrance detail shall be modified to indicate placement of the AASHTO No. 1 stone starting five (5') feet from the cartway. Crushed stone shall be shown in the area between the start of the entrance and the curb line.
35. The radii at all driveway access/egress shall be shown on the Layout and Geometry Plan and shall be demonstrated to be adequate.
36. The applicant shall conduct regular street cleaning of all roadways adjacent to active portions of the construction site. Staff shall have the right to order street cleaning more often if there is evidence of construction related debris in the roadway during the project.
37. The applicant shall submit a parking plan with the Final Plan detailing where construction vehicles will be parked. The plan shall be subject to the approval of the Township prior to the issuance of any permits.

38. All construction-related vehicles shall be parked on site or at a remote site not in the neighborhood. No construction-related vehicles may park on the street. This includes personal vehicles operated by construction workers or vehicles operated for construction workers, material suppliers, product vendors, and all construction trades engaged in the project.

Demolition:

39. The applicant shall document compliance with the notification requirements of the Federal Asbestos National Emission Standards for Hazardous Air Pollutants (NESHAP) and shall submit an Asbestos Abatement and Demolition/Renovation form to the Pennsylvania Department of Environmental Protection and the EPA at least 10 days prior to commencing demolition. Copies of these documents shall be provided to the Township prior to the issuance of a building permit.

40. The applicant shall submit a demolition plan with the Final Plan. The demolition plan shall indicate how dust and other air particles will be controlled, the procedure for demolishing the buildings and how the demolished building materials will be removed from the site. If asbestos or any other regulated hazardous material exists within the building, it shall be removed and certifications to that effect shall be filed with the Pennsylvania Department of Environmental Protection. Notice of demolition shall be provided by posting of the site at least seven days in advance of the proposed demolition.

41. During demolition of the existing structures the applicant shall ensure that the contractor takes appropriate measures to minimize dust at all times during active demolition. Multiple hoses and/or a water truck shall be provided on site to continually spray the building during demolition. The demolition plan shall include the specific water measures to be used to reduce the dust during demolition.

Utilities:

42. Separate permits and approvals shall be obtained from the Public Works Department for all sanitary lateral work.

43. It shall be clearly noted on the plans where existing utilities are to be disconnected and removed.

Standard Conditions of Approval:

44. The location of all transformers and utility boxes shall be shown on the Final Plan. Additional utility improvements resulting in material changes to approved plan including but not limited to the loss of required parking, changes to circulation patterns or the alteration of the quantity or location of proposed landscaping shall require an amendment to the approved plan.

45. The applicant shall utilize the services of an architectural salvage or deconstruction company, to preserve or recycle building materials on the existing structures, including but not limited to stone, brick, and wood. Architectural details such as windows and interior and exterior details including but not limited to fixtures and any wood, glass and metalwork of quality and good condition shall be salvaged. The applicant shall provide documentation to planning staff indicating how this condition will be met.

46. An outdoor lighting plan sealed by a responsible design professional that includes illuminance patterns shall be submitted to and approved by the Director of the Building and Planning Department prior to issuance of any permits. The location, luminaire type, wattage, means of control and pole height shall be indicated. Lighting shall be designed to minimize the off-site transmission of light, to shield the source of illumination and to prevent glare on adjacent properties. Exterior luminaires shall be full cut-off unless it can be demonstrated that cut-off luminaires are more appropriate and will result in less off-site light trespass.

47. The lighting plan shall be designed to comply with the 2009 IECC or the 2007 ASHRAE Standard 90.1.

48. If required by a Township Public Safety Agency, all new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communications systems at the exterior of the building.

49. Any changes to the approved plans shall require the submission of an as-built plan prior to the issuance of a Certificate of Occupancy. Building and Planning staff can waive this requirement if the changes are determined to be insignificant.

50. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting on the property. The address numbers shall be a minimum of four (4) inches (102mm) high with a minimum stroke width of 0.5 inch (12.7mm).

51. A copy of the revised plan shall be submitted with any changes highlighted and shall be accompanied by a letter indicating how each requested revision has been addressed in the re-submission.

52. The Final 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 Preliminary Plan approval by the Board of Commissioners.

53. 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.

54. The owner will make payment of fees and expenses of the Township's professional consultants who perform services on behalf of the Township with respect to these plans and the work contemplated thereunder and will establish and maintain with the Township those escrows for the payment of such fees required by Township Code. Owner agrees that any statement from the Township for such fees which remain unpaid for a period of 30 days may be recorded against the property as a municipal lien.

55. The property owner(s) shall comply with all federal, state and applicable Lower Merion Township ordinances and laws regardless of specific mention herein.

