

TOWNSHIP OF LOWER MERION

Issue Briefing

Topic: Curb Repair Appeal

Prepared By: Robert Duncan, Assistant Township Manager

Date: May 31, 2019

I. Action To Be Considered:

An appeal from Building & Planning Department staff's determination that existing curbing along Brookhurst Avenue is required to be raised or replaced at 464 Brookhurst Avenue to comply with Lower Merion Township Code Chapter 133-20.

II. Why This Issue Requires Consideration:

Any appeal from a staff determination to order curb repairs resulting from a Resale Certification application must be decided by the Board of Commissioners.

III. Current Policy Or Practice (If Applicable):

The code places maintenance responsibility for sidewalks and curbs on the property owner. Enforcement occurs at the time of a property transfer or a complaint.

IV. Other Relevant Background Information:

There are generally four types of curbing throughout the Township, including granite, concrete, bluestone and rubble curbing. Required maintenance and repairs of granite and concrete curbing are typically straight forward and are not a problem. Enforcement of the bluestone and rubble curbing is more difficult because these types of curbing have been in place for many years and have curb reveal that is typically less than 6 inches and these materials tend to sink over time. Bluestone and rubble curbing also tend to deteriorate to a greater degree over time than concrete and granite curbing. This is further complicated by previous Township practice to perform road repaving without milling the road prior to repaving (this practice stopped approximately 15-20 years ago). This previous practice of repaving without milling resulted in a further reduction in curb reveal each time a street is repaved.

In many cases it is difficult to determine if the reduced curb reveal is a result of road repaving or whether the curbing has dropped over time. Staff's best guide is to compare the curb reveal on the property in question with the curb on adjacent property(s) provided the curb on both properties is the same material.

The photos taken by the Township inspector of the Brookhurst Avenue property indicate that the curb reveal is virtually zero compared to the adjacent property which has a 1.5 to 2 inch curb reveal. This evaluation resulted in an order to raise or replace the curbing in front

of this property prior to the transfer of the property. Staff has requested that funds be placed in escrow until a final determination on the order to replace or raise the curbing is rendered.

The Township's current policy requires the replacement of bluestone and rubble curbing when one of the following conditions exist:

- When there is little or no remaining curb reveal.
- When there is some curb reveal but the grass area behind the curb shows signs of erosion due to the insufficient curb reveal.
- When curbing is in a state of disrepair and broken sections of curbing exists.

V. Impact On Township Finances:

This will have no immediate impact on Township finances. If there is no curb reveal, it may increase the cost to the Township to prepare the street in the future when this road is scheduled to be repaved.

VI. Staff Recommendation:

Staff believes the difference in curb reveal between this property and the adjacent property justifies the order to raise or replace the curbing and recommends this order be upheld.