

**BOARD OF COMMISSIONERS**

**DANIEL S. BERNHEIM, PRESIDENT**

**WEDNESDAY, JULY 17, 2019**

**MINUTES**

**CALL TO ORDER**

A stated meeting of the Board of Commissioners of the Township of Lower Merion convened at 10:37 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 and V. Scott Zelov. Commissioner Anthony C. Stevenson was excused.

**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. Motion to approve. Motion was made by Daniel Bernheim and seconded by Elizabeth Rogan. Motion Passed.

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

**ANNOUNCEMENTS / PRESENTATIONS**

Mr. Bernheim reported the following:

- 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.

**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:

Lisa Fusaro (Belmont Hills Civic Association) spoke about development at 131-151 Rock Hill Road.

Judy Michel (Ardmore) spoke about pickle ball courts.

Aaron Gross (Bala Cynwyd) spoke about development at 131-151 Rock Hill Road.

Hugh Gordon (Ardmore) spoke about zoning on Sibley Avenue.

Joseph Abramson (Bala Cynwyd) spoke about Commissioner use of email.

Barbara Sylk (Merion) spoke about zoning information from the Merion Community Coalition which she emailed to the Board.

Response to Public Comment:

Mr. McKeon responded to the comments regarding 131-151 Rock Hill Road.

Mr. Courtney responded to the comments regarding Sibley Avenue.

Mr. Zelov responded to the comments about pickle ball and requested that the written remarks be provided to the Director of Parks & Recreation.

Mr. Manos responded to the comments regarding Commissioner use of email.

**PUBLIC COMMENT**

Mr. Bernheim opened the Floor to provide the opportunity for the public to address the Board on matters relating to agenda items. Hearing no response, he closed the Floor.

**CONSENT CALENDAR**

Mr. Bernheim motioned for approval of the Consent Calendar as presented. 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, Zelov. Absent: Stevenson*

*The following items were referred to the Board of Commissioners at a meeting of the Building & Planning Committee held on July 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:

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

**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.

**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 Ardmore 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.

**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.

**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.

**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 17<sup>th</sup> 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.

**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.

**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 Certainteed 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.

**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.

*The following items were referred to the Board of Commissioners at a meeting of the Finance Committee held on July 10, 2019.*

**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	\$ 52,444.16

**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

### **UNFINISHED BUSINESS / NEW BUSINESS**

There was no unfinished or new business.

### **ADJOURNMENT**

Mr. Bernheim adjourned the meeting at 11:05 p.m.

Jody L. Kelley  
Township Secretary