

BOARD OF COMMISSIONERS

DANIEL S. BERNHEIM, PRESIDENT

July 17, 2019

AGENDA

When addressing the Board of Commissioners, please state your name and address before making comments. As a courtesy to all, comments made from the audience during testimony or Board deliberation are not permitted and are not included as part of the public record. Public speakers are encouraged to summarize their comments and limit presentation to three minutes per item. The Board requests that the audience silence their cell phones at the beginning of the meeting. The Township has an assistive listening system to accommodate the hearing impaired. Please advise Township staff if you wish to utilize this equipment.

1. Call to Order

2. Roll Call

3. Approval of Minutes

- Minutes of a special meeting of the Board of Commissioners held on June 5, 2019 and a stated meeting of the Board of Commissioners held on June 19, 2019, as distributed.

4. Announcements / Presentations

- The Board met with staff for a Zoning Code update on July 11, 2019. The Board will also meet in Executive Session on July 17, 2019 to receive reports from its professional staff.
- The stated meeting of the Board of Commissioners for August will be held on Monday, August 5, 2019 at approximately 7:00 p.m.
- National Night Out will be held on Tuesday, August 6, 2019 from 6:00 p.m. until 9:00 p.m. in the parking lot of the Wynnewood Shopping Center.

5. Public Privilege of the Floor

The Floor is 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.

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

6. Public Comment

The Floor is open to provide the opportunity for the public to address the Board on matters relating to agenda items which will be voted upon at this meeting.

Response to Public Comment - Appropriate time for any member of the Board, the Township Manager, or designated staff person to address or respond to any statement made by a member of the public during the Public Comment portion of the agenda.

7. Consent Calendar

Consent Calendar items are grouped together in the last section of the agenda which is marked "Consent Calendar." If there is a request from any member of the Board for separate discussion of any item listed on the Consent Calendar, the item will be removed from the Consent Calendar and considered during the appropriate Committee portion after non-consent items listed under that Committee are addressed.

- a. AUTHORIZATION TO RELEASE FUNDS HELD IN ESCROW
- b. RESOLUTION - AUTHORIZATION TO SUBMIT A KEYSTONE COMMUNITIES GRANT APPLICATION TO THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT
- c. REQUEST FROM ARDMORE INITIATIVE FOR A WAIVER OF TOWNSHIP CODE SECTION 111-4.2 REGULATING OPEN CONTAINERS OF ALCOHOL AT AN OKTOBERFEST EVENT IN SCHAUFFELE PLAZA
- d. REQUEST FROM ARDMORE AREA BUSINESSES FOR A WAIVER OF TOWNSHIP CODE 111-4.2 REGULATING OPEN CONTAINERS OF ALCOHOL AT AN OUTDOOR COMMUNITY SUPPER EVENT
- e. RESOLUTION - REAUTHORIZATION OF CERTIFIED LOCAL GOVERNMENT STATUS
- f. CONDITIONAL USE APPLICATION - 1509 Lafayette Road & 801 Stony Lane, Gladwyne, SD# 3832, Ward 2
- g. PRELIMINARY LOT LINE CHANGE PLAN - 1509 Lafayette Road & 801 Stony Lane, Gladwyne, SD# 3832, Ward 2
- h. HISTORICAL COMMISSION - 1000 Mount Pleasant Road, Bryn Mawr, La Ronda Stable, Class 2, 2019-R-11
- i. HISTORICAL COMMISSION - 634 South Highland Avenue, Merion Station, Class 2, 2019-R-16
- j. AWARD OF CONTRACT – FIBERGLASS STREET LIGHTING POLES (NO INSTALLATION)
- k. AWARD OF CONTRACT – OVERHEAD DOOR REPLACEMENT PHASE III: HIGHWAY AND REFUSE DEPARTMENTS

8. Building and Planning Committee

- a. The Consent Calendar contains items referred from the July 10, 2019 meeting of this Committee (items a - i).

9. Finance Committee

- a. The Consent Calendar contains items referred from the July 10, 2019 meeting of this Committee (items j - k).