HISTORICAL COMMISSION - 1001 Rock Creek Road, Bryn Mawr, Class 2, 2019-R-6 - Consider for approval to construct an extension of the second floor bathroom on the rear elevation of the residence. On April 10, 2019, the Building & Planning Committee recommended approval of the application as submitted, subject to the following:

- a. The salvage of existing stone and window sash.
- b. The molding of the second floor eave will be matched to the first floor to preserve the architectural hierarchy of the building.

HISTORICAL COMMISSION - 541 Oriole Road, Villanova, Briar Crest, Class 2, 2019-R-7 - Consider for approval to renovate an existing porch, construct new stairs from the porch to parking area, and create new door and window openings at the porch. On April 10, 2019, the Building & Planning Committee recommended approval of the application as submitted, subject to a record set of drawings being submitted to staff indicating that replaced elements are to match existing, and indicating specific areas of work on the elevations.

AUTHORIZATION TO ADVERTISE A PROPOSED ORDINANCE - CHAPTER 155, ZONING - SPACING & DENSITY - Consider for approval authorizing the Township Secretary to advertise notice of intent to hold a public hearing and adopt an ordinance to amend the Code of the Township of Lower Merion, Chapter 155, entitled Zoning, Article IV, RAA Residence District, to clarify the regulations regarding spacing and density between uses permitted by Special Exception or Conditional Use.

The following items were referred to the Board of Commissioners at a meeting of the Finance Committee held on April 3, 2019.

AWARD OF CONTRACT - ANNUAL SUPPLY OF ROADWAY MAINTENANCE MATERIALS - Consider for approval award of a contract for Annual Supply of Roadway Maintenance Materials to the following low bidder in accordance with bids received on Thursday, March 14, 2019 at 11:00 A.M. prevailing time and the recommendation of the Finance Committee:

Glasgow, Inc.
Items 1 and 4
Total Bid: \$280,687.50

Glasgow, Inc.
Items 6, 7, 8 and 9
Total Bid: \$137,837.50

Glasgow, Inc.
Items 10, 10A and 11A-F
Total Bid: \$ 20,587.50

Glasgow, Inc.
Items 2, 3, 5 and 13
Total Bid: \$102,932.50

AWARD OF CONTRACT – PAVING EQUIPMENT RENTAL - Consider for approval award of a contract for Paving Equipment Rental to the following low bidder in accordance with bids received on Thursday, March 14, 2019 at 11:00 A.M. prevailing time and the recommendation of the Finance Committee:

Asphalt Care Equipment, Inc.
Total Bid: \$114,900.00

AWARD OF CONTRACT – MANHOLE FRAMES AND COVERS AND INLET CASTINGS - Consider for approval award of a contract for Manhole Frames and Covers and Inlet Castings to the following low bidder in accordance with bids received on Thursday, March 14, 2019 at 11:00 A.M. prevailing time and the recommendation of the Finance Committee:

EJ USA, Inc.
Items 1, 1A, 2, 2A
Total Bid: \$49,050.00

Neenah Foundry Company
Items 3, 4, 5, 6, 7, 8
Total Bid: \$66,490.00

EJ USA, Inc.
Items 9 and 10
Total Bid:

\$12,160.00

AUTHORIZATION TO ADVERTISE PROPOSED ORDINANCE CHAPTER 126, SEWERS - SANITARY SEWER RENTAL RATE FOR 2019 - Consider for approval authorizing the Township Secretary to advertise notice of a public hearing and intent to adopt an Ordinance enacted pursuant to the Code of the Township of Lower Merion, Chapter 126, Sewers, fixing the amount of the annual Sanitary Sewer Rental fee and establishing the amount of \$4.51 as the charge to each property connected to the Township sanitary sewer system for each 1,000 gallons of water consumed; and fixing the amount of the annual Sanitary Sewer Rental fee for each property directly connected to the City of Philadelphia sanitary sewer system as that amount charged by the City of Philadelphia for such service.

The following items were referred to the Board of Commissioners at a meeting of the Finance Committee held on April 17, 2019.

REJECTION OF BIDS – TOWNSHIP ADMINISTRATION BUILDING ROOF TOP UNIT REPLACEMENT - HVAC CONTRACTOR - Consider for approval rejection of all bids due to the costs for Township Administration Building Roof Top Unit Replacement - HVAC Contractor received on Thursday, March 26, 2019 at 11:00 A.M. prevailing time.

