

SPECIAL BOARD OF COMMISSIONERS

DANIEL S. BERNHEIM, PRESIDENT

July 31, 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. 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.

4. Building and Planning Committee

- a. There will be a meeting of the Building & Planning Committee held on Wednesday, July 31, 2019 at approximately 6:00 p.m., at which time items may be referred to the Board of Commissioners for action.

5. Public Hearings / Adoption of Ordinances

- PUBLIC HEARING & ADOPTION OF ORDINANCE - CHAPTER 121 & CHAPTER 155 - Stormwater Management System Inspections

6. Adjournment



AGENDA ITEM INFORMATION

COMMITTEE: Building and Planning Committee

ITEM: PUBLIC HEARING & ADOPTION OF ORDINANCE - CHAPTER 121 & CHAPTER 155 - Stormwater Management System Inspections

An Ordinance to amend the Code of the Township of Lower Merion, Chapter 121, Stormwater Management and Erosion Control, to revise the requirements under which a property owner must submit On-Site Stormwater Management System Inspection Reports and to amend Chapter 155, Zoning, to provide that recharge facilities required when impervious surface limitations are expanded must be maintained.

This ordinance was authorized for advertisement at a stated meeting of the Board of Commissioners held Wednesday, June 19, 2019 and duly advertised in the July 14, 2019 and July 21, 2019 editions of the Main Line Times & Suburban.

ATTACHMENTS:

	Description	Type
▣	Proposed Ordinance - Stormwater Management Systems Maintenance	Ordinance
▣	MCPC Letter	Backup Material

AN ORDINANCE

NO. _____

AN ORDINANCE To Amend The Code Of The Township Of Lower Merion, Chapter 121, Stormwater Management and Erosion Control, To Revise the Requirements Under Which a Property Owner Must Submit On-Site Stormwater Management System Inspection Reports And To Amend Chapter 155, Zoning, To Provide That Recharge Facilities Required When Impervious Surface Limitations Are Expanded Must Be Maintained.

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

Section 1. The Code of the Township of Lower Merion, Chapter 121 thereof, entitled Stormwater Management and Erosion Control, Article VI, Maintenance of Runoff and Erosion Control Measures, §121-26.1, Maintenance of Stormwater Management Systems, subsection A thereof, shall be amended to provide as follows:

Article VI. Maintenance of Runoff and Erosion Control Measures

* * * * *

§ 121-26.1 Maintenance of stormwater management systems.

A. — ~~In the following circumstances a~~ A property owner shall provide for the periodic inspection of the stormwater management system and the preparation of an inspection report in a form acceptable to the Township Engineer by a licensed, qualified engineer or a qualified MS4 inspector ~~no less frequently than every two years,~~ to ensure that it is functioning properly and as designed. ~~The inspections report shall forward be performed and the inspection report shall be submitted to the Township following the inspection that engineer's certification, according to the following schedule in a form acceptable to the Township Engineer, that the stormwater management system has been inspected and is functioning properly as designed.~~

Documentation shall be submitted as outlined below.

(1) Every _____ *years:

(1) a. _____ Where the impervious surface limitation ~~otherwise~~ applicable to the property has been expanded pursuant to the impervious surface expansion provisions of § 155-114(7) or § 155-141.5 in the Zoning Code.

(2) b. _____ Where a covenant or zoning/land development condition of approval imposes on the owner an obligation to maintain the stormwater management facilities.

(3) c. _____ Where runoff rate control is required.

*Upon passage of this ordinance the Board of Commissioners will determine a number between 2 and 5 years.

(2) _____ Every two years wWhen a National Pollutant Discharge Elimination System (NPDES) permit has been issued after 2003.

B. If the system is not found to be functioning properly, the property owner's engineer shall so state, and the property owner shall promptly perform such repairs/replacements as are required to bring the system into a properly functioning condition and shall submit documentation of the repairs to the Township.

