

**The Neighborhood Club of Bala Cynwyd  
Board Meeting October 13, 2009  
Lower Merion Academy Building**

Board Attendees: Casey O'Bannon, Deedee Litvin, Jerry Skillings, Ellen Wertheimer, Anne Greenhalgh, David Haas, Bob Zimmerman, Meredith Toole, Phyllis Faber Kelley, John Grugan, Judy Strazzella, Amara Briggs, Michael Taichman-Robins, Roger Moog, Merle Zucker, Eric Foster, Maxine Goldberg, Mark Kocent and Dan Russoniello

Officials Attending: Commissioners Bruce D. Reed, and Paul McElhaney and George Manos; LM Police Officer Bill Lane

Call to order:

President Greenhalgh called the meeting to order at 7:35 pm.

LMPD

LM Officer Lane reported a few thefts from vehicles occurred in September. Daytime burglaries reported at 357 Llandrillo Rd and 309 Bryn Mawr Avenue and police have increase patrols in the area. There is an on-going investigation relating to drug activity near Union and Bryn Mawr Avenue.

President's Announcements

President Greenhalgh announced a benefit on October 24 from 1-5 for Cynwyd Elementary schoolteacher Athie Sosangelis-White, who passed away last year.

MINUTES

Judy Strazzella moved to approve the September 2009 minutes; the motion was seconded by Casey O'Bannon and unanimously approved.

TREASURER'S REPORT

Treasurer Amara Briggs took questions on her report, which was previously circulated. Generally, we don't expect much more income this year, though our individual and business donations are up. Bank North is our bank and we do not have any problems. We have a general liability policy and a fidelity bond but the Board does not carry D&O insurance. Amara and John looked into purchasing a D&O policy, and it would cost about \$1,000/year to cover all of the board members. This policy would offer limited coverage. John Grugan explained that our personal homeowners' policies offer certain coverage for us. However, if there were a lawsuit alleging intentional wrongdoing, the coverage afforded by homeowner's coverage would likely not be triggered. If we had the policy being proposed, that policy would offer the primary coverage of the defense costs associated with such a suit. The Board discussed questions about the extent of the coverage.

David Haas moved that, subject to some further investigation by Amara and John, we authorize the purchase of the D&O policy; Ellen Wertheimer seconded the motion and was unanimously approved.

Michael Taichman-Robbins moved to approve the treasurer's report, Judy Strazzella seconded the motion and it was unanimously approved.

#### SOLICITOR'S REPORT

Bob Zimmerman had nothing to report.

#### COMMISSIONERS' REPORT

Commissioner Manos raised the issue of Community Watch and their request for a new representative from the Neighborhood Club. The Club was one of the founding members of the Community Watch and had consistently supported it since its inception. Commissioner Manos expressed the belief that it was important for the Club to maintain its representation on the Watch for the significance that its support would have for the Bala Cynwyd community.

Transportation Services Area Report – this three-part study evaluates what development is possible given existing land use assumptions (including any applicable ordinances), impact analysis and capital improvements needed. This would be \$50-75,000.

Cynwyd Trail Workshops – focus groups for residences and businesses along the trail are happening between now and January 2010. Information about the trail and its developments can be found at [www.cynwydtrail.org](http://www.cynwydtrail.org) (The Friends of the Cynwyd Heritage Trail) and [www.cynwydheritagetrail.com](http://www.cynwydheritagetrail.com) (Township).

West Laurel Hill is forming a “Green Committee” and would like to include members from our organization on the committee.

#### Discussion with Commissioners about General Fund and CIP for 2010

See attachments and link <http://www.lowermerion.org/Index.aspx?page=944> for information about the financial status of the Township.

