

September 6, 2019

TO: Planning Commission Members

FROM: Christopher Leswing, Director, Building and Planning Department

SUBJECT: Conditional Use Plan – 1400 Mill Creek Road, Gladwyne, Barker’s Mill, 3836C, Ward 2

Proposal

The applicant, Kevin Kyle, seeks Conditional Use approval on behalf of Mill Creek Road Associates, LP, for the following:

- To convert the two existing Class I buildings to multifamily use; and
- To reduce the applicable front, side and rear yard setbacks and increase the applicable impervious surface and building area.

The proposal includes the following improvements:

- Demolition of an existing single-family detached dwelling on the property;
- Removal of and reconstruction of an existing one-story portion of Building 1;
- Construction of a new 54.4’ building (no. 3) with a 10,547 square foot footprint;
- Creation of 33 units;
- Seventy-two parking spaces in a combination of underground, at grade within the building and surface spaces;
- Replacement of the existing bridge into the site with a new bridge; and
- Construction of a sanitary sewer pump station on the north side of Building 1. A force main is proposed down Mill Creek Road to connect into the existing sanitary sewer system in River Road.

The proposal is illustrated on the attached 27 sheet plan set dated February 18, 2005, last revised August 23, 2019 prepared by Momenec, Inc.

The following additional documents were also submitted:

- Partial building elevations prepared by Momenec, Inc. dated June 4, 2019, last revised June 10, 2019.
- A landscape plan prepared by Glackin Thomas Panzak, Inc. dated May 20, 2005, last revised August 23, 2019.
- A Traffic Impact Study prepared by F. Tavani and Associates, Inc. dated July 18, 2019.
- A Historic Resource Impact Study prepared by CivicVisions LP dated July 18, 2019.

Background

The application was tabled from the July 22, 2019 Planning Commission meeting due to the applicant submitting an incomplete design of the stormwater management systems on the site.

This application has a long history of approvals, amendments and reconfirmations dating back to 2004. Most recently, on May 15, 2019 the Board of Commissioners denied the applicant’s request to reconfirm a prior conditional use application for this site. An Amendment to a condition of the approved Preliminary Plan is currently pending.

Property Description

The property consists of 1.9 acres and contains two former mill buildings that most recently housed a variety of office/commercial uses. A single-family detached dwelling and surface parking lot also exist. Access to the site is via a bridge from Mill Creek Road. The property is bordered by Rolling Hill Park to the north, south and west, a large residential property to the north and West Mill Creek Park to the east across Mill Creek Road. The two mill buildings are Class 1 on the Historic Resource Inventory. The site is also in the Mill Creek Increase National Register Historic District. The main stem of Mill Creek passes through the site.

Environmental Advisory Council

The applicant presented the proposal to the EAC at their meeting on July 18, 2019. The EAC had the following recommendations:

1. Required Plantings: EAC will suggest some native evergreen shrubs that are deer proof.
2. Stormwater Management: EAC recommended that the applicant consider some surface expression SMPs and add in retention areas in other places.
3. Invasive Japanese Knotweed along bridge abutments – EAC suggests exploring additional live staking, seeded coir logs or other restoration measures.
4. Existing Dam: Blocks fish passage upstream in Mill Creek. EAC suggests that it would be an environmental benefit to remove a portion of the dam to permit fish passage.
5. Green Roof: EAC recommends that the new building host a green roof to manage stormwater and for screening purposes.

Historical Commission

The Historical Commission reviewed the application on June 24, 2019. The Commission recommended approval of the Conditional Use request, including reduction of front, side, and rear yard setbacks, building area, impervious surface requirements, and building height. The Commission further suggested that future applications involving the new construction reduce and simplify the architectural design of the primary facades to enhance the architectural quality of the interior courtyard, and make architectural modifications that might change the perception of height through roof forms, materials, and color or texture.

