TOWNSHIP OF LOWER MERION
MONTGOMERY COUNTY

DEPARTMENT OF BUILDING AND PLANNING

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December 21, 2017

David Blumenfeld
CP Acquisitions 50 LLC
18 E. Lancaster Avenue
Wynnewood, PA 19096

RE: PRELIMINARY LAND DEVELOPMENT PLAN - 9-11 Union Avenue and 3, 5, 7 & 9 Cynwyd Road, Bala Cynwyd, LD# 3786, Ward 9

Dear Mr. Blumenfeld:

On December 20, 2017, the Lower Merion Township Board of Commissioners considered a Preliminary Land Development Plan prepared by Yohn Engineering, LLC dated July 24, 2017, last revised November 17, 2017 showing the demolition of all structures on the subject properties; consolidation of the existing five lots into one 47,441 sq. ft. lot; construction of a five-story, 60-foot-tall building containing 74 apartments/townhouses, a 6,945-sq. ft. retail space, 64 on-site parking spaces, 11 on-street parking spaces along Cynwyd Road and a public gathering space. The following conditions shall be complied with prior to recording the Final Plan by means of plan revision, completion or financial guarantee, unless specifically exempted. The Board approved the plan subject to the following conditions:

Township Engineer's Review:

1. The Township Engineer's review letter dated November 30, 2017 shall be incorporated by reference into these conditions of approval to the extent the same is not inconsistent with these conditions of approval. Item C-5 shall be complied with prior to recording the Final Plan. (TE)

Conditional Use & Zoning:

2. The applicant shall comply with all conditions imposed under the Conditional Use Approval dated December 6, 2017. Any conditions shall be included on the Final Plan. (P)(PRFP)

3. Zoning Hearing Board Order 4410 shall be included on the Final Plan to document the variance granted from Zoning Code Section 155-219.4.e.2 with reference to the sidewalk width along Union Avenue. (P)(PRFP)

4. The zoning table refers to note No. 9 on the plans however there is no note No. 9 listed. General Note No. 5 appears to be the correct reference. (P)(PRFP)

Transportation Service Area Requirements:

5. The Off-Site Traffic Improvement (OSTI) bonus of $23,483.00 shall be submitted prior to the issuance of a building permit. The final amount of the fee shall be verified and may be adjusted as determined by staff prior to recording the Final Plan. (P,TE)(PRFP)(PBP)

6. A traffic impact fee in the amount of $111,168.00 shall be submitted prior to the issuance of a building permit. The final amount of the fee shall be verified and may be adjusted as determined by staff prior to recording the Final Plan. (P,TE)(PRFP)(PBP)

7. The applicant shall, working with the Township, the City Avenue Special Services District and SEPTA, install a bus shelter at the Bala Gym. The installation shall be subject to a separate approval from the Board of Commissioners. (P)(PRFP)

Public Walkways:

8. The area labeled concrete walk on the property frontage shall be noted to be either unit pavers or similar decorative materials as required by Zoning Code Section 155-219.F.4.e. (P)(PRFP)

9. The applicant shall make physical improvements and/or provide signage to discourage vehicles from stopping along Union Avenue near the main entrance to the building to drop-off passengers or make deliveries. The applicant shall require drop off and deliveries on Cynwyd Road. No Stopping or Standing signs shall be installed on Union Avenue in front of the property. (P,TE)(PRFP)

10. A stamped crosswalk shall be shown across Cynwyd Road at the new handicap ramps. A detail shall be provided and be consistent with Township standards. An additional crosswalk shall be installed across Cynwyd Road at the bend in the road. (P,TE)(PRFP)

11. The applicant shall continue to work with staff to provide access to the future leg of the Cynwyd Heritage Trail from the site in addition to working with the adjacent property owners and SEPTA to determine whether a pedestrian route can be provided to the Bala Station along the railroad tracks. (P,TE)(PER)

Architectural Elevations/Site Design:

12. 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 155-219.F.4. (P)(PRFP)(PBP)

13. A Design Manual complying with Zoning Code Section 155-219.F.2 shall be submitted with the building permit application. (P)(PRFP)(PBP)

14. The proposed building shall be constructed substantially as shown on the architectural elevations prepared by Bernardon with the exception of any de minimis changes, including those mutually agreed to with staff to minimize the appearance of the building's upper floors and to simplify the number of different façade materials. (P)(PRFP)(PBP)

15. All signage shall be subject to a separate review for compliance with the Zoning Code by the Zoning Officer. (P,ZO)(PBP)

16. The mean grade of the structure shall be calculated and shown on the plan. The architectural plans shall be coordinated with and shall comply with the grading proposed with this application. (TE)(PGP)(PBP)

Landscape Plan:

17. The number of each individual plant type shall be included on the compliance chart on sheet L5.0 of the landscape plan. (P)(PRFP)

18. The applicant shall comply with the Greening Standards in Subdivision & Land Development Code Section 135-41.4. (P)(PRFP)