Commissioner Reed explained the background associated with the Township budget. The Township has a budget of approximately \$53-54 million dollars. There are forecasted deficits of \$2.3 million in 2009 and \$3.8 million in 2010. Real estate taxes are based on last assessment (1997) and are not adjusted when properties are transferred. A small percent of real estate taxes go to the Township, over 76% go to the school district, with an additional percentage going to the county, leaving only a small percentage for the Township. Township services include police, roads, libraries, storm water, planning and development. Historically, the Township has done very well managing the on-going maintenance of our infrastructure. In the wake of the Minnesota bridge collapse over 50 Pennsylvania bridges were identified as at risk, none of them were in Lower Merion Township.

There is now a minority on the Board who oppose tax increases and, if we do not increase taxes, we will not be able to maintain our current level of services and maintenance, which the present Commissioners believe are important to maintaining the desirability of our Township.

Commissioner McElhaney addressed his review of the capital improvement projects (CIP) in the budget, last year that review saved \$7 million. We generally spend about \$1 million on roads a year and that usually gets us 5-7 miles of road re-renovation. Ludington Library is a big issue – maintenance and design/expansion planning. There is a sentiment by some people that we should only do maintenance at this time, but Paul notes that doing work piecemeal may be more expensive, and the Township has been seeing very good pricing on its bids so there is an argument that we should take advantage of those low rates now to do maintenance and design/expansion work now. The Township does retire debt-service as it takes on more debt. Another important consideration is that many projects have matching funds from other sources, like the Cynwyd Trail where the Township's investment is just a small percentage of the overall cost.

Ellen Wertheimer and Amara Briggs spoke in support of investing in our Township now and against the view that deferring maintenance and development would be beneficial.

Commissioner Reed explained the practical and perceived importance of maintaining the Township's AAA Standard & Poor's and Moody's bond rating.

Commissioner Reed spoke of the importance of coming to Township hearings on Nov 18 and December 2 to give voice to our views about how we view these budget issues. Generally, these proceedings begin at 7:30 pm.

#### Membership

- Membership – Judy Strazzella  
Anne M. Greenhalgh sent out reminder.
  
- Nominations – Casey O'Bannon  
Candidate Slate for The Neighborhood Club Annual Elections  
Following are the candidate slates for The Neighborhood Club elections. The Neighborhood Club's nominating committee interviewed candidates. Per our bylaws all members (dues paid for 2009) are eligible to vote.

For Director filling an unexpired term:  
Merle Zucker (for Serge Nalbantian, term expiring December 31, 2010)

For Director beginning new terms January 1, 2010 thru December 31, 2011  
Katherine Foy, Maxine Goldberg, David I. Haas, Mark A. Kocent, Patricia Smith, Meredith Toole, Ellen Wertheimer

For Officers to serve one year (terms expiring December 31, 2010)  
Anne M. Greenhalgh, President  
John Grugan, Vice President  
Dee Dee Litvin, Secretary  
Amara Briggs, Treasurer

Bob Zimmerman, Solicitor

These are the Committee's recommendations. The elections will be Nov 10.

- Federation – Maxine Goldberg  
See minutes (September and October)

#### Activities

- Programs – Roger Moog  
Roger will arrange for annual meeting at the Fire House for November 10 starting at 7. There will be food. The firehouse is offering the space to us free of charge.
- Independence Day – Anne Greenhalgh  
No report.

#### Communications

- Publicity/Newsletter/Website – Casey O'Bannon  
Question: Should we send out same newsletter by email? President Greenhalgh and Casey O'Bannon have been discussing whether to email newsletter to people who receive paper copies by mail.

#### Financials

- Audit ~ John Grugan  
No report.

#### Township, County and State Services

- Schools – Jerry Skillings  
No report to date.
- Transportation – Meredith Toole  
No report to date.
- Public Service – Roger Moog  
No report to date.

#### Planning, Zoning, and Building

- Zoning – David Haas & John Grugan  
Development of Bala Cynwyd subcommittee includes Commissioners Reed, Manos, and Township consultant Liz Rogan along with Directors Haas, Grugan, Kocent, Moog, and Zimmerman.
- Bala Avenue – Michael Taichman-Robins  
From Sara Pevaroff Schuh: After speaking with Commissioner Manos, we will introduce the proposed amendment in the B&P Committee meeting on either Oct 14th or 21<sup>st</sup>. This allows more time to test drive Harvest Day and gather support.