Consistency with the Comprehensive Plan

The site is zoned RAA which is the lowest density single family residential zoning district in the Township. By virtue of the fact that the site contains two Class 1 historic resources, the site is also subject to the Historic Resource Overlay District which provides additional uses to incentivize the preservation of those resources. The Comprehensive Plan includes the following specific recommendations that relate to this application:

LR1 - Maintain the character of established residential neighborhoods.

LR3 – Preserve and protect environmentally sensitive areas and historic resources.

Montgomery County Planning Commission Review

The County does not review Conditional Use applications.

Zoning

The following table details the bulk, area and setback requirements for the existing and proposed conditions.

RAA Zoning District Requirements		Existing	Proposed
Minimum Net Lot Area	90,000 sq. ft.	84,412 sq. ft.	84,412 sq. ft. 33 units/84,412 sq. ft. 2,649 sq. ft. per family
Minimum Occupied Area/unit	1,250 sq. ft.	N/A	1,250 sq. ft.
Maximum Building Cover	15%	24.3%* 20,503 sq. ft.	36.2% 30,577 sq. ft.
Front Yard Setback	50'	36'*	36'*
Side Yard Setback	25' each	>25'	25'
Rear Yard Setback	25'	8'	4.6'
Impervious Surface	20%	46,261 sq. ft. 54.8%	50,183 sq. ft. 59.5%
Building Height	Min. 35' up to a max. of 65'	2 stories	54'4'***
Required Parking	2 spaces per unit- 66 spaces	N/A	72 spaces

* Existing nonconforming condition.

**Subject to increased setback and impervious surface penalties.

Issues

1. Conditional Use Requests

The applicant seeks the following conditional use relief:

- To convert the two Class 1 buildings to multi-family use:

155-151.B(l)(f): A Class I building in a residential zoning district presently being put to a nonconforming nonresidential use may be converted to a multifamily use, provided each dwelling unit shall have no fewer than 1,250 square feet of occupied area.

- The area within the perimeter of the building measured at grade level may be expanded by up to 25% in conjunction with a conversion to a multifamily use, provided there exists between the multifamily use and the nearest adjacent permitted use at least 250 feet.*
- The area within the perimeter of the building measured at grade level may be expanded by up to 50% in conjunction with a conversion to a multifamily use, provided there exists between the multifamily use and the nearest adjacent permitted use at least 500 feet.*

- To reduce the southern side yard setback and the rear yard setback and increase the impervious surface and building area. Due to the degree of relief needed, the applicant must meet the higher burden referenced in Code Section 155-152.C.

155-152: Bulk, area and setback requirements; Provided that the guarantee referenced in 155-153B(4) has first been submitted and approved, the requirements applicable to the underlying zoning district relating to building area, impervious surfaces and front, side and rear yard setbacks may be modified by up to 15% with respect to Class I and Class II Historic Resources, subject to obtaining a recommendation from either the Historical Commission or

the Board of Historical Architectural Review, pursuant to Chapter 88, and to obtaining conditional use approval from the Board of Commissioners. These modifications shall apply to the area of the lot as it existed on March 15, 2000.

A. Where the requirements are modified pursuant to this section, the applicant must demonstrate to the satisfaction of the Board of Commissioners that the degree of relief is required to accommodate the reasonable development, use or enhancement of the historic resource.

B. The additional building area and impervious surface coverages permitted by this section may each not exceed 50% of the building area of the historic resource(s) subjected to the § 155-153B(4) guarantee.

C. Where the requested relief is determined by the Board of Commissioners to be essential to the preservation of the historic resource because without such relief it would not be physically or economically possible to maintain the historic resource, the Board of Commissioners may, by conditional use, reduce such requirements to a greater degree than permitted by this section to protect the historic resource.

While a 65 foot tall building is permitted in the RAA zoning district, it is subject to additional impervious, building area and setback penalties. Zoning Code Section 155-13, Height regulations states:

The height of a single-family detached dwelling or a building accessory thereto shall not exceed three stories in height or 35 feet, and the height of any other building, may exceed 35 feet in accordance with the provisions of 155-137 hereof, but shall not exceed 65 feet.

