BOARD OF COMMISSIONERS

TODD M. SINAI, PRESIDENT

March 20, 2024 - 7:30 PM

AGENDA

- 1. Call to Order
- 2. Roll Call
- 3. Presentation to Superintendent of Police Michael J. McGrath in recognition of his years of service and upcoming retirement.

4. Approval of Minutes

• Minutes of a stated meeting of the Board of Commissioners held on February 21, 2024, as distributed

5. Announcements

- The Board will meet in Executive Session on Wednesday, March 20, 2024 to receive reports from its professional staff.
- Friday, March 29, 2024, Good Friday, is a legal holiday. The Township Administration Building and Libraries will be closed for business. Refuse and recycling will be collected.
- Clean Up Weekend is being held Saturday, April 6 and Sunday, April 7, 2024 from 9:00 a.m. until 4:00 p.m. each day at the Township's Public Works Complex. Residents may dispose of their refuse and recycling free of charge. Proof of residency is required. Recycling must be separated from refuse. No household hazardous waste will be accepted.
- 6. Proclamation National Library Week, April 7-13, 2024

7. Public Privilege of the Floor

The Floor is open to provide the opportunity for the public to address the Board on any non-agenda item or any other public matter in which the Township has jurisdiction or authority.

Response to Public Privilege of the Floor - Appropriate time for any member of the Board, the Township Manager, or designated staff person to address and correct any statement made by a member of the public during the Public Privilege portion of the agenda.

8. Public Comment

The Floor is open to provide the opportunity for the public to address the Board on matters relating to agenda items which will be voted upon at this meeting.

Response to Public Comment - Appropriate time for any member of the Board, the Township

Manager, or designated staff person to address or respond to any statement made by a member of the public during the Public Comment portion of the agenda.

9. Consent Calendar

Consent Calendar items are grouped together in the last section of the agenda which is marked "Consent Calendar." If there is a request from any member of the Board for separate discussion of any item listed on the Consent Calendar, the item will be removed from the Consent Calendar and considered during the appropriate Committee portion after non-consent items listed under that Committee are addressed.

- a. AUTHORIZATION TO RELEASE FUNDS HELD IN ESCROW
- b. AUTHORIZATION TO ADVERTISE PROPOSED ORDINANCE CHAPTER 105, NOISE AND EXTERIOR LIGHTING Noise Amendments Z-22-012
- c. AUTHORIZATION TO ADVERTISE PROPOSED ORDINANCE CHAPTER 59, BRUSH, GRASS AND WEEDS Bamboo Amendments
- d. RESOLUTION AUTHORIZATION OF REAPPOINTMENT TO THE CITY AVENUE SPECIAL SERVICES DISTRICT BOARD OF DIRECTORS
- e. PRELIMINARY SUBDIVISION PLAN 21 Sandringham Road, Bala Cynwyd, Ward 8, SD# 3909PSP
- f. PRELIMINARY LOT LINE CHANGE 1301 Sussex Road & 730 Argyle Road, Wynnewood, Ward 8, LD# 3910LLC
- g. APPROVAL OF HISTORICAL COMMISSION APPLICATIONS
- h. APPROVAL TO REJECT BID RIVERBEND CULVERT HEADWALL MASONRY REPAIRS
- i. AWARD OF CONTRACT ADA CURB CUTS PROJECT PART II
- j. AWARD OF CONTRACT ADA MUTCH BUILDING EXTERIOR REPAIRS
- k. AWARD OF CONTRACT HOLLOW ROAD AND HAGYS FORD ROAD & WILLIAMSON ROAD AND DOVE LAKE ROAD STREAM RESTORATION AND BANK STABILIZATION
- 1. AWARD OF CONTRACT ASHBRIDGE PARK STREAM RESTORATION AND BANK STABILIZATION
- m. AWARD OF CONTRACT CYNWYD SPUR TRAIL EXTENSION NORFOLK SOUTHERN RAILROAD
- n. AWARD OF CONTRACT ARDMORE PUBLIC LIBRARY ADA RAMP REPLACEMENT
- o. APPROVAL OF ELIGIBILITY LIST FOR THE REAL ESTATE TAX CREDIT FOR VOLUNTEER FIREFIGHTER/AMBULANCE
- p. APPROVAL OF SUBSTANTIAL AMENDMENTS TO THE 2019-2023 ANNUAL ACTION PLANS FOR CDBG FUNDING
- q. WAIVER OF ENFORCEMENT OF TOWNSHIP CODE 111-4.2 REGULATING OPEN CONTAINERS FOR THE BRYN MAWR TWILIGHT CONCERTS HOSTED BY LOWER MERION TOWNSHIP AND RISING SUN PRESENTS AT THE BRYN MAWR GAZEBO, 9 S. BRYN MAWR AVENUE BRYN MAWR

- r. AUTHORIZATION TO ADVERTISE ORDINANCE CHAPTER 145, VEHICLES AND TRAFFIC PENWYN ROAD PARKING RESTRICTIONS
- s. AUTHORIZATION TO CONDUCT COMPETITIVE EXAMINATIONS FOR THE POSITION OF SERGEANT OF POLICE
- t. AUTHORIZATION TO ISSUE A LETTER OF SUPPORT FOR PA HOUSE BILL NO. 1842 RELATING TO COMMUNITY SOLAR FACILITIES

10. Building and Planning Committee

a. The Consent Calendar contains items referred from the March 13, 2024 meeting of this Committee (items a - g).

11. Finance Committee

a. The Consent Calendar contains items referred from the March 13, 2024 meeting of this Committee (items h - o).

12. Grants and Community Development Committee

a. The Consent Calendar contains items referred from the March 6, 2024 meeting of this Committee (item p).

13. Parks and Recreation Committee

a. The Consent Calendar contains items referred from the March 6, 2024 meeting of this Committee (item q).

14. Police Committee

a. The Consent Calendar contains items referred from the March 6, 2024 meeting of this Committee (items r - s).

15. Sustainability Committee

a. The Consent Calendar contains items referred from the March 6, 2024 meeting of this Committee (item t).

16. Unfinished Business

17. New Business

18. Adjournment

COMMITTEE: Building and Planning Committee

ITEM: AUTHORIZATION TO RELEASE FUNDS HELD IN ESCROW

Consider for approval to release funds held in escrow as Improvement Guarantees in accordance with §135-7 of the Township Code for the following:

111 West Montgomery Avenue (LOWM 231.97) Escrow Release No. 5 (FINAL) Amount \$ 12,835.00

COMMITTEE: Building and Planning Committee

ITEM: AUTHORIZATION TO ADVERTISE PROPOSED ORDINANCE - CHAPTER 105, NOISE AND EXTERIOR LIGHTING - Noise Amendments - Z-22-012

Consider for approval authorizing the Township Secretary to advertise notice of intent to adopt an Ordinance to amend the Code of the Township of Lower Merion, Chapter 105, entitled Noise and Exterior Lighting, Article II, Noise, to amend the regulations for the prohibition of excessive noise, maximum permissible sound pressure levels, noise measurement locations, exemptions, and violations and penalties including but not limited to the institution of an administrative fee for a failure to comply with Article II, Noise.

ATTACHMENTS:

Description Type

Draft Ordinance - Chapter 105 - Noise Amendments Ordinance

AN ORDINANCE

NO.	

AN ORDINANCE To Amend The Code Of The Township Of Lower Merion, Chapter 105, Entitled Noise And Exterior Lighting, Article II, Noise, To Amend The Regulations For The Prohibition of Excessive Noise, Maximum Permissible Sound Pressure Levels, Noise Measurement Locations, Exemptions, And Violations And Penalties Including But Not Limited To The **Institution Of An Administrative Fee For A Failure To Comply** With Article II, Noise.

The Board of Commissioners of the Township of Lower Merion hereby ordains:

Section 1. The Code of the Township of Lower Merion, Chapter 105, entitled Noise and Exterior Lighting, Article II, Noise, § 105-2, Excessive noise prohibited, is hereby amended to read as follows:

§ 105-2 Excessive noise prohibited.

It shall be unlawful for any person to make or produce excessive noise, ... thereby causing annoyance, inconvenience or detriment to the public or to any other person or persons. Noise shall be considered excessive if the sound is subject to this chapter and the soundexceeds the limits hereinafter set forth exceeds the limits set forth in § 105-3 below.

Section 2. The Code of the Township of Lower Merion, Chapter 105, entitled Noise and Exterior Lighting, Article II, Noise, § 105-3, Maximum permissible sound pressure levels, is hereby amended in its entirety to read as follows:

§ 105-3 Maximum permissible sound pressure levels.

- No person or equipment shall create or cause, or permit the creation of, sound A. having an Equivalent Continuous Sound Pressure Level received by a residential property that exceeds 5 decibels above background level or the limits set forth in the chart below.
- В. No person or equipment shall create or cause, or permit the creation of, sound having an Equivalent Continuous Sound Pressure Level received by a nonresidentially used or zoned property that exceeds 7 decibels above background level or the limits set forth in the chart below.

AC. Notwithstanding the provisions in A and B above, during daytime or nighttime hours, the maximum permissible sound pressure levels and average levels shall not exceed those set forth in the following chart:

Maximum A-Weighted Sound Pressure Levels (SPL) 8:00 a.m 8:00 p.m. Daytime/8:00 p.m 8:00 a.m. Nighttime			
Zoning District of Receiving Property	Time of Day	Maximum SPL (dBA)	LEQ Average SPL (dBA)
Residential (R)	Daytime	57 75	52 70
	Nighttime	<u>5260</u>	45 <u>50</u>
Nonresidential (C)	Daytime	67 75	62 70
	Nighttime	62 65	55

- B. If the background sound level measured at the receiving property line at the time of a noise complaint are within five dBA of the limits in this chart, or above suchlimits, then the levels in this chart shall not apply, and the following standards shall apply:
 - (1) The maximum SPL and the LEQ average SPL levels shall be increased by five dBA over the background sound level up to a maximum of 75 dBA.
 - (2) The background sound level shall be measured at the same location as the measurement for the sound contribution of the specific source in question and at a time immediately preceding that measurement.

Section 3. The Code of the Township of Lower Merion, Chapter 105, entitled Noise and Exterior Lighting, Article II, Noise, § 105-4, Noise measurement locations, is hereby amended to read as follows:

- § 105-4 Noise measurement locations.
- A. Sound measurements shall be made on the receiving property within 10 feet from the property line nearest the noise source, at least five feet from any structure that reflects sound, and at least three feet above the ground. Where the source of the noise occurs within a multi-unit building, or where buildings have a common party wall, the measurement shall be taken in a habitable space in the complainant's dwelling unit closest to the noise source.
- The background sound level shall be measured at the same location as the <u>B.</u> measurement for the sound contribution of the specific source in question and at a time immediately following that measurement. All sound measurements shall be made using the zoning district permissible sound pressure limits of the receiving property found in 105.3.

Section 4. The Code of the Township of Lower Merion, Chapter 105, entitled Noise and Exterior Lighting, Article II, Noise, § 105-6, Exemptions, is hereby amended to read as follows:

A. The following activities are exempt from the provisions of this chapter, subject to compliance with any restrictions listed below:

- (2) Noise created by refuse collection services, street sweepers, deliveries, and other similar activities associated with a permitted land use shall be exempt during the times as provided below:
 - (a) Residential districts: only during the hours of 7:00 a.m. to 6:00 p.m., Monday to Friday, and during the hours of 8:00 a.m. to 6:00 p.m., Saturday and Sunday, and federal holidays;
 - (b) Nonresidential districts: only during the hours of 6:00 a.m. to 8:00 p.m., Monday to Friday, and during the hours of 8:00 a.m. to 6:00 p.m., Saturday and Sunday, and federal holidays.
 - Only during the hours of 7:00 a.m. to 8:00 p.m., Monday to Friday, and during the hours of 8:00 a.m. to 6:00 p.m., Saturday and Sunday, and federal holidays.
 - (eb) Upon application, the Director of Building and Planning may grant an exception to the aforesaid activity exemptions set forth in this § 105-6A(2) if reasonably necessary to conduct the activity in question for a specifically limited duration, and as appropriate, subject to reasonable conditions to protect the public welfare. The decision of the Director of Building and Planning on such application shall be appealable in accordance with the procedures set forth in Chapter 5 of the Township Code.

- (5) Concerts, block parties, graduations, wedding receptions, religious ceremonies, sporting or recreational activities, carnivals, festivals, or other performances or similar activities (public or private) shall be exempt, provided that:
 - (a) Such activities, except for sport shooting on ranges existing on July 1, 2017, do not produce sound at the property line in excess of the sound levels set forth in § 105-3; and

(b) Such exemption shall not apply from 10:00 p.m. to 8:00 a.m. the following day, Sunday through Thursday, or from 11:00 p.m. to 9:00 a.m. the following day on Friday and Saturday and federal holidays.

* * * * * * * *

(7) Noise created by emergency generators during a power outage. Noise created by emergency generator testing shall be exempt, but only during the hours between 10:00 a.m. and 4:00 p.m. for a maximum of 20 minutes-; provided however, that if generator testing from 10:00 a.m. to 4:00 p.m. is prohibited by another governmental entity, then testing occurring after 4:00 p.m., but no later than 8:00 p.m., shall be exempt.

- (10) Residential mechanical equipment that is operating normally is permitted to create an average sound pressure up to 70 decibels when measured inaccordance with § 105.4.
- (1110) Commercial mechanical equipment that is operating normally and is located or terminated at roof level with sound baffling screening panels, is permittedto create an average sound pressure up to 75 decibels when measured inaccordance with §105-4. Mechanical equipment that was in place and Code compliant as of the date of enactment and that is operating normally, but above the limits set forth in §105-3 is required to be brought into compliance to the greatest extent possible, as determined by the Director of Building and Planning or his/her designee, by use of sound baffling or other screening technology.
 - (1211) Noise created by life safety equipment including but not limited to fire pumps, sirens, required fire alarm systems, and ventilation systems controlled by CO detectors or similar devices.
 - (1312) Aircraft and Railway Transportation.

C. Where there is a conflict between a specific provision and a general provision of this ordinance, the specific provision shall take precedent.

Section 5. The Code of the Township of Lower Merion, Chapter 105, entitled Noise and Exterior Lighting, Article II, Noise, § 105-7, Violations and penalties, is hereby amended to read as follows:

As authorized by Chapter A167-1, Fees, § A167-1, Schedule of fees, of the Lower A. Merion Township Code of Ordinances, if the Township Building and Planning Department, or its designee, is called to a property two or more times within any sixty (60) day period to investigate noise complaints, upon confirmation of any

violation of this Code related thereto, the property owner shall be assessed a reinspection fee of \$75.00 for each inspection thereafter.

Any person who shall fail to comply with any of the provisions of this chapter A.B. shall be liable, on conviction thereof, to a fine or penalty of not less than \$25100 nor more than \$1,000 for each offense. Whenever such person shall have been notified by the Director or by the service of a summons in a prosecution or in any other way that he is committing a violation of this chapter, each day in which he shall continue such violation after notification shall constitute a separate offense, punishable by a like fine or penalty. Such fines or penalties shall be collected before any District Justice as like fines or penalties are now by law collected.

Section 6. Nothing in this Ordinance or in Chapter 105 of the Code of the Township of Lower Merion, as hereby amended, shall be construed to affect any suit or proceedings in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 105 prior to the adoption of this amendment.

Section 7. Nothing in this Ordinance or in the Code of the Township of Lower Merion, as hereby amended, shall be construed to affect any suit or proceedings in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Code of the Township of Lower Merion prior to the adoption of this amendment.

Section 8. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of this court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this ordinance. It is hereby declared to be the intent of the Board that this ordinance would have been adopted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

Section 9. This Ordinance shall take affect and be in force from and after its approval as required by law.

Approved by the Board of	f Commissioners of the Township of Lower Merion this
day of	, 20
	BOARD OF COMMISSIONERS OF THE TOWNSHIP OF LOWER MERION
ATTEST:	Todd M. Sinai, President
Jody L. Kelley, Secretary	

COMMITTEE: Building and Planning Committee

ITEM: AUTHORIZATION TO ADVERTISE PROPOSED ORDINANCE - CHAPTER 59, BRUSH, GRASS AND WEEDS - Bamboo Amendments

Consider for approval authorizing the Township Secretary to advertise notice of intent to adopt an Ordinance to amend the Code of the Township of Lower Merion, Chapter 59, Brush, Grass, and Weeds by amending the Qualified Bamboo Exemption, revising a Property Owner's abatement responsibilities, establishing a new appeals process and conditions for defense to a violation; requiring the installation of a bamboo barrier at least 20 feet away from a property line only when feasible, and removing duplicative language.

ATTACHMENTS:

Description Type
Ordinance Ordinance

AN ORDINANCE

AN ORDINANCE To Amend The Code Of The Township Of Lower Merion, Chapter 59, Brush, Grass And Weeds, By Amending the Qualified Bambo Exemption; Revising a Property Owner's Abatement Responsibilities; Establishing a New Appeals Process and Conditions for Defense to a Violation; Requiring the Installation of A Bamboo Barrier At Least 20 Feet Away From A Property Line Only Where Feasible; And Removing Duplicative Language.

The Board of Commissioners of the Township of Lower Merion hereby ordains:

<u>Section 1</u>. The Code of the Township of Lower Merion, Chapter 59 thereof, entitled Brush, Grass and Weeds, §59-1, Declaration of objectionable and poisonous vegetation as health hazards and nuisance, subsection B, Prohibited acts, paragraph (2), Qualified Bamboo Exemption, shall be revised to provide as follows:

§59.1 Declaration of objectionable and poisonous vegetation as health hazards and nuisance

B. Prohibited Acts.

(2) Qualified Bamboo Exemption. Although bamboo is declared to be a nuisance plant and growing or allowing it to grow on land within the Township is prohibited, bamboo that was propagated or allowed to grow before May 18, 2016, is exempt from the prohibition and may remain on the land. This exemption does not apply, however, to any bamboo that migrates or falls onto any land owned or held by the Township, public or private right-of-way onto any roadway or sidewalk, onto the private property of another, or which is within 20 feet of the property line of an adjoining property. a third party or a public or private right-of-way.

<u>Section 2</u>. The Code of the Township of Lower Merion, Chapter 59 thereof, entitled Brush, Grass and Weeds, §59-2, Notice to Abate Violation and Landowner's Duty to Abate, shall be revised to provide as follows:

- §59.2 Notice to Abate Violation and Landowner's Property Owner's Duty to Abate.
- A. The Township is hereby authorized to issue a notice of violation to any landownerproperty owner upon finding that a nuisance plant is growing on-that landowner's—a property, or has migrated onto any land owned or held by the Township, or public right-of-way, or onto any roadway or sidewalk, or onto the private property of another in violation of this chapter. Such notice shall be served by regular mail, with proof of mailing, or hand delivery, or if service cannot be effected by either means, by posting the notice in a conspicuous manner on the property. The notice shall require the landownerproperty owner, within 30 days of the date of the notice, to remove the nuisance plant from the owner's property(ies), or public right-of-way sidewalk, or roadway—specified in the notice, and shall set forth the penalties for a failure to abate, including payment of the costs incurred by the Township in removing the nuisance from public property or public right-of-way—should the landowner fail to do so.
- B. A <u>property ownerlandowner</u> may appeal a notice of violation by letter setting forth <u>only a defense listed in subsection 59.2.C below the grounds therefor</u> and sent within 14 days of receipt or posting of the notice of violation to the Director of Building and Planning. The appeal shall be heard by the Building and Planning Committee of the Board of Commissioners or by an appointed hearing officer.
- C. <u>It The following</u> 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 an adjoining property or a public or private right-of-way; or
 - (2) The following: The property owner has previously taken adequate steps to remove the encroaching bamboo and to prevent its future migration.
 - (a) The bamboo migrated from property not owned or controlled by the respondent-landowner, and either:
 - [1] 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
 - [2] The respondent-landowner has taken steps to remove the encroaching bamboo.

- D. 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 an third party adjoining property or a public or private right-of-way, the respondent landowner property owner is hereby required to remove the encroachment bamboo and to install at least 20 feet from the property boundary an impenetrable barrier on the owner's property to prevent further encroachment as follows:
 - (1) The barrier shall be made of masonry, metal, or high-density, eighty mil thick polyethylene to a depth of 30 inches below grade and two to three inches above grade to prevent the encroachment from recurring. The barrier shall be placed at least 20 feet from the property boundary.
 - (2) If the Director of Building & Planning or his/her designee determines that removal of bamboo or placement of the required barrier is impractical, not feasible or would unreasonably disturb natural features, he/she is authorized to impose modified requirements so that the goal of preventing bamboo migration can most effectively be prevented.
 - (3) The failure to comply with either of these requirements remove the bamboo and the failure to install an impenetrable barrier shall constitute a-separate violations.
- E. 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. (Reserved)

<u>Section 3</u>. Nothing in this Ordinance or in Chapter 59 of the Code of the Township of Lower Merion, as hereby amended, shall be construed to affect any suit or proceedings in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 59 prior to the adoption of this amendment.

Section 4. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of this court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this ordinance. It is hereby declared to be the intent of the Board that this ordinance would have been adopted if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

Section 5. This Ordinance shall take effect and be in force from and after its approval as required by law.

Approved by the Board this day of , 2024.

BOARD OF COMMISSIONERS OF THE TOWNSHIP OF LOWER MERION

Todd M. Sinai, President

ATTEST:

Jody L. Kelley, Secretary

COMMITTEE: Building and Planning Committee

ITEM: RESOLUTION - AUTHORIZATION OF REAPPOINTMENT TO THE CITY AVENUE SPECIAL SERVICES DISTRICT BOARD OF DIRECTORS

Consider for adoption a Resolution to reappoint John Glomb to the Board of Directors of the City Avenue Special Services District for a five year term, such term to expire December 31, 2029.

RESOLUTION

WHEREAS, as of January 1, 2025, a vacancy will exist in a seat on the Board of Directors of the City Avenue Special Services District of Philadelphia and Lower Merion that is representative of Lower Merion Township, and

WHEREAS, the Articles of Incorporation of the City Avenue Special Services District provide that individuals to be appointed to fill those vacant seats that are representative of Lower Merion Township be appointed by the governing body of the Township of Lower Merion through a resolution of the Board of Commissioners.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Lower Merion hereby appoints the following individuals to the City Avenue Special Services District Board of Directors to serve the following terms:

Name Term Commences Term Expires
John Glomb January 1, 2025 December 31, 2029

COMMITTEE: Building and Planning Committee

ITEM: PRELIMINARY SUBDIVISION PLAN – 21 Sandringham Road, Bala Cynwyd, Ward 8, SD# 3909PSP

Consider for approval a Preliminary Subdivision Plan. The Plan dated September 14, 2023, last revised February 14, 2024, prepared by Wilkinson Apex Engineering Group, LLC, shows the subdivision of 21 Sandringham Road a 2.25-acre parcel (98,072 sq. ft.) into three (3) lots, demolition of the existing single-family dwelling and all improvements, and the construction of a new single-family dwelling on each lot. All three lots will take access from Sandringham Road and have new on-lot stormwater management systems. Lot 1: Contains 15,115 sq. ft. (.34 acres), includes the construction of a new three-story single-family detached dwelling and two-car garage with a 2,704 sq. ft. footprint. Lot 2: Contains 19,821 sq. ft. (.45 acres), includes the construction of a new three-story single-family detached dwelling and two-car garage with a 2,882 sq. ft. footprint. Lot 3: Contains 47,480 sq. ft. (1.09 acres), includes the construction of a new three-story single-family detached dwelling and three-car garage with a 3,999 sq. ft. footprint.

In addition, the applicant requested the following waivers which were recommended for approval by the Building & Planning Committee:

A. Subdivision & Land Development Code Section 135-4.9.C.(1) from widening the cartway width of Sandringham Road to 27-30 feet.

B. Natural Features Code 101-5.C.(2)(b) to disturb manmade slopes exceeding 25% for the installation of utility lines.

Applicant: KD Building & Development, LLC Property Owner: Lawrence Delgatto I LLC

Expiration Date: 3/31/2024.....Zoning: LDR3

On March 13, 2024, the Building & Planning Committee recommended approval of the plan subject to the following conditions which shall be complied with on the Final Plan or as otherwise required:

Township Engineer's Review:

1. The Township Engineer's review letter dated March 1, 2024, shall be incorporated by reference into these conditions of approval to the extent the same is not inconsistent with these conditions of approval or any relief or modifications granted.

Easement:

2. The existing 20-foot-wide access easement between 18 Mary Waterford Road and 21 Sandringham Road shall be recorded with the Final Plan.

Plan Drafting Requirements:

3. On sheet five, the Township Zoning District Table LDR 3 shall be updated to provide the correct impervious surface limitations for all lots.

Architectural Elevations/Site Design:

- 4. The applicant shall investigate adding additional articulation to the rear elevations through the use of material changes for Lots 1 and 2.
- 5. The convergence of various roof forms, including shed dormers, shall be reassessed to achieve a design approach that is visually simpler.
- 6. Details of the porous walkways, that conform to Township standards, shall be provided along with material selection. The porous paving specification shall be subject to the approval of the Township Engineer.
- 7. Architectural elevations and renderings of all sides of the proposed building shall be submitted with the Final Plan, including the proposed materials.
- 8. The proposed building(s) shall be constructed substantially as shown on the architectural elevations prepared by McIntyre, Carson & Associate, P.C., Architects and Land Planners, dated November 14, 2023, last revised January 18, 2024, with the exception of any de minimis changes, including those mutually agreed to with staff.
- 9. The mean grade of all structures shall be calculated and shown on the Final Plan. The architectural plans shall be coordinated with and shall comply with the grading proposed with this application.
- 10. The applicant shall explore shared driveway access between the lots.

Landscape Plan/Streetscape:

- 11. The applicant shall consider altering the landscape plans to preserve as many mature and noninvasive existing trees as possible; and consider planting additional replacement trees beyond what is required by the Code with deer protection, and shall consider other means of preserving wildlife.
- 12. A revised landscape plan complying with Natural Features Code Section 101-9 and conditions herein shall be prepared and sealed by a Registered Landscape Architect and submitted with the Final Plan.
- 13. The Landscape Plan shall be approved by the Planning Department and the Township Arborist.
- 14. The proposed transformer shall be adequately screened in accordance with Township zoning standards.
- 15. The applicant shall consider relocating the proposed transformer to a location further away from the neighboring homes.
- 16. All trees in the right-of-way shall be trimmed. Dead or diseased trees shall be removed and replaced. New street trees shall be planted as required.
- 17. All existing trees to remain shall be devined.
- 18. The HVAC/mechanical equipment shall be screened on all sides whether on the roof of the building or on the ground. If located on the roof, the screening shall be integrated into the architecture of the building to

improve the appearance and better mitigate noise from the unit(s).

- 19. The applicant shall provide native or non-invasive adapted plant species on the landscape plan.
- 20. Landscape improvements provided for this application shall be perpetually maintained in a healthy and/or sound condition in compliance with Natural Features Code Section 101-11. The applicant shall record a covenant on the property in a form acceptable to the Township Solicitor to guarantee this requirement. A draft covenant shall be submitted with the Final Plan.

Road Design Standards:

21. A five-foot wide sidewalk shall be installed along the proposed property frontages on Sandringham Road.

Construction:

- 22. The contractor shall conduct a pre-construction video inspection of Sandringham Road to document existing conditions. Any damage or accelerated deterioration caused by construction shall be the responsibility of the contractor to restore the road to pre-construction conditions at their expense. The extent of all repairs and restoration work shall be approved by the Township Engineer.
- 23. The applicant shall conduct regular street cleaning of all roadways adjacent to active portions of the construction site. Staff shall have the right to order street cleaning more often if there is evidence of construction related debris in the roadway during the project.
- 24. The applicant shall document compliance with the notification requirements of the Federal Asbestos National Emission Standards for Hazardous Air Pollutants (NESHAP) and shall submit an Asbestos Abatement and Demolition/Renovation form to the Pennsylvania Department of Environmental Protection and the EPA at least 10 days prior to commencing demolition. Copies of these documents shall be provided to the Township prior to the issuance of a building permit.
- 25. The applicant shall submit a demolition plan with the Final Plan. The demolition plan shall indicate how dust and other air particles will be controlled, the procedure for demolishing the buildings and how the demolished building materials will be removed from the site. If asbestos or any other regulated hazardous material exists within the building, it shall be removed and certifications to that effect shall be filed with the Pennsylvania Department of Environmental Protection. Notice of demolition shall be provided by posting of the site at least seven days in advance of the proposed demolition.
- 26. During demolition of the existing structures the applicant shall ensure that the contractor takes appropriate measures to minimize dust at all times during active demolition. Multiple hoses and/or a water truck shall be provided on site to continually spray the building during demolition. The demolition plan shall include the specific water measures to be used to reduce the dust during demolition.
- 27. The applicant shall utilize the services of an architectural salvage or deconstruction company, to preserve or recycle building materials on the existing structures, including but not limited to stone, brick, and wood. Architectural details such as windows and interior and exterior details including but not limited to fixtures and any wood, glass and metalwork of quality and good condition shall be salvaged. The applicant shall provide documentation to planning staff indicating how this condition will be met.
- 28. The applicant shall submit a parking plan with the Final Plan detailing where construction vehicles will be parked. The plan shall be subject to the approval of the Township prior to the issuance of any permits.
- 29. All construction-related vehicles shall be parked on site or at a remote site not in the neighborhood. No

construction-related vehicles may park on the street. This includes personal vehicles operated by construction workers or vehicles operated for construction workers, material suppliers, product vendors, and all construction trades engaged in the project.

Sanitary Sewer, Stormwater and Utilities:

- 30. The applicant shall work with the Township Fire Marshal to locate, and install a fire hydrant as part of the subdivision prior to permit close for any lot.
- 31. The location of all transformers and utility boxes shall be shown on the Final Plan. Additional utility improvements resulting in material changes to approved plan including but not limited to the loss of required parking, changes to circulation patterns or the alteration of the quantity or location of proposed landscaping shall require an amendment to the approved plan.
- 32. If trenches for utilities or storm facilities are proposed within the driplines of trees, all disturbed roots must be cut as cleanly as possible. The trench must be backfilled as quickly as possible, avoiding compaction. Adequate watering of the root systems must be performed. Tree limbs must be cut back in proportion to the root area loss. This shall be noted on the plan.
- 33. All inlets in non-paved areas shall be shown to be graded in a twelve (12") inch sump condition in order to increase the efficiency of runoff collection. Spot elevations shall be added to the plan to clarify grading.
- 34. Inlet protection shall be provided for all inlets downstream, including the street inlet on Sandringham Rd; appropriate details for a open-mouth inlet top shall be provided.
- 35. Additional dimensions shall be provided on the stormwater management basin details to establish adequate openings to facilitate required maintenance and inspections.
- 36. The new sanitary sewer connections shall require permits and approval from the Public Works Department.
- 37. The applicant shall extend the existing storm sewer on Sandringham Road to provide a direct connection for the seepage bed overflow pipes and eliminate the need for the proposed level spreaders. If feasible, the storm sewer shall at a minimum be extended to add a new inlet on Sandringham Road and establish a direct connection for the seepage bed overflow pipe on Lot 2.

Sustainability:

- 38. The applicant shall consider incorporating green technology into the project including but not limited to a green roof, solar panels, geothermal heat and air conditioning and an electric vehicle charging station. The applicant shall also consider having no natural gas connections.
- 39. The new single-family dwellings with garages shall be constructed to include a dedicated 40-amp branch circuit capable of powering a 32 amp Level 2 EVCS within the garage, and installation of a 220-240 volt/40 amp outlet in a location within the garage that would be conducive to EVCS use.

Standard Conditions of Approval:

- 40. New legal descriptions, including metes and bounds, shall be submitted with the Final Plan for each new lot line and/or property boundary.
- 41. New deeds shall be recorded subsequent to the recording of the Final Plan.

- 42. 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.
- 43. The lighting plan shall be designed to comply with the IECC or the ANSI/ASHRAE/IES Standard 90.1 that is in effect at the time of the application.
- 44. If required by a Township Public Safety Agency, all new 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.
- 45. An as-built plan shall be submitted certifying the amount of impervious surface on each lot prior to finalization of the permit. A construction note shall be included noting that an as-built plan shall be submitted for all three lots.
- 46. 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.
- 47. 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).
- 48. 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.
- 49. The Final Plan, complying with all applicable 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 by the Board of Commissioners.
- 50. The owner shall 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.
- 51. The owner shall make payment of the Township Engineer's 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.

COMMITTEE: Building and Planning Committee

ITEM: PRELIMINARY LOT LINE CHANGE - 1301 Sussex Road & 730 Argyle Road, Wynnewood, Ward 8, LD# 3910LLC

Consider for approval a Preliminary Lot Line Change Plan. The Plan dated July 25, 2023, last revised February 14, 2024, prepared by Yerkes Associates, Inc., shows the transfer of 2,400 sq. ft. from 730 Argyle Road to 1301 Sussex Road.

Expiration Date - 4/8/24.....Zoning - LDR4

Applicant: Scott Rothman, Esq.

Owners: Arthur & Carole Zatz, 1301 Sussex Road; and Charlotta Thunander & Jeffrey Kallberg, 730 Argyle Road

On March 13, 2024, the Building & Planning Committee recommended approval of the plan subject to the following conditions which shall be complied with on the Final Plan:

Township Engineer's Review:

1. The Township Engineer's review letter dated February 26, 2024, shall be incorporated by reference into these conditions of approval to the extent the same is not consistent with these conditions of approval.

Easements:

- 2. The applicant shall provide easement language for the sanitary sewer lateral and any other utility services for the 730 Argyle Road lot passing through the 1301 Sussex Road. The easement language shall be submitted to the Township for review. The language of any new or revised easement shall be subject to the approval of the Township Solicitor prior to recording the Final Plan.
- 3. Any proposed easements shall be shown on the record plan.

Plan Drafting Requirements:

- 4. The error of closure shall be calculated and provided on the plan.
- 5. The applicant shall correctly label sheet 1 of 2 notes as 730 Argyle Road in the Lot Areas calculations.
- 6. A zoning compliance summary table shall be provided for each lot. The existing and proposed lot information shall be itemized.

Standard Conditions of Approval:

7. Standard signature blocks for Lower Merion Township, Montgomery County, and the property owners shall

be added to the plans before recording.

- 8. New legal descriptions, including metes and bounds, shall be submitted with the Final Plan for each new lot line and/or property boundary.
- 9. New deeds shall be recorded subsequent to the recording of the Final Plan.
- 10. Two copies of the revised plan shall be submitted with all changes highlighted and a letter shall be provided indicating how each requested revision has been addressed.
- 11. The Final Plan, complying with all applicable conditions of approval shall be filed with the Department of Building and Planning within twelve (12) months from the date of approval by the Board of Commissioners.
- 12. Any changes to the approved plans shall require the submission of an as-built plan prior to the issuance of the Certificate of Occupancy. Building and Planning staff can waive this requirement if the changes are determined to be insignificant.
- 13. 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).
- 14. The owner shall 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.
- 15. The owner shall make payment of the Township Engineer's 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.
- 16. Existing buildings shall have approved address numbers, building numbers, or approved building identification placed in a position that is 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 inches (12.7mm).
- 17. The property owner(s) shall comply with all applicable federal, state, county, local and Lower Merion Township ordinances and laws regardless of specific mention herein.

COMMITTEE: Building and Planning Committee

ITEM: APPROVAL OF HISTORICAL COMMISSION APPLICATIONS

Consider for approval the following applications as recommended by the Building & Planning Committee at their meeting held on March 13, 2024:

- a) 325 West Montgomery Avenue, Haverford, Class 1, 2024-R-01 approval to reconstruct dormer window trim on the Men's Locker Room Building using composite materials matching original dimensions and profiles, or to apply cladding to existing wood trim with a subcommittee to review a mock-up, citing Secretary of the Interior's Standards 5, 6, and 9.
- b) 1115 Bryn Tyddyn Drive, Gladwyne, Class 2, 2024-R-03 approval to make various alterations to a stone pool house, a historic element on the property, with clarifications and additional details to be submitted for subcommittee review.

COMMITTEE: Finance Committee

ITEM: APPROVAL TO REJECT BID – RIVERBEND CULVERT HEADWALL MASONRY REPAIRS

Consider for approval to reject all bids for Riverbend Culvert Headwall Masonry Repairs received on Tuesday, February 8, 2024 at 11:00 A.M. prevailing time as recommended by the Finance Committee.

COMMITTEE: Finance Committee

ITEM: AWARD OF CONTRACT - ADA CURB CUTS PROJECT PART II

Consider for approval to award a contract for ADA Curb Cuts Project Part II to the following bidder in accordance with bids received on Thursday, February 15, 2024 at 11:00 A.M. prevailing time and the recommendation of the Finance Committee:

LB Construction Enterprises, Inc.	
Total Bid	\$101,000.00

COMMITTEE: Finance Committee

ITEM: AWARD OF CONTRACT - ADA MUTCH BUILDING EXTERIOR REPAIRS

Consider for approval to award a contract for ADA Mutch Building Exterior Repairs to the following bidder in accordance with bids received on Tuesday, February 22, 2024 at 11:00 A.M. prevailing time and the recommendation of the Finance Committee:

 Ocean Construction, LLC

 Total Lump Sum Bid
 \$73,505.00

 Total Bid Contingency Items (2-1, 2-2)
 725.00

 Total Add Alternates (3-1, 3-3, 3-4)
 5,985.00

 Total Bid
 \$80,215.00

COMMITTEE: Finance Committee

ITEM: AWARD OF CONTRACT – HOLLOW ROAD AND HAGYS FORD ROAD & WILLIAMSON ROAD AND DOVE LAKE ROAD STREAM RESTORATION AND BANK STABILIZATION

Consider for approval to award a contract for Hollow Road and Hagys Ford Road and Williamson Road and Dove Lake Road Stream Restoration and Bank Stabilization to the following bidder in accordance with bids received on Thursday, February 29, 2024 at 11:00 A.M. prevailing time and the recommendation of the Finance Committee:

Flyway Excavating, Inc.	
Hollow Road & Hagys Ford Road Base Bid Williamson Road & Dove Lake Road Base Bid Price Differential/Discount if awarded both bids Total Bid Contingencies Total Bid Award	\$334,825.00 295,600.00 -5,000.00 <u>42,261.00</u> \$667,686.00

COMMITTEE: Finance Committee

ITEM: AWARD OF CONTRACT – ASHBRIDGE PARK STREAM RESTORATION AND BANK STABILIZATION

Consider for approval to award a contract for Ashbridge Park Stream Restoration and Bank Stabilization to the following bidder in accordance with bids received on Thursday, February 29, 2024 at 11:00 A.M. prevailing time and the recommendation of the Finance Committee:

Mitchell Knorr Contracting	
Ashbridge Park Base Bid Total Bid Contingencies Total Bid Award	\$516,223.00 <u>40,200</u> \$556,423.00

COMMITTEE: Finance Committee

ITEM: AWARD OF CONTRACT – CYNWYD SPUR TRAIL EXTENSION – NORFOLK SOUTHERN RAILROAD

Consider for approval to award a contract for Cynwyd Spur Trail Extension – Norfolk Southern Railroad to the following bidder in accordance with bids received on Thursday, February 22, 2024 at 11:00 A.M. prevailing time and the recommendation of the Finance Committee:

Driscoll Construction Company, Inc.	
Total Lump Sum Bid Total Bid Contingency Items (2-1 - 2-5) Total Bid	\$2,018,003.50 <u>26,250.30</u> \$2,044,253.80

COMMITTEE: Finance Committee

ITEM: AWARD OF CONTRACT - ARDMORE PUBLIC LIBRARY ADA RAMP REPLACEMENT

Consider for approval to award a contract for Ardmore Public Library ADA Ramp Replacement to the following bidder in accordance with bids received on Thursday, February 22, 2024 at 11:00 A.M. prevailing time and the recommendation of the Finance Committee:

Joseph J Danielle, LLC.	
Total Lump Sum Bid (Item 1) Total Bid Contingency Items (2-1 - 2-4) Add Alternate Items 3-7 Total Bid	\$ 162,356.48 9,060.00 21,840.00 \$ 193,256.48

COMMITTEE: Finance Committee

ITEM: APPROVAL OF ELIGIBILITY LIST FOR THE REAL ESTATE TAX CREDIT FOR VOLUNTEER FIREFIGHTER/AMBULANCE

Consider for approval the eligibility list for volunteer firefighters and volunteer emergency medical service personnel who have qualified for the Real Estate Tax Credit for Firefighter/Ambulance Volunteers.

Belmont Hills Fire Company

- 1. Francis M. Burdo
- 2. Rocco J. Burdo, Jr.
- 3. Rocco P. Burdo
- 4. Patrick Fusaro, Sr.

Bryn Mawr Fire Company

- 1. Brian Giersch
- 2. Jeffrey Josephson

Gladwyne Fire Company

- 1. Andrew J. Block
- 2. Brian T. Brown
- 3. G. Andrew Culbertson
- 4. Christopher B. Flanagan
- 5. Keith L. Hausmann
- 6. Vincent S. Fusaro
- 7. Blaine W. Leis
- 8. Jennifer Lofaro
- 9. Bartholomew K. Rose

Merion Fire Company of Ardmore

- 1. Nathaniel J. Bender
- 2. Justin Bianchi
- 3. Clifford M. Cantrell, III
- 4. Judith G. Flanagan
- 5. John H. Gordon
- 6. Thomas C. Hayden, Jr.
- 7. John J. Laurino
- 8. H. Brooke McMullin, Jr.
- 9. Edward F. Powers, III
- 10. Thomas J. Trainor
- 11. Timothy R. Van Winkle

Narberth Fire Company

- 1. Thomas Henderson
- 2. David Most
- 3. John E. Riddell, Jr.
- 4. Ramon Solis

Penn Wynne/Overbrook Hills Fire Company

- 1. Brian P. Conboy
- 2. Patrick J. DeHoratius
- 3. Sean Gisonda
- 4. Li Hsin (Leo) Han
- 5. Mark McCauley
- 6. Warren D. Neely
- 7. Edward W. Schmid, III

Union Fire Association of Lower Merion

- 1. Jacob Colman
- 2. Aaron Epstein
- 3. Scott D. Friedman
- 4. Jason Geary
- 5. Mayer Kohn

Narberth Ambulance

- 1. Fred T. Crawford, IV
- 2. Alvin Wang

COMMITTEE: Grants and Community Development Committee

ITEM: APPROVAL OF SUBSTANTIAL AMENDMENTS TO THE 2019-2023 ANNUAL ACTION PLANS FOR CDBG FUNDING

Consider for approval Substantial Amendments to the Lower Merion Township CDBG Action Plans for Fiscal Years 2019-2023 to include reallocation of both Annual Entitlement and CDBG-CV Covid-19 Funds subject to reconsideration if substantial public comment is received prior to March 20, 2024.

COMMITTEE: Parks and Recreation Committee

ITEM: WAIVER OF ENFORCEMENT OF TOWNSHIP CODE 111-4.2 REGULATING OPEN CONTAINERS FOR THE BRYN MAWR TWILIGHT CONCERTS HOSTED BY LOWER MERION TOWNSHIP AND RISING SUN PRESENTS AT THE BRYN MAWR GAZEBO, 9 S. BRYN MAWR AVENUE BRYN MAWR

Consider for approval a waiver of Township Code §111-4.2 as requested by the Parks and Recreation Department and Rising Sun Presents to permit patrons to possess open containers with alcoholic beverages and serve alcoholic beverages in public rights-of-way within a regulated area at the Bryn Mawr Gazebo, 9 S. Bryn Mawr Avenue Bryn Mawr during the Bryn Mawr Twilight Concerts (BMTC).

COMMITTEE: Police Committee

ITEM: AUTHORIZATION TO ADVERTISE ORDINANCE - CHAPTER 145, VEHICLES AND TRAFFIC - PENWYN ROAD PARKING RESTRICTIONS

Consider for approval authorizing the Township Secretary to advertise a notice of intent to adopt an ordinance to amend the Code of the Township of Lower Merion, Chapter 145, entitled Vehicles and Traffic, Article XV, Schedules, Section 145-118, Schedule XVIII: Parking Time Limited, to establish a four hour parking regulation during certain hours, except Saturday and Sunday, on both sides of Penwyn Road, between Penn Road and Bolsover Road, the distance of 185 feet.

COMMITTEE: Police Committee

ITEM: AUTHORIZATION TO CONDUCT COMPETITIVE EXAMINATIONS FOR THE POSITION OF SERGEANT OF POLICE

Consider for approval authorizing the Civil Service Commission to conduct competitive examinations to establish an eligibility list for the position of Sergeant of Police.

COMMITTEE: Sustainability Committee

ITEM: AUTHORIZATION TO ISSUE A LETTER OF SUPPORT FOR PA HOUSE BILL NO. 1842 RELATING TO COMMUNITY SOLAR FACILITIES

Consider for approval authorizing the issuance of a Letter of Support for Pennsylvania House Bill No. 1842, an Act providing for community solar facilities.