19. Some of the proposed benches shall have backs. (P)(PRFP)

20. The applicant shall continue to work with staff on the design of the proposed bike racks. (P)(PRFP)

21. The public gathering space shall comply with the design requirements contained in Zoning Code Section 155-219.E.1.b-e. (P)(PRFP)

22. The public gathering space shall be maintained by the property owner. The amount of the density increase associated with this incentive shall be noted on the plan and recorded in the deed. No portion of the public gathering space may be dedicated to a specific tenant. (P)(PRFP)

23. The applicant shall work with staff to provide locally adaptive native species in the planting plan where feasible. (P)(PRFP)

24. The applicant shall provide a maintenance and operations plan for the streetscape and landscaping elements. (P)(PRFP)

25. A revised landscape plan complying with the applicable sections of the Natural Features Code, Subdivision & Land Development Code Section 135-30 and conditions herein shall be prepared and sealed by a Registered Landscape Architect and submitted with the Final Plan. The plan shall be subject to the approval of Township staff. (P)(PRFP)

26. The applicant shall investigate creating a gathering space and/or a green roof for the benefit of tenants and guests. (P)(PRFP)

Traffic, Circulation & Easement Access:

27. The location of the proposed parking/plantings shown in the sight line shall be subject to the approval of the Traffic Safety Division. (TE,P)(PRFP)

28. Signage shall be added to the plan to clarify the new proposed one-way traffic pattern for Cynwyd Road. "One-Way" signage shall be indicated at adequate locations/intervals clarifying the permitted direction of travel as northbound from Union Avenue. "Do Not Enter" signage shall

be added at the roadway bend restricting southbound traffic on Cynwyd Road. Documentation shall be provided to the Township for codification of the revised traffic patterns. (TE,P)(PRFP)

29. An additional radius right-of-way shall be provided at the intersection of Union Avenue and Cynwyd Road along the frontage of the property. (TE,P)(PRFP)

30. The applicant shall work with Planning staff, the Township Engineer and the Traffic Safety Division to design and install physical and visual improvements such as pavement enhancements, flashing lights and signage to calm traffic and enhance pedestrian safety crossing Union Avenue between the Bala Gym parking lot and both the north and south corners of Cynwyd Road. (TE,P)(PRFP)

31. The applicant shall install pedestrian safety facilities at the intersection of Cynwyd Road and Union Avenue as directed by the Township Engineer, and shall work with staff on the design and installation of a stamped asphalt crossing at that intersection. The applicant shall obtain approvals as required by PennDOT. (TE,P)(PRFP)

32. The applicant shall investigate installing a curb bump out at the northeast corner of the Cynwyd Road and Union Avenue intersection. (TE,P)(PRFP)

Parking & Loading Areas:

33. The applicant shall demonstrate that any parking spaces visible from Union Avenue and Cynwyd Road are adequately screened from view. (P)(PRFP)

34. Views of parking and exterior loading areas shall be buffered from any adjacent street or sidewalk by planting trees and providing a minimum six foot planted area from the right of way. (P)(PRFP)

35. One car share space shall be provided and can be included in the total parking requirement. (P)(PRFP)

36. The required 20 bicycle parking spaces shall be shown on the plan. (P)(PRFP)

37. A note shall be included on the plan to indicate that no more than the minimum number of parking spaces needed to satisfy Code parking requirements for the project shall be designated from nearby municipal parking lots. This shall be determined prior to recording the Final Plan. (P)(PRFP)

38. The loading area shall be screened from view from Cynwyd Road. The applicant shall consider extending the existing wall along the driveway to accomplish this. (P)(PRFP)

39. The applicant shall work with the Township to install parking meters at the on-street parking spaces. (P)(PRFP)

40. The applicant shall work with the Township Solicitor to document shared parking arrangements between the 9-11 Union Avenue and 3, 5, 7 and 9 Cynwyd Road and 10 Union Avenue developments to permit residents of both developments and employees to park at either property. In addition to documentation required by the Township Solicitor, notice of this parking

option shall be included on tenant leases, including retail tenants, and posted in appropriate locations in the building. (P)(PRFP)

Stormwater Management:

41. The Township inlet receiving the storm sewer extension connection shall be repaired/replaced as required or as directed by the Township Engineer. (TE)(PGP)

42. Inlets in the areas of construction shall be protected with erosion control. Inlet protection shall also be indicated in the construction sequence prior to further earth disturbance. (TE)(PGP)

43. The invert elevations of the sump box outlet structures shall be listed on the details. (TE)(PGP)

44. The profile of the storm sewer extension to the existing inlet shall indicate the crossing locations of the telephone, water service and any other utilities to ensure non-interference. (TE)(PGP)

45. An additional structure shall be added in front of the existing inlet on Union Avenue receiving the storm sewer connection. A Type M grate shall be provided. The storm sewer extension shall connect to the requested box in the cartway. A detail of the connection/modification to the existing inlet shall be provided. (TE)(PGP)

