

TOWNSHIP OF LOWER MERION

Building and Planning Committee

Issue Briefing

Topic: One Ardmore Place Noise Exemption Request

Prepared By: Robert Duncan, Assistant Township Manager

Date: September 9, 2016

I. Action To Be Considered By The Board:

The Board is being asked to authorize an exception to Chapter 105, entitled Noise and Exterior Lighting, for the construction activities on the Cricket lot for One Ardmore Place. Dranoff Properties together with general contractor, Harkins Builders and sub-contractor, Madison Concrete Construction, request a 7 AM start to commence concrete pour activities which they believe will reduce peak time traffic congestion and minimize safety risks. The written requests are attached and include extending the 7 AM start during the first 18 months of the project and for deliveries through the duration of the project.

II. Why This Issue Requires Board Consideration:

Approval from the Board of Commissioners is required for the Township to allow construction exceeding the maximum decibel limits to commence prior to 8:00 AM under Chapter 105.

III. Current Policy Or Practice (If Applicable):

Current policy is to obtain approval from the Board of Commissioners for exceptions to Township Code requirements.

IV. Other Relevant Background Information:

Given the delay in construction of One Ardmore Place due to the legal challenges, Dranoff Properties is seeking approval to advance construction as expeditiously as possible starting in October 2016. The request for the 7 AM start time is to advance the earthwork and excavation activities over the fall/winter months. During months 5-18, there will be daily deliveries and concrete pours for structural metal framing operations with deliveries coming in on flatbed trucks. Early deliveries would reduce impacts on rush hour traffic.

The early start would allow for completing concrete pours during the daylight hours which become much more limited after the loss of Daylight Savings time on November 6th. The balance of the 18-24-month construction schedule would focus on exterior skin operations requiring regular material deliveries and more limited storage space. The early start also allows for afternoon completion at 3:30 rather than 4:30 and reducing impacts on afternoon rush hour in Ardmore and particularly on Lancaster Avenue.

Dranoff Properties believes that the need for safety is paramount to this request since the early start allows for the workforce to arrive and leave earlier than other commuters. It also provides for a reduction in risk associated with loss of daylight in fall/winter time periods.

V. Impact On Township Finances:

There are no costs to the Township and no impact on finances.

VI. Staff Recommendation:

Although Dranoff Properties raises some legitimate reasons to consider a change to the construction hours, Staff is concerned about the impact to surrounding residential homes and upper story apartments in the commercial district with construction activity beginning at 7 AM. Staff is also concerned about the precedent any waiver would establish for other large construction projects. Almost any large construction project could make a similar argument for extending the hours of construction work.

There are a couple unique conditions associated with this project that could be considered if the Board feels these conditions can distinguish this project from other similar future requests for relief from the noise regulations. They are listed below:

- This project had a lengthy unnecessary delay that occurred as a result of the litigation relating to the use of the Redevelopment Assistance Capital Program (RACP) funds. This delay had nothing to do with whether the project complied with the code.
- The 41 space Cricket Ave temporary parking lot would have been available for Ardmore Business District customers for the entire duration of the Dranoff project because the public parking garage could have been open by the September 2017 lease expiration date if the project was not delayed by the litigation. The delay will now cause the construction to extend well into 2018.

Although these are compelling reasons and they may be able to distinguish this request for relief from other future requests, staff is concerned about the impact of a 7 AM construction start time to surrounding residential dwellings. Staff does not support this request for an extended work day, with one exception.

Staff has granted approval for a 7 AM start time on other construction projects for large concrete slab pours. These slabs are too large to pour, allow for necessary drying time, and required finish work within the 8 AM to 6 PM time frame. Staff does recommend approval to extend the work hour to 7 AM for this limited purpose of large concrete slab pours with adequate notice from the contractor. This would occur on 10 to 15 different dates during the project.