10. Unfinished Business

11. New Business

12. Adjournment



AGENDA ITEM INFORMATION

COMMITTEE: Building and Planning Committee

ITEM: 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:

223 N. Highland Avenue Kohelet Yeshiva High School Escrow Release no. 2	\$162,036.00
20 N. Buck Lane Escrow Release no. 6, Final	\$10,043.00



AGENDA ITEM INFORMATION

COMMITTEE: Building and Planning Committee

ITEM: RESOLUTION - AUTHORIZATION TO SUBMIT A KEYSTONE COMMUNITIES GRANT APPLICATION TO THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Consider for adoption a resolution in support of a Department of Community and Economic Development Keystone Communities Grant application for commercial façade improvements in Bryn Mawr.

RESOLUTION

WHEREAS, the Board of Commissioners is desirous of obtaining funds from the DCED in the amount of \$25,000 for use as façade improvement incentive grants for commercial properties;

WHEREAS, a Resolution of the Lower Merion Township Board of Commissioners is required, authorizing the filing of a proposal for funds from the Department of Community and Economic Development (DCED), Commonwealth of Pennsylvania;

WHEREAS, the local commercial property applicants applying for these funds will match the funds from DCED at a minimum dollar-for-dollar ratio;

THEREFORE, BE IT RESOLVED, that these funds will used to encourage further community reinvestment within the Township of Lower Merion commercial areas.

BE IT FURTHER RESOLVED, that the Township of Lower Merion will reimburse the Commonwealth for the Commonwealth's share of any expenditure found by DCED to be ineligible.

BE IT FURTHER RESOLVED that the Applicant does hereby designate Ernie B. McNeely, Township Manager and Daniel S. Bernheim, President of the Board of Commissioners as the official(s) to execute all documents and agreements between the Township of Lower Merion and the Pennsylvania Department of Community and Economic Development to facilitate and assist in obtaining the requested grant.

BE IT FURTHER RESOLVED, that the Secretary of the Township of Lower Merion is directed to execute a certificate attesting to the adoption of this Resolution and to furnish a copy of the Resolution to Department of Community and Economic Development.



AGENDA ITEM INFORMATION

COMMITTEE: Building and Planning Committee

ITEM: REQUEST FROM ARDMORE INITIATIVE FOR A WAIVER OF TOWNSHIP CODE SECTION 111-4.2 REGULATING OPEN CONTAINERS OF ALCOHOL AT AN OKTOBERFEST EVENT IN SCHAUFFELE PLAZA

Consider for approval a request from Ardmere Initiative for a waiver of Township Code §111-4.2 regulating open containers at an Oktoberfest event to be held on September 28, 2019 in Schaufele Plaza.



AGENDA ITEM INFORMATION

COMMITTEE: Building and Planning Committee

ITEM: REQUEST FROM ARDMORE AREA BUSINESSES FOR A WAIVER OF TOWNSHIP CODE 111-4.2 REGULATING OPEN CONTAINERS OF ALCOHOL AT AN OUTDOOR COMMUNITY SUPPER EVENT

Consider for approval a request from Ardmore area businesses (pucciManuli and Common Space) for a waiver of Township Code § 111-4.2 regulating open containers to permit patrons to possess open containers with alcoholic beverages and allow consumption of alcoholic beverages on public rights-of-way within a regulated area for a special outdoor Community Supper event on Cricket Avenue on July 27, 2019 between the hours of 5:30 p.m. to 8:30 p.m. contingent upon the applicant providing appropriate insurance and indemnification.



AGENDA ITEM INFORMATION

COMMITTEE: Building and Planning Committee

ITEM: RESOLUTION - REAUTHORIZATION OF CERTIFIED LOCAL GOVERNMENT STATUS

Consider for adoption a resolution which renews the Township's Certification Agreement with the Pennsylvania Historical & Museum Commission.