C. _____ The Township Engineer shall have the right periodically to inspect the drainage system upon reasonable notice.

* * * * *

Section 2. The Code of the Township of Lower Merion, Chapter 155 thereof, entitled Zoning, Article XXV, General Regulations, §155-141.5, Impervious surface expansion, subsection C(6) thereof, shall be amended to provide as follows:

Article XXV. General Regulations

§ 155-141.5 Impervious surface expansion.

* * * * *

C. The impervious surface on any lot in a residential zoning district used exclusively as a dwelling may exceed the maximum impervious surface permitted in the underlying zoning district by an additional 5% of the lot area or 1,500 square feet, whichever is less, provided all of the following requirements have been met:

* * * * *

(6) The property owner shall covenant to periodically provide to the Township ~~obtain and provide the Township with~~ a certification from a qualified engineer or MS4 certified inspector every two years concerning the functioning of that ~~the~~ stormwater management system as provided by Chapter 121 hereof. ~~required by this section has been inspected and is functioning as designed.~~

* * * * *

Section 3. Nothing in this Ordinance or in Chapter 121 or 155 of the Code of the Township of Lower Merion, as hereby amended, shall be construed to affect any suit or proceedings in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 121 or 155 prior to the adoption of this amendment.

Section 4. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of this court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this ordinance. It is hereby declared to be the intent of the Board that this ordinance would have been adopted if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

Section 5. This Ordinance shall take effect and be in force from and after its approval as required by law.

Approved by the Board this _____ day of _____, 2019.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF LOWER MERION

Daniel S. Bernheim, President

ATTEST:

Jody L. Kelley, Secretary

**MONTGOMERY COUNTY
BOARD OF COMMISSIONERS**

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**MONTGOMERY COUNTY
PLANNING COMMISSION**

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JODY L. HOLTON, AICP
EXECUTIVE DIRECTOR

July 23, 2019

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

Re: MCPC #19-0169-001
On-Site Stormwater Management System Inspection Reports
Township of Lower Merion

Dear Mr. Leswing,

We have reviewed the above-referenced zoning ordinance text amendment in accordance with Section 609 of Act 247, "The Pennsylvania Municipalities Planning Code" as you requested on June 27, 2019. We forward this letter as a report of review and recommendations.

BACKGROUND

The proposed amendments will clarify the inspection requirements for stormwater management systems required as part of impervious surface expansion approvals under section 155-141.5 of the township's Zoning Ordinance. In addition, amendments to Section 121-26.1 of the township's Stormwater Management and Erosion Control Ordinance are proposed to expand and clarify the stormwater management system maintenance and inspection requirements.

RECOMMENDATION

The Montgomery County Planning Commission (MCPC) generally supports the township's proposed zoning and stormwater management and erosion control ordinance amendments to clarify the maintenance and inspection requirements for stormwater management systems. The Sustainable Places Element of the Montgomery County Comprehensive Plan, *Montco2040: A Shared Vision* calls for supporting "a modern, resilient, green, and energy-efficient infrastructure network," including advocating "with local municipalities and developers for best stormwater management practices". We commend the township for working to ensure the proper long-term maintenance of stormwater management facilities.



In addition, the proposed amendments are consistent with the water resources element of the 2016 Lower Merion Township Comprehensive Plan, which includes the recommendation to “ensure effective maintenance of existing and future stormwater management systems.”

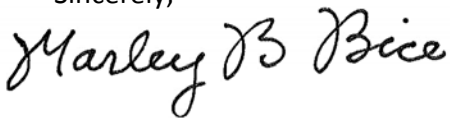
CONCLUSION

The Montgomery County Planning Commission supports the proposed zoning ordinance amendments without comment as we have not identified any significant issues.

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

Should the governing body adopt these proposed zoning ordinance text amendments, Section 609 of the Municipalities Planning Code requires that we be sent an official copy within 30 days.

Sincerely,



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

c: Ernie B. McNeely, Twp. Manager
Gilbert P. High, Jr., Esq., Twp. Solicitor
Edward P. Pluciennik, P.E., Twp. Engineer