REJECTION OF BIDS – TOWNSHIP ADMINISTRATION BUILDING ROOF TOP UNIT REPLACEMENT - GENERAL CONTRACTOR - Consider for approval rejection of all bids due to the costs for Township Administration Building Roof Top Unit Replacement - General Contractor received on Thursday, March 26, 2019 at 11:00 A.M. prevailing time.

The following items were referred to the Board of Commissioners at a meeting of the Public Works Committee held on April 3, 2019.

AUTHORIZATION TO ADVERTISE PROPOSED ORDINANCE - CHAPTER 133, STREETS AND SIDEWALKS - SIDEWALK REPAIR STANDARDS - Consider for approval authorizing the Township Secretary to advertise notice of intent to adopt an Ordinance to amend the Code of the Township of Lower Merion, Chapter 133, Streets And Sidewalks, to require that sidewalks be repaired when there is a difference in elevation between sidewalk blocks, or cracks within a block more than one-quarter of an inch, or when a sidewalk crack is more than one-half inch in width, or when a sidewalk block displays a spalling or flaking condition.

AUTHORIZATION TO USE UNDESIGNATED SEWER FUND BALANCE FOR COUNTY LINE ROAD PUMP STATION IMPROVEMENTS - Consider for approval the use of undesignated fund balance in the Sewer Fund to pay for pump and infrastructure improvements at the County Line Road Pump Station facility.

The following items were referred to the Board of Commissioners at a meeting of the Police Committee held on April 17, 2019.

AUTHORIZATION TO ISSUE CONDITIONAL JOB OFFERS FOR OPEN POLICE POSITIONS - Consider for recommendation to the Board of Commissioners authorizing the Township Manager to make conditional offers of employment to police applicants who have fulfilled all Civil Service requirements to fill existing vacancies in the ranks of the Police Department.

AUTHORIZATION OF DISCIPLINARY ACTION - Consider for recommendation to the Board of Commissioners approval of a two-day suspension of a police officer as recommended by the Superintendent of Police.

CIVIL SERVICE COMMISSION APPOINTMENTS - Consider for recommendation to the Board of Commissioners the following appointments to the Civil Service Commission:

- Matt Peskin, member, such term to expire April 2025
- Alex Tavangar, alternate, such term to expire April 2025
- Andrew Thompson, alternate, such term to expire April 2025

BUILDING AND PLANNING COMMITTEE

The following items were referred to the Board of Commissioners at a meeting of the Building & Planning Committee held on April 10, 2019.

WAIVER OF LAND DEVELOPMENT PLAN - 41 Lapsley Lane, Jesuit Residence, Saint Joseph's University, Merion, W-18-003, Ward 12 - Consider for approval a Waiver of Land Development Plan. The Plan prepared by Moto Design Shop dated December 21, 2018, last revised February 15, 2019 shows the demolition of the existing building, construction of a three-story building for residential and related educational purposes and the removal of five parking spaces.

The application requires the following relief which was recommended for approval by the Building & Planning Committee:

- a. Subdivision & Land Development Code Section 135-7A, to not provide a Tentative Sketch Plan.
- b. Subdivision & Land Development Code Section 135-10A(3), to not provide a Preliminary Land Development Plan.
- c. Subdivision & Land Development Code Section 135-13, to not provide a Final Plan.
- d. Partial relief from Natural Features Code Section 101.9.A.1, Minimum Planting Standards, to only provide four evergreen trees and 48 evergreen shrubs on-site and provide the remaining 13 evergreen trees and nine evergreen shrubs elsewhere on the Lower Merion portion of the campus.

Expiration Date – N/A.....Zoning – RAA
Applicant: Kevin Kane, Saint Joseph's University
Property Owner: Maryland Province of the Society of Jesus,
Applicant's Representative: Fred Fromhold, Esquire, Fromhold, Jaffe & Adams

On April 10, 2019, the Building & Planning Committee recommended approval subject to the following conditions which shall be complied with on the grading permit plan.

Township Engineer's Review:

- 1. The Township Engineer's review letter dated February 25, 2019 shall be incorporated by reference into these conditions of approval to the extent the same is consistent with these conditions of approval with the exception of item C-20.

Zoning:

- 2. The use of the one (1%) percent expansion provision shall be subject to the approval of the Zoning Officer. An as-built plan shall be submitted prior to the final escrow release that documents the amount of impervious surface constructed on the lot.

3. The final number of parking spaces provided on this lot and the adjacent lot that are adjusted by this development shall be subject to the approval of the Zoning Officer.
4. The height of the proposed building shall not exceed 35 feet, as defined by the Zoning Code.