Although not all are in favor of the Farm Market, Michael Taichman-Robins says that The Harvest Day seemed successful: “From what I heard no traffic problems arose....there was a nice community feel to the market, with neighbors coming out and enjoying each other's company”

Question for discussion: Does the Bala Farmers Market have the Board's support?

See amendment. We reviewed the reasons that the available locations on Bala Avenue are not suitable for a farmers' market. Farm to City feels strongly that the market must be visible to the street, but other conditions set forth in the ordinance were included in order to protect the community from abuse of this type of use.

Judy Strazzella said the Harvest Day event evoked a community feeling that she has not observed in our community for decades and others agreed with this view. Conditional use exception requires hearing before the Township board and additional conditions may be imposed.

➤ City Avenue – Mark Kocent

❖ 121 East City Avenue

From the Township: Three Tentative Sketch Land Development Plans, Application No. 3636, 3637 & 3628, proposing improvements to the Bala Cynwyd Shopping Center, have been submitted to the Department of Building and Planning....The applications are tentatively scheduled to be heard by the Planning Commission on November 2<sup>nd</sup>, 2009

George reports that the proposed applications are “pad sites” and that they are “wholly by-right” applications. In response, Mark poses that the NCBC may not be in favor of pad sites but may prefer their temporal nature to the permanent impact to Lord & Taylor's 60's façade.

Commissioner Manos will email information about these proposed changes to David Haas, Bob Zimmerman, Merle Zucker and Dan Russoniello.

➤ Rock Hill Road – Dan Russoniello

❖ Appeal No. 4195

Appellant: Nicola Falcone

Property: 131 Rock Hill Road, Bala-Cynwyd, PA 19004

AKA:131-151 Rock Hill Road

(Election District #3). C 2 Commercial District, R 5 Residence District, and subject to the Rock Hill Overlay District (ROHO)

The appellant is appealing the Zoning Officer's determinations set forth in a Letter of Interpretation dated 7/21/09, agreeing with the owner of 131-151 Rock Hill Road, that the special exception granted to cross the floodplain with a driveway and the 50' side yard setback imposed from 161 Rock Hill Road in Appeal No. 3992 (11/10/05) do not apply to the current Final Development Plan (dated 6/30/08, last revised 3/13/09) because the improvements are permitted as a matter of right under §155-157K. The appellant requests that the Zoning Hearing Board overrule the Zoning Officer's determinations and hold that the conditions imposed in Appeal No. 3992 remain in effect.

Dan Russoniello will attend the Zoning Hearing Board Meeting on October 15, 2009

❖ 132/ 134 Rock Hill Road:

A zoning application has been submitted appealing the determination of the Zoning Officer that certain steep slopes cannot not be built upon or substantially improved. They contend that the development is allowed because the steep slopes are remnants of quarrying and the slope disturbance is the minimum necessary for stabilization, or alternatively, that the slopes are man made and therefore not subject to the steep slope provisions.

Owner and Applicant: O'Neill Properties Group

Contact: Edmond J. Campbell, Jr., Esquire 610-205-1598

A hearing date has not been scheduled.

From Dan Russoniello: Kevin Kyle of OPG said they planned to be on the Zoning Board of Appeal agenda in October.

➤ Schuylkill River Development – Ellen Wertheimer

❖ 600 Righters Ferry Road

From Ellen Wertheimer, September 29<sup>th</sup>:

Penn Real Estate's traffic engineer, Mr. Orth testified and was cross-examined.

The township attorney and the Board did not get to ask questions before time ran out.

Mr. Orth will be returning, probably next Tuesday (Oct. 6), when the civil engineer will also be returning for cross examination.

