

**TOWNSHIP
OF
LOWER MERION**

MONTGOMERY COUNTY



DEPARTMENT OF BUILDING AND PLANNING

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May 23, 2013

Mr. Kevin Kyle
Righters Ferry Associates, LP
2701 Renaissance Blvd., 4th Fl.
King of Prussia, PA 19406

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

Dear Mr. Kyle:

On May 15, 2013, the Lower Merion Township Board of Commissioners considered a Preliminary Land Development Plan prepared by Right Angle Engineering, dated April 9, 2013, Architectural Elevations prepared by Niles Bolton associates, dated March 29, 2013, Parking Garage Elevations prepared by Tim Haahs & Associates, Inc, dated April 15, 2013, showing the transfer of 5,248 square feet from 600 Righters Ferry Road to 615 Righters Ferry Road and the construction of two elevated apartment houses containing 593 units, 898 total parking spaces including 338 in a parking garage and 8 trailhead parking spaces, a recreational trail and a 9,665 square foot public gathering space. The project includes the use of the Pencoyd Bridge for vehicular traffic by residents and emergency vehicles and pedestrian traffic by residents and the general public. The following conditions shall be complied with **prior** to recording the Final Plan by means of plan revision, completion or financial guarantee, unless specifically exempted. The Board approved the plan subject to the following conditions:

Project Phasing

1. If the project is phased, the apartment units constructed in each phase shall consist of at least 65% one bedroom/one bathroom units and a minimum installed parking ratio of 1.5 spaces per unit shall be maintained. (P, B)

Easements:

2. The applicant shall coordinate with the Township Solicitor on the preparation of public easements necessary for the river trail, public gathering space, trailhead parking and pedestrian connection across the Pencoyd Bridge. (TS, P) (PRFP)

Architectural Elevations:

3. The final architectural plans shall conform to the grading proposed with the development plans.(TE) (PGP)
4. The applicant shall work with staff to better integrate the ground level façade of the westernmost pool deck and the recreational trail easement through landscaping, furnishings or architectural treatments. (P)

5. The applicant shall provide additional information verifying that the proposed brick is of a shape, color and texture as residential buildings in the vicinity and that it complies with Conditional Use condition no. 1 requiring it to be a natural colored brick and that the same material is used on both buildings. (P) (PBP)
6. The plans shall demonstrate that a minimum of 75% of the grade levels walls allow floodwaters to pass through. (TE, B) (PBP)
7. The parking garage structure shall include infill panels along the river elevations for the first two levels with grill work on the upper levels as presented in the renderings at the May 6, 2013 Planning Commission meeting. (P) (PBP)
8. The plans shall be revised so that the greatest dimension in length or depth of the proposed buildings shall not exceed 160 feet without a change in building plane of at least four feet. (P,B) (PBP)
9. All pitched roofs shall have a minimum slope of 4:12. (P, B) (PBP)
10. The gables on Building 200 shall be functional. (P, B) (PBP)
11. The applicant shall provide a plan showing the location of all rooftop mechanical equipment and demonstrate that such equipment will be visually screened on all sides and that the screening will be integral to the architecture of the building. (P) (PBP)
12. Trash/refuse dumpsters to be located within a building shall be screened in such a way that does not obstruct flood waters and is consistent in terms of colors and materials with the architecture and design of the primary building(s). (P) (PBP)
13. Downspouts shall be consistent in terms of colors and design with the architecture of the building. (P) (PBP)
14. The Building Enclosure Quality Control Plan previously submitted by the applicant shall be implemented. (B)

Site Amenities:

15. The applicant shall work with staff to provide a better pedestrian connection between the public gathering space and the recreational trail across the driveway over the Pencoyd Bridge by installing a decorative crosswalk with pavers or striping the entire width of the driveway from the edge of the trailhead parking lot to where the driveway meets the trail at the Pencoyd Bridge. The applicant shall work with staff on landscaping, furnishings and signage to better integrate the public trail and the public gathering space. (P) (PRFP)
16. At Final Plan the applicant shall demonstrate compliance with Code §155-90.1.E.(3) requiring that the proposed recreational trail connect with existing or proposed trails on abutting properties. Information shall be provided regarding the location of the Township trail on the adjacent Connelly Tract, and how the proposed trail would align with the future trail connection. (P) (PRFP)
17. The applicant shall provide a detail of the proposed bench to demonstrate that it can seat four people comfortably. (P)