Sidewalks:

5. A five foot wide sidewalk shall be provided along the full frontage of Lapsley Lane.

Landscape Plan:

6. The landscape plan shall be revised to show the correct calculation of required plant material under Natural Features Code Section 101-9.A.1, subsections 1-3. Any deficient plant material shall be provided.
7. The applicant shall provide additional street trees to fill in any gaps along the existing street frontage as required by Subdivision and Land Development Code Section 135-30.
8. A revised landscape plan complying with Natural Features Code Section 101-9 and conditions herein shall be prepared and sealed by a Registered Landscape Architect and submitted with the Final Waiver Plan.
9. The applicant shall provide native or non-invasive adapted plant species on the landscape plan.
10. The plan shall be revised to provide two bicycle racks on site.
11. Landscape improvements provided for this application shall be perpetually maintained in a healthy and/or sound condition in compliance with Natural Features Code Section 101-11. The applicant shall record a covenant on the property in a form acceptable to the Township Solicitor to guarantee this requirement. A draft covenant shall be submitted with the grading permit application.

Architectural

12. Architectural elevations and renderings of all sides of the proposed building shall be submitted with the Final Waiver Plan, including the proposed materials.
13. The proposed building shall be substantially consistent with the architectural elevations prepared by Moto Design Shop, dated February 14, 2019, with the exception of any changes mutually agreed to with staff.
14. All signage shall be subject to a separate review for compliance with the Zoning Code by the Zoning Officer.
15. The HVAC/mechanical equipment shall be screened on all sides whether on the roof of the building or on the ground. If located on the roof, the screening shall be integrated into the architecture of the building to improve the appearance and better mitigate noise from the unit(s).

Stormwater Management:

16. All inlets in non-paved areas shall be graded in a twelve (12") inch sump condition or other condition satisfactory to the Township Engineer to increase the efficiency of runoff collection. Spot elevations shall be added to the plan to clarify grading.
17. Inlets shall be numbered on the plan for reference. The rim and invert elevations shall be provided.

18. AASHTO No. 1 stone shall be used in the seepage beds. This shall be adjusted on the details and infiltration notes.

19. The number of perforated pipe rows and the size of the pipe shall be corrected in the seepage bed detail.

20. Clean-out/observation ports shall be provided as required/directed by the Township Engineer for seepage beds 1 and 2. The clean-outs and observation ports shall be shown in a plan view detail.

Traffic & Circulation:

21. The “No Parking by Order of the Fire Marshal” signs on the property frontage shall be clearly identified in the legend. Additional signs shall be added if/as required by the Fire Marshal.

22. The limits of paving on the adjacent parcel to the east and the parking area on the south side of the development shall be clarified on the plan.

23. The final dimensions of the aisle width on the parking area on the south side of the development shall be provided and adjusted as directed by the Township Engineer and the Zoning Officer.

24. The proposed porous walkways shall be shown to the curb line of Lapsley Lane.

25. The access to Lapsley Lane on the southern portion of the property shall be clarified. The width of the access drive shall be provided at the cartway.

Construction Details:

26. It shall be clarified in the impervious surface tabulations that the porous walkways have been excluded from the total allocation of impervious surface.

27. A detail for the porous walkways shall be provided on the plan and shall comply with the Township standards in order for them to be excluded from the impervious surface allocation.

28. The line labeled “UGC” shall be clarified in the legend. All symbols used on the service line shall be included in the legend. The lines shall be fully shown where located on the property.

29. A fill material and topsoil stockpile location shall be provided. Notes shall be added regarding stabilization of the stockpiles.

30. The service lines for the PECO manhole indicated shall be shown.

31. A full reveal and depressed granite curb detail shall be provided on the plan.

32. Depressed granite curb shall be indicated at the driveway access location and the length of depressed curb shall be dimensioned on the plan.

33. The construction entrance detail shall be modified to indicate placement of the AASHTO No. 1 stone starting five (5') feet from the cartway. Crushed stone shall be shown in the area between the start of the entrance and the curb line.

34. Notes shall be added to the requested full reveal and depressed granite curb detail that include the following:

- a. The depressed curb height for the driveway shall be ¼ inch for each inch of existing curb reveal.

- b. Any curb replacement shall meet existing curb reveal height.
- c. One foot cut back is needed in the street area where any curb is adjusted and/or replaced. All joints must be sealed.
- d. An additional concrete support is needed mid-span of each section of depressed curb in the driveway area.

35. The applicant shall conduct regular street cleaning of all roadways adjacent to active portions of the construction site. Staff shall have the right to order street cleaning more often if there is evidence of construction related debris in the roadway during the project.