Zoning Code Section 155-137, Building height requirements; exceptions states:

Other buildings. The depth of the front, side and rear yard setbacks shall be increased one foot for each foot or portion thereof by which the building exceeds 35 feet in height.

The chart below shows the required setbacks, the additional setbacks required by the taller building, as well as the setbacks being provided by the applicant.

	Required Setback (RAA Residence District)	Increased setback due to building height	Proposed Setback	Difference between increased and proposed setback
Side Yard	25 ft.	45 ft.	25.0 ft.	-20.0 ft.
Rear Yard*	25 ft.	45 ft.	4.6 ft.	-40.4 ft.

*On April 22, 2004, the applicant obtained a variance to encroach into the rear yard setback from Code Section 155-12.E in Appeal 3893. As part of this current application the applicant continues to rely on the variance but in the alternative, requests conditional use relief for the rear yard setback. The Zoning Officer determined that the variance is still valid. Since the ZHB decision, the method used to calculate building height has changed. Therefore relief is required for the penalty applied to buildings over 35 feet.

Although the applicant requested relief for the existing buildings to encroach into the required setbacks, the Zoning Officer has determined that the height penalties only apply to the proposed building or additions onto the existing buildings. Relief is not needed for the existing building where it encroaches into the setbacks.

Further, Zoning Code Section 155-137.C states:

Reduction of building area and impervious surface coverage for buildings, other than one- and two-family dwellings, in excess of 35 feet. The maximum building area and impervious surface coverage shall be decreased 1/4 of 1% of the lot area for each foot or portion thereof by which the building exceeds 35 feet in height.

The existing and proposed analysis of the impervious surface and building area relief is as follows:

	Max. % of lot area (RAA District)	Modified % due to existing coverage	Modified % due to building height	Proposed % of lot area	Difference between modified and proposed %
Building Area	15%	24.3%	19.3%	36.2%	+16.9%
Impervious Surface	20%	55.8%	50.8%	60.1%	+9.3%

2. Planning Commission Considerations

The Zoning Code contains conditional use standards and criteria that the applicant must meet in order to obtain approval and that the Planning Commission should use to guide their recommendation. Since the property is also Class 1, additional standards apply over and above the general standards. All standards are listed below and those that the Planning Commission should focus on are highlighted in grey.

In evaluating the application against the standards, the Planning Commission should review the impact that the proposal will have not only on the development site, the historic resources and their setting but should also take into consideration how the project impacts the surrounding neighborhood and adjacent Township open space.

The increased development potential afforded by the conditional use relief, if granted, substantially impacts the character of the site, the historic resources and the surrounding neighborhood. It also affects the use and enjoyment of Rolling Hill Park by park users who will now be faced with the view of a five story building when using the park versus the existing natural wooded setting. The Planning Commission may determine that the impacts to the natural setting of the site and features does not warrant the degree of relief sought by the applicant.

Additionally, since the footprint of Building 3 takes up such a large portion of the site, the applicant is unable to construct the building within the confines of the lot and seeks approval for two construction easements from the Township. The applicant also seeks a utility access from the Township to place storm drains and piping on Township property. The applicant should present the anticipated impacts upon Township parkland to the Planning Commission who should provide a specific recommendation on the easements. With past applications where the Township has granted similar easements, significant damage occurred on Township property ranging from flooding of Township buildings to significant amounts of erosion and sedimentation on Township property. In addition, significant staff time was needed to address and remedy the problems.

Further, the program for the preservation of the historic resources must be balanced with the preservation of the natural resources both on the site and on Township property. The new construction should be right sized

for the neighborhood considering the reduced setbacks being sought by the applicant. The degree of relief for the setbacks results in the applicant's need to encroach onto the Township's property in order to construct the building. Staff believes the encroachment onto Township property compromises the use and enjoyment of public open space. The adaptive reuse of the buildings must be in harmony with the setting of the property in the Mill Creek Valley.

General Conditional Use Criteria

§ 155-141.2, Conditional use application procedure and standards.

