

TOWNSHIP OF LOWER MERION

BUILDING AND PLANNING COMMITTEE

**Wednesday, March 12, 2025
7:00 PM (Approximately)**

Chairperson: Joshua Grimes
Vice Chairperson: Sean Whalen, Jeremiah Woodring

AGENDA

1. **WAIVER OF TOWNSHIP CODE § 111-4.2 REGULATING OPEN CONTAINERS FOR THE SPRING BEER FEST HOSTED BY ARDMORE INITIATIVE IN SCHAUFFELE PLAZA**
2. **WAIVER OF TOWNSHIP CODE § 111-4.2 REGULATING OPEN CONTAINERS FOR THE ARDMORE SPRINGFEST EVENT HOSTED BY MIRROR IMAGE EVENTS IN SCHAUFFELE PLAZA**
3. **RESOLUTION - AUTHORIZATION OF APPOINTMENT TO THE ARDMORE INITIATIVE BOARD OF DIRECTORS**
4. **PRELIMINARY SUBDIVISION PLAN - 1010 & 1020 Rock Creek Road, Bryn Mawr, Ward 11, LD# 3919PSP**
5. **APPROVAL OF EXTENSION REQUEST - 917 Merion Square Road, Gladwyne, Ward 1**
6. **AUTHORIZATION TO ADVERTISE PROPOSED ORDINANCE - CHAPTER A180, HISTORIC RESOURCE INVENTORY - Addition of 17 Elliott Avenue, Bryn Mawr**
7. **APPROVAL OF CERTIFICATES OF APPROPRIATENESS**
8. **DEMONSTRATION: Historic Resource Inventory Interactive Map**



AGENDA ITEM INFORMATION

ITEM: WAIVER OF TOWNSHIP CODE § 111-4.2 REGULATING OPEN CONTAINERS FOR THE SPRING BEER FEST HOSTED BY ARDMORE INITIATIVE IN SCHAUFFELE PLAZA

Consider for approval a waiver of Township Code §111-4.2 as requested by applicant, Ardmore Initiative, to permit patrons to possess open containers with alcoholic beverages and serve alcoholic beverages in public rights-of-way within a regulated area in Schauffele Plaza and a portion of Lot 6 on Saturday, May 17, 2025 between the hours of 12:00 p.m. and 4:00 p.m. subject to Ardmore Initiative providing the required insurance certificate documenting adequate coverage as required by the Township.

PUBLIC COMMENT

ATTACHMENTS:

Description	Type
 Issue Briefing	Issue Briefing

TOWNSHIP OF LOWER MERION

Building & Planning Committee

Issue Briefing

Topic: Waiver of Township Code 111-4.2 regulating open containers for the Spring Beer Fest event hosted by Ardmore Initiative in Schaufele Plaza.

Prepared By: Charles Doyle, Assistant Director, Building & Planning

Date: March 7, 2025

I. Action to Be Considered by The Board:

Waiver of Township Code § 111-4.2 as requested by the applicant, Ardmore Initiative to permit patrons to possess open containers with alcoholic beverages and serve alcoholic beverages in public rights-of-way within a regulated area in Schaufele Plaza and Lot 6 on May 17, 2025, between the hours of 12:00 p.m. and 4:00 p.m.

II. Why This Issue Requires Board Consideration:

The Board of Commissioners must approve waivers of the Township Code. This event requires a waiver of Township Code § 111-4.2 to serve and consume alcohol in the public right-of-way and to possess open containers in a public place for this day and event.

Township Code § 111-4.2 states: No person shall drink an alcoholic beverage, nor shall any person, firm, corporation or other organization possess an open container containing an alcoholic beverage, whether inside or outside of a motor vehicle or any part thereof, on or in any public place within the Township of Lower Merion.

III. Current Policy or Practice (If Applicable):

The current code prohibits the consumption of alcohol in open containers in a public place. This code provision has been waived, by the Board of Commissioners, for this and similar special events in Ardmore and other commercial districts in the Township.

IV. Other Relevant Background Information:

The proposed event for this year is to be held on Saturday, May 17, 2025. The event will operate from approximately 12:00 p.m. to 4:00 p.m. The sponsor will contact nearby businesses and residents to notify them of the event and lot restrictions. Each establishment will maintain their respective requirements to prevent the sale of alcoholic beverages or use by those underage; provide their own event liability insurance; comply with any Montgomery County temporary food licenses and requirements and any stipulated by the Pennsylvania Liquor and Control Board (PLCB). All servers are paid employees of the participating restaurants and are certified under the Responsible Alcohol Management Program (RAMP) as established by the PLCB.

The event sponsors propose to maintain the controlled area within and around Schauffele Plaza (see map below).

The event permit request has been reviewed and approved by various staff including Building and Planning, Police, Fire, and Public Works Departments. Parking will be available at the One Ardmore Place municipal parking garage.

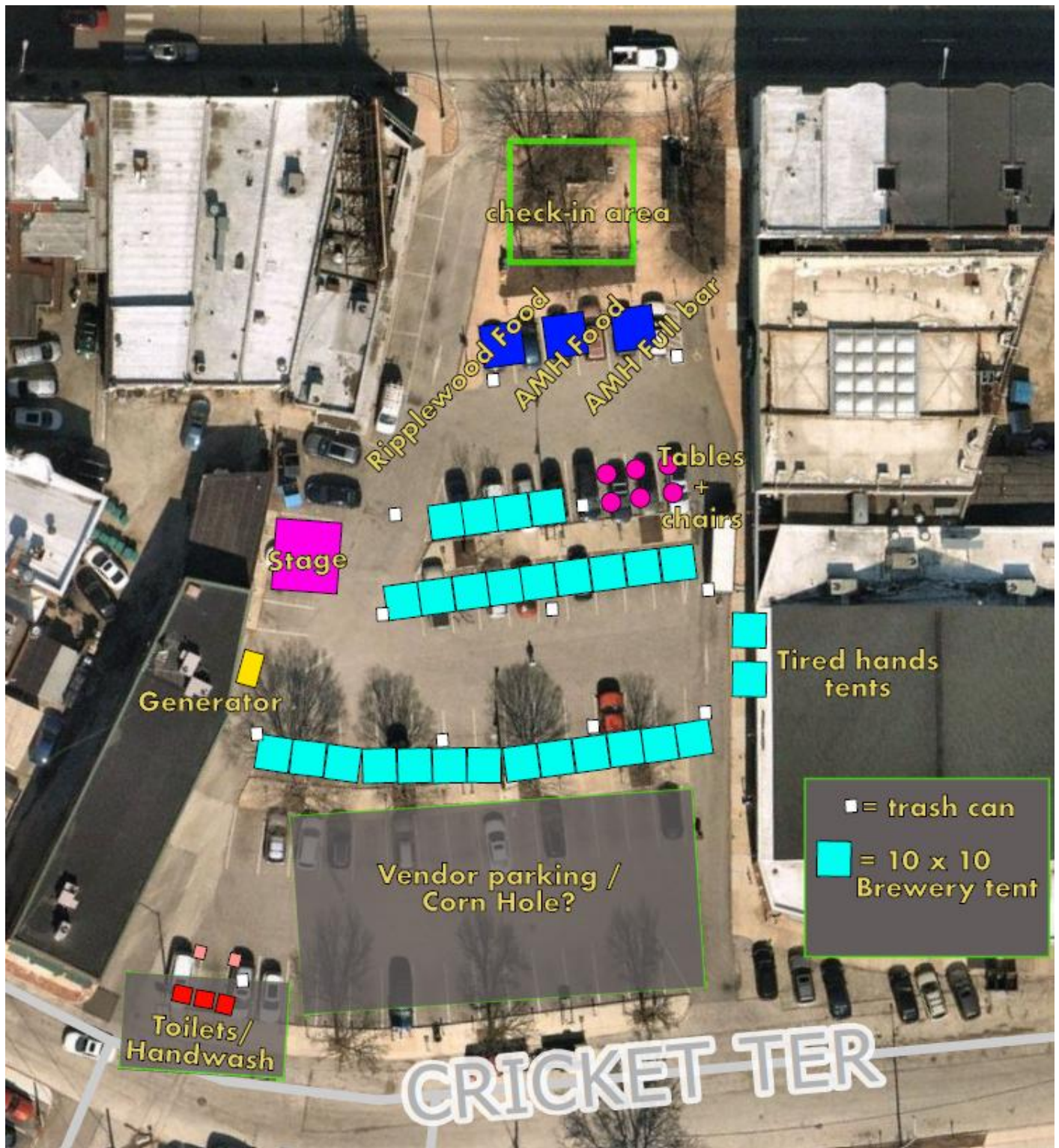
V. Impact on Township Finances:

None. The event sponsors will purchase the use of the metered spaces in Municipal Lot 6.

VI. Staff Recommendation:

Staff recommends that the alcohol waiver be approved as requested subject to the Ardmore Initiative providing the required insurance certificate documenting adequate coverage as required by the Township event permit.

Ardmore Initiative's Spring Beer Fest Event Location





AGENDA ITEM INFORMATION

ITEM: WAIVER OF TOWNSHIP CODE § 111-4.2 REGULATING OPEN CONTAINERS FOR THE ARDMORE SPRINGFEST EVENT HOSTED BY MIRROR IMAGE EVENTS IN SCHAUFFELE PLAZA

Consider for recommendation to the Board of Commissioners approval of a waiver of Township Code §111-4.2 as requested by applicant, Mirror Image Events, to permit patrons to possess open containers with alcoholic beverages and serve alcoholic beverages in public rights-of-way within a regulated area in a portion of Schaufele Plaza (Lot 6) on May 3, 2025 between the hours of 1:00 p.m. and 7:00 p.m., subject to Mirror Image Events providing the required insurance certificate documenting adequate coverage as required by the Township.

PUBLIC COMMENT

ATTACHMENTS:

Description	Type
 Issue Briefing	Issue Briefing

TOWNSHIP OF LOWER MERION

Building & Planning Committee

Issue Briefing

Topic: Waiver Enforcement of Township Code 111-4.2 regulating open containers for an Springfest event hosted by Mirror Image Events in Schaufele Plaza.

Prepared By: Charles Doyle, Assistant Director, Building & Planning

Date: March 7, 2025

I. Action to Be Considered by The Board:

Waiver of Township Code § 111-4.2 as requested by the applicant, Brian Cronin of Mirror Image Events, to permit patrons to possess open containers with alcoholic beverages and serve alcoholic beverages in public rights-of-way within a regulated area Schaufele Plaza and Lot 6 on May 3, 2025, between the hours of 1:00 p.m. and 7:00 p.m.

II. Why This Issue Requires Board Consideration:

The Board of Commissioners must approve waivers of the Township Code. This event requires a waiver of Township Code § 111-4.2 to serve and consume alcohol in public right-of-way and to possess open containers in a public place for this day and event. Township Code § 111-4.2 states:

No person shall drink an alcoholic beverage, nor shall any person, firm, corporation or other organization possess an open container containing an alcoholic beverage, whether inside or outside of a motor vehicle or any part thereof, on or in any public place within the Township of Lower Merion.

III. Current Policy or Practice (If Applicable):

Current policy prohibits the consumption of alcohol in open containers in a public place. Current policy also requires approval from the Board of Commissioners to serve and consume alcohol in public right-of-way. This code provision has been waived for similar special events in Ardmore and other commercial districts in the Township.

IV. Other Relevant Background Information:

The proposed event for this year is to be held on May 3, 2025. The event will operate from approximately 1:00 p.m. to 7:00 p.m. The sponsor will contact nearby businesses and residents to notify them of the event and street and lot restrictions. Each establishment will maintain their respective requirements to prevent the sale of alcoholic beverages or use by

those underage; provide their own event liability insurance; comply with any Montgomery County temporary food licenses and requirements and any stipulated by the Pennsylvania Liquor and Control Board (PLCB). All servers are paid employees of the participating restaurants and are certified under the Responsible Alcohol Management Program (RAMP) as established by the PLCB.

The event sponsors propose to maintain the controlled area within Schaufele Plaza (see map below).

The event permit request has been reviewed and approved by various staff including Building and Planning, Police, Fire, and Public Works Departments. Parking will be available at the One Ardmore Place municipal parking garage.

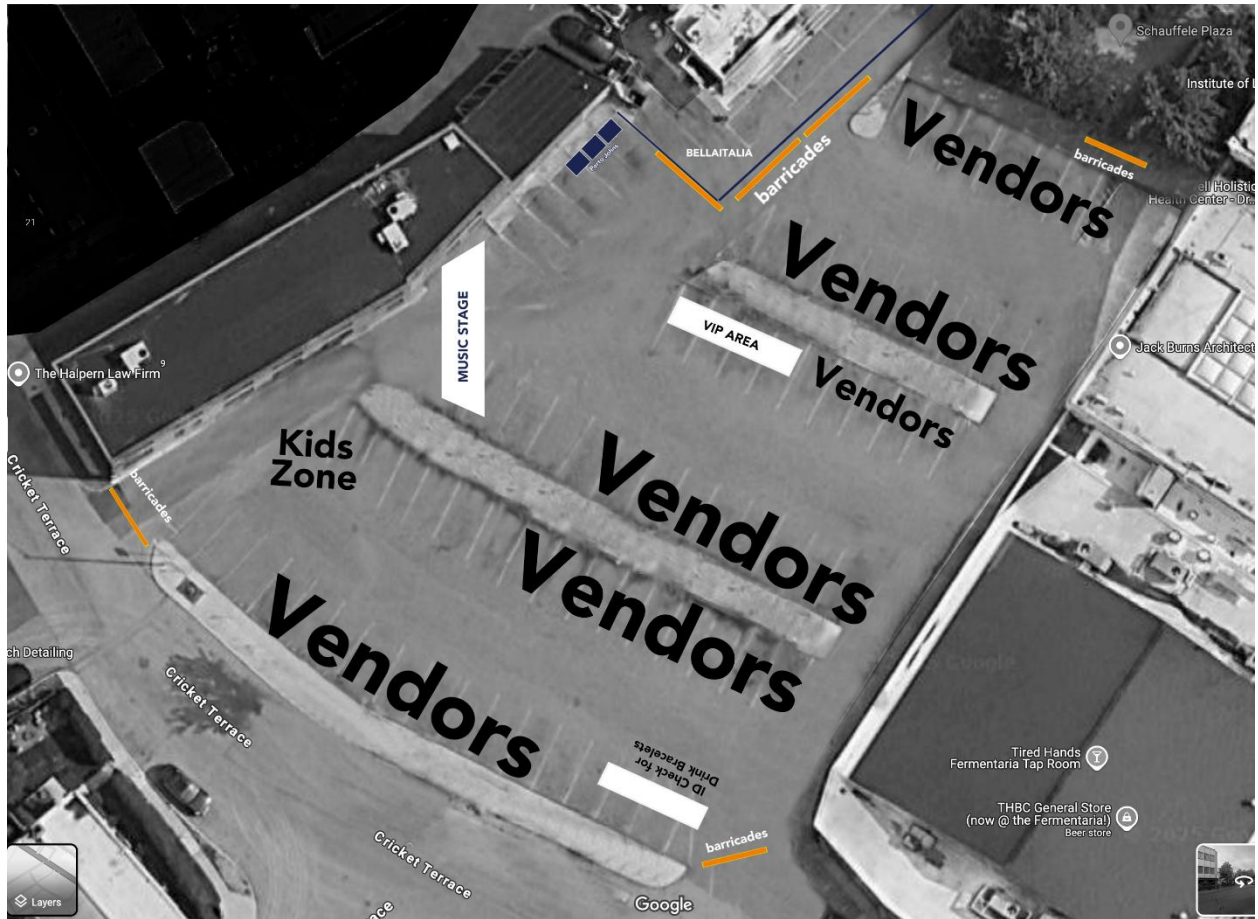
V. Impact on Township Finances:

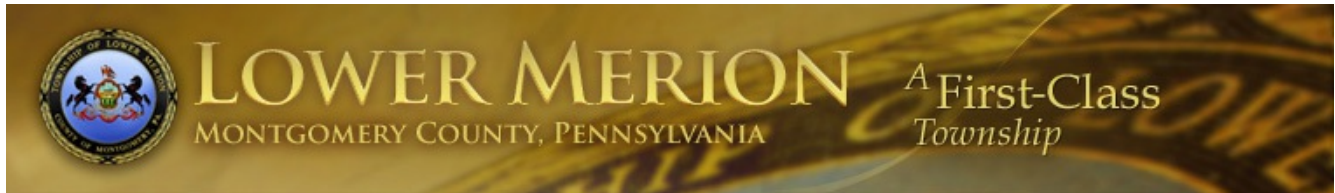
None.

VI. Staff Recommendation:

Staff recommends that the alcohol waiver be approved as requested subject Mirror Image Events providing the required insurance certificate documenting adequate coverage as required by the Township.

Springfest Event Location





AGENDA ITEM INFORMATION

ITEM: RESOLUTION - AUTHORIZATION OF APPOINTMENT TO THE ARDMORE INITIATIVE BOARD OF DIRECTORS

Consider for recommendation to the Board of Commissioners adoption of a Resolution to appoint Jack Burns and Rob Berliner to the Board of Directors of the Ardmore Initiative for terms that expire January 7, 2030.

PUBLIC COMMENT

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Issue Briefing	Issue Briefing
<input type="checkbox"/> Resolution	Resolution

TOWNSHIP OF LOWER MERION

Building & Planning Committee

Issue Briefing

Topic: Consider for approval a resolution to appoint members to the Board of Directors of the Ardmore Initiative Municipal Business District Authority

Prepared by: Christopher Leswing, Director, Building and Planning Department

Date: March 7, 2025

I. Action To Be Considered By The Board:

Adopt a resolution to appoint Jack Burns and Rob Berliner to the Board of Directors of the Ardmore Initiative for a five-year term.

II. Why This Issue Requires Board Consideration:

The Articles of Incorporation of the Ardmore Initiative state that the Board of Directors must be appointed by the governing body of the Township of Lower Merion through a resolution of the Board of Commissioners.

III. Current Policy Or Practice (If Applicable):

The Board of Commissioners has generally approved nominations presented by the Ardmore Initiative in accordance with the Articles of Incorporation.

IV. Other Relevant Background Information:

The Ardmore Initiative Board supports both nominations. The five-year terms would begin following approval and expire on January 7th, 2030. Brief biographical information on the candidates is attached to this agenda item.

V. Impact on Township Finances:

There is no impact on Township finances.

VI. Staff Recommendation

Staff recommends that the Board of Commissioners approve the resolution.

Ardmore Initiative Board of Directors Appointments

Rob Berliner is the Chief Operating Officer of Tired Hands and has worked with the company for the past 12 years. Tired Hands is one of the largest food and beverage employers in the district and as a stakeholder represents the food and beverage industry which constitutes the majority percentage of the business mix in the district. It was the first business to benefit from Ardmore Initiative's CDBG business assistance grants when the program commenced in 2011. Ardmore Initiative has had a representative from Tired Hands sit on its board since successful completion of the grant and that representative has been instrumental to the success of events held in Schauffele Plaza.

Jack Burns is the owner of Jack Burns Architecture which has been an Ardmore business located on Schauffele Plaza for over 15 years. He currently is an active member of the AI Design Committee which assists with façade grant approval and is helpful in providing professional advice on projects within the HARB. Jack and his wife, Lisa, live in Ardmore (LMT) and have been active members of both the business and residential communities.

TOWNSHIP OF LOWER MERION

RESOLUTION NO. _____

**RESOLUTION APPOINTING MEMBERS TO THE
BOARD OF DIRECTORS OF THE ARDMORE INITIATIVE
FOR TERMS EXPIRING JANUARY 2030**

WHEREAS, vacancies currently exist on the Board of Directors of the Ardmore Initiative, and

WHEREAS, the Articles of Incorporation and By-Laws, as amended, of the Ardmore Initiative provide that a member of the Board of Directors 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 by the Board of Commissioners of the Township of Lower Merion that the following individuals are hereby appointed to the Board of Directors of the Ardmore Initiative to serve the term(s) indicated:

<u>Name</u>	<u>Term Commences</u>	<u>Term Expires</u>
Jack Burns	March 19, 2025	January 7, 2030
Rob Berliner	March 19, 2025	January 7, 2030

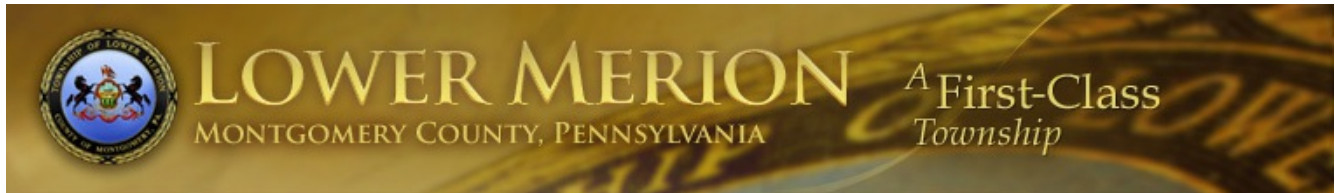
ENACTED by the Board of Commissioners of the Township of Lower Merion the
_____ day of _____, 2025.

BOARD OF COMMISSIONERS
TOWNSHIP OF LOWER MERION

By: _____
Todd M. Sinai, President

ATTEST:

Jody L. Kelley, Secretary



AGENDA ITEM INFORMATION

ITEM: PRELIMINARY SUBDIVISION PLAN - 1010 & 1020 Rock Creek Road, Bryn Mawr, Ward 11, LD# 3919PSP

Consider for recommendation to the Board of Commissioners approval of a Preliminary Subdivision Plan. The Plan shows the re-subdivision of 1020 Rock Creek Road an existing 5.5-acre parcel into two parcels and construction of a new single-family dwelling on 1010 Rock Creek Road (Lot 3.) Lot 3 will contain 87,887 SF (2.01 acres) and include the construction of a new two-story single-family detached dwelling, a two-car garage (2,803 SF footprint), and 55,351 SF (1.27 acres) of deed restricted conservation area. 1020 Rock Creek Road (lot 4) will contain the existing two-story single-family detached dwelling, a three-car garage, and 87,999 SF (2.01 acres) of deed restricted conservation area. These properties were originally part of a 16.94 acre, four parcel Open Space Subdivision plan approved in 1998 including 970, 1000, 1010 & 1020 Rock Creek Road.

In addition, the application requires the following waivers from Township Subdivision and Land Development Code Sections which were recommended for approval by the Planning Commission:

1. §135-4.9.C(1) to defer the installation of public sidewalks along local and minor streets.
2. §135-3.2.A(1) to not provide a Tentative Sketch Plan.
3. §135-3.8.A to not submit a Second Stage Plan for Lot 3 at 1010 Rock Creek Road.

Expiration Date – 03/31/2025.....Zoning – LDR1/OSPD

On March 3, 2025 the Planning Commission 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, 2025, shall be incorporated by reference into these conditions of approval to the extent the same is consistent with these conditions of approval.

Access Easements:

2. A stormwater access easement for the existing and proposed systems shall be submitted to the Township for review for Lot #3 across Lot #4. The easement shall note the proposed water line, proposed electric line, proposed telecom line, and proposed stormwater pipe. The applicant shall record an easement on Lots 3 & 4 in a form acceptable to the Township Solicitor to guarantee this requirement. A draft easement shall be submitted for review prior to recording the final plan.

Plan Drafting:

3. The applicant shall add the applicable accessory structure zoning requirements to the table on sheet 5 of 15 of the civil plan set and indicate those dimensions on the civil plans.

Road Design Standards:

4. A future five-foot wide sidewalk shall be installed along the frontages of 1010 & 1020 Rock Creek Road if and when required by the Board of Commissioners. The future sidewalk shall be shown on the final plan and noted as deferred. The requirement to install the sidewalk which has been deferred shall be recorded in a covenant running with the land.

5. A Township Highway Occupancy Permit shall be required for the proposed driveway on Lot 3 and the modification of the driveway on Lot 4.

Pool:

6. The pool on lot 3 shall require a separate building permit. The pool, equipment, and enclosure must comply with the 2018 International Swimming Pool and Spa Code. The pool equipment, enclosure, and self-closing gate shall be shown on the plan.

7. Top and bottom of wall elevations shall be provided for all proposed retaining walls. Calculations are required for any wall over four (4') feet qualifying the design. Fall protection is required for any wall over four (4') feet.

8. The stair tread, riser and railings final design must comply with the applicable building code.

Architectural Elevations:

9. Where a stone-faced facade meets a facade that is composed of another material at a corner, stone shall return onto that facade at least 12 inches.

10. The building height shall be verified by the Zoning Officer prior to issuance of any permits. The building height shall not exceed 35 feet from mean grade to the top of the roof ridge.

11. Architectural elevations and renderings of all sides of the proposed building shall be submitted with the Final Plan, including the proposed materials. The applicant shall provide a chart to demonstrate compliance with the Architectural Design Standards in Zoning Code Section 155-3.9.

12. The proposed building(s) shall be constructed substantially as shown on the architectural elevations prepared by Barbara Gisel Design Ltd., dated September 20, 2024, with the exception of any de minimis changes, including those mutually agreed to with staff.

13. 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).

14. The mean grade of the structure 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.

Landscape:

15. The deed restricted conservation areas on the lots shall be permanently delineated with small, visible, unobtrusive pins or signs indicating its boundary every 100 feet or change in direction.

16. During construction the deed restricted conservation areas shall be fenced in a manner which prevents its removal. Detail shall be added to the plans.

17. No storage of vehicles, equipment, construction materials or soil stockpiles shall be permitted in the deed restricted conservation areas.
18. Additional plantings in the conservation areas are limited to site appropriate native species.
19. Invasive vegetation may be removed between 50 and 75 feet of the streambank provided the area is replanted with native meadow grasses and shrubs, as set forth in chapter A-177 of the Lower Merion Township code, or as otherwise approved by the Director of Building & Planning.
20. Native non-invasive trees, shrubs, seedlings and groundcover may not be removed within the woodland areas.
21. The applicant shall consider deer protection for new plantings.
22. Any revisions to the landscape plan for 1010 Rock Creek Road shall not decrease the quantity of plant material as part of the approved overall landscape plans drafted by Glackin Associates, Inc. for the approved 1998 Open Space Overlay District Subdivision Plans.
23. The applicant shall comply with Chapter 59-1 to remove the invasive species on site prior to a certificate of occupancy issuance.
24. All existing trees to remain shall be devined on both lots.
25. A landscape plan complying with the applicable sections of the Natural Features Code, Subdivision & Land Development Code and all conditions herein shall be prepared and sealed by a Registered Landscape Architect.
26. 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 at the direction of the Township Arborist.
27. The Landscape Plan shall be approved by the Building and Planning Department.

Stormwater & Utilities:

28. Any modifications to the existing on lot sanitary system shall require separate permits and approval from the Montgomery County Health Department.
29. The applicant shall ensure that the HVAC equipment and any other electrical equipment will meet the principal building setbacks and remain outside the deed restricted conservation area.
30. Additional permits and approvals are required for the connection to the existing storm sewer. The connection shall be investigated prior to construction. Manholes or inlets shall be provided at all junctions or changes in pipe direction.
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.

Sustainability:

32. 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.

33. The applicant shall also consider having no natural gas connections.

34. The new single-family dwelling with garage 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 as noted in SALDO section 135-4.9.R(1)c.

Construction:

35. 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

36. 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.

37. All construction-related vehicles shall be parked on 1010 Rock Creek Road and/or 1020 Rock Creek Road 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.

Standard Conditions of Approval:

38. Second Stage Plan approval shall be required on Lot 3 from the Board of Commissioners if there is any material deviation as determined by Township staff, from the location of the house, driveway, and improvements depicted on the Preliminary Subdivision Plan.

39. 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).

40. An as-built plan must be submitted certifying the amount of impervious surface on each lot prior to finalization of any permit(s).

41. New legal descriptions including metes and bounds shall be submitted for each new lot line/property boundary prior to recording the Final Plan. The bearings and distances for the existing right-of-way and ultimate right-of-way to be dedicated shall be provided.

42. New deeds shall be recorded for all lots after the Final Plan has been recorded. The following restriction, to be verified by the Director of Building and Planning, shall be placed in the two deeds, or in a separate recorded covenant acceptable to the Township Solicitor. The continued operation and maintenance of the stormwater management facilities are the responsibility of the property owner.

43. 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. Alternatively, significant changes may require the submission of a second stage plan if so, determined by the Director of Building & Planning.

44. Two copies of the revised plan shall be submitted with all changes highlighted. A letter shall also be provided with the revised plan indicating how each requested revision has been addressed in the re-submission.
45. The Final Plan, complying with all applicable requirements, shall be filed with the Department of Building and Planning within twelve (12) months from the date of the Preliminary Plan approval.
46. 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.
47. The owner shall make payment of the Township Engineer's and/or Clerk of the Works' inspection fees within 30 days of presentation. A penalty of 1.5% per month will be due for late payments from the date of presentation. If any shares are not paid within 60 days of presentation, the Township may elect to suspend any outstanding permits until all pending charges are settled.

PUBLIC COMMENT

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Issue Briefing	Issue Briefing

Meeting Date: March 3, 2025

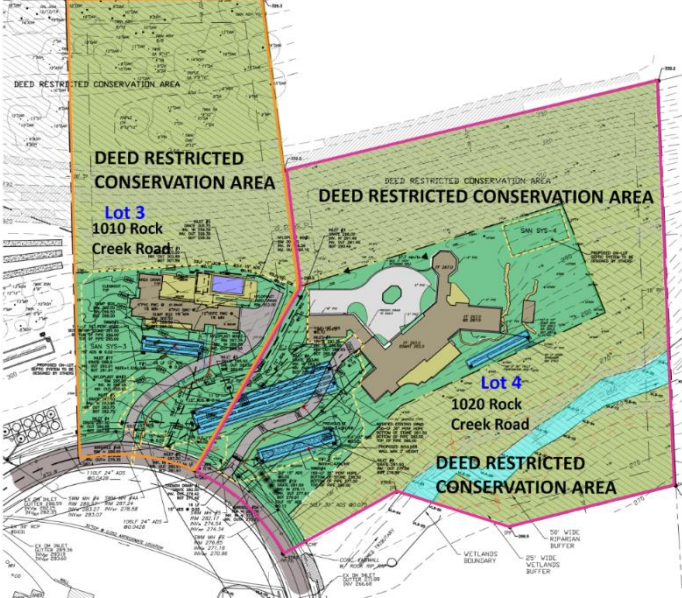
TO: Lower Merion Township Planning Commission Members

FROM: Department of Building and Planning – Holly Colello, Planner & Colleen Hall, Senior Planner

SUBJECT: Preliminary Subdivision Plan – 1010 Rock Creek Road (Lot 3) & 1020 Rock Creek Road (Lot 4), Bryn Mawr, LD# 3919PSP

PROPOSAL:

Brian Tierny, Sr., the owner, and George Broseman, Esq., are seeking approval for a Preliminary Subdivision Plan showing the subdivision of 1010 Rock Creek Road (Lot 3) as a lot and construction of a new single-family dwelling on 1010 Rock Creek Road (Lot 3). The plans also include the following:

- Relocation of stormwater facilities and parts of a driveway serving 1020 Rock Creek Road from 1010 Rock Creek Road. If approved, both lots will have separate driveway access and will continue to share the stormwater management system.
 - 1010 Rock Creek Road (Lot 3) will contain 87,887 sq. ft. (2.0 acres) and includes the construction of a new two-story single-family detached dwelling and two-car garage with a 2,803 sq. ft. footprint, a new sanitary sewer system and shared stormwater management system, as well as 55,351 sq. ft. (1.3 acres) of deed restricted conservation area.
 - 1020 Rock Creek Road (Lot 4) will contain 152,105 sq. ft. (3.5 acres) and includes the existing two-story single-family detached dwelling and three-car garage with a 7,096 sq. ft. footprint, a new sanitary sewer system and two new stormwater management systems, and 87,999 sq. ft. (2.0 acres) of deed restricted conservation area.
- 
- These properties were originally part of a 16.9-acre, four (4) parcel Open Space Subdivision plans which was approved in 1998 which included 970, 1000, 1010 & 1020 Rock Creek Road.

SALDO WAIVER REQUEST:

The applicant requests relief from the following Subdivision Land Development Ordinance (SALDO) Code Sections:

1. [§135-4.9.C\(1\) to defer and waive the installation of public sidewalks along local and minor streets.](#)
2. [§135-3.2.A\(1\) to not provide a Tentative Sketch Plan.](#)
3. [§135-3.8.A to not submit a Second Stage Plan for Lot 3 at 1010 Rock Creek Road.](#)

SUBMISSION MATERIALS:

The proposal is illustrated on the attached set of plans that include the following:

- **Civil Submission:** Fifteen (15) sheets prepared by Apex Design + Engineering Group, dated September 9, 2024, last revised October 28, 2024.
- **Architecture Renderings:** Four (4) sheets prepared by Barbara Gisel Design Ltd., dated September 20, 2024, no revisions submitted.
- **Landscape Submission:** Three (3) sheets prepared by RGS Associates, dated April 26, 2024, last revised October 18, 2024, and **Riparian Buffer Exhibit** containing Three (3) sheets prepared by RGS Associates, October 15, 2024.

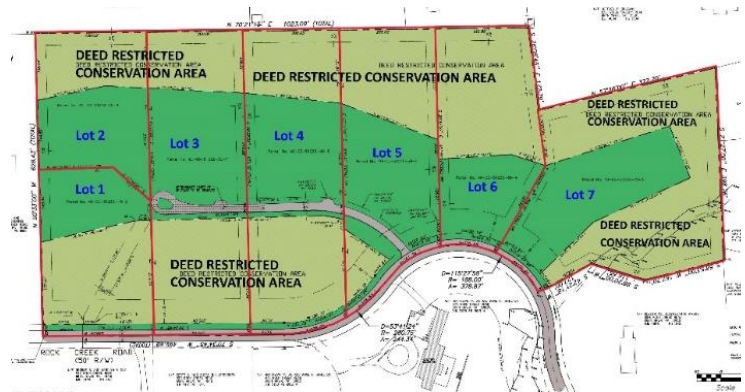
SUBDIVISION HISTORY TIMELINE: The Estates of Rock Creek and 1010 & 1020 ROCK CREEK ROAD

YEAR TO DATE: 1995 THROUGH 2000

These properties were formerly part of the Estate of Ann Firestone, comprised a 16.9-acre parcel that was initially approved under the Open Space Overlay District (OSOD) to be subdivided into seven (7) parcels and later further subdivided into four (4) parcels.. Located at 950, 960, 970, 980, 990, 1010, and 1020 Rock Creek Road, these parcels are now within the LDR1 Zoning District, formerly known as the R A Residential Zoning District. The large tract exceeded five acres, making it subject to the Township's Open Space Overlay District (OSOD) ordinance, which allows subdivisions based on lot yield determined by the underlying zoning classification and mandates that at least 50% of the tract be preserved from development. Consequently, a 9.2-acre Deed Restricted Conservation Area (DRCA) was established and protected by a recorded Conservation Easement as detailed in the 1998 Subdivision Plan (application #3370), ensuring significant areas of the tract remain undeveloped and preserved. On February 26, 2020, Lower Merion adopted a new zoning ordinance resulting in the rezoning of these parcels from the (R A) Residential District to the LDR1 District. This new district increased the minimum lot size to 90,000 sq. ft. and the minimum lot width to 200 ft.

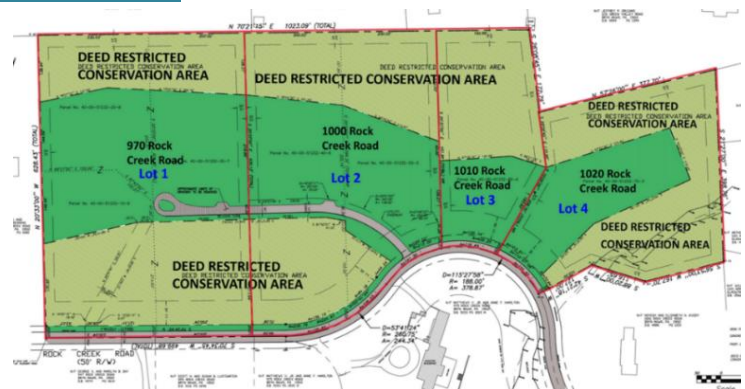
(Application Nos. 3370TS&OSP) The seven (7) parcel Open Space Subdivision Plans:

- **April 18, 1995:** Tentative Sketch Open Space subdivision plan application showing the subdivision of a 16.9-acre parcel into a seven-lot Open Space Subdivision for 950, 960, 970, 980, 990, 1010, 1020 Rock Creek Road.
- **May 17, 1995:** Approval of August 17, 1994 of the Tentative Sketch Open Space Subdivision showing the subdivision of one (1) parcel into seven (7) parcels.



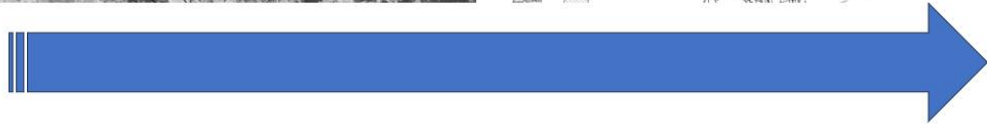
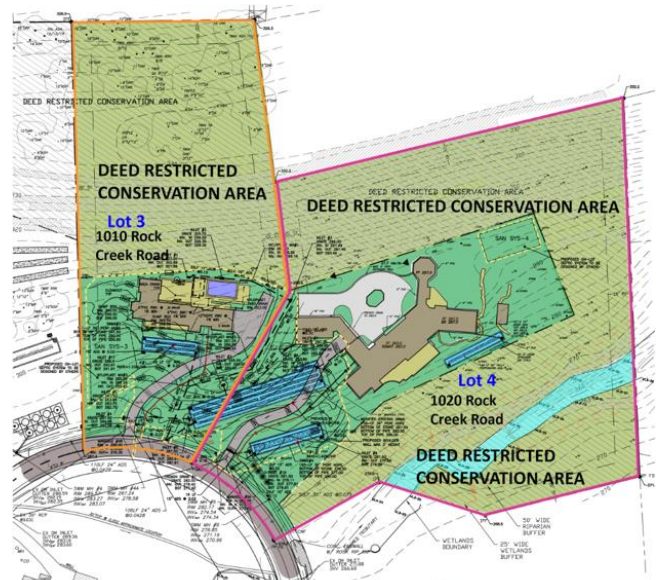
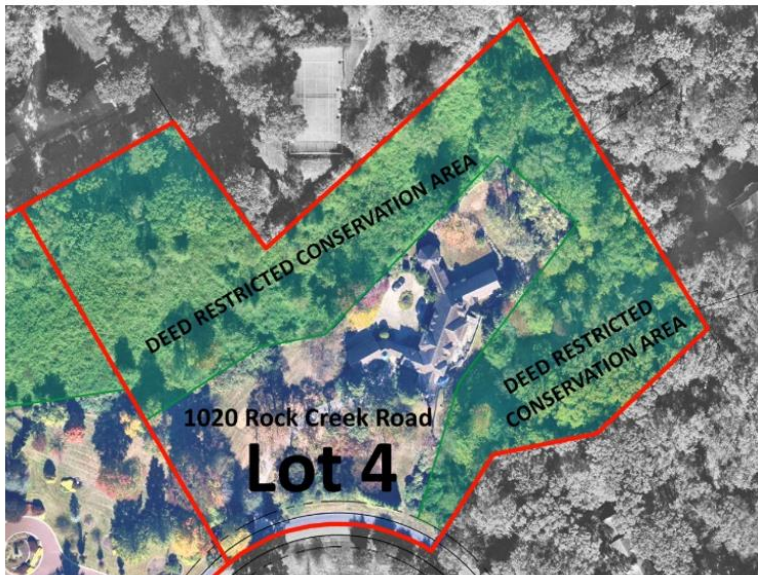
(Application No. 3370PSP) The four (4) parcel Open Space Subdivision Plans:

- **1998:** Board of Commissioners approves the Preliminary Subdivision Plan dated December 18, 1997, showing the subdivision of seven (7) parcels into four (4) lots in the in the Open Space Preservation District. A 9.2 acre Deed Restricted Conservation Area was established and is memorialized on the plans and in a covenant recorded in the Montgomery County Recorder of Deeds Office. The Deed Restricted Conservation Area has remained in a preserved state.
- On **June 16, 1999**, the Lower Merion Township Board of Commissioners considered a Second Stage Plan showing a proposed house, drive, and associated improvements for Lots 3 and 4. The Board approved the application and imposed the following condition: "A deed of consolidation merging lot nos. 3 and 4 conforming to the requirements of Section 135-35 of Township Code shall be recorded prior to the issuance of any permits." According to the applicant, the condition was imposed because the plans showed the sanitary sewer system for the home 1020 Rock Creek Road to cross over the property line to 1010 Rock Creek Road. The owner indicates that he did understand that he could have avoided lot consolidation by providing an easement for the sanitary sewer system or relocating it in some fashion. Although the required Deed was recorded, the County continued to list the lots as separate lots, with separate tax parcel numbers. The owner has continued to receive and pay separate tax bills. Even though the consolidation was



not fully effectuated by the County the Applicant has been required by the township to resubdivide the lots. As described below, the Applicant's engineer demonstrated that the lots were permitted under an updated yield plan.

YEAR TO DATE: 2025 AND BEYOND OF 1010 & 1020 ROCK CREEK ROAD:



- **1010 (Lot 3) Rock Creek Road:** Is undeveloped and does not have a single-family dwelling unit on it. A portion of the driveway for 1020 Rock Creek Road crosses over the area of the lot, and contains some underground utilities for Lot 4.
- **1020 (Lot 4) Rock Creek Road:** Contains a relatively large 2-story single-family building which was built in 2001. There is also a small building at the back of the property which houses generator equipment. The natural features include steep slopes, wooded areas, and small stream that passes through the south-eastern portion of the property.



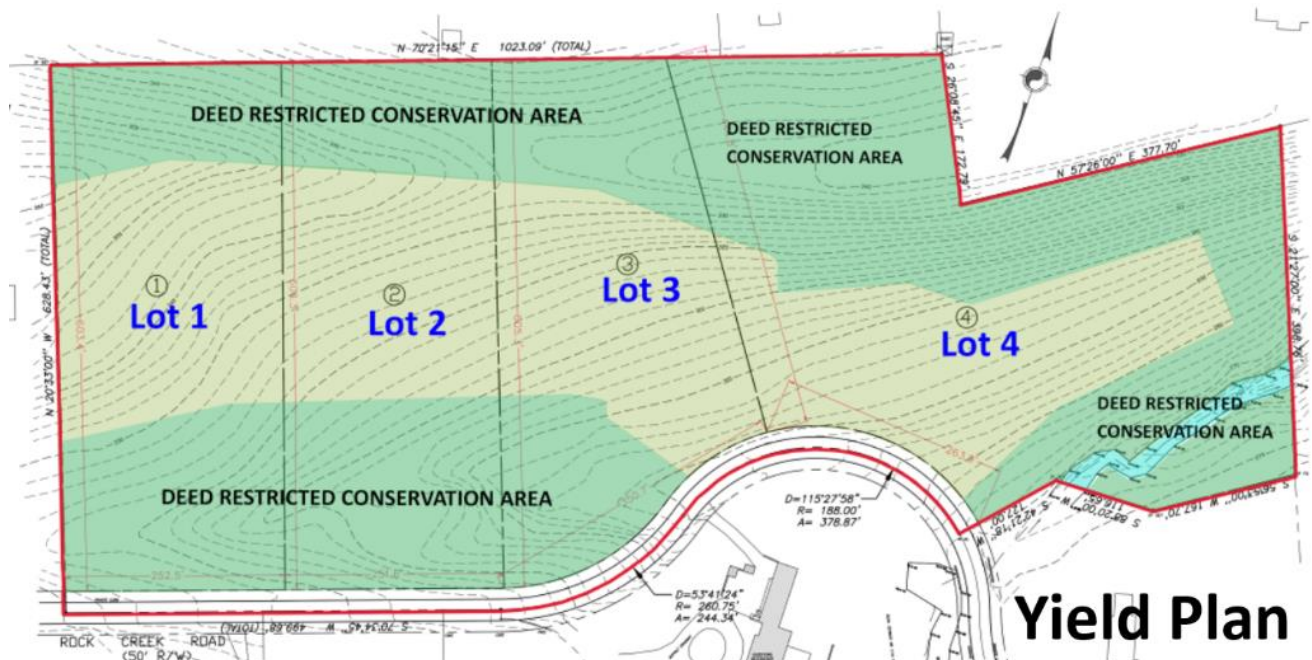
Compliance with 1998 and 2025 zoning requirements.

Step 1: Meeting the requirements of the Open Space Overlay District (OSOD)

- As noted above, 1010 (Lot 3) and 1020 (Lot 4) Rock Creek Road were originally approved in 1998 under the Open Space Overlay District (OSOD). It is important to note that individual lots in the OSOD are not required to meet these minimum requirements of the underlying LDR1 Zoning District, formerly known as the RA Zoning District, if permitted by the yield plan.
 - 1010 (Lot 3) and 1020 (Lot 4) Rock Creek Road meet the applicable zoning requirements under both the 1998 and the 2025 zoning ordinances, as confirmed by the submission of the updated yield plan referenced below.*

Step 2: Meeting the requirement of the Yield Plan under LDR1 Zoning District

- The applicants engineer submitted an updated yield plan along with their preliminary subdivision plan submission, utilizing the current LDR1 minimum lot width and minimum lot area requirements. It reconfirmed that four parcels could be developed without needing additional zoning variances, allowing the subdivision of parcels 3 and 4 to proceed under the current LDR1 Zoning District. This was validated by the Planning staff, Township solicitor, and Township Zoning Officer. In other words, if this application was submitted in 2025 it would comply with the applicable requirements of the zoning ordinance.
 - Both 1010 (Lot 3) and 1020 (Lot 4) Rock Creek Road have met these requirements.*



Step 3: Meeting the requirements of the previously approved subdivision

- The applicants' subdivision adheres to and meets all the requirements of the previously approved plans (1998) under the (OSOD) Open Space Overlay District including the lot occupation requirements for the impervious surface calculations, existing and proposed building heights, and the previously approved deed restricted conservation areas. This overlay determines the number of permitted lots by a yield plan rather than individual lot size and width, and mandates a perpetually protected preservation area, allowing dwelling units on the remaining, non-preserved land. To meet this requirement, a Deed Restricted Conservation Area (DRCA) was established.
 - Both 1010 (Lot 3) and 1020 (Lot 4) Rock Creek Road have met these requirements.*

ZONING & FORM STANDARDS – RESIDENTIAL DISTRICTS:

The subdivision was approved, and the project is being developed under the Open Space Preservation District Overlay (OSPD).

Table 4.1. LDR Form Standards						
Table 4.1.1. LDR1 Dimensional Standards						
REQUIRED				EXISTING (Lot 4) 1020 Rock Creek Rd	PROPOSED (Lot 4) 1020 Rock Creek Rd	PROPOSED (Lot 3) 1010 Rock Creek Rd
Low Density Residential (LDR1)		Open Space Overlay District (OSOD) <i>(See notation #1)</i>				
Lot Occupation (See § 155-3.4, Lot occupation.)						
A	Lot width	200 feet minimum	N/A	263.9 ft.	*132.62 ft.	*128.13 ft.
	Lot area	90,000 square feet minimum (SF)	N/A	239,992 SF (Gross area) 233,710 SF (Net area)	*152,105 SF (Gross area) *148,908 SF (Net area) <i>(See notation #1)</i>	*87,887 SF (Gross area) *84,802 SF (Net area) <i>(See notation #1)</i>
	Impervious surface	20% maximum	15% <i>(See notation #2)</i>	35,056 SF (15%)	15,391 SF (10.3 %) [Allowed: 22,336 SF per the plan of 1998] <i>(See notation #1)</i>	8,438 SF (10%) [Allowed: 12,720 SF per the plan of 1998] <i>(See notation #1)</i>
Setbacks (See § 155-3.5, Frontages.)¹						
Perimeter Setback		100 ft.	N/A	N/A	N/A	
Principal Building (feet)						
B	Front	100 minimum (ft.)	N/A	137.7 ft.		106.2 ft.
C	Side	20 minimum (ft.)	N/A	20.5 ft.		31.0 ft.
D	Rear	25 minimum (ft.)	N/A	130.1 ft.		271.1 ft.
Accessory Buildings and Structures (feet) ²						
E	Front (measured from rear of PB)	20 minimum (ft.)	N/A	21.4 ft.		N/A
F	Front corner	100 minimum (ft.)	N/A	303.0 ft.		N/A
G	Side	10 minimum (ft.)	N/A	189.3 ft.		179.0 ft.
H	Rear	10 minimum (ft.)	N/A	130.1 ft.		N/A
Building Height (maximum) (See § 155-3.3, Building height.)						
I	Principal building ^{3, 4}	2 to 3 stories up to 35 feet		2 stories up to 35 ft.		2 stories up to 35 ft.
	Accessory building	2 stories up to 20 feet ²		1 story up to 15 ft.		N/A

Frontage Yard Types (See § 155-3.5, Frontages.)					
	Common yard	Permitted	Common	Common	Common
Facade Types (See § 155-3.5l.)					
Parking (See Article VIII, Parking Standards.)					

- (1) OSOD requires 100 ft. perimeter setback & preservation area, of at least 50% of the tract area to be provided. Minimum lot areas, setbacks and lot widths are not required per Zoning Code §155-7.2.
- (2) Allowable impervious of 15% based on tract average slope of 21% per Zoning Code §155-7.4.B(4), Table 7.4.1.
- (3) Based on mean grade calculations per Zoning Code §155-3.3.

PROCESS & MEETING SCHEDULE:

The *tentative* schedule for the Land development review of the proposal is as follows:

PAST	Wednesday, March 18, 1998	Board of Commissioners	Approval of an Open Space Subdivision Plan
	Monday, March 3, 2025	Planning Commission	Review of the Preliminary Subdivision Plan
Upcoming	Wednesday, March 12, 2025	Building & Planning Committee	Review of the Preliminary Subdivision Plan
	Wednesday, March 19, 2025	Board of Commissioners	

ADDITIONAL REVIEWS:

- Township Engineer's Review dated February 26, 2025 (Attached): The Township Engineer's review focused on stormwater management. The review comments have been incorporated into the staff's recommended conditions of approval.
- Montgomery County Planning Commission (MCPC) Review dated October 2, 2024, last revised February 25, 2025 (Attached): MCPC did identify the following issues which should be considered including: the on-lot sewage disposal systems, the sidewalk & verge, and the street tree requirement. While the county notes on the plans that it appears that some of the proposed street trees, and the existing tree proposed to remain and be credited towards the street tree requirement on proposed Lot 3, may be located greater than 10 feet from the edge of the curb. Staff notes that there is sufficient mature canopy coverage along the frontages of Rock Creek Road where additional canopy trees need not be provided. The County recommendations have been incorporated into the issues below, and/or included in the document.
- Gladwyne Civic Association: The Gladwyne Civic association reviewed the applicant's proposal and have no comments and take no position on the application.

CHALLENGES AND OPPORTUNITIES:

1. WAIVER REQUEST FROM SALDO CODE §135-4.9.F.(1)

The applicant has requested both relief and deferral from [SALDO §135-4.9.F.\(1\): Complete streets and context sensitive design](#) to not provide sidewalks along the frontages of 1010 & 1020 Creek Road. This code section reads: ***F. Sidewalks and verges. Sidewalks, and other pedestrian amenities, shall be installed along all existing and proposed public and private streets, common driveways, and common parking areas according to the following standards:***

(1) Sidewalks shall be provided along all existing and proposed public and private streets according to the dimensions in Table 4.9.1, Road Design Standards, based on the functional classification of the road, or Table 4.9.3, Single-Access Street Design Standards.^[1] Any sidewalk not described in Table 4.9.1 or Table 4.9.3 shall be a minimum of five feet wide

Applicant's Burden:

- The SALDO Code requires that applicants provide a clear justification for any requested waiver, along with an alternative design that demonstrates equivalent or improved results. To meet this requirement, the applicant has submitted the following justification:
 - *"To defer installation of public sidewalks along local and minor streets. There are currently no sidewalks on either side of Rock Creek Road within the vicinity of the project site."*

Township Response:

- Although there are no sidewalks currently on properties immediately adjacent to the site, §135-4.9.F.(3) of the township's subdivision and land development ordinance provides standards for when deferral of sidewalk installation, or the construction of alternative off-road pedestrian pathways, may be appropriate.
 - *Staff has included a condition of approval which states, "A future five-foot wide sidewalk shall be installed along the frontages of 1010 & 1020 Rock Creek Road if and when required by the Board of Commissioners. The future sidewalk shall be shown on the final plan and noted as deferred. The requirement to install the sidewalk which has been deferred shall be recorded in a covenant running with the land."*

2. WAIVER REQUEST FROM SALDO CODE §135-3.2.A(1)

The applicant has requested relief from SALDO Code **§135-3.2.A(1)** to not provide a Tentative Sketch Plan for the subdivision of 1010 & 1020 Creek Road. This code section reads:

A. Tentative sketch plans.

(1) When required. A tentative sketch plan shall be required when the proposed development equals or exceeds eight dwelling units or five acres of land or when the plan includes nonresidential development. When a tract is proposed for development within an Open Space Preservation District, applicants shall submit two sketch plans. In all other cases, a tentative sketch plan shall be considered optional.

Applicant's Burden:

- The SALDO Code requires that applicants provide a clear justification for any requested waiver, along with an alternative design that demonstrates equivalent or improved results. To meet this requirement, the applicant has submitted the following justification:

"A Tentative Sketch subdivision plan application was filed with the Township on July 18, 2024. The Township's Land Development Committee reviewed the plans and provided comments on August 1, 2024. After reviewing the Tentative Sketch plans, the Land Development Committee ("LDC") recommended that Mr. Tierney request a Tentative Sketch plan waiver and submit a Preliminary Plan application."

Township Response:

- The Township notes that the applicants' subdivision adheres to and meets all the requirements of the previously approved plans (1998) under the (OSOD) Open Space Overlay District including the lot occupation requirements for the impervious surface calculations, existing and proposed building heights, and the previously approved deed restricted conservation areas.

3. WAIVER REQUEST FROM SALDO CODE §135-3.8.A

The applicant has requested relief from SALDO Code §135-3.8.A to not provide a Second Stage Plan for the subdivision of 1010 & 1020 Creek Road. This code section reads:

§ 135-3.8 Minor plan requirements.

As outlined in § 135-3.2D above.

A. Second stage plans.

Applicant's Burden:

- The SALDO Code requires that applicants provide a clear justification for any requested waiver, along with an alternative design that demonstrates equivalent or improved results. To meet this requirement, the applicant has submitted the following justification:
 - *"To not provide Second Stage Plans provided that the actual house to be built will be in substantial conformance with the plans and elevations provided at the time of the Preliminary Plans."*

Township Response:

- The Township notes that the applicant's civil, landscape and architecture submission for the vacant Lot 3 at 1010 Roack Creek Road adheres to and meets all the requirements of the previously approved plans under the Open Space Overlay District including the lot occupation requirements for the impervious surface calculations, existing and proposed building heights, and the previously approved deed restricted conservation areas. Staff will work with the developer to ensure that the future proposed single- family residential dwelling will meet all building requirements at the building permit stage, and will not need to resubmit for a Second Stage Plan application with the Township.
 - *Staff has included a standard condition of approval which states: "Second Stage Plan approval shall be required on Lot 3 from the Board of Commissioners if there is any deviation from the location of the house, driveway, and improvements depicted on the Preliminary Subdivision Plan."*

PLANNING COMMISSION ACTIONS & STAFF RECOMMENDATIONS:

1. Recommendation on the Preliminary Subdivision Plan

(A) Staff supports approval of the Preliminary Subdivision Plan.

2. Waiver Request from three (3) SALDO Code Sections:

- (A) Provide a recommendation on the requested deferral and Waiver from SALDO §135-4.9.C(1) to not provide public sidewalks along local and minor streets.
 - a. Staff supports approval of the deferral and Waiver.
- (B) Provide a recommendation on the requested waiver from §135-3.2.A(1) to not provide a Tentative Sketch Plan.
 - a. Staff supports approval of the Waiver.
- (C) Provide a recommendation on the requested waiver from §135-3.8.A to not submit a Second Stage Plan for Lot 3 at 1010 Rock Creek Road.
 - a. Staff supports approval of the Waiver.



**TOWNSHIP
OF
LOWER MERION**
MONTGOMERY COUNTY

TOWNSHIP ENGINEER

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

LOWM 256.59

February 26, 2025

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

**Re: 1010, 1020 Rock Creek Road
Preliminary Subdivision Plan Review**

Dear Mr. Leswing:

In accordance with your request for the referenced submission, we have reviewed a set of fifteen (15) plans dated 09-09-24, last revised 10-28-24, and associated stormwater management report dated 09-09-24, last revised 10-28-24, prepared by Apex Design and Engineering Group. The plans show the re-subdivision of 1020 Rock Creek Road to recreate original Lots 3 and 4, and the construction of a new residential house on Lot 3. We offer the following comments for your consideration:

A. MAJOR ENGINEERING ISSUES

- ❖ **Stormwater Management** – Permanent stormwater management controls are to be designed to maintain existing conditions and manage runoff for the proposed development in accordance with the code requirements. Existing structures to be controlled by proposed common stormwater management features shall be included in the runoff analysis. Shared stormwater management controls are to be contained in an easement and reference provisions for ownership and maintenance responsibilities.

Since there are no major engineering issues, with the resolution of the remaining comments in this letter incorporated, we recommend that the Preliminary Plan be approved.

B. ORDINANCE REQUIREMENTS

1. Section 101-6A(1)—All trees and vegetation to be retained within 25 feet of a building site, parking area, or other proposed improvement shall be protected from equipment damage by chain link or wire mesh fence. Fencing around trees shall be placed at the dripline. Additional tree protection shall be provided for any trees on the adjacent properties.
2. Section 101-6A(6)—Grade changes around the driplines of trees to be retained shall be minimized. Impacted trees shall be noted on the plan. 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 approve the procedure.
3. Section 121-4D(6)— Clarification is required for the proposed drainage areas. It is unclear if the stormwater system has been designed to account for the portion of the house on Lot 4 that was routed to the existing basin to be modified. Drainage area maps shall be updated accordingly.

4. Section 121-4E(3)—Common stormwater control facilities shall be contained in an easement and reference provisions for ownership and maintenance responsibilities.
5. Section 121-6J—Since the temporary stormwater management controls are shared for the development on both properties, permits and approvals for the proposed subdivision must consider the lots being developed simultaneously. This shall be noted on the plan and made a condition of approval.
6. Section 121-10—No grading changes shall be shown within three (3') feet of the property line without written approval from that property owner in order to ensure transition to the grading on the adjoining property.
7. Section 135-15F— The Traffic Safety Unit of the Lower Merion Police Department must approve the final roadway/drive configuration/location.
8. Section 135-4.4F—Concrete road control monuments shall be shown to be installed at the right-of-way at the intersection of each property line and at all changes in direction. Iron pins or other survey monumentation shall be permitted if concrete monuments cannot be installed. Approval from the Township Engineer is required for the substitution.
9. Section 135-4.10(B)— Separate permits and approvals from the Montgomery County Health Department are required for the proposed on-lot sanitary system modifications. The distance from SAN SYS-3 to SWMS#3 shall be dimensioned on the plan and can be no less than ten (10') feet. The distance from SAN SYS-4 to the property line(s) shall be dimensioned on the plan and can be no less than ten (10') feet.
10. Section 135-3.2.A.1, 135-3.8.A—The applicant is requesting to waive the Tentative Sketch Plan requirement as well as the Second Stage Plan requirement.
11. Section 135-4.9.C(1)—The applicant is requesting relief from the installation of public sidewalks along local and minor streets.
12. Section 155-7.5—Compensatory tree calculations shall be added to the plan and must be compatible with the current code. An exact tree count for the lot shall be provided on the plan. Upon removal of twenty-five (25%) percent of existing trees having a caliper of six inches or greater, appropriate replacement trees will be required. The Township Arborist must approve the size, species, and location of any required replacement trees.

C. ENGINEERING COMMENTS

1. New legal descriptions including metes and bounds shall be submitted for each new lot line/property boundary prior to recording the Final Plan. The bearings and distances for the existing right-of-way and ultimate right-of-way to be dedicated shall be provided.
2. The mean grade of the structure shall be calculated and shown on the plan. The architectural plans must be coordinated with and must comply with the grading proposed with this application.
3. An as-built plan must be submitted certifying the amount of impervious surface on each lot prior to finalization of the permit(s).
4. The pool will require a separate building permit. The pool, equipment, and enclosure must comply with the 2018 International Swimming Pool and Spa Code.

5. A Highway Permit is required for the proposed driveway on Lot 3 and the modification of the driveway on Lot 4.
6. The stair tread, riser and railings final design must comply with the applicable building code.
7. Top and bottom of wall elevations shall be provided for all proposed retaining walls. Calculations are required for any wall over four (4') feet qualifying the design.

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

Sincerely,



Joseph Mastronardo, P.E.

PENNONI ASSOCIATES

Township Engineer

cc: Colleen Hall, Senior Planner
Charles Doyle, AICP, Assistant Director of Planning
Apex Design and Engineering Group

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PLANNING COMMISSION**

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SCOTT FRANCE, AICP
EXECUTIVE DIRECTOR

February 25, 2025

TO: Mr. Christopher Leswing, Director of Building & Planning
Building & Planning Department
Township of Lower Merion
75 East Lancaster Avenue
Ardmore, PA 19003

FROM: Marley Bice, AICP, Community Planning Assistant Manager
marley.bice@montgomerycountypa.gov | 610-278-3740

SUBJECT: MCPC #24-0166-003
1010 & 1020 Rock Creek Road SOPI Submission

We have received and reviewed a “SOPI” submission for the above-referenced subdivision and land development application as you requested on February 18, 2025. The comments in this memo are based on the most recent submission. We have attached our most recent full review letter (for submission MCPC #24-0166-002) for reference; however, some comments in our previous review letter(s) may have been addressed.

UPDATED BACKGROUND

We have reviewed the most recent “SOPI” submission for changes and did not identify any significant changes with regards to the type of development and location of improvements proposed. However, additional information was received with this submission, including a landscape plan and a code relief request form.

ADDITIONAL REVIEW COMMENTS

We have reviewed the most recent “SOPI” submission and feel that several comments from our October 2, 2024 review letter (please see Attachment B) may still be worthy of discussion, especially related to the on-lot sewage disposal systems. In addition, we wish to offer updated subdivision and land development ordinance comments based on the most recent plan submission:

- Sidewalk & Verge: We noted that this submission includes a waiver request from §135-4.9.C.(1) of the township’s subdivision and land development ordinance to not provide the required verge and sidewalk. Although there are no sidewalks currently on properties immediately adjacent to the development site, recent planning efforts have identified the need for additional pedestrian amenities in the township and land development is the most efficient time to install these improvements. However, §135-4.9.F.(3) of the township’s subdivision and land development ordinance provides standards for when deferral of sidewalk installation, or the construction of alternative off-road pedestrian pathways, may be appropriate.
- Street Trees: Section 135-5.1.C.(2)(a) provides standards for placement of street trees in the event that they cannot be located within the right-of-way. This section requires that street trees “be planted a

minimum distance of six feet from the inside edge of the right-of-way, public or private street, drive aisles, common driveways or walkways, and a distance no greater than 10 feet from the edge of the curb or cartway.” It appears that some of the proposed street trees, and the existing tree proposed to remain and be credited towards the street tree requirement on proposed Lot 3, may be located greater than 10 feet from the edge of the curb.

ATTACHMENTS

- Attachment A: Reduced Copy of Applicant’s Proposed Site Plan
- Attachment B: MCPC #24-0166-002 Review Letter Dated October 2, 2024

**MONTGOMERY COUNTY
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SCOTT FRANCE, AICP
EXECUTIVE DIRECTOR

October 2, 2024

Mr. Christopher Leswing, Director of Building & Planning
Building & Planning Department
Township of Lower Merion
75 East Lancaster Avenue
Ardmore, PA 19003

Re: MCPC #24-0166-002
Plan Name: 1010 & 1020 Rock Creek Road
(2 lots/1 du on approximately 5.5 acres)
Situate: Rock Creek Road (W); north of Muirfield Road
Lower Merion Township

Dear Mr. Leswing:

We have reviewed the above-referenced subdivision and land development plan in accordance with Section 502 of Act 247, "The Pennsylvania Municipalities Planning Code," as you requested on September 17, 2024. We forward this letter as a report of our review.

BACKGROUND

The applicant, Brian Tierney, Sr., proposes to re-subdivide the property into two lots and construct a new single-family detached home on 1010 Rock Creek Road ("Lot 3") while the existing home is proposed to remain on 1020 Rock Creek Road ("Lot 4"). The existing vehicular driveway will be reconfigured to serve Lot 3 and a new driveway will be constructed to serve Lot 4. An existing stormwater management facility will be reconfigured to partially serve both lots and additional underground stormwater management facilities will be constructed on each lot. The existing on-lot sewage disposal system will be removed and new on-lot sewage disposal systems will be constructed for each lot. The property is located in the township's LDR1 Low Density Residential zoning district and the Open Space Overlay District. We previously reviewed a tentative sketch plan of this proposal in a review letter dated August 20, 2024.

COMPREHENSIVE PLAN COMPLIANCE

The Land Use Element of the 2016 Lower Merion Township Comprehensive Plan identifies this property as Low & Medium Density Residential. In addition, this area of the township is identified as a Suburban

Residential Area in the Future Land Use Plan of the Montgomery County Comprehensive Plan, *Montco 2040: A Shared Vision*. Suburban Residential Areas are residential areas where single-family detached homes are a primary use and individual lots often have extensive landscaping.

RECOMMENDATION

The Montgomery County Planning Commission (MCPC) generally supports the applicant's proposal. However, in the course of our review we have identified the following issues that the applicant and Lower Merion Township may wish to consider prior to final plan approval. Our review comments are as follows:

REVIEW COMMENTS

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE COMMENTS

Based on the information provided, we have identified the following items related to the township's subdivision and land development ordinance that we feel should be addressed as part of any future land development submissions associated with this property:

- A. Sidewalks and Verges. According to the Official Highway Map (Map C2) in the Circulation Element of the township's comprehensive plan, Rock Creek Road is a minor road. Section 135-4.9.C.(1) of the township's subdivision and land development ordinance requires a minimum of a 3-foot-wide verge and a 5-foot-wide sidewalk along local (minor) streets. No sidewalks are currently shown on the proposed site plan.
- B. Landscape Plan. In general, future submissions should include a landscape plan demonstrating compliance with all applicable landscaping requirements in the township's subdivision and land development ordinance. According to the calculations provided on Sheet 3 of 15, replacement trees are not required; however, it appears that other landscaping requirements may still be relevant.

For example, §135-5.1.C.(7) states that "trees shall be planted at a rate of at least one tree per 30 feet of public or private street frontage, common driveway, or walkway, or portion thereof." Based on the proposed street frontages, 5 street trees would be required for proposed Lot 3 and 5 street trees would be required for Lot 4. It appears that existing trees that are proposed to remain may be eligible to be credited for some of the street tree requirement; however, a landscaping plan and compliance chart would be helpful in making this determination.

ON-LOT SEWAGE DISPOSAL SYSTEM

We wish to reiterate the following comments from our previous review letter:

- It appears that an existing on-lot sewage disposal system on proposed Lot 3 is proposed to be removed. It is our understanding that any sewer system decommissioning should be coordinated with the Montgomery County Health Department.
- Two potential areas for new on-lot sewage disposal systems on both Lots 3 and 4 are shown. Any new on-lot sanitary systems should also be closely coordinated with the Montgomery County Health Department.

- In general, we encourage the applicant to explore if any alternative placement or designs of the on-lot sanitary systems might be feasible in order to preserve additional mature trees on the site.

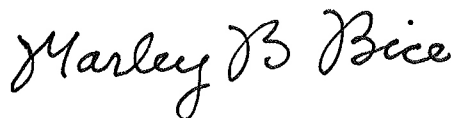
CONCLUSION

We wish to reiterate that MCPC generally supports the proposed subdivision and land development; however, we believe that our suggested revisions will better achieve Lower Merion Township's planning objectives for residential development.

Please note that the review comments and recommendations contained in this report are advisory to the municipality and final disposition for the approval of any proposal will be made by the municipality.

Should the governing body approve a final plat of this proposal, the applicant must present the plan to our office for seal and signature prior to recording with the Recorder of Deeds office. A paper copy bearing the municipal seal and signature of approval must be supplied for our files. Please print the assigned MCPC number (#24-0166-002) on any plans submitted for final recording.

Sincerely,



Marley Bice, AICP, Community Planning Assistant Manager
610-278-3740 – marley.bice@montgomerycountypa.gov

c: George Broseman, Applicant's Representative
Gilbert P. High, Jr., Esq., Twp. Solicitor
Ernie B. McNeely, Twp. Manager
Jody Kelley, Twp. Secretary
Joseph Mastronardo, P.E., Twp. Engineer
Charlie Doyle, Twp. Asst. Dir. of Planning
Colleen Hall, Twp. Senior Planner
Jillian Puleo-Dierks, Twp. Senior Planner
Greg Prichard, Twp. Historic Preservation Planner
Holly Colello, Twp. Planner
Sarah Carley, Twp. Planner

Attachment A: Reduced Copy of Applicant's Proposed Site Plan
Attachment B: Aerial Image of Site



AGENDA ITEM INFORMATION

ITEM: APPROVAL OF EXTENSION REQUEST - 917 Merion Square Road, Gladwyne, Ward 1

Consider for recommendation to the Board of Commissioners approval of a request to extend the Certificate of Appropriateness and Conditional Use approvals to construct an attached garage with family room through April 20, 2027.

PUBLIC COMMENT

ATTACHMENTS:

Description	Type
 Issue Briefing	Issue Briefing

TOWNSHIP OF LOWER MERION

Building and Planning Committee

Issue Briefing

Topic: Certificate of Appropriateness and Conditional Use Approval Extension Request - 917 Merion Square Road, Gladwyne, Ward 1

Prepared By: Christopher Leswing, Director, Department of Building & Planning

Date: March 7, 2025

I. Action To Be Considered By The Board:

Consider granting a two-year extension to obtain building permits necessary to construct an attached garage/family room as required by previous Certificate of Appropriateness and Conditional Use approval. The request is to grant an extension through April 20, 2027.

II. Why This Issue Requires Board Consideration:

The Board of Commissioners has the authority to grant extensions to approvals relating to Certificate of Appropriateness and Conditional Use approvals. Per code, Conditional Use approvals expire within one year unless building permits to perform the work have been obtained or extensions have been granted.

III. Current Policy Or Practice (If Applicable):

The Board of Commissioners may grant extensions of time to complete development approvals if an applicant can demonstrate cause. The applicants previously received a two-year extension through April 20, 2025 from the Board of Commissioners in 2023.

IV. Other Relevant Background Information:

917 Merion Square Road is a Class 1 Resource that is located within the Gladwyne Historic District. On April 19, 2023, the Lower Merion Township Board of Commissioners granted Conditional Use approval under the Historic Resource Overlay District provisions of the Zoning Code to:

1. Modify a side yard setback ranging from 17.2 feet in the rear and 18.6 feet at the front in the area of the proposed addition.
2. To allow for a modification of the side yard setback by up to 15%

Because the property is located within the Gladwyne Historic District, the applicants were also required to receive a Certificate of Appropriateness to construct physical improvements associated with the Conditional Use approval. HARB reviewed and provided comments on the proposed architecture and massing. The HARB review is reflected in the Certificate of Appropriateness.

The applicants have indicated that they have had family concerns that have delayed their design efforts, but they are working towards completing the designs necessary for obtaining a building permit. They are requesting a two-year extension to allow sufficient time to complete the building plans.

V. Impact On Township Finances:

There is no impact on Township Finances.

VI. Staff Recommendation:

Staff recommends granting the applicants a 2-year extension to obtain building permits.



AGENDA ITEM INFORMATION

ITEM: AUTHORIZATION TO ADVERTISE PROPOSED ORDINANCE - CHAPTER A180, HISTORIC RESOURCE INVENTORY - Addition of 17 Elliott Avenue, Bryn Mawr

Consider for recommendation to the Board of Commissioners authorizing the Township Secretary to advertise notice of a Public Hearing and intent to adopt an ordinance to amend the Code of the Township of Lower Merion, Chapter A180, Historic Resource Inventory, to add 17 Elliott Avenue, Bryn Mawr, to the Historic Resource Inventory as a Class I Resource.

PUBLIC COMMENT

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Issue Briefing	Issue Briefing
<input type="checkbox"/> Draft Ordinance	Ordinance

TOWNSHIP OF LOWER MERION

Building & Planning Committee

Issue Briefing

Topic: Historic Resource Inventory Amendment – 17 Elliott Avenue, Bryn Mawr

Prepared By: Greg Prichard, Historic Preservation Planner

Date: March 5, 2025

I. Action To Be Considered By The Board:

Authorize the Township Secretary to advertise a public hearing and notice of intent to adopt an Ordinance to amend the Code of the Township of Lower Merion, Chapter A180, Historic Resource Inventory, to add 17 Elliott Avenue, Bryn Mawr, as a Class I Historic Resource.

II. Why This Issue Requires Board Consideration:

Historic Resource Inventory amendments must be reviewed and approved by the Board of Commissioners.

III. Current Policy Or Practice (If Applicable):

N/A

IV. Other Relevant Background Information:

The subject property is situated on a 0.125 acre parcel on the east side of Elliot Avenue, less than 500 feet south of West Lancaster Avenue. The home was constructed circa 1900 from a design by architect William Lightfoot Price. It measures two and a half stories in height, and is approximately 30 feet wide and 70 feet deep. Its construction materials are a combination of stone and stucco, with a prominent brick chimney on the front elevation and original, intact slate roof. It exhibits multiple features of the Arts and Crafts style of architecture that was popular in the greater Philadelphia area at the turn of the 20th century.

The Township received an application to add this property to the Historic Resource Inventory (HRI) from a party that is not associated with the owner of the property. The intent of the application is to ensure that the historic home is preserved and maintained given its unique architecture, association with certain aspects of the Township's history, and the integrity of its historic fabric.

In order to qualify for inclusion on the HRI, a potential Historic Resource must meet a certain number of the ten criteria listed in the Township Code, § 88-18.A.¹ In order to qualify for Class II designation, a potential resource must meet two of the ten criteria. Potential Class I resources must meet at least three of the ten criteria, including one criteria in Category B of the list (numbers 5 through 10).

The application² suggests that the property meets the following designation criteria:

A.1. Has significant character, interest or value as part of the development, heritage or cultural characteristics of the Township, county, region, commonwealth or nation;

A.3. Exemplifies the cultural, political, economic, social or historical heritage of the community;

B.6. Is associated with the life of a person significant in the past;

B.7. Embodies distinguishing characteristics of an architectural style, engineering technology, construction or building method, or material fabrication technique;

B.8. Is the noteworthy work of a designer, architect, landscape architect or engineer whose work has significantly influenced the historical, architectural, economic, social or cultural development of the Township, county, region, commonwealth or nation.

The Historical Commission concurred with the applicability of each of the suggested criteria, which exceeds the threshold for Class I designation. The Commission stated that the applicant successfully proved that the property is a significant work of prominent local architect William L. Price and its potential as the first residence in the Township with an attached garage (described as an “automobile stable”) exhibits significant architectural and historical interest. The applicant’s additional research into the societal contributions of 17 Elliott’s past residents adds further significance to the property.

Price was the architect of several properties that currently hold historic designation:

- “Woodmont” – 1892 – 1622 Spring Mill Rd., Gladwyne (Class I)
- “Eltrickwood” – 1898 – 405 N. Highland Ave., Merion Station (Class II)
- Benham Gateway, Bryn Mawr College (1898 additions) – 801 Yarrow St., Bryn Mawr (Class II)
- Edward Bok Residence – 1899 – 443 N. Highland Ave., Merion Station (Class II)
- “Kelty” – 1900 – 20 Berwick Rd., Merion Station (Class II)

¹ <https://ecode360.com/6528530>

² The complete application, which includes a significant amount of background information, a detailed property description, original architectural plans, and photographs, may be viewed here:
<https://app.sharebase.com/#/folder/63548/share/166-DG--DuPjQVYEgmy9TXHBRrgoAzkw>

- Residence of Louis Clarke (Autocar founder) – 1901 – 108 Avon Rd., Haverford (Class II)
- “Glenmede” – 1904 – 435 Morris Ave., Bryn Mawr (Class II)

These residences, all built within a few years of 17 Elliott Avenue, represent some of Price’s larger residential commissions. Price provided high quality architectural design to homes of all sizes for individuals at various levels of income. Only one of the above-listed resources, Woodmont, has Class I designation. The classifications of these resources was based on the Township’s original designation criteria, which required National Register eligibility for the listing of Class I resources. Those criteria were amended in 2018 and no longer require National Register status.

The Historical Commission’s formal recommendation to add 17 Elliott Avenue to the HRI was made at their regular meeting of October 28, 2024.

While this application meets multiple criteria for designation, it has not been past practice to have a third-party private individual unassociated with a property nominate it for historic designation.

The owner of the property has submitted a letter stating their opposition to the designation.

V. Impact on Township Finances:

There is no impact on Township finances.

VI. Staff Recommendation:

Staff does not provide a recommendation because while the Historical Commission found that the property meets the required criteria for Class I designation, the Township past practice has not designated individual residential properties as Historic Resources if the property owners object to such designation.

AN ORDINANCE

NO. _____

AN ORDINANCE To Amend The Code Of The Township Of Lower Merion, Chapter A180, Historic Resource Inventory, To Add 17 Elliott Avenue To The Historic Resource Inventory As A Class I Resource.

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

Section 1. The Code of the Township of Lower Merion, Chapter A180, Historic Resource Inventory, shall be amended to add the following:

ID Number	Address	Class
BM171	17 Elliott Avenue	Class 1

Section 2. Nothing in this Ordinance or in Chapter A180 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 A180 prior to the adoption of this amendment.

Section 3. 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 4. This Ordinance shall take effect and be in force from and after its approval as required by law.

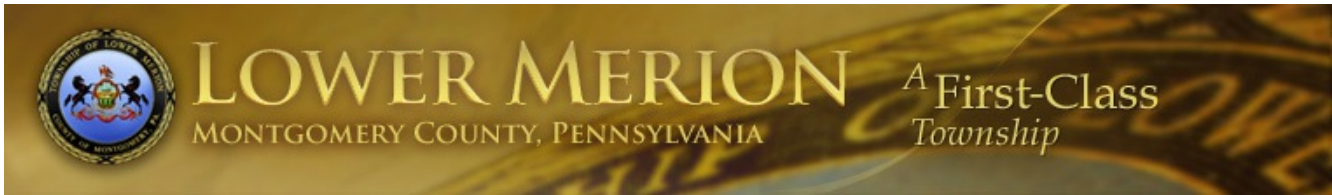
Approved by the Board this day of , 2025.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF LOWER MERION

Todd M. Sinai, President

ATTEST:

Jody L. Kelley, Secretary



AGENDA ITEM INFORMATION

ITEM: APPROVAL OF CERTIFICATES OF APPROPRIATENESS

Consider for recommendation to the Board of Commissioners approval of the following certificates of appropriateness as recommended by the Historical Architectural Review Board at their meeting held on March 4, 2025:

- a) 14 West Lancaster Avenue, Ardmore Commercial Historic District, 25-07 – approval to install a wall sign consisting of individually mounted acrylic letters.
- b) 14 West Lancaster Avenue, Ardmore Commercial Historic District, 25-08 – approval to install temporary measures to secure rear façade windows, with a subcommittee to review drawings, materials, and other details.

PUBLIC COMMENT

ATTACHMENTS:

Description	Type
☐ Slides	Backup Material



14 West Lancaster Avenue, Ardmore Commercial Historic District (Signs)

25-07

HARB

2

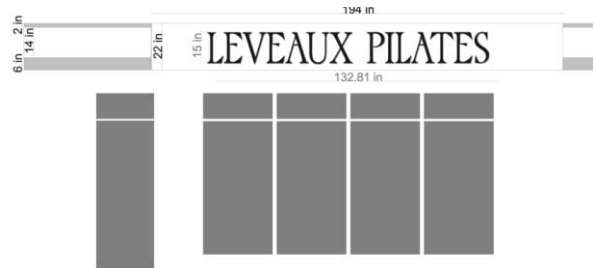
Action:

Approval to install a wall sign consisting of individually mounted acrylic letters.

3



Rendering



Dimensioned Elevation Drawing

Letters are 15" acrylic, centered below the second floor windows.

4



14 West Lancaster Avenue, Ardmore Commercial Historic District (Rear)

25-08

HARB

5

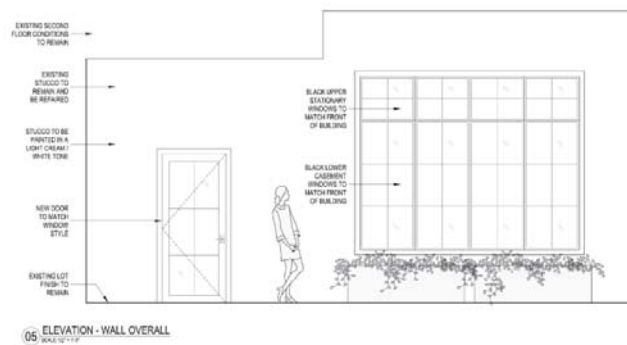
Action:

Approval to install temporary measures to secure rear façade windows, with a subcommittee to review drawings, materials, and other details.

6



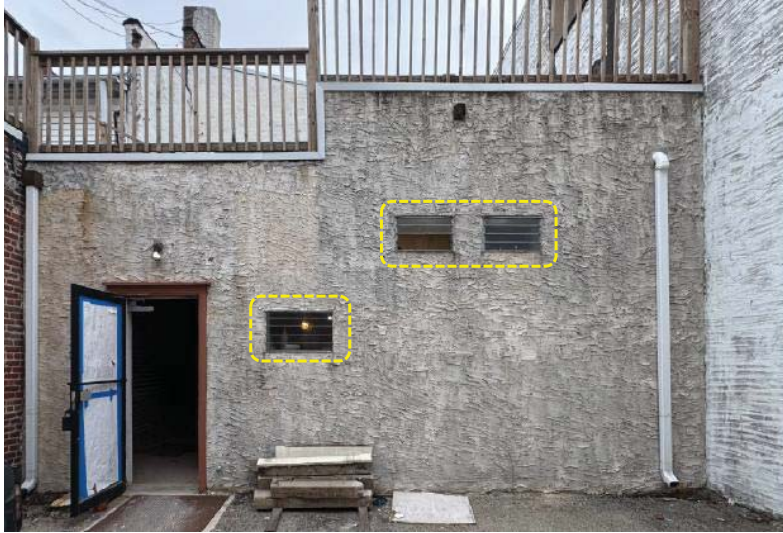
Existing Conditions



Future Plan

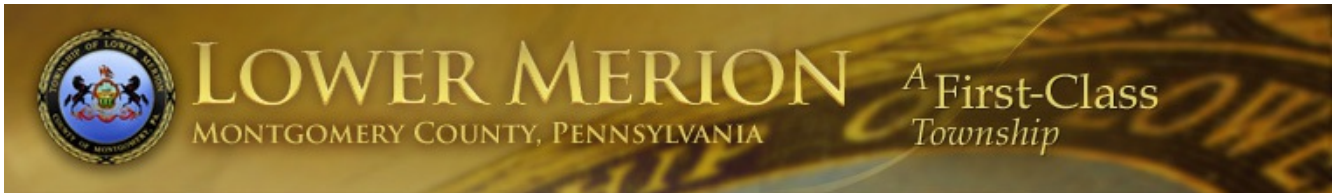
This work is remedial in nature, to secure openings in anticipation of a future tenant fitout involving more substantial rear façade updates.

7



Locations of present Jalousie (louvered) windows

HARB is in support of the applicant's desire to secure broken louvered windows as a temporary measure while appropriate products are being obtained. Replacement windows will consist of glass in a simple wood frame, with a subcommittee to review details prior to and during installation.



AGENDA ITEM INFORMATION

ITEM: DEMONSTRATION: Historic Resource Inventory Interactive Map

Staff will demonstrate the new public interface for Historic Resource Inventory survey data, available on the Township website at: www.lowermerion.org/hri

PUBLIC COMMENT

ATTACHMENTS:

Description	Type
 Memo	Issue Briefing

TOWNSHIP OF LOWER MERION

Building & Planning Committee

Memorandum

Topic: Historic Resource Inventory Interactive Map

Prepared By: Greg Prichard, Historic Preservation Planner

Date: March 5, 2025

The Building & Planning Department has maintained an electronic database containing information about designated Historic Resources and other surveyed historic properties since the adoption of the Historic Resource Inventory via Ordinance 3560 on March 15, 2000. This database includes basic information including construction dates, architect names, and architectural styles, as well as regulatory information and survey photographs.

The State Historic Preservation Office requires that Certified Local Governments including Lower Merion Township make all Historic Resource survey data available to residents. With an inventory as large and complex as Lower Merion's, this has proven to be a technical challenge. For several years, a version of the Inventory containing narrative information and black and white survey photos was available on the Township website. Because this data was static and not linked directly to the database, it represented a snapshot in time that could not be updated when the Inventory was amended. A more recent technical upgrade to the Township website was incompatible with this method of displaying Inventory data, which made this static data publicly inaccessible though it remained safe on the Township's servers. During this period, Inventory entries were provided individually as PDF files to those who requested them.

The creation of a GIS technician position in the Planning Department presented an opportunity for a new system to be developed from scratch using the existing HRI database. The new map-based interface displays information from years' worth of surveys including historical narratives drawing from a multitude of sources in a totally new interface. In addition, recent photos of nearly all designated Historic Resources compiled from a new photographic survey funded by a CLG grant are included.

Resource pins are color-coded in accordance with the established standards for Historic Resource types used on other maps and official documents. Magenta pins represent properties within Historic Districts, dark blue pins indicate Class I Historic Resources, and light blue pins represent Class II Historic Resources. In addition, resources that have been demolished are shown as dark gray pins and light gray pins represent surveyed properties that are not currently designated. In addition to browsing the Inventory via the map interface, users can search for included properties by typing addresses into a search box.

The fact that owners of Historic Resources who are seeking information about the HARB/HC review process will be users of this map was considered carefully during the development process. As such, another goal of the map is to provide users with quick access to information relating to the regulatory process for Historic Resources. References to the HARB and HC link directly to the Township webpages for those advisory boards, and visitors are provided with links to the official Design Guidelines webpage at various points.

Following the launch of a public beta version of this interactive map in March 2025, staff has been working on a more feature-rich version of the map utilizing the same data with advanced filtering options and more features to launch later in the year. This will allow users to filter search results by architect, view additional information on Contributing Elements to each Historic Resource, and more. The inclusion of this information will be of use to researchers and help the Building & Planning department determine priorities for future historic designations and classification upgrades.

It is fitting that this map is launching on the 25th anniversary of the adoption of the original ordinance that created the Historic Resource Inventory. Providing this level of survey information using an interactive interface is very unusual for a municipality of Lower Merion's size. It is hoped that this map can serve as a model for how other communities can present their historic survey data to the public.

The map is now live and can be found at: www.lowermerion.org/hri