36. The applicant shall document compliance with the notification requirements of the Federal Asbestos National Emission Standards for Hazardous Air Pollutants (NESHAP) and shall submit an Asbestos Abatement and Demolition/Renovation form to the Pennsylvania Department of Environmental Protection and the EPA at least 10 days prior to commencing demolition. Copies of these documents shall be provided to the Township prior to the issuance of a building permit.

37. The applicant shall submit a demolition plan with the Final Waiver Plan. The demolition plan shall indicate how dust and other air particles will be controlled, the procedure for demolishing the buildings and how the demolished building materials will be removed from the site. If asbestos or any other regulated hazardous material exists within the building, it shall be removed and certifications to that effect shall be filed with the Pennsylvania Department of Environmental Protection. Notice of demolition shall be provided by posting of the site at least seven days in advance of the proposed demolition.

38. During demolition of the existing structures the applicant shall ensure that the contractor takes appropriate measures to minimize dust at all times during active demolition. Multiple hoses and/or a water truck shall be provided on site to continually spray the building during demolition. The demolition plan shall include the specific water measures to be used to reduce the dust during demolition.

39. The applicant shall submit a parking plan with the Final Waiver Plan detailing where construction vehicles will be parked. The plan shall be subject to the approval of the Township prior to the issuance of any permits.

40. The applicant shall replace the five parking spaces being removed from the site at the locations on the Lower Merion portion of the campus specified on the plan prepared by Moto Design Group dated December 21, 2018, last revised February 15, 2019 or at alternate locations on the Lower Merion portion of the campus subject to approval by Township staff. The five spaces shall be relocated and available for use prior to the parking lot at 41 Lapsley Lane being closed for the demolition and construction of the new building.

41. All construction-related vehicles shall be parked on site or at a remote site not in the neighborhood. No construction-related vehicles may park on the street. This includes personal vehicles operated by construction workers or vehicles operated for construction workers, material suppliers, product vendors, and all construction trades engaged in the project.

42. The location of all transformers and utility boxes shall be shown on the Final Waiver Plan. Additional utility improvements resulting in material changes to approved plan including but not limited to the loss of required parking, changes to circulation patterns or the alteration of the quantity or location of proposed landscaping shall require an amendment to the approved plan.

Standard Conditions of Approval:

43. The applicant shall utilize the services of an architectural salvage or deconstruction company, to preserve or recycle building materials on the existing structures, including but not limited to stone, brick, and wood. Architectural details such as windows and interior and exterior details including but not limited to fixtures and any wood, glass and metalwork of quality and good condition shall be salvaged. The applicant shall provide documentation to planning staff indicating how this condition will be met.

44. An outdoor lighting plan, sealed by a responsible design professional that includes illuminance patterns shall be submitted to and approved by the Director of the Building and Planning Department prior to issuance of any permits. The location, luminaire type, wattage, means of control and pole height shall be indicated. Lighting shall be designed to minimize the off-site transmission of light, to shield the source of illumination and to prevent glare on adjacent properties. Exterior luminaires shall be full cut-off unless it can be demonstrated that cut-off luminaires are more appropriate and will result in less off-site light trespass.

45. The lighting plan shall be designed to comply with the 2009 IECC or the 2007 ASHRAE Standard 90.1.

46. A copy of the revised plan shall be submitted with any changes highlighted and shall be accompanied by a letter indicating how each requested revision has been addressed in the re-submission.

47. New buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting on the property. The address numbers shall be a minimum of four (4) inches (102mm) high with a minimum stroke width of 0.5 inch (12.7mm).

48. Any changes to the approved plans shall require the submission of an as-built plan prior to the issuance of a Certificate of Occupancy. Building and Planning staff can waive this requirement if the changes are determined to be insignificant.

49. 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.

50. 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.

51. The property owner(s) shall comply with all federal, state and applicable Lower Merion Township ordinances and laws regardless of specific mention herein.

Motion to amend Condition of Approval #40 to read: The applicant shall replace the five parking spaces being removed from the site at the locations on the Lower Merion portion of the campus specified on the plan titled "Additional Parking Spaces on Merion Campus" or at alternate locations on the Lower Merion portion of the campus subject to approval by Township staff. The five spaces shall be relocated and available for use prior to the parking lot at 41 Lapsley Lane being closed for the demolition and construction of the new building. Motion was made by Todd Sinai and seconded by Brian McGuire. Motion Passed.

Ayes: Bernheim, Churchill, Courtney, Durbin, Gavrin, Grimes, Manos, McGuire, McKeon, O'Neill, Rogan, Sinai, Stevenson, Zelov

Motion to approve as amended. Motion was made by Todd Sinai and seconded by Brian McGuire.
Motion Passed.

