Neighborhood Club
11-15-04

NEIGHBORHOOD CLUB OF BALA CYWNYD

STATEMENT OF PRINCIPLES ON LAND USE DEVELOPMENT

The fundamental mission of the Neighborhood Club is to preserve the residential character of Bala Cynwyd, that is to make Bala Cynwyd a good place to live. Its approach to land use flows from this mission.

The Club favors residential use of land. The Club recognizes that commercial uses are appropriate in some parts of the community and that appropriate commercial uses, appropriately implemented, can promote Club's fundamental goal of making Bala Cynwyd a good place to live.

Bala Cynwyd is regarded as a highly desirable place to live and highly desirable for commercial development. As a result, there is continual, often intense pressure to increase the density of both residential and commercial uses. In addition, because commercial uses are generally more financially rewarding to developers than residential uses, there is continual pressure to allow commercial uses to encroach on residential areas. Bala Cynwyd is already densely developed. These pressures for development and increased density requires constant vigilance and continual effort to identify and resist (or modify) land development applications.

The Zoning Code of Lower Merion Township reflects the community's judgment of the appropriate uses of land in Bala Cynwyd and the requirements for those uses. While the Club, as well as the Township as whole, strive to continually improve the Code, the Club believes that the requirements of the Code should be enforced. Deviations from the Code should be permitted only where they are truly de minimus or where a deviation is required to remedy a hardship, provided that such a deviation (combined with other such deviations have been or may later be allowed) will not create precedent or conditions that undercut zoning regulations.

It is often easy to view a particular land use application as unique and non-precedential because each parcel of land is inherently unique. However, our experience has shown that exceptions to zoning must be viewed over the long term. Over the long term, seemingly innocuous deviations from to zoning requirements add up and result in changes to the character of neighborhoods and justification for additional exceptions, allowing different and more intense uses that would never have been intended by the Club when it did not oppose such exceptions.

The foregoing stringent view of opposing applications for deviations from zoning requirements must be tempered with the recognition (1) that occasionally deviations may be appropriate and (2) that deviations from zoning requirements can be obtained over the Club's objection. The grant of a deviation over the Club's objection may be a particularly undesirable result since it may establish a more negative precedent than if the Club had negotiated an agreement not to oppose an application that sought a lesser exception.

Based on the foregoing principles, the Club takes the following approach to its consideration of land use applications: The Club encourages applicants for any significant development to meet with it. The Club will to listen to any applicant's presentation respectfully, with an open mind and with the goal to have a constructive dialogue with the applicant. The Club gives the views of neighbors, particularly immediate neighbors great weight. The Club looks at each application to determine the land use applications that the applicant can obtain as a matter of right and which the applicant must ask for special relief. Where an applicant may obtain development permits as a matter of right, the Club endeavors to make suggestions to the applicant and Township in the land development approval process to enhance the character of the development. Where the development requires a special exception, a conditional use or a

variance, the Club evaluates the application to determine whether it should be opposed and, if it determines that no opposition may possibly be appropriate or if it determines that the applicant may succeed over the Club's objection, it endeavors to negotiate the best possible restrictions and/or enhancements to the development as a condition of the Club's non-opposition. An evaluation of the legal strength of the applicant's position is usually essential in this process. The Club relies on the lawyers on its Board and the lawyers in its membership for advice on the subject.

In summary, the Club's approach to land use in Bala Cynwyd is to favor residential use, seek enforcement of the provisions of the Zoning Code and where deviations may be appropriate, negotiate terms for the best possible development based upon a legal analysis of the strength of the applicant's position and input from neighbors.