B. The Board of Commissioners may grant approval of a listed conditional use under any district, provided that the following standards and criteria are complied with by the applicant for the conditional use. The burden of proving compliance with such standards and criteria shall be on the applicant.

- (1)** The applicant shall establish by credible evidence that the use or other subject of consideration for approval complies with the community development objectives as stated in Article **I** of this chapter (listed below) and the declaration of legislative intent (listed below) that may appear at the beginning of the applicable district under which approval is sought.
- (2)** The applicant shall establish by credible evidence compliance with conditions for the grant of conditional uses enumerated in that section which gives the applicant the right to seek a conditional use.
- (3)** The applicant shall establish by credible evidence that the proposed use or other subject of consideration for approval shall preserve the character of the neighborhood.
- (4)** The applicant shall establish by credible evidence that the proposed use or other subject of consideration for approval shall be properly serviced by all existing public service systems. The peak traffic generated by the subject of the approval shall be accommodated in a safe and efficient manner or improvements made in order to effect the same.
- (5)** The applicant shall establish by credible evidence that the proposed use or other subject of consideration for approval is properly designed with regard to internal circulation, parking, buffering and all other elements of proper land planning.
- (6)** The applicant shall provide sufficient plans, studies or other data to demonstrate compliance with the regulations for the permitted use or other such regulations, as may be the subject of consideration for a conditional use approval.
- (7)** The Board of Commissioners shall impose such conditions as are advisable to ensure compliance with the purpose and intent of this chapter, which may include, without limitation, planting and buffers, harmonious design of buildings, protection of watercourses, environmental amenities and the elimination of noxious, offensive or hazardous elements.

§ 155-1, Purpose; community development objectives.

A. This chapter is enacted for the following purposes:

- (1)** To protect and promote safety, health and morals.
- (2)** To accomplish a coordinated development of this Township and adjacent municipalities.
- (3)** To provide for the general welfare by guiding and protecting amenity, convenience and future governmental, economic, practical, social and cultural facilities, development and growth, as well as the improvement of governmental processes and functions.
- (4)** To guide uses of land and structures and the type and location of streets, public grounds and other facilities.
- (5)** To permit this Township and adjacent municipalities to minimize such problems as may presently exist or as may be foreseen.

B. Furthermore, this chapter is designed and intended:

(1) To promote, protect and facilitate one or more of the following: the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, the provisions of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, public grounds and other public requirements; as well as

(2) To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, and loss of health, life or property from fire, flood, panic or other dangers.

C. This chapter and all amendments thereto have been made in accordance with an overall program and with consideration for the character of the Township and its various parts and the suitability of the various parts for particular uses and structures.

§ 155-149, **Legislative intent. Historic Resource Overlay District**

It is hereby declared as a matter of public policy that the preservation and protection of buildings, structures and sites of historic, architectural, cultural, archaeological, educational and aesthetic merit are public necessities and are in the interests of the health, prosperity and welfare of the people of Lower Merion Township. To that end, a separate zoning district is hereby created to overlay all other zoning districts in the Township. The provisions of this article, coupled with the provisions of Chapter 88, are intended to:

A. Promote the general welfare by protecting the integrity of the historic resources of Lower Merion Township.

B. Establish a clear and public process by which proposed land use changes affecting historic resources can be reviewed.

C. Discourage the unnecessary demolition of historic resources.

D. Provide incentives for the continued use of historic resources and to facilitate their appropriate reuse.

E. Encourage the conservation of historic settings and landscapes.

F. Promote retention of historical integrity in the context of proposed land use and/or structural changes.

G. Identify historic resources in the community and to create an Historic Resource Inventory, to the end that the portion of such resources available to public view might be preserved.

C. Standards of proof.

(1) An applicant for a conditional use shall have the burden of establishing both:

(a) That his application falls within the provision of this chapter which accords to the applicant the right to seek a conditional use; and

(b) That allowance of the conditional use will not be contrary to the public interest.

