

**SPECIAL BOARD OF COMMISSIONERS**

**DANIEL S. BERNHEIM, PRESIDENT**

**JULY 31, 2019**

**MINUTES**

**CALL TO ORDER**

A special meeting of the Board of Commissioners of the Township of Lower Merion convened at approximately 11:32 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, George T. Manos, Michael F. McKeon, C. Brian McGuire, Tiffany O'Neill, Elizabeth Rogan, Todd M. Sinai and V. Scott Zelov. Commissioners Joshua L. Grimes and Anthony C. Stevenson were excused.

**PUBLIC COMMENT**

Mr. Bernheim advised that the Floor was open to provide the opportunity for the public to address the Board on matters relating to agenda items. The following individual addressed the Board:

Fred Fromhold (representing Lower Merion School District) spoke about allowing the public schools to have different zoning requirements from private schools and asked that an impervious range of 10-20% be advertised and that the School District not be subject to a campus plan.

Several members of the Board addressed Mr. Fromhold's comments and discussed the concept of Campus Plans.

**BUILDING AND PLANNING COMMITTEE**

**AUTHORIZATION TO ADVERTISE PROPOSED ORDINANCE - CHAPTER 155 - ZONING CODE UPDATE** - 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, amending that Chapter in its entirety, revoking the text as it now appears, and adopting the text attached, thereby effecting a comprehensive rezoning of the entirety of the land comprising the Township of Lower Merion, including specifically the following Articles: Article 1, Introduction, Article 2: Definitions; Article 3: General To Districts; Article 4: District Specific Standards; Article 5: Uses; Article 6: Special Districts; Article 7: Conservation & Preservation Overlays; Article 8: Parking Standards; Article 9: Sign Standards; Article 10: Supplemental Use Regulations And Nonconformities; And Article 11: Process & Procedures as amended at the July 31, 2019 Building & Planning Committee meeting.. Motion was made by Daniel Bernheim and seconded by Brian McGuire. Motion Passed.

Motion to amend Article 4.4.3.d.ii to strike the sentence "Public schools are not subject to a Campus Plan and are therefore not eligible for this provision." Motion was made by Elizabeth Rogan and seconded by Brian McGuire. Motion Passed.

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

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

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

**AUTHORIZATION TO ADVERTISE PROPOSED ORDINANCE - CHAPTER 155 - ZONING MAP AMENDMENT** - 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, by the adoption of a Zoning Map and the comprehensive rezoning, re-designation and/or reconfirmation of the zoning districts applicable to all parcels of land in the Township other than those parcels presently zoned in the BMMD Bryn Mawr Medical District and the MC Medical Center District, as they remain unchanged as amended at the July 31, 2019 Building & Planning Committee meeting.. Motion was made by Daniel Bernheim and seconded by Brian McGuire. Motion Passed.

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

### **PUBLIC HEARINGS / ADOPTION OF ORDINANCES**

**PUBLIC HEARING & ADOPTION OF ORDINANCE NO. 4172 - 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.

Mr. Bernheim opened the Public Hearing. He called on Robert Duncan, Assistant Township Manager, who provided an overview of the stormwater management system maintenance and inspection process and reviewed the provisions of the proposed ordinance. He noted some additional language that would need to be added to address the updated Zoning Code currently under consideration.

Mr. Bernheim opened the Floor to the public. Hearing no response, he closed the hearing.

The Board discussed enforcement and also the range to be considered for §121-26.1A(1) as well as the inspection process and dedication of resources for this process.

Motion to adopt Ordinance No 4172 with inspections to occur every five years; the acceptable friendly amendment to §121-26.1B proposed by Ms. O'Neill to strike the word "promptly" and to include the words "within 30 days of notice from the Township" at the end of the section, as well as staff's recommendation amend §121-26.1A(1)a to add the words "then existent" before "impervious surface expansion provisions." Motion was made by Daniel Bernheim and seconded by Elizabeth Rogan.

Motion to inspect every 3 years. Motion was made by Ray Courtney and seconded by Andrew Gavrin. Motion failed.

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

The vote was called on the original motion. Motion Passed.

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

**ADJOURNMENT**

Mr. Bernheim adjourned the meeting at 12:15 a.m. on August 1, 2019.

Jody L. Kelley  
Township Secretary