

**TOWNSHIP
OF
LOWER MERION**

MONTGOMERY COUNTY



DEPARTMENT OF BUILDING AND PLANNING

75 E. Lancaster Ave.
Ardmore, PA 19003-2376
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December 20, 2012

Mr. Kevin S. Kyle
Righters Ferry Associates, L.P.
2701 Renaissance Blvd., 4th Floor
King of Prussia, PA 19406

RE: 600 Righters Ferry Road, Bala Cynwyd, LD# 3683C, Ward 9.

Dear Mr. Kyle:

On December 19, 2012 the Lower Merion Township Board of Commissioners considered the following Conditional Use requests:

- To develop an apartment house complex within the M, Manufacturing and Industrial District (M District) pursuant to Zoning Code Section 155-89D and 155-90.1; and
- To develop within the Floodplain District within the M District pursuant to Zoning Code Sections 155-90.1.A and 155-160.

An executed copy of the resolution approved by the Board of Commissioners for this application is attached along with a copy of the Recommendations for Findings of Fact, Conclusions of Law and Order as presented by the Hearing Officer.

Please contact Andrea Campisi of my staff with any questions. She can be reached at 610-645-6112.

Sincerely,

Christopher Leswing, PP, AICP
Assistant Director, Planning

CL/amc

cc: Jonathan H. Spergel, Manko, Gold, Katcher & Fox LLP

RESOLUTION

RESOLUTION ADOPTING PORTIONS OF THE REPORT OF THE LOWER MERION TOWNSHIP HEARING OFFICER AS THE FINDINGS OF FACT AND CONCLUSIONS OF LAW OF THE BOARD OF COMMISSIONERS GRANTING CONDITIONAL USE APPROVAL FOR THE DEVELOPMENT OF AN APARTMENT COMPLEX AT 600 RIGHTERS FERRY ROAD

WHEREAS, the Township of Lower Merion received application #CU3683C from Righters Ferry Associates, LP. seeking approval for the development of an apartment house complex within the Manufacturing and Industrial District pursuant to Zoning Code § 155-89D and 155-90.1 and approval for development within the Floodplain District within the M District pursuant to Zoning Code §155-90.1.A and 155-160; 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 subject to conditions; 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 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 adopted as the Findings of Fact and Conclusions of Law of the Board of Commissioners in the matter of the application of Righters Ferry Associates, LP for the development of an apartment complex at 600 Righters Ferry Road with the following exceptions:

- A. Except for findings of fact #76 and #86 that the application meets the design criteria for an attached garage, there being insufficient evidence of the nature and extent of the manner in which the proposed garage structure is attached to the buildings containing the apartment units. However, since this is a specific engineering design aspect of the proposed development, a determination of whether the garage is an attached structure will be made at the land development stage.
- B. Except for Conclusion of Law #116 related to health safety and welfare issues, since the burden is on those opposing an application to raise substantive health safety and welfare issues before the Applicant has the burden to refute them.

The Board deems the following order to be appropriate:

ORDER

AND NOW on this 19th day of December, 2012, the application of Righters Ferry Associates, LP for conditional use approval of an apartment house complex within the Manufacturing and Industrial District and the Floodplain District pursuant to Zoning Code §§155-90.1.a and 155-160 of the Zoning Code of the Township of Lower Merion is granted, subject to the following conditions:

Exterior Façade

1. The Applicant shall replace the proposed white brick on building no. 1 with the same natural colored brick proposed on building no. 2 to comply with Code §155-90.1.D.(4)(e).
2. Seventy-five percent of the grade level walls perpendicular to the river shall be designed to allow floodwaters to pass through so as to offer a minimum obstruction to the flow of water to comply with Section §155-160.D.(2).
3. The proposed buildings, including the pump station, shall be constructed substantially as shown on the elevations submitted at the hearing marked Exhibit 12 except as modified by these conditions.
4. The exterior façade of the parking structure shall be constructed out of those materials as shall be determined by the Board of Commissioners at the development plan stage.
5. The Applicant has testified that “hardie board” will be used on some portion of the exterior façade of the building. Hardie board is not a product which has the same shape, color or texture as other residential buildings in the vicinity because it isn’t a product used on other residential buildings in the vicinity. While the product is not specifically prohibited for use on apartments in this zoning district, neither is it specifically permitted. The Board is also concerned that the potential extent of the use of hardie board on the buildings in this project will raise performance issues. These two issues can only be properly examined when more information demonstrating the long term durability of the product when compared with structures of similar size, scale and use in the vicinity, and specific plans for the project are developed. Thus the extent to which hardie board may be used on the exterior façade of the buildings will be determined by the Board of Commissioners at the development plan stage.

Landscape Plan

6. The applicant shall switch out the deciduous and evergreen shrubs that are on the sides of the parking spaces to hollies in order to create a buffer to help to separate the two spaces.

Pencoyd Bridge

7. The pedestrian portion of the Pencoyd Bridge shall be open for use by the general public.

Phasing

8. If the project is phased, the required trail, the eight trailhead parking spaces, public gathering spaces, plaza areas, the regional pump station and the pedestrian connection over the Pencoyd Bridge shall be constructed with Phase I.

Pump Station

9. The regional pump station shall be constructed as shown on the plan unless otherwise altered during the land development process.

Emergency Preparedness

10. The Applicant will strictly comply with the Emergency Action Plan designed by Edward F. Momorella for 600 Righter's Ferry Road (Exhibit A-26).

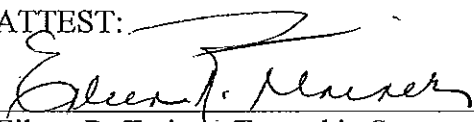
Compliance with Documents, Plans and Representations.

11. This grant of Conditional Use approval is based on the documents and plans submitted and the representations made in support of the application, all of which are specifically incorporated herein by reference thereto. Compliance with such documents, plans and representations is a further condition of this approval.

RESOLVED, this 19th day of December, 2012.

TOWNSHIP OF LOWER MERION
BOARD OF COMMISSIONERS

By: 
Elizabeth S. Rogan, President

ATTEST: 
Eileen R. Trainer, Township Secretary