(2) In determining whether the allowance of a conditional use is contrary to the public interest, the Board shall consider whether the application, if granted, will:

(a) Adversely affect the public health, safety and welfare due to changes in traffic conditions, drainage, air quality, noise levels, natural features of the land, neighborhood property values and neighborhood aesthetic characteristics.

(b) Be in accordance with the Lower Merion Township Comprehensive Plan.

(c) Provide the required parking required under Article XX or as otherwise provided for in other applicable provisions of this chapter.

(d) Adversely affect the logical, efficient and economical extension or provision of public services and facilities such as public water, sewers, refuse collection, police and fire protection and public schools.

(e) Otherwise adversely affect the public health, safety, morals or welfare.

(3) In all cases, the applicant's burden of proof shall include the burden of persuading the Board by credible evidence that the applicant has satisfied the criteria set forth in Subsection C(1)(a) of this

subsection. In any case where the Board requests that the applicant produce evidence relating to the criteria set forth in Subsection C(2) of this subsection or where any other party opposing the application shall claim that an allowance of the application will have any of the effects listed in Subsection C(2) of this subsection, the applicant's burden of proof shall include the burden of persuading the Board by credible evidence that allowance of a conditional use will not be contrary to the public interest with respect to the criteria so placed in issue.

Historic Resource Overlay District Conditional Use Criteria **§155-153.B, Specific requirements for conditional use approval**

B. Criteria for the grant of conditional use approval. Where a use is permitted in an Historic Resource Overlay District by conditional use, that use shall not be granted unless the following requirements have been satisfied in addition to those set forth at § 155-141.2:

(1) The applicant shall have the burden of demonstrating that approval of the application will not jeopardize the preservation of the Historic Resource(s) contained on the property subject to application. To sustain this burden the applicant shall present evidence demonstrating the following:

(a) The exact location of the area in which the work is to be done.

(b) The exterior changes to be made or the exterior character of the structure to be erected.

(c) A list of the surrounding structures with their general exterior characteristics.

(d) The effect of the proposed change upon the general historic and architectural nature of the property.

(e) The appropriateness of exterior architectural features of structures involved with the proposed work.

(f) The general design, arrangement, texture, material, scale, mass and color of any affected building, structure or site and the relation of such factors to similar features of other structures on the property.

(g) That rehabilitation work will not destroy the distinguishing qualities or character of the historic resource and its environment.

(h) In the event that replacement of contributing architectural features is necessary, the new material should, as closely as possible, match the material being replaced in kind. At a minimum, the composition, design, color, texture and other aesthetic qualities shall be sympathetic to and in character with the historic resource. In instances where original materials are either unavailable or their use economically infeasible, the Board may approve the use of materials which are aesthetically consistent with, even if not completely duplicative of, the character of the historic resource.

(i) Distinctive stylistic features or examples of skilled craftsmanship shall be preserved.

(j) Changes which may have taken place in the course of time are evidence of the history and development of the building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

(k) A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

(2) The most current version of the Secretary of the Interior's Standards for Rehabilitation of Historic Structures, as amended, shall be used as a guideline in carrying out any plans involving the rehabilitation, alteration or enlargement of historic resource(s).

(3) Where plans involving the rehabilitation, alteration or enlargement of historic resource(s) will result in all or portions of any such resource(s) remaining unoccupied, such unoccupied resources shall be securely sealed and barred off and the utilities turned off for safety, in a manner not jeopardizing historical integrity, as per the most current construction techniques for historic structures.

(4) A means to guarantee the permanent protection of the historical integrity of the subject resource(s), such as the establishment of conservation easement(s) or appropriate covenants in a form acceptable to the Township Solicitor, shall be provided.

(5) The applicant shall have the burden of proving that the historical integrity of the resource has been provided for through the design of the building improvements as well as through implementation of buffering, landscaping, lighting, storage, access and traffic management, interior circulation, loading, parking, fencing, signage and all other land development features.

(6) The applicant shall have the burden of proving that the grant of the application will not be destructive of the integrity of the historic resource or detrimentally affect the value of surrounding properties.

(7) The applicant must comply with the parking requirements for the proposed use as set forth in this article. The Board of Commissioners may prohibit any additional parking between the right-of-way and the facade of the building if the Board finds such parking would negatively impact the historical integrity of the resource. [Amended 9-18-2002 by Ord. No. 3655]

(8) The applicant must comply with the requirements of this chapter with respect to signage. The Board of Commissioners may condition approval on a reduction in the size of the signage if it finds that the permitted signage will obstruct views required to assure the safety of the public or to retain the historic nature of the property.

(9) The Board of Commissioners may attach conditions to achieve the objectives set forth in this section and to promote the public health, safety and welfare, which conditions may relate to any aspect of the proposed use of the property, including but not limited to buffering, parking, signage, traffic volume and flow, hours of operation, noise and odor emission.

(10) Where the Board of Commissioners waives any requirement which thereby increases the rate or volume of stormwater generated on the property, the additional rate and/or volume of runoff caused by such waiver shall be controlled for the one-hundred-year storm.

3. Bridlewild Trail

The applicant proposes to slightly relocate the Bridlewild Trail that traverses the site. With all of the previous applications it was assumed that an easement existed for the Bridlewild Trail through the center of the site. However, it was determined with the reconfirmation of the Conditional Use application in 2018 that no easement exists. Following the reconfirmation the applicant agreed to provide an easement for the portion of the trail that traverses the site for the sole use of members of Bridlewild Trails Association. While general public access through the site will no longer be permitted, the public will still be able to cross the bridge into the site to access the existing trail behind proposed building three that traverses Rolling Hill Park.

4. Stormwater Management

The main reason the application was tabled in July related to the fact that the design of the stormwater systems did not include the impervious surface associated with the underground parking areas that are not contained within the footprint of the building. When the application was first submitted the Township did not require stormwater management to be provided for below grade parking structures that were not entirely beneath a building.

The earlier stormwater management design did not account for the impervious surface associated with those portions of the underground parking but the attached plans have been revised to provide the Code required post-construction stormwater management. In his review letter, the Township Engineer indicated that the applicant has not provided the code required peak rate of runoff for the construction phase of the project. Staff will include these additional requirements as conditions of approval for the pending amendment plan.

5. Staff Recommendation

Staff does not recommend approval of the conditional use because the proposed construction negatively impacts both the historic resources and Township open space due to the size of the proposed building which requires encroachments into Rolling Hill Park resulting in destruction of sensitive natural features.

6. Action

The Planning Commission must take the following action for this application:

1. Provide a recommendation on the Conditional Use application.
2. Provide a recommendation on the request for two construction easements.



**TOWNSHIP
OF
LOWER MERION**
MONTGOMERY COUNTY

TOWNSHIP ENGINEER

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LOWM 221.78

September 3, 2019

Christopher Leswing, Director of Building and Planning
Township of Lower Merion
75 East Lancaster Avenue
Ardmore, PA 19003

**Re: 1400 Mill Creek Development
Conditional Use - Plan Review**

Dear Mr. Leswing:

In accordance with your request for the above referenced submission, we have reviewed a set of thirty-two (32) plans dated 02-18-05, latest revision dated 08-23-19, and associated stormwater management calculations dated 02-18-05, latest revision dated 08-23-19, prepared by Momenee, Inc. We have also reviewed a traffic impact study dated 03-29-05, latest revision dated 07-18-19, prepared by F. Tavani and Associates, Inc. We offer the following comments for your consideration:

A. MAJOR ENGINEERING ISSUES

- ❖ **Traffic**—The traffic study that was submitted with this conditional use plan did not clearly show a projection of traffic at Conshohocken State Road and Mill Creek Road for the Future 2029 Build or No-build scenarios. We recommend that an updated study be submitted with these projections in order to document anticipated future traffic impact of the project.
- ❖ **Stormwater**— Code required peak rate of runoff for the During Construction condition has not been properly documented for all required design storms. All required storms must be clearly analyzed in the report. It must be documented that the worst ground cover condition has been considered in the analysis. The construction sequence must provide sufficient detail and be consistent with the conditions analyzed in the report.

With the resolution of the above major issues and the other comments listed in this letter adequately addressed, we recommend approval of the Conditional Use Plan.

A. ORDINANCE REQUIREMENTS

1. Section 101-5D—The wetland delineation in the vicinity of the proposed earthmoving must be confirmed by the township prior to issuance of any permits. Adjustments to the proposed design shall be made as required to minimize impacts to any wetlands.
2. Section 101-6A(1)—All woody vegetation to be retained within twenty-five (25') feet of a building site or disturbed area shall be protected from equipment damage by fencing placed at the driplines. Since some areas of tree protection fence have not been shown at the driplines of trees to remain, the Township Arborist must approve the location of the tree protection fence.
3. Section 101-6A(5)—No impervious cover shall be permitted within the driplines of trees to remain without approval from the Township Arborist. The Township Arborist must approve the location and extent of the paving if the trees are scheduled to remain.
4. Section 101-6A(6)—Grade changes around the driplines of trees to be retained shall be minimized. Treatment of the impacted trees prior to construction to protect the root system shall be performed if/as directed by the Township Arborist. The Township Arborist must also approve the procedure.
5. Section 101-6A(8)—Should any trees not scheduled or permitted to be removed be irreparably damaged during construction and die within eighteen (18) months of the conclusion of construction activities, those trees will be required to be replaced in accordance with the provision of Section 101-9A(2). Escrow shall be posted to guarantee the survival of the impacted trees until the allotted time has expired.
6. Section 121-4A(1)- During construction stormwater management controls shall be properly addressed in the calculations. It must be clearly documented that the worst cover condition has been analyzed in the calculations for the temporary conditions during the construction process. All code required design storms must be documented to be properly controlled. Additional phasing of the construction may be required depending upon the evaluation. The final phasing must be clearly stated in the construction sequence.
7. Section 121-4A(1b)1, Section 155-141.2C(2a)—During construction peak rate of runoff controls have not been properly documented to meet all code requirements. As the property is located within the Lower Merion Act 167 Drainage Area Release Rate District 3-34, for the ten (10) and twenty-five (25) year storm, the post-development peak runoff rate shall be controlled to sixty (60%) percent of the respective pre-development rate. The fifty (50) and one hundred (100) year storms shall be controlled to the peak discharges which occurred prior to development in the respective storm frequencies. These design storms have not been properly evaluated in the analysis. This must be documented in the stormwater management report. Waivers to township codes may be required.

8. Section 121-4A(1b)1, Section 155-141.2C(2a)—It is currently unclear which hydrographs are being combined in calculating the total post-development runoff. The logic for the hydrograph combination shall be clearly presented. The areas used in the analysis must be consistent with the drainage area maps provided in the final stormwater management report. Specifically the drainage area maps for each basin and the uncontrolled portion of the site shall be provided. Off-site drainage area shall be properly included if/as applicable.
9. Section 121-4A(23)—Since a perennial or intermittent stream passes through the site, a stream buffer must be maintained to a minimum of ten (10') feet to either side of the top-of-bank of the channel. The buffer area shall provide appropriate native vegetation. Appendix H of the Pennsylvania Handbook of Best Management Practices for Developing Areas shall be used for the plant list. A Planting Plan must be submitted and must be approved by the Planning Department and the Township Arborist. A partial waiver to this code section may be required.
10. Section 121-6D—All required Predevelopment drainage area maps shall be provided. The values used in all hydrograph generation shall be supported by and be consistent with the drainage area maps in the final stormwater report.
11. Section 121-4B(2a)1—At a minimum, the increased volume of stormwater generated by the proposed development for the twenty five (25) year storm shall be recharged. Calculations documenting this have not been included in the report. Pre-development conditions in agreement with township code must be used for the determination. The values used must be consistent with the drainage maps provided.
12. Section 121-4E(2c)—Seepage beds shall be designed to empty the total required design storm volume in twenty-four (24) hours or less. Calculations verifying this have not been clearly included in the stormwater analysis.
13. Section 121-4E(2d)—The distance between each basin and the nearby structure(s) shall be dimensioned on the plan. Basins must be located ten (10') feet from any basement wall.
14. Section 121-4E(2L)—Seepage beds shall not receive runoff until the entire contributory area to the BMP has been stabilized unless approved by the Township Engineer. This note shall be clearly indicated on the plan and in the construction sequence.
15. Section 121-5A(6)—Newly graded slopes of over twenty-five (25%) percent must be stabilized with sod or jute netting and seed. This has been noted on the Grading Plan and those areas meeting this criterion have been delineated with shading on the plan, however, the shading used must be identified clearly in the legends on the plans.
16. Section 121-6B—Certification attesting to the completeness of the design and compliance with Chapter 121 of the Lower Merion Code shall be included and signed on the plans.
17. Section 121-15—The runoff crossing to the adjacent properties during the construction phase of the project shall be managed so that impacts to water quality/quantity are