46. The drainage area in the stormwater calculations and the final development plans shall be made be consistent. (TE)(PGP)

Demolition:

47. 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. (P)(PRFP)

48. 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. A hose or water truck shall be provided on site to spray the buildings during demolition. (P)(PRFP)(PGP)

Construction Details & Coordination:

49. Details for the proposed retaining walls shall be provided. Calculations shall be provided for all wall heights exceeding four (4') feet. Additional top and bottom of wall elevations shall be provided. (TE)(PGP)

50. The cross slope of the parking spaces to the north side of the lot exceed five (5%) percent. The Township Engineer recommends adjusting the grades in this area to provide a cross slope no greater than five (5%) percent. (TE)(PGP)

51. Sidewalk and curb shall be noted on the plan to be repaired/replaced at the direction of the Township. Existing granite curb shall be indicated on the plan and additional curbing shall be installed as directed. (TE)(PGP)

52. Top and bottom of curb elevations shall be provided along the proposed sidewalk on Cynwyd Road at intervals of fifty (50') feet. (TE)(PGP)

53. The final design of the stair tread, riser and railings shall comply with the applicable building code. (TE)(PGP)

54. A handicap violation placard sign detail shall be provided and shall comply with Township standards. (TE)(PGP)

55. A detail for the proposed handicap ramps shall be provided. Spot elevations at the ramps shall be provided. (TE)(PGP)

56. The proposed grading for the sidewalk along the new handicap spaces near the main entrance shall be clarified on the plan. Additional spot elevations shall be provided and handicap ramps shall be provided where necessary. (TE)(PGP)

57. The construction entrance shall be relocated outside of the area for excavation of proposed utilities. (TE)(PGP)

58. All conflicts noted in the Township Engineer's review letter related to encroachments into the temporary construction easement for the Union Avenue Bridge shall be resolved. (TE)(PGP)

59. A construction schedule shall be submitted with the Final Plan and shall avoid interference with the reconstruction of the Union Avenue bridge. Coordination of all possible conflicts shall be resolved prior to recording the Final Plan. (TE)(PRFP)

Utilities:

60. A minimum isolation distance of ten (10') feet shall be dimensioned on the plan between the sanitary service and the water service. (TE)(PGP)

61. The existing eight (8") inch private sewer main to be abandoned shall be properly sealed. (TE)(PGP)

Standard Conditions of Approval:

62. A deed of consolidation shall be recorded subsequent to the recording of the Final Plan. (P)(PGP)

63. 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. (P,TE)(PRFP)

64. 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. (P,B,TE)(PGP)

65. The plans submitted with the building permit shall document the required recreation area or the applicant shall pay a fee for any required recreation area not provided. The fee shall be submitted at the time the building permit is submitted. (P)(PRFP)(PBP)

66. 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. (P)(PBP)

67. The lighting plan shall be designed to comply with the 2009 IECC or the 2007 ASHRAE Standard 90.1. (P)(PBP)

68. Per Chapter 92 of the Township Code, since the proposed residential building is proposed to have more than 45 units, an on-site manager shall be provided. (P)(PCO)

69. 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. (P,B)(PCO)

70. 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. (P,B)(PCO)

71. 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). (P,B)(PCO)

72. 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. (P)

73. 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. (P)

74. 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. (P)

75. 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. (P)

76. 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. (P)

In addition, the Board approved the following relief:

- Partial relief from Stormwater Management and Erosion Control Section 121-4E(2c) to not require the seepage beds to empty the entire storm volume in twenty-four (24) hours.
- Natural Features Code Section 101-5C(2b) to allow for the disturbance of slopes exceeding twenty-five (25%) percent.

Please have a Final Plan prepared which should be either 15"x 18", 18"x 30" or 24"x 36" in size to include six (6) rolled paper copies incorporating the required certifications, engineering data and conditions of approval, as well as the date by which all public improvements will be completed. Please see the enclosed memo concerning financial guarantees.

Upon receipt of the Final Plan and satisfactory financial guarantee, the Township Engineer and Secretary will sign the Final Plan and you will be notified to pick up the plan for recording. Prior to recording, the plan must be certified by the Montgomery County Planning Commission.

The Subdivision and Land Development Ordinance requires that each subdivision or development plan be recorded in the office of the Montgomery County Recorder of Deeds within 90 days after final approval. You are also advised that in addition to the conditions of approval, you must comply with all other applicable Township ordinances and other laws governing your application.

Please acknowledge your acceptance of the conditions by signing and returning this letter within 30 days. Permits will not be issued until revised plans have been received and all conditions have been satisfied. No work shall commence until all applicable permits have been issued.

Sincerely,

Christopher Leswing

Christopher Leswing
Director

cc: Kevin Bowers, P.E., Pennoni Associates, Inc.
Kenneth Aaron, Esquire, Weir & Partners

TO: Township of Lower Merion:

I, David Blumenfeld, hereby acknowledge and accept receipt of the Conditions of Approval.

_____ _____

Date David Blumenfeld