Ayes: Bernheim, Churchill, Courtney, Durbin, Gavrin, Grimes, Manos, McGuire, McKeon, O'Neill, Rogan, Sinai, Stevenson, Zelov

PRELIMINARY SUBDIVISION PLAN - 104 Rose Lane, Haverford, SD# 3828, Ward 10 - Consider for approval a Preliminary Subdivision Plan. The Plan prepared by Momenee, Inc. dated January 7, 2019, last revised March 12, 2019, shows the subdivision of the existing lot into two new lots, preservation of the existing house on Lot 1 and construction of a detached three-car garage with a 759 sq. ft. footprint, preservation of the carriage house on Lot 2 and construction of an addition and an attached two-car garage and extension of the existing driveway to provide access to both homes.

The application requires the following relief which was recommended for approval by the Building & Planning Committee:

- a. Subdivision and Land Development Code Section 135-28, to defer installation of a sidewalk along Rose Lane.
- b. Sewers Code Section 126-6.1, to allow the sanitary lateral serving Lot 2 to cross over Lot 1 via an easement.

Expiration Date: 5/5/2019.....Zoning: R1/R4

Applicant: Fred Bissinger

Property Owner: Ralph & Joyce Sando

Applicant's Representative: Fred Fromhold, Esquire, Fromhold Jaffe & Adams

On April 10, 2019 the Building & Planning Committee recommended approval subject to the following conditions which shall be complied with prior to recording the Final Plan by means of plan revision, completion or financial guarantee, unless specifically exempted.

Township Engineer's Review Letter:

- 1. The Township Engineer's review letter dated March 25, 2019 shall be incorporated by reference into these conditions of approval except where inconsistencies exist in which case these conditions shall prevail.

Zoning:

- 2. The breakdown of impervious surface for the common driveway allocated to each lot shall be shown on the Final Plan.
- 3. The impervious surface for the common driveway on Lots 1 and 2 shall either be allocated evenly amongst the lots served or shall be allocated in a recorded covenant. A draft covenant shall be submitted with the Final Plan and shall be subject to the review and approval of the Township Solicitor.
- 4. Any detached garage on Lot 2 shall not exceed 15 feet in height.
- 5. The applicant shall remove a minimum three foot portion of the existing carriage house to comply with the northern side yard setback.

Architectural Elevations:

6. The proposed additions and accessory garage shall be substantially consistent with the architectural renderings prepared by F.L. Bissinger, dated June 11, 2018 last revised April 1, 2019 for the carriage house and May 8, 2018, last revised March 30, 2019 for the detached garage on Lot 1. All future elevations and renderings submitted to the Township for review shall be attributed and dated.
7. Final elevations and renderings of all sides of each proposed addition and all accessory structures, with all materials listed and keyed to the elevations, shall be submitted with the building permit.
8. Second Stage Plan approval shall be obtained from the Planning Commission and Board of Commissioners for the proposed improvements on Lots 1 and 2. Architectural elevations of the proposed improvements, including a list of materials, shall be submitted with each required Second Stage Plan application.
9. The architectural plans shall be coordinated with and shall comply with the grading proposed with this application.

Landscape Plan:

10. A chart demonstrating compliance with Natural Features Code Section 101.9.A shall be added to the landscape plan.
11. The landscape plan shall be revised to include the following additional plant material:
 - a. One deciduous tree;
 - b. Two deciduous shrubs;
 - c. Two evergreen trees;
 - d. 17 evergreen shrubs, and
 - e. Three street trees
12. All existing trees to remain shall be devined.
13. A revised landscape plan complying with Natural Features Code Sections 101-9, Zoning Code Section 155-167.7, Subdivision and Land Development Code Section 135-30 and conditions herein shall be prepared and sealed by a Registered Landscape Architect and submitted with the Final Plan.
14. Wooded lot calculations shall be added to the landscape plan and shall be subject to the approval of the Township Arborist. The total number of trees removed and impacted by the proposed construction shall be listed.
15. The applicant shall provide native or non-invasive adapted plant species on the landscape plan.
16. The applicant shall obtain approval from the Shade Tree Commission for the location and species of all proposed street trees.
17. Landscape improvements provided for this application shall be perpetually maintained in a healthy and/or sound condition in compliance with Natural Features Code Section 101-11. The applicant shall record a covenant on the property in a form acceptable to the Township Solicitor to guarantee this requirement. A draft covenant shall be submitted with the Final Plan.
18. A certification by a civil engineer of the condition of the any existing landscape walls to remain shall be provided. Any recommended improvements/repairs shall be made a condition of the permit issue.