RESOLUTION

WHEREAS, the history and heritage of the Township of Lower Merion are important to our community's identity, culture, and uniqueness; and

WHEREAS, historic buildings, sites, landscapes, and neighborhoods contribute to economic vitality, sense of place, and quality of life in the Township of Lower Merion; and

WHEREAS, the Township of Lower Merion has adopted ordinances, policies, and programs designed to preserve and enhance these important historic assets; and

WHEREAS, to serve our residents, property owners, and visitors to our community, the Township of Lower Merion strives to implement these programs according to best practices and wishes to take advantage of the technical and financial resources available to do so; and

WHEREAS, the Certified Local Government program administered by the Pennsylvania State Historic Preservation Office in partnership with the National Park Service, will provide the Township of Lower Merion with these tools and resources.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Lower Merion hereby authorizes the President of the Board of Commissioners, Daniel S. Bernheim, to execute all necessary agreements between the Township and the Pennsylvania State Historic Preservation Office as may be required for participation in the Certified Local Government program.



AGENDA ITEM INFORMATION

COMMITTEE: Building and Planning Committee

ITEM: CONDITIONAL USE APPLICATION - 1509 Lafayette Road & 801 Stony Lane, Gladwyne, SD# 3832, Ward 2

Consider for adoption a resolution approving a conditional use application to create a rear lot at 1509 Lafayette Road. The Plan, prepared by CMC Engineering dated May 11, 2017, last revised May 8, 2019, shows the transfer of 173,802 sq. ft. (4 acres) from 1509 Lafayette Road to 801 Stony Lane.

Expiration Date: 7/31/2019.....Zoning: RAA/HROD

Applicant: Frederick L. Bissinger
Property Owner: The Mary G. H. Davis Estate
Applicant's Representative: Jamie Jun, Esquire, Fromhold Jaffe & Adams

On Wednesday, June 10, 2019 the Building & Planning Committee recommended approval.

RESOLUTION

WHEREAS, the Township of Lower Merion received application #3832C from Frederick L. Bissinger, Jr., proposing to create a rear lot at 1509 Lafayette Road, Gladwyne, Ward 2; and

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:

- 1. 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 accepted as the Findings of Fact and Conclusions of Law of the Board of Commissioners in the matter of the application of Frederick L. Bissinger, Jr. for the properties at 1509 Lafayette Road and 801 Stony Lane, Gladwyne.

The Board deems the following order to be appropriate:

ORDER

AND NOW on this 17th day of July 2019 application 3832C 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, subject to the following conditions:

1. The applicant shall record a deed covenant against 801 Stony Lane requiring any preservation area to be set aside with any future subdivision of 801 Stony Lane (“subdivision” for this purpose not to include an adjustment of boundaries between or among adjacent properties not resulting in any additional lot or lots) to be 53.5% of the lot area of 801 Stony Lane.

2. At such time as public sanitary sewers are extended to Lafayette Road along the frontage of the property at 1509 Lafayette Road, the property shall connect to that sanitary sewer system.



AGENDA ITEM INFORMATION

COMMITTEE: Building and Planning Committee

ITEM: PRELIMINARY LOT LINE CHANGE PLAN - 1509 Lafayette Road & 801 Stony Lane, Gladwyne, SD# 3832, Ward 2

Consider for approval a Preliminary Lot Line Change Plan. The Plan, prepared by CMC Engineering dated May 11, 2017, last revised May 8, 2019, shows the transfer of 173,802 sq. ft. (4 acres) from 1509 Lafayette Road to 801 Stony Lane.

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

1. Subdivision & Land Development Code Section 135-35, to create an irregular lot line.
2. Natural Features Code Section 101.5.B.1.a, Conservation of woodlands and other vegetation, to not provide wooded lot calculations since no trees are proposed to be removed.
3. Subdivision & Land Development Code Section 135-32, Survey Monuments, to not install the required monuments until such time as requested by the Township.

Expiration Date: 7/31/2019.....Zoning: RAA/HROD
 Applicant: Frederick L. Bissinger
 Property Owner: The Mary G. H. Davis Estate
 Applicant's Representative: Jamie Jun, Esquire, Fromhold Jaffe & Adams

On Wednesday, June 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:

1. The Township Engineer's review letter dated May 27, 2019 shall be incorporated by reference into these conditions of approval.

