

December 12, 2019

Mr. and Mrs. Joe Greitzer
736 Woodleave Road
Bryn Mawr, PA 19010

Dear Robin and Joe:

Thanks for meeting with us both individually as well as with the Lower Merion Township representatives. We are mailing a second letter to you and also the Township with the hope that we can find a remedy to the Bamboo problem.

Our concerns stem from the multiple specialists who've examined our property and surmised we have significant issues both now and in the future if it's not addressed.

Per Lower Merion Township procedures, we are providing a 30-day window requesting that you submit a solution – a period that ends January 17th. Going forward, we will let the Township guide us through the correct regulations.

Sincerely,

Lisa and Tom Spencer

CC: Lower Merion Township
Building and Planning Department



**TOWNSHIP
OF
LOWER MERION**
MONTGOMERY COUNTY

DEPARTMENT OF BUILDING AND PLANNING

75 E. Lancaster Avenue
Ardmore, PA 19003 2376
Telephone: (610) 645-6200
www.lowermerion.org

January 17, 2020

Joseph M & Robin Greitzer
736 Woodleave Rd.
Bryn Mawr, PA 19010

RE: 736 Woodleave Rd., Bryn Mawr, PA

Dear Sir & Madam:

Please be advised that this department has received a complaint that the above referenced property, owned by you, is in violation of the Lower Merion Township Code. We have performed an inspection and verified that Bamboo planted at the referenced property is encroaching onto the neighboring property. This is a violation of Lower Merion Township Code Chapter 59-1 A3 and 59.2. The applicable code language is set forth below:

Bamboo:

Any monopodial (running) tropical or semitropical grasses from the genre Bambusa including, but not limited to, Bambusa, Phyllostachys, and Pseudosasa, as well as the Common Bamboo, Golden BAMBOO, and Arrow Bamboo.

If bamboo growing on a property prior to May 18, 2016, encroaches onto adjoining property, public or private, or within 20 feet of the property line of a third party or a public or private right-of-way, the respondent-landowner is hereby required to remove the encroachment and to install at least 20 feet from the property boundary, an impenetrable barrier to a depth of three feet below grade to prevent the encroachment from recurring. The failure to comply with either of these requirements shall constitute a separate violation.

It shall be a valid and complete defense to a notice of violation based on the presence of bamboo on the respondent-landowner's property either that:

1. The bamboo was growing on the property prior to May 18, 2016, and is not within 20 feet of the property line of a third party or a public or private right-of-way; or
2. The following:
 - (A) The bamboo migrated from property not owned or controlled by the respondent-landowner, and either:

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- (B) Before receiving the notice of violation, the respondent-landowner had given written notice to the owner of the land from which the bamboo migrated of the unlawful encroachment and had demanded its removal, to no avail; or
- (C) The respondent-landowner has taken steps to remove the encroaching bamboo.

You have 30 days to abate this violation as set forth in this notice. Alternatively, if you do not agree that you are in violation, you may, within 14 days of the date of this notice, file an appeal by directing a letter stating your reason for appeal to the Director of Building and Planning, Township of Lower Merion, 75 E. Lancaster Avenue, Ardmore, PA 19003. The appeal will be heard by the Building and Planning Committee of the Board of Commissioners. The appeal will stay the running of the thirty-day period for abating the violation until the date of a final decision.

If you fail to appeal and then fail to abate the condition as set forth in this notice, the Township is authorized to abate the violation by removing the nuisance plants specified in this notice from your property and from any adjoining property, public or private, onto which said plants have migrated. All costs incurred by the Township in abating the violation, including, but not limited to, the costs of notice, removal, restoration, and inspection, shall be your responsibility and may be collected as provided by law, including the filing of a municipal claim. You may also be liable for a fine or penalty of \$600 per day for each day that the violation continues to exist beyond the last date for abatement.

If you have any questions, please do not hesitate to contact me (610-645-6168).

Respectfully,



Joseph Driscoll
Codes Compliance Officer

01/27/20

Township of Lower Merion
Code Enforcement
Building and Planning

JAN 28 2020
RECEIVED
BUILDING & PLANNING DEPT.

Please consider this letter as an appeal to the Township's notice of violation of the bamboo ordinance as it applies to 736 Woodleave Road.

A handwritten signature in black ink, appearing to be 'JG' with a stylized flourish.

Joe Greitzer