19. A detail of the landscape/retaining wall shall be provided.

Sidewalks:

20. A twelve foot long, four foot wide sidewalk with a one foot green bench between the existing wall and sidewalk shall be installed along the Rose Lane frontage of the property. A five foot wide sidewalk shall be installed along the remainder of the Rose Lane frontage of the property unless a deferral is granted to not install that portion of sidewalk at this time. If a deferral is granted then the applicant shall show a future five foot wide sidewalk along Rose Lane on the Final Plan to be installed when required by the Board of Commissioners. Street trees and other improvements shall be installed in a manner that will not interfere with the future installation of the sidewalk where possible.

21. The plant material growing into the sidewalk along the New Gulph Road frontage shall be trimmed back as directed by staff.

22. Details for concrete sidewalk shall be provided and shall conform to Township standards. The sidewalk on New Gulph Road shall be noted to be repaired/replaced as directed by the Township.

Stormwater Management:

23. All inlets in non-paved areas shall be graded in a twelve (12") inch sump condition to increase the efficiency of runoff collection. Spot elevations shall be added to the plan to clarify grading.

24. The distance between the outflow pipe from basin No. 2 and basin No. 1 shall be dimensioned on the plan and shall not be less than five (5') feet.

Plan Requirements:

25. The new/adjusted impervious areas (garage, patio, parking area, drive, etc.) shall be dimensioned on the plan to clearly define the limits.

Utilities:

26. In lieu of the proposed sanitary sewer main extension the applicant shall provide a sanitary sewer lateral to serve the carriage house on Lot 2. A 20 foot wide sanitary sewer lateral centerline easement shall be shown on the Final Plan. The language of the easement shall be subject to the approval of the Township Solicitor and the easement shall be recorded concurrent with the recording of the Final Plan. All other Township sanitary sewer lateral installation requirements shall be followed.

27. An isolation distance of ten (10') feet shall be provided between the sanitary sewer line and the water service.

28. The slope of the sanitary sewer line listed on the plan view shall be consistent with any final profile plan information shown.

29. The 6" TC line location and limits across the drive to Lot 1 shall be clarified/clearly shown on the plan.

Construction Details:

30. A full reveal granite curb detail shall be provided. Curb on the property frontage shall be repaired/replaced as directed by the Township.

31. The length of driveway opening at the cartway shall be dimensioned on the plan. The existing cobble curb on the driveway edges shall be labeled on the plan.
32. Notes shall be added to the requested full reveal granite curb detail that include the following:
 - a. Any curb replacement shall meet existing curb reveal height.
 - b. One foot cut back is needed in the street area where any curb is adjusted and/or replaced. All joints shall be sealed.
33. An indemnification agreement shall be established for the existing landscape wall and stones along Rose Lane as portions are shown in the right of way.
34. A fill material and topsoil stockpile location shall be provided. Notes shall be added regarding stabilization of the stockpiles.
35. The applicant shall conduct regular street cleaning of all roadways adjacent to active portions of the construction site. Staff shall have the right to order street cleaning more often if there is evidence of construction related debris in the roadway during the project.
36. The applicant shall submit a parking plan with the Final Plan detailing where construction vehicles will be parked. The plan shall be subject to the approval of the Township prior to the issuance of any permits.
37. All construction-related vehicles shall be parked on site or at a remote site not in the neighborhood. No construction-related vehicles may park on the street. This includes personal vehicles operated by construction workers or vehicles operated for construction workers, material suppliers, product vendors, and all construction trades engaged in the project.

Standard Conditions of Approval:

38. A metes and bounds description shall be provided for the access and utility easements on Lot 1 for the benefit of Lot 2. The easement language shall be subject to the approval of the Township Solicitor prior to recording the Final Plan.
39. If any new lighting is proposed, an outdoor lighting plan, sealed by a responsible design professional, that includes illuminance patterns shall be submitted to and approved by the Director of the Building and Planning Department prior to issuance of any building permits for each house to be constructed or for any common outdoor lighting. The location, luminaire type, wattage, means of control and pole height shall be indicated. Lighting shall be designed to minimize the off-site transmission of light, to shield the source of illumination and to prevent glare on adjacent properties. Exterior luminaires shall be full cut-off unless it can be demonstrated that cut-off luminaires are more appropriate and will result in less off-site light trespass. The plan shall also comply with Chapter 105-21, Outdoor lighting directing light onto residential properties.
40. The lighting plan shall be designed to comply with the applicable provisions of the 2009 IECC or the 2007 ASHRAE Standard 90.1.
41. New deeds shall be recorded for all lots after the Final Plan has been recorded. The following restriction, to be verified by the Building and Planning Department, shall be placed in all deeds:

- a. The continued operation and maintenance of all stormwater management facilities are the responsibility of the property owner.
42. 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.
 43. Any changes to the approved plans shall require the submission of an as-built plan prior to the issuance of a Certificate of Occupancy. Building and Planning staff can waive this requirement if the changes are determined to be insignificant.
 44. The Final Plan shall be filed with the Department of Building and Planning within twelve (12) months from the date of the Preliminary Plan approval.
 45. Existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting on the property. The address numbers shall be a minimum of four (4) inches (102mm) high with a minimum stroke width of 0.5 inch (12.7mm).
 46. The owner will make payment of fees and expenses of the Township's professional consultants who perform services on behalf of the Township with respect to these plans and the work contemplated thereunder and will establish and maintain with the Township those escrows for the payment of such fees required by Township Code. Owner agrees that any statement from the Township for such fees which remain unpaid for a period of 30 days may be recorded against the property as a municipal lien.
 47. 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.
 48. The property owner(s) shall comply with all federal, state, county and applicable Lower Merion Township ordinances and laws regardless of specific mention herein.

Motion to amend Condition #20 to remove the first sentence and remove the words "the remainder of" in the second sentence so it reads: A five foot wide sidewalk shall be installed along the Rose Lane frontage of the property unless a deferral is granted to not install that portion of the sidewalk at this time. Motion was made by Scott Zelov and seconded by Tiffany O'Neill. Motion passed.

Ayes: Bernheim, Churchill, Gavrinn, Grimes, McKeon, O'Neill, Sinai, Stevenson, Zelov. Nays: Courtney, Durbin, Manos, McGuire, Rogan.

Motion to approve as amended. Motion was made by Scott Zelov and seconded by Tiffany O'Neill. Motion Passed.

Ayes: Bernheim, Churchill, Courtney, Durbin, Gavrinn, Grimes, Manos, McGuire, McKeon, O'Neill, Rogan, Sinai, Stevenson, Zelov.

ADOPTION OF ORDINANCES

ADOPTION OF ORDINANCE NO. 4162 - CHAPTER 90, HEALTH AND SANITATION - BODY PIERCING REGULATIONS - An Ordinance to amend the Code of the Township of Lower Merion Chapter 90, Health And Sanitation, Article II, Tattooing And Body Piercing, by the addition of a new Section 90-4.7.1, to provide special regulations applicable to body piercing. This Ordinance was

authorized for advertisement at a stated meeting of the Board of Commissioners held March 20, 2019 and duly advertised in the April 7, 2019 edition of the Main Line Times & Suburban.

Motion to adopt Ordinance No. 4162. Motion was made by Daniel Bernheim and seconded by George Manos. Motion passed on a roll call vote. The ordinance was duly adopted.

Ayes: Bernheim, Churchill, Courtney, Durbin, Gavrin, Manos, McGuire, McKeon, O'Neill, Rogan, Sinai, Stevenson. Absent: Grimes, Zelov

ADOPTION OF ORDINANCE NO. 4163 - CHAPTER 145, VEHICLES AND TRAFFIC - FLAT ROCK ROAD PARKING RESTRICTION - An Ordinance to amend the Code of the Township of Lower Merion, Chapter 145, entitled Vehicles And Traffic, Article XV, Schedules, Section 145-114, Schedule XIV: Stopping Or Standing Prohibited, to establish a "Stopping Or Standing Prohibited" regulation on the west side of Flat Rock Road from Hagys Ford Road to Sprague Road. This Ordinance was authorized for advertisement at a stated meeting of the Board of Commissioners held March 20, 2019 and duly advertised in the April 7, 2019 edition of the Main Line Times & Suburban.

Motion to adopt Ordinance No. 4163 . Motion was made by Daniel Bernheim and seconded by George Manos. Motion passed on a roll call vote. The Ordinance was duly adopted.

Ayes: Bernheim, Churchill, Courtney, Durbin, Gavrin, Manos, McGuire, McKeon, O'Neill, Rogan, Sinai, Stevenson. Absent: Grimes, Zelov

UNFINISHED BUSINESS / NEW BUSINESS

Ms. Rogan announced that Primary Day is upcoming and there will be new voting machines.

Mr. Courtney advised that Art in Sharp Park would take place on May 4th.

ADJOURNMENT

Mr. Bernheim adjourned the meeting at 9:18 p.m.

Lori A. Jennings
Assistant Township Secretary