Paraphrase from Mark Kocent, October 1<sup>st</sup>: Testimony was by Penn Realty (Fred Frohholz - lawyer and Tom Comitta - Landscape Architect and Planner) against the O'Neill proposed plans for the Connelly site. The issues discussed included:

- Insufficient trees/shrubs due to undercounting of paved surfaces which sets landscape minimums in parking areas.
- Inadequate planting details (trees in 2 ft wide islands will not survive.)
- Lack of sidewalks as they assume walking in the parking lot driveways.
- Need for more access points to the river trail and a seat wall and plantings to buffer trail from adjacent parking.
- Need for more dedicated public parking for trail users.
- Need to identify proper loading and service areas, that do not block the car park areas.

A final witness for the LMTwp staff and lawyer was a Pennoni Engineer working for LMTwp, who testified that the existing adjacent abandoned rail spur cannot be used in their permeable surface count as the construction of a railbed compacts the soil below and renders the soil below too dense to perc. Follow up discussion of perc tests is likely.

From Ellen Wertheimer, October 2<sup>nd</sup>:

The controversial traffic issues discussed at the hearing have been extremely interesting. Matters include (but are not limited to): whether parking spaces within the floodway should be allowed; whether the parking provided in the plan will add up to 1.5 spaces per apartment when additional support columns are added; whether visitor, delivery, and dedicated public trailhead

parking are required as part of the plan (there is none as the plan stands now); whether the parking areas must be set up to allow emergency vehicles to turn into the lanes within the parking areas; and whether the dead ends in the parking areas are a safety problem. O'Neill's attorney objects to testimony on these subjects from the Penn Real Estate people on the ground that these are issues entirely within the OPG development that have no impact on Penn Real Estate's property. If all the spaces that Penn Real Estate argues should not be counted are subtracted from the parking provided in the plan, the plan is around 400 spaces short.

There has also been extensive evidence concerning the boulevard planned by OPG for entering and exiting the property, which creates a five-way intersection just on the river side of the underpass onto the property. Basically, the diagonal boulevard into 600 Righters Ferry Road, the south loop road (along the edge of 600 RF), the road straight ahead to the Pencoyd building, and the road going to the fitness center all meet at this intersection, which will involve trucks exiting from the existing manufacturing building as well. There has been debate concerning whether building entrances/staircases/elevators from the ground level (parking) up into the building itself are appropriate given that they are in the flood zone. There has been extensive discussion of whether the land under the tracks should be counted as impervious surface or not as well (an issue reflected in Mark's summary of the evening he attended). If the land under the tracks is counted as impervious surface, the proposal goes over the amount permitted.

➤ Old Lancaster Road—Michael Taichman-Robins

❖ 27 - 33 Old Lancaster Road

Paraphrase and abstract from George Manos: At the suggestion of the Planning Commission, the applicant granted a 30-day (+/-) extension to the Commission for action, with the expectation that an issue that arose on Thursday would be addressed in a manner acceptable to the neighbors by the next PC meeting. The issue involved the design and consequent calculation of the recreational area.

Recall that the applicant had signed an agreement with certain neighbors that the back yard would not be used for any resident or staff purpose. A walkway that joined two sections of the recreational area went through that area, and the neighbors objected. The Board wanted to not count the area represented by that walkway in the rec area calculation, which may have caused the rec area calculation to fail...The applicant agreed to "work it out"...with the neighbors and get their sign-on before the next PC meeting.

One neighbor from the Latch's Lane Condo, who said she spoke for several residents there, strongly opposed the application, contending that the air conditioners on the roof of the proposed facility would sound like an airport runway in action and that she would not be able to hear natural sounds, such as birds chirping and wind whistling, above the din. Note that there was expert testimony on both sides of the matter on this point and neither expert rendered such an opinion.....

Another point that the resident raised was the one about the creeping commercialization that such a facility would represent.....[But this] ...is a residential facility, almost the same as the apartment house next door, except with a slightly older population and a moderately greater turnover rate, and, per the ZHB, it is permitted.

Note: Planning Commission Meeting October 5<sup>th</sup>

PRELIMINARY LAND DEVELOPMENT PLAