

**The Neighborhood Club of Bala Cynwyd
(NCBC) Virtual Board Meeting
April 6, 2021**

Board Attendees

Ed Altman, Vanessa Coke Cohen, Maxine Goldberg, Anne M. Greenhalgh, Aaron Gross, Ricky Guerra, David Haas, Brian McGuire, Roger Moog, Randy Myer, Anita Pepper, David Rosenbaum, Dan Russoniello, Linda Sagman, Nielufar Varjavand, and Merle Zucker

Absent

Eric Godfrey and Glenn Manko

Officials Attending:

Commissioner Gilda Kramer and Mike McKeon

Call to Order

President Ricky Guerra called the meeting to order at 7:30 pm.

Police Report

No report.

Elected Officials Report

Commissioner Gilda Kramer – reported that cases of COVID-19 have been on the rise. As of April 12th, those in 1-C can register. As of April 19th, everyone can sign up. Commissioner Kramer announced that the Township libraries are now open for limited browsing. She added that the Township is looking for locations for food gardens. The Township will provide some money to hire students from low income families to work in the gardens. Commissioner Kramer is also hosting *Health Matters* on the topic of coping during COVID-19, located on the Township website.

Commissioner Mike McKeon – reported that the Police completed a traffic study on Vassar Road and believe that a four-way stop sign is warranted. Commissioner McKeon announced two free cleanup weekends: April 10 and 11, and April 24 and 25. He also fielded a question about the treatment of the middle school property, especially the removal of trees. Commissioner McKeon pointed out that the application is by right, subject to waivers.

President's Report

President Ricky Guerra – thanked Merle Zucker who has volunteered to help with the newsletter. He also reported that the trees the NCBC intended to purchase from the Horticultural Society were sold out. The Club will have an opportunity to purchase trees in the fall.

Treasurer's Report

Treasurer Ed Altman – presented two reports:

- Statement of Financial Activity for the period January 1, 2021 – March 31, 2021 indicating YTD Total Revenue of \$12,411, Expenditures of \$7,458 and Year to date Net Operating Revenue of \$ 4,953.

- Statement of Financial Position through March 31, 2021 indicating Current Total Assets of \$26,279 of which \$8,202 are temporarily restricted funds.

Roger Moog moved to accept the Treasurer's Report. Maxine Goldberg seconded the motion. The Board gave its unanimous approval.

Secretary's Report

Secretary Anne M. Greenhalgh – presented the March 2021 minutes for review and approval. Randy Myer moved to approve the March minutes. Merle Zucker seconded the motion. Vanessa Coke Cohen abstained. The Board approved the minutes.

FRENCH INTERNATIONAL SCHOOL (FIS) BALA PROPOSED MAPPING CHANGE

Ross Weiss – made a case in favor of the Ordinance to Rezone 6 Bala Avenue: IE3 (See attached, Appendix 1). Roger Moog moved that the Board take no position. Dan Russoniello seconded the motion. The Board gave its unanimous approval.

APPEAL NO. 4524, 410 Gary Lane

Brian Goldstein -- proposed to remove the rear deck and stair assembly within the rear setback and requests a variance from §155-4.1, Table 4.1.4 LDR4 Dimensional Standards Setbacks D to allow the reconfigured deck and stairs to project into the required 25 ft. rear setback. Randy Myer moved that the Board take no position. Brian McGuire seconded the motion. The Board gave its unanimous approval.

VASSAR, FORDAM & DARTMOUTH ROAD MAINTENANCE AGREEMENT

The agreement grants license to NCBC to assume responsibility at its sole expense for installing and maintaining landscaping on the Parcel for the purpose of enhancing their visual appearance and attract pollinator. The Township also agrees to reimburse NCBC in the amount of \$250.00 to defray a portion of such maintenance costs. David Haas and Vanessa Coke Cohen raised concerns about clause 8: *NCBC hereby releases the Township and covenants and agrees to defend, indemnify and hold harmless the Township and its officers, agents, servants and employees from any and all damages or injury to property or persons arising out of NCBC's use of and activities on the Parcel. This release and covenant shall survive revocation or termination of this license.* As a next step, President Ricky Guerra will review the agreement with NCBC's insurance carrier and try to address the Club's concerns with the Township.

APPEAL NO. 4525, 19 W. Dartmouth

Joel and Andrea Braverman -- propose to install an in-ground swimming pool, spa and concrete decking behind the dwelling and request a variance from §155-4.1, Table 4.1.4 LDR4 Dimensional Standards Lot Occupation A to exceed the allowable 45% impervious surface limit up to 60.86%. The applicants also request to the extent necessary: 1) a variance from §155-4.1, Table 4.1.4 LDR4 Accessory Setbacks H to allow the pool deck to project into the required 5 ft. rear accessory setback, and 2) a variance from §155-4.1, Table 4.1.4 LDR4 Accessory Setbacks E & G and §155-3.14A to allow the pool equipment along the side of the dwelling within the side setback. Brian McGuire moved that the NCBC opposes the application as presented with hope that the homeowners will address the issues of impermeable surface and setbacks. Maxine Goldberg seconded the motion. 11 voted for, zero against, and three abstained. The Board approved the motion.

Standing Committee Reports

Ad Hoc City Ave District

Roger Moog – gave an update on the status of the master plan. By the next meeting on April 12, the Township will complete its analysis to decide if a master plan is appropriate for the City Avenue District. Roger Moog argued that a master plan is appropriate here as elsewhere in the Township.

Membership

Vanessa Coke Cohen – gave a status report. Respondents to the membership drive submitted recommendations for an outdoor movie, community service activities, and a book club. A book club might be the easiest to implement.

Public Service and Improvement

Anita Pepper & Anne Greenhalgh – reported that President Ricky Guerra reached out to the Township to find out the status on the Pavilion.

Federation

Maxine Goldberg – reported on the Federation’s concern about the proposal to remove 482+ mature trees on the Lower Merion School District properties of 1800 Montgomery Avenue and 1835 County Line Road. Brian McGuire reminds the Board that this is a School District issue. Maxine Goldberg moved to support the statement. Roger Moog seconded the motion. 13 voted in favor. David Rosenbaum abstained. The Board gave its approval. Subsequently, Roger Moog also requested that Maxine update the Federation about the Club’s efforts, with the Township and Commissioners, to advance a master plan for the City Avenue District in Bala Cynwyd

July 4th

Anne M. Greenhalgh – reported that plans for the Independence Day celebration are minimal and on hold. She will convene a small group to see if plans can expand in a socially responsible way.

Nominating

David Rosenbaum – asked for nominations to fill one vacancy on the Board.

New Business

Anne M. Greenhalgh moved to contribute \$250 to the Friends of the Cynwyd Heritage Trail. Brian McGuire seconded the motion. The Board gave its unanimous approval.

Adjourn

David Haas moved to adjourn the meeting. Maxine Goldberg seconded the motion. The Board gave its unanimous approval.

The next meeting is May 4, 2021. The meeting will be virtual.

Respectfully submitted,
Anne M. Greenhalgh, Secretary

April 1, 2021

TO: Planning Commission Members

FROM: Christopher Leswing, Director, Building & Planning Department
Carissa Hazelton, Planner

SUBJECT: ORDINANCE TO REZONE 6 BALA AVENUE IE3

Action

The Planning Commission is being asked to make a recommendation to the Board of Commissioners on the adoption of an ordinance to amend the Zoning Map to rezone 6 Bala Avenue from Medium Density Residential, MDR1 to Institutional Education District, IE3.

Background

A new Zoning Code and Zoning Map for Lower Merion Township was adopted by the Board of Commissioners on February 26, 2020. The Zoning Map resulted in the comprehensive rezoning or reconfirmation of zoning Township-wide. New Institutional Districts were established generally following the boundaries of properties occupied by institutions. The site of the French International School at 23 W. City Avenue was zoned IE3. The adjacent property at 6 Bala Avenue was zoned MDR1 to match the land use and maintain the residential zoning district boundary.

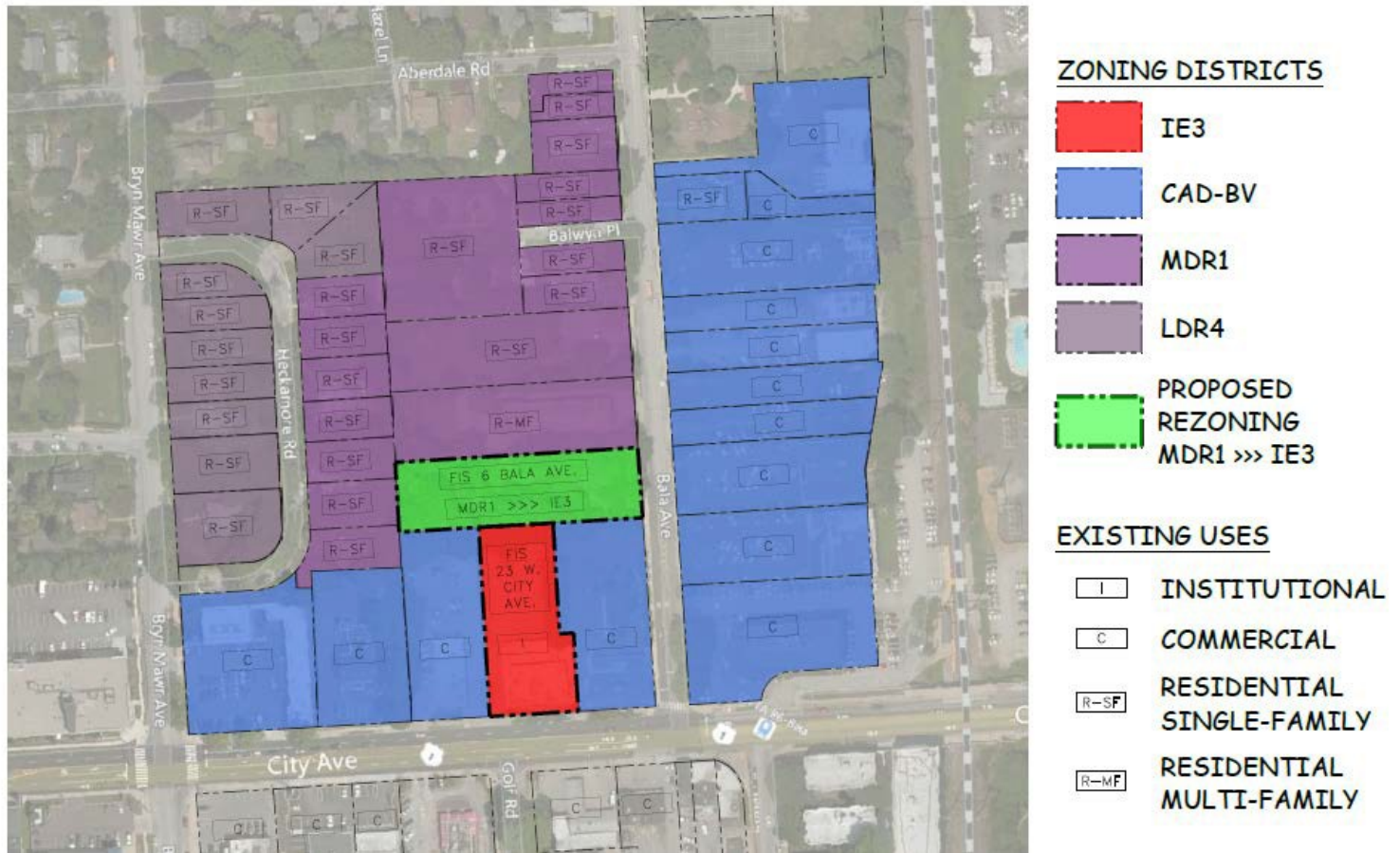
In February 2021, representatives of the French International School contacted the Building & Planning Department to request that the property at 6 Bala Avenue be rezoned from Medium Density Residential, MDR1 to Institutional Education District, IE3. They noted that 6 Bala Avenue should have been changed to the IE3 zoning district, because the Zoning Hearing Board had granted a special exception (Appeal #4468) on September 19, 2019 to allow 6 Bala Avenue to be used for educational purposes, incorporating 23 W. City Avenue with its existing educational use. Furthermore, when the Preliminary Plan for 23 W. City Avenue and 6 Bala Avenue was approved on March 18, 2020 a condition of approval required the recording of a Deed of Consolidation for the two lots. The Deed of Consolidation, dated October 2, 2020, was recorded at the Montgomery County Recorder of Deeds on October 23, 2020. The lot consolidation creates a split-zoned parcel. The following documents have been included as an attachment to this memo:

- Proposed Ordinance
- Zoning Map dated February 26, 2020

Links to supplemental information submitted in support of the rezoning are provided below:

- [Letter from Ross Weiss, Cozen O'Connor dated February 1, 2021](#)
- [Legal Description](#)
- [Rezoning of 6 Bala Ave](#), prepared by SITE Engineering Concepts dated February 23, 2021
- [Zoning Comparison Chart](#)
- [Zoning Appeal #4468](#) – French International School Special Exception
- [Land Use Impact Study](#) by Coyle, Lynch, & Co. dated July 2, 2019
- [Rendered Landscape Plan](#) by SMP Architects dated January 16, 2020

A map prepared by SITE Engineering Concepts dated February 23, 2021, highlighting the property under consideration to be rezoned is provided below.



The property is bound by Bala Gardens, an eight-unit townhouse development zoned MDR1 to the north, Bala Avenue and commercial uses zoned City Avenue District – Bala Village to the east, commercial uses fronting onto City Avenue zoned City Avenue District – Bala Village and the other leg of the French International School zoned IE3 to the south, and single-family detached and twin homes zoned MDR1 to the west. Bala Avenue includes a mix of commercial, civic, and residential uses. The proposed rezoning from MDR1 to IE3 is compatible with the mix of uses along the Bala Avenue corridor. SEPTA’s Cynwyd Line and the Bala Station are located behind the buildings on the opposite side of Bala Avenue. The extension of the Cynwyd Heritage Trail from the Cynwyd Station to the Bala Station is anticipated to occur in 2021.

It should be noted that as a Class 2 Historic Resource, the property is also located in the Historic Resource Overlay District. A revision to the underlying zoning will not affect the property’s overlay district designation. On January 27, 2020, the Historical Commission recommended approval of the French International School’s renovation to the existing structure and new addition at 6 Bala Avenue, finding that the new construction and addition to the historic resource would have minimal impact upon the historic resource, and that it is sympathetic to the historic character, materials, and details of the resource.

Zoning Comparison: MDR1 and IE3

The charts below summarize the differences in the use and bulk standards for the MDR1 and IE3 Zoning Districts. Aligning the zoning with the current educational use will ensure that future improvements to the property and existing historic resource may occur as a matter of right.

TABLE 1: USES			
ZONING CODE SECTION 155-5.1, TABLE 5.1 USES AND TABLE 5.2 USES FOR INSTITUTIONS			
MDR1			IE3
RESIDENTIAL			RESIDENTIAL
SINGLE-FAMILY HOUSING	P		SINGLE-FAMILY HOUSING P
DUPLEX/TWIN	P		DUPLEX/TWIN R
ALTERNATIVE HOUSING FOR THE ELDERLY	S		MULTIFAMILY (SMALL AND LARGE) C
SHARED RESIDENCE FOR ELDERLY OR DISABLED	R		STUDENT HOUSING R
COMMUNITY RESIDENTIAL FACILITY	R		
STUDENT HOUSING	S		
INSTITUTIONAL			INSTITUTIONAL
RELIGIOUS	S		ENVIRONMENTAL NATURE PRESERVE R
INSTITUTIONAL RESIDENTIAL	S		COLLEGE/UNIVERSITY P
PUBLIC SCHOOL	R		PRIVATE SCHOOL P
CIVIL SUPPORT			PUBLIC SCHOOL P
INFRASTRUCTURE	P		CULTURAL & RECREATIONAL INST. ACCESSORY USE R
MUNICIPAL SERVICE	P/C		
TRANSIT	P		
KEY:			
P = PERMITTED USE		C = CONDITIONAL USE	
R = REGULATED USE		S = SPECIAL EXCEPTION	

The key differences to the dimensional standards are noted below:

- IE3 does not have a Primary Frontage requirement: No impact due to the location of the existing historic resource along Bala Avenue.
- IE3 allows 3% less Impervious Surface: No impact due to existing, nonconforming condition.
- IE3 has greater Side and Rear Setbacks: New buildings will be required to be setback farther from the adjacent residential properties limiting the impact of new development.
- IE3 allows greater Building Height: In both districts the buildings are limited to three-stories. An additional 10 feet is allowed in the Institutional Districts due to the commercial grade construction generally associated with institutional uses.

TABLE 2: DIMENSIONAL STANDARDS			
ZONING CODE SECTION 155-4.2, TABLE 4.2.1 AND 155-4.4, TABLE 4.4.3.C			
MDR1			IE3
LOT OCCUPATION			LOT OCCUPATION
LOT WIDTH	60'/35'		LOT WIDTH 60'
LOT AREA	4,000 SF		LOT AREA 7,500 SF
IMPERVIOUS SURFACE	50%		IMPERVIOUS SURFACE 47%
FRONTAGE OCCUPATION	60%		
SETBACKS (PRINCIPAL BUILDING)			SETBACKS (PRINCIPAL BUILDING)
FRONT	10'-20'		FRONT 25'
SIDE	10'		SIDE 50' (20' BUFFER REQ'D)
REAR	25'		REAR 50' (20' BUFFER REQ'D)
BUILDING HEIGHT			BUILDING HEIGHT
PRINCIPAL BUILDING	2-3 STORIES UP TO 35 FT		PRINCIPAL BUILDING 3 STORIES UP TO 45 FT
ACCESSORY BUILDING	2 STORIES UP TO 20 FT		ACCESSORY BUILDING 3 STORIES UP TO 45 FT

Relationship to the Comprehensive Plan

Six Bala Avenue is a designated Class 2 Historic Resource on the Township’s Historic Resources Inventory. The vision of the Comprehensive Plan places a strong emphasis on historic preservation – *“Preserve Lower Merion’s classic residential neighborhoods, including the Township’s institutions, parks, and natural environment, and reinvest in the township’s village cores and commercial areas to improve walkability, expand transit use, and encourage design excellence.”*

An entire chapter of the Land Use Element is devoted to historic preservation noting that from a land use planning perspective, historic preservation serves as an organizing principle for appropriate land use planning. The adaptive reuse of the declining structure at 6 Bala Avenue into a fully renovated educational use advanced the vision of the Comprehensive Plan.



The proposed rezoning will also advance Community Development Objective #4: Maintain the vitality and diversity of private institutions while balancing their needs with those of the surrounding neighborhoods.

The following Comprehensive Plan recommendations may also be advanced by the rezoning of the property at 6 Bala Avenue:

LH16 Continue to employ a broad set of regulatory and non-regulatory tools to promote the preservation of historic resources.

Rezoning the property to IE3 will remove a barrier to future improvements. With the MDR1 designation the educational use will be considered a nonconforming use. A nonconforming use may only expand by 25% of the building area. Further, if more than 75% of the building is damaged or destroyed, the nonconforming use shall be discontinued. Aligning the zoning with the use will ensure that future improvements to the historic resource may occur without additional impediments.

LI 16 Manage the external impacts of activities occurring on institutional properties, particularly when the frequency and/or intensity of use is proposed to increase.

In 2019, the French International School did receive a special exception to expand the educational use onto the adjacent property at 6 Bala Avenue. The conditions that applied to the special exception approval will carry forward in addition to the regulations for institutions in the IE3 District.

Standards for Text or Rezoning Amendments

Staff would like to draw the Planning Commission's attention to the standards for text or rezoning amendments, which are included in the new Zoning Code.

§ 155-11.3.E.(2) Standards for text or rezoning amendments. In deciding whether to adopt or deny any proposed amendment, or to adopt some modification of the Planning Commission's recommendation, the Board of Commissioners shall consider, among other factors, the following:

- (a) Whether the proposed amendment is consistent with the goals, objectives, and policies of the Comprehensive Plan, as adopted and amended from time to time; Staff feels the proposed rezoning is consistent with the Comprehensive Plan as noted above.*
- (b) Whether the proposed amendment is compatible with current and projected conditions and the overall character of development in the immediate vicinity of the subject property; The proposed rezoning is compatible with the current mix of commercial, civic, and residential uses along Bala Avenue.*
- (c) Whether the proposed amendment is the most desirable use for which the land in the subject property is adapted; and The proposed rezoning will align the zoning standards with the current use. The proposed rezoning from MDR1 to IE3 is compatible with the mix of uses along the Bala Avenue corridor.*
- (d) Whether the proposed amendment will have an adverse effect on the value of properties throughout the jurisdiction. When the special exception was granted for the educational use at 6 Bala Avenue, the applicant was required to demonstrate that if granted, the proposed French International School facility expansion would not adversely affect the public health, safety, and welfare due to changes in traffic conditions, drainage, air quality, noise levels, natural features of the land, neighborhood property values and neighborhood aesthetic characteristics. The attached Land Use Impact Study by Coyle, Lynch, & Co. states, "The proposed expansion of the French International School – Upper School in the subject neighborhood will have no measurable effect on the long established character of the subject neighborhood or on the market value of residential properties in the subject neighborhood."*

Next Steps

The proposed ordinance will be considered at the upcoming public meetings listed below:

- April 5, 2021: Planning Commission - The PC will make a recommendation on the proposed ordinance.
- April 14, 2021: Building & Planning Committee – The B&P will make a recommendation on the authorization of a public hearing for the Board of Commissioners to consider the adoption of the proposed ordinance.
- April 21, 2021: Board of Commissioners – The BOC will consider the authorization of a public hearing.
- June 16, 2021 (TBD): Board of Commissioners – The BOC will consider the adoption of the proposed ordinance at a public hearing, if a public hearing is authorized on April 21st.

Staff recommends the adoption of this ordinance. Please let me know if you have any questions on this topic.

AN ORDINANCE

NO. _____

AN ORDINANCE To Amend The Code Of The Township Of Lower Merion, Chapter 155, Zoning, By Amending The Zoning Map To Rezone From Medium Density Residential District, MDR1 To Institutional Education District, IE3, The Property At 6 Bala Avenue, Bala Cynwyd.

The Board of Commissioners of the Township of Lower Merion does hereby ordain:

Section 1. The Code of the Township of Lower Merion, Chapter 155, Zoning, Zoning Map, is hereby amended to rezone from Medium Density Residential District, MDR1 to Institutional Education District, IE3 the property at 6 Bala Avenue, Bala Cynwyd, described as follows:

ALL THAT CERTAIN parcel of land **SITUATE** in Lower Merion Township, Montgomery County, Commonwealth of Pennsylvania, bounded and described according to Conservation Inventory and Lot Merger Plan, prepared for French International School, prepared by Site Engineering Concepts, LLC, dated June 13, 2019, last revised May 1, 2020, and being more fully described as follows:

BEGINNING at a point on the centerline of Bala Avenue (50 ft wide), a corner of these lands and lands now or formerly of Bala Gardens Condominium Association, said point being the first mentioned Point and Place of Beginning; Thence along the centerline of Bala Avenue, South 29 degrees 30 minutes 45 seconds East, a distance of 100.00 feet to a point; Thence leaving the centerline of Bala Avenue, along the lands now or formerly of Nicholas & Frances Pappas, other lands of these lands, and lands now or formerly of 25 City Avenue Investors LLC, South 60 degrees 29 minutes 15 seconds West, a distance of 375.00 feet to a point; Thence along the lands of others, North 29 degrees 30 minutes 45 seconds West, a distance of 100.00 feet to a point; Thence along the lands now or formerly of Bala Gardens Condominium Association, North 60 degrees 29 minutes 15 seconds East, a distance of 375.00 feet, crossing a concrete monument to a point on the centerline of Bala Avenue, the first mentioned Point and Place of Beginning, and **BEING** Montgomery County Assessment Map Block 1G, Unit 180.

Section 2. Nothing in this Ordinance or in the Code of the Township of Lower Merion, as hereby amended, shall be construed to affect any suit or proceedings in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Code of the Township of Lower Merion prior to the adoption of this amendment.

Section 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 affect and be in force from and after its approval as required by law.

Approved by the Board this _____ day of _____, 2021.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF LOWER MERION

Daniel S. Bernheim, President

ATTEST:

Jody L. Kelley, Secretary