Conditional Use:

2. The applicant shall obtain conditional use approval and shall comply with any conditional use conditions. The conditional use conditions shall be listed on the Final Plan.
3. The applicant shall record a deed covenant against 801 Stony Lane requiring any preservation area to be set aside with any future subdivision of 801 Stony Lane ("subdivision" for this purpose not to include an adjustment of boundaries between or among adjacent properties not resulting in any additional lot or lots) to be 53.5% of the lot area of 801 Stony Lane.
4. At such time as public sanitary sewers are extended to Lafayette Road along the frontage of the property

at 1509 Lafayette Road, the property shall connect to that sanitary sewer system.

Zoning:

5. The zoning chart on the plan shall be revised to include the entire lot area, including the leg, in the impervious surface calculation.

Utilities:

6. The existing on-lot sanitary system shall be fully shown. The disposal field, tanks and conveyance lines shall be indicated and labeled on the plan. Adequate separation distance to all new property lines shall be documented.

Standard Plan Information:

7. The Township floodplain and stream shall be clearly shown and labeled for Lot 2. All watercourses on both lots shall be shown to within 200' of the property.

8. The right of way for Stony Lane on the west side of Lot 2 shall be clearly shown and labeled.

9. The paved limits of cartway on the property frontages shall be clearly shown and labeled.

10. Since the existing feature information was obtained from a survey performed in 1996, certification from the design professional that the information presented is reasonably current shall be clearly provided on the plan.

Conditions of Approval:

11. New deeds for each property shall be recorded subsequent to the recording of the Final Plan.

12. Two copies of the revised plan shall be submitted with all changes highlighted and a letter shall be provided indicating how each requested revision has been addressed.

13. 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 approval by the Board of Commissioners.

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

15. 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).

16. 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.

17. 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.

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



AGENDA ITEM INFORMATION

COMMITTEE: Building and Planning Committee

ITEM: HISTORICAL COMMISSION - 1000 Mount Pleasant Road, Bryn Mawr, La Ronda Stable, Class 2, 2019-R-11

Consider for approval to replace a clay tile roof with Certaineed Grand Manor asphalt shingles. On Wednesday, July 10, 2019, the Building & Planning Committee recommended approval subject to a 90 day delay, with the delay to be eliminated if the if the owner reuses the existing roof tile on the house.



AGENDA ITEM INFORMATION

COMMITTEE: Building and Planning Committee

ITEM: HISTORICAL COMMISSION - 634 South Highland Avenue, Merion Station, Class 2, 2019-R-16

Consider for approval to renovate a rear enclosed porch, remove windows, and install gliding French doors. Existing columns and other historic elements are to remain. On Wednesday, July 10, 2019, the Building & Planning Committee recommended approval of the application as submitted, with the applicant to submit details for staff review.



AGENDA ITEM INFORMATION

COMMITTEE: Finance Committee

ITEM: AWARD OF CONTRACT – FIBERGLASS STREET LIGHTING POLES (NO INSTALLATION)

Consider for approval award of a contract for Fiberglass Street Lighting Poles (No Installation) to the following low bidder in accordance with bids received on Thursday, June 13, 2019 at 11:00 A.M. prevailing time and the recommendation of the Finance Committee:

Signal Service, Inc.	
Total Bid	<u>\$ 52,444.16</u>



AGENDA ITEM INFORMATION

COMMITTEE: Finance Committee

ITEM: AWARD OF CONTRACT – OVERHEAD DOOR REPLACEMENT PHASE III: HIGHWAY AND REFUSE DEPARTMENTS

Consider for approval award of a contract for Overhead Door Replacement to the following low bidder in accordance with bids received on Thursday, June 13, 2019 at 11:00 A.M. prevailing time and the recommendation of the Finance Committee:

The Jaydor Company	
Total Lump Sum Bid	\$67,877.00
Total Bid Contingency Items (C-1 – C-3)	<u>2,450.00</u>
Total Bid	\$70,327.00