minimized. Construction phasing, ground cover stabilization, and installation of additional silt fence shall be noted to be provided as needed/directed by the township to ensure acceptable conditions during the construction phase.

18. Section 155-167.7(B)—The wooded lot calculations shown must be verified by the Township Arborist.
19. Section 121-12—An NPDES Permit must be obtained from the Montgomery County Soil Conservation District prior to issuance of any earth disturbance permit. The township must be copied on any correspondence.
20. Section 135-19B(8)—A few parking spaces shown in the proposed building are blocked by tandem spaces and cannot count toward the required number of spaces. A partial waiver of this code section has been obtained for up to four (4) spaces within the historic mill building but not the proposed building. The Zoning Officer must determine if the parking provided meets the minimum required by zoning.
21. Section 135-19B(8)—Delivery trucks must cross into opposing lanes for access/egress from the site. Deliveries are recommended to be scheduled during off-peak site/street traffic times.
22. Section 135-40—The Planning Module or Exemption must be approved by the City of Philadelphia and the DEP prior to recording the Final Plan.

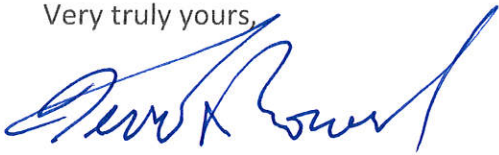
B. ENGINEERING COMMENTS

1. Calculations must be provided for all retaining wall heights exceeding four (4') feet.
2. The recommended improvements/repairs to the existing retaining walls to remain made by the civil engineer shall be made a condition of any permit issuance.
3. The Planting Plan must be approved by the Planning Department and the Township Arborist prior to issuance of any permit.
4. The mean grade calculations for all buildings shall be provided and the elevations clearly listed on the Improvement Construction Plan. The architectural plans must be coordinated with and must comply with the grading proposed with this application.
5. The Township Solicitor must approve the agreements for all easements for stormwater, access, Bridlewild trails, temporary construction, and maintenance.
6. The final easement location shall be approved by Director of Parks and Recreation. The Bridlewild Trails Association must be consulted regarding the location of the easement. Any adjustments required in the easement shall be reflected on the Final Plans.

7. Permits for the pump station and force main must be obtained from the Public Works Department. A separate technical review is required to be performed for the pump station and force main. Confirmation that comments B10 through B16 listed in or review letter dated 07-20-18 have been adequately addressed must be performed. Additional details of station components must be submitted as required. The components/design must be demonstrated to be consistent with township standards.
8. The force main shall be dedicated to the township upon request of the Public Works Department. It shall be maintained by the Homeowners Association until accepted by the township.
9. A copy of the revised plans 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.

Please advise if we may be of further assistance in this matter.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Kevin J. Bowers", is written over the typed name.

Kevin J. Bowers, P.E.

PENNONI ASSOCIATES

Township Engineer

Cc: Robert E. Duncan, Assistant Township Manager
Momenee, Inc.
F. Tavani and Associates, Inc.