18. The applicant shall provide 12 bike racks and 1 bike pump along the public trail and public gathering space. The bike racks and bike pump shall be consistent with bike racks installed along the Cynwyd Heritage Trail. (P) (PRFP)
19. The applicant shall install informational/interpretive kiosks at both ends of the recreational areas consistent with the kiosks planned for the Cynwyd Heritage Trail. (P) (PRFP)
20. The applicant shall work with staff to select an alternative design detail for the fence railing between the edge of the trail and the Schuylkill River consistent with the wire mesh shown on the building balcony elevations. (P) (PRFP)
21. The applicant shall remove all chain link fencing from the property except around the existing cell and water towers and temporary construction fencing. (P) (PCO)
22. The applicant shall work with staff on the design of the proposed sitting wall. (P) (PRFP)
23. The applicant shall demonstrate that all proposed inlets are bicycle friendly. (P) (PRFP)
24. The applicant shall provide details of the development sign and shall work with staff to integrate the sign into the site landscaping. (P) (PRFP)

Recreation Area:

25. The applicant shall work with staff on the alignment of the 6'-wide paths and landscaping of the large spaces between the residential units and the parking structure to maximize the recreational functionality of these spaces. (P) (PRFP)
26. The applicant shall work with staff to maximize the recreational utility of the public gathering space and adjacent plaza/recreational area by the base of the Pencoyd Bridge by adding a minimum 6 foot wide walking path with a pedestrian connection to Righters Ferry Road, a drinking and landscaping water source and an electric service to be under the control of the applicant. The applicant shall make design provisions so that the public can most effectively gather for performances and group recreational activities such as races. (P) (PRFP)
27. The lounge and café areas shall not be included in the recreation area calculation/requirement. (P) (PRFP)

Landscaping:

28. The driplines of trees on the lot in the area of construction activity shall be clearly and accurately documented prior to construction. (P) (PGP)
29. A revised landscape plan complying with Natural Features Code Sections 101-9 and 101-5B, Zoning Code Section 155-167.7 and conditions herein with the exception of any waivers shall be prepared and sealed by a Registered Landscape Architect and submitted to the Township. The plan shall be approved by the Township Arborist and Planning staff prior to recording the Final Plan. (P) (PRFP)
30. The applicant shall work with staff to conserve significant existing plant material located between the public trail easement and the Schuylkill River by protecting significant trees during construction, performing selective pruning and by removing vines and invasive species. (TA, P)

31. The applicant shall work with staff to incorporate materials such as rails, boulders or stone salvaged from demolition on the site for incorporation into the landscape plan or will make available for use on the Cynwyd Heritage Trail. (P) (PRFP)
32. The applicant shall work with staff to install additional plantings in the public easement by the western vehicular turnaround. (P) (PRFP)
33. The property shall be considered a "Wooded Lot". (P) (PRFP)

Stormwater Management:

34. Discharge from the stormwater basin shall be converted from a concentrated flow to a sheet flow. The grading proposed at the outlet structures is still unclear. Contours and spot elevations shall be indicated on at least one plan view in order to be able to construct and inspect the installations. Additional ground cover treatment of the areas graded for the dissipater installation shall be provided as required/directed. (TE) (PGP)
35. An access and maintenance easement that is of sufficient width to provide access and egress from a public right-of-way shall be provided around all stormwater management facilities. This shall be shown on the plans in metes and bounds. (TE) (PRFP)
36. The description of how the permanent stormwater control facility will be operated and maintained shall be presented in recordable form as a covenant running with the land and shall be approved by the Township Solicitor prior to recording. (TE) (PGP)
37. Newly graded slopes of over twenty five (25%) percent that shall be stabilized with sod or jute netting and seed shall be clearly delineated with shading. Areas meeting this requirement that are disturbed for the installation of the new retaining wall shall also be indicated. (TE) (PGP)
38. Certification attesting to the completeness of the design and compliance with Chapter 121 of the Lower Merion Code shall be signed on the Erosion and Sediment Control Plans. (TE) (PGP)
39. The size and species of trees on the property within twenty-five (25') feet of disturbance shall be documented prior to construction. (TA, P) (PGP)
40. An NPDES Permit shall be obtained from the Montgomery County Soil Conservation District prior to issuance of any permit. (TE) (PGP)
41. The runoff crossing to the adjacent properties or into the Schuylkill River during the construction phase of the project shall be managed so that the water quality/quantity impact is minimized. Diversion berms, stoned construction staging areas, and inlets/piping shall be noted to be provided as necessary/directed by the Township to ensure acceptable conditions during the construction phase. (TE) (PGP)
42. Inlet No. 405 indicated to be installed near the low-point at the access to Righters Ferry Road shall be field located with concurrence of the Township Engineer's office in order to improve the ability of the area to be passable during intense storm events. Up to four double inlets shall be provided to improve the capacity of runoff capture. (TE)
43. The applicant shall work with staff to provide stormwater best management practices. (TE, P) (PGP)

44. The applicant shall provide erosion, sediment, and stabilization controls to be utilized during demolition and construction subject to the approval of the Township Engineer. (TE) (PGP)

Steep Slopes:

45. The applicant shall provide documentation to the Township Zoning officer verifying that the slopes are manmade. (TE) (PRFP)
46. Disturbance to manmade slopes of 15% or greater shall be minimized to the greatest extent feasible. (TE) (PGP)

Traffic & Circulation:

47. The bridge control plan shall clearly show the time of each phase of operation and be consistent with the narrative as approved. (TE) (PGP)
48. The type of controller equipment to be used for the bridge traffic control operation shall be specified and shall be approved by the Township. (TE) (PGP)
49. Additional clarification shall be provided for the PM peak hour analysis for the Pencoyd Bridge. The study shall fully consider additional delay that could occur if vehicles use the bridge in increased, alternating fashion. The speed and length of time assumed to cross the bridge shall be defined in the study (TE) (PRFP)
50. If post-development review identifies adverse operation of the bridge, the controllers will be adjusted as directed by the Township Engineer. (TE) (PER)
51. Additional stop signs and bars shall be added to the garage parking aisle layout. Center-aisle pavement markings shall be added so as to improve the orderly movement of vehicles. (TE)
52. Signs indicating a "Tow-Away" program shall be installed on the site and shall comply with Township standards. (TE) (PGP)
53. A post development study shall be required to verify the traffic projections and the required improvements. Signal timings of the studied intersections shall be optimized. The schedule for this study shall be determined by the Township Engineer prior to recording the Final Plan. (TE) (PER)
54. The speed limit sign for eastbound traffic on the main aisle shall be shifted farther west or an additional speed advisory sign shall be shown. (TE) (PGP)
55. Additional signage, pavement markings and/or other means shall be added in and around the rear traffic loop in order to better define the traffic patterns. The current "Keep Right" sign is not sufficient. The applicant shall provide signage designating evacuation routes. (TE) (PGP)
56. The dimensions used in the fire truck maneuverability plan do not match the dimensions for Lower Merion equipment. The Fire Marshal shall approve the final layout/design regarding fire access and maneuverability. He shall identify where "No Parking by Order of the Fire Marshal" signs shall be placed. These shall be shown on the Final Plan. (FD) (PRFP)

57. The traffic signal at the intersection of Monument Avenue and Righters Ferry Road shall be installed with the proposed signal phasing shown in the traffic analysis. The signal shall be installed after reaching the traffic counts required to meet PaDOT warrants. The schedule for the counts will be performed as outlined in an established schedule which shall be determined by the Township Engineer prior to recording the Final Plan. A design of the signal and reconfigured intersection shall be submitted for review prior to issuance of an Improvement Construction Permit. (TE)
58. The traffic signal timing modifications and the installation of a left-turn advance phase (green arrow) from Belmont Avenue onto Righters Ferry Road, along with the corresponding right-turn phase from Righters Ferry Road onto Belmont Avenue, shall be installed at the direction of staff in accordance with the traffic study. Plans for the signal modifications shall be submitted. Post development counts and optimization shall be made for all signals analyzed in the traffic study. (TE)
59. A concrete road control monument shall be installed where feasible at the right-of-way of Righters Ferry Road. (TE) (PCO)
60. Supporting calculations and additional structural details shall be submitted for improvements necessary to maintain the structural adequacy of the Pencoyd Bridge. These shall be submitted and the comprehensive plans fully reviewed and approved prior to issuance of an Improvement Construction Permit. (TE) (PICP)
61. The contingency plan to move/evacuate the parked vehicles constructed within the flood limits shall be approved by the Emergency Management Coordinator for the Township. (TE) (PRFP)
62. The applicant shall work with staff to provide appropriate traffic calming measures to ensure a safe pedestrian experience, by linking the public gathering space, trail and pedestrian bridge access. (TE) (PRFP)

Access:

63. The applicant shall work with the Township Solicitor to provide future construction access necessary to connect the applicant's trail with the Cynwyd Heritage Trail. (TS, TE) (PRFP)
64. The applicant shall provide staff with a plan showing all easements benefiting parcels beyond the western boundary of the property. (P) (PRFP)
65. The applicant will work with staff to provide better path connections between the recreational trail and logical building access locations at least every 200 feet. (P) (PRFP)
66. The applicant shall work with staff to delineate bike/pedestrian improvements by striping and signage underneath the Norfolk Southern rail bridge at the base of Righters Ferry Road. Bike pedestrian connections will be provided across applicable driveways and parking lots to connect with the Public Gathering Space. (P) (PRFP)
67. The applicant shall work with staff to maximize the efficiency and safety of the trail connection between Main Street in Manayunk and the Pencoyd Bridge. (P) (PRFP)

Parking:

68. The applicant will work with staff to delineate the required trailhead parking spaces similar to the proposed public spaces to be located at the Rock Hill Road Trailhead of the Cynwyd Heritage Trail. (TE) (PRFP)

Construction:

69. Calculations shall be provided for retaining wall clear heights exceeding four (4') feet or with vehicle surcharge. (TE) (PGP)
70. Additional depth of recharge stone (minimum of nine (9") inch total) shall be added to the porous paver section for any area intended to be considered "porous" under the zoning code and not count toward impervious totals. (TE) (PGP)

Utilities:

71. A Planning Module or Exemption shall be approved by the City of Philadelphia and the DEP prior to recording the Final Plan. (TE) (PRFP)
72. An easement shall be shown for the proposed force main for any Township owned and operated station. The width shall be sufficient for future installation and service of the facilities. (TE) (PRFP)
73. Documentation shall be submitted qualifying the capacity of the sanitary sewer gravity lines indicated as well as the design of the pump station and force main. Agreements shall be entered into with the Township as directed by the Township Solicitor for any regional pump station construction on the property. (TE) (PRFP)
74. A junction MH between San MH Nos. 108 and 109 shall be provided. Inverts in and out shall be listed. The slope shall be adjusted in the profiles to direct sewage into the wet well. The profile shall be shown to the discharge location into the wet well. (TE) (PGP)
75. Sanitary sewer profiles shall be provided for the final sewer alternative selected. Easements shall be provided that are a minimum of thirty (30') feet wide. For any Township owned gravity line, there shall not be any other utility or structure within the easement that interferes with the operation or maintenance of the main. The Township shall control the placement of any utility or structures within any Township sewer easement. (TE) (PRFP)

Plan Requirements:

76. All existing utility service locations shall be clearly shown and labeled. (TE) (PGP)

Lighting:

77. An outdoor lighting plan, sealed by a responsible design professional, that includes illuminance patterns shall be submitted to and approved by the Director of the Building and Planning Department prior to issuance of any permits. The location, luminaire type, wattage, means of control and pole height shall be indicated. Lighting shall be designed to minimize the off-site transmission of light, to shield the source of illumination and to prevent glare on adjacent properties. Exterior luminaires shall be full cut-off unless it can be demonstrated that cut-off luminaires are more appropriate and will result in less off-site light trespass. (B) (PRFP)

78. The lighting plan shall be designed to the 2009 IECC or the 2007 ASHRAE standard 90.1. (B) (PRFP)

Standard Conditions of Approval:

79. If required by the Fire Department, all buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communications systems at the exterior of the building. (FD) (PBP)
80. Revisions to the plan shall address the Township Engineer's May 2, 2013 review letter. (TE)
81. Any changes to the approved plans shall require the submission of an as-built plan prior to the issuance of a Certificate of Occupancy. Building and Planning staff can waive this requirement if the changes are determined to be insignificant. (P, B) (PCO)
82. New and 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). (B)
83. A copy of the revised plan shall be submitted with any changes highlighted. A letter shall also be provided with the revised plan indicating how each requested revision has been addressed in the re-submission. (P)
84. The Final Plan, complying with all conditions of approval, shall be filed with the Department of Building and Planning within twelve (12) months from the date of the Preliminary Plan approval. (P)
85. New deeds shall be recorded concurrent with the recording of the final Plan. (P)
86. The owner will 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.
87. The owner shall make payment of the Township Engineer's and/or Clerk of the Works' 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.
88. The property owner(s) shall comply with all federal, state and applicable Lower Merion Township ordinances and laws regardless of specific mention herein.

In addition, the Board approved the following waivers:

- Stormwater Management Code Section 121-5.A.1 to allow more than 25% of the property to be disturbed at any one time;
- Stormwater Management Code Section 121-6.H to not provide the location, species, and size in diameter of trees two feet above ground, alone and in groves or street shade trees;

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- Stormwater Management Code Section 121-2.A & 121.4 to not provide infiltration of stormwater run-off;
- Stormwater Management Code Section 121-4 to not provide rate control for stormwater runoff from the site after construction;
- Subdivision & Land Development Code Section 135-25A, B & C to allow the removal of existing trees having a caliper of six inches or greater from the property; and
- Natural Features Code Section 101-5.C to permit disturbance to manmade slopes of 15% or greater.

Please have a Final Plan prepared which should be either 15"x 18", 18"x 30" or 24"x 36" in size to include six (6) rolled paper copies incorporating the required certifications, engineering data and conditions of approval, as well as the date by which all public improvements will be completed. Please see the enclosed memo concerning financial guarantees. Upon receipt of the Final Plan and satisfactory financial guarantee, the Township Engineer and Secretary will sign the Final Plan and you will be notified to pick up the plan for recording. Prior to recording, the plan must be certified by the Montgomery County Planning Commission.

The Subdivision and Land Development Ordinance requires that each subdivision or development plan be recorded in the office of the Montgomery County Recorder of Deeds within 90 days after final approval. You are also advised that in addition to the conditions of approval, you must comply with all other applicable Township ordinances and other laws governing your application.

Permits will not be issued until revised plans have been received and all conditions have been satisfied. No work shall commence until all applicable permits have been issued.

Very truly yours,



Christopher Leswing, AICP, PP
Assistant Director, Planning

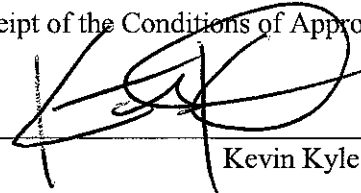
C: Bob Duncan, Director of Building & Planning
Kevin Bowers, Pennoni Associates, Inc.
Jonathan Spergel, Esquire, Manko, Gold, Katcher & Fox, LLP

TO: Township of Lower Merion:

I hereby acknowledge and accept receipt of the Conditions of Approval for LD #3683 at 600 Righters Ferry Road.

6/27/13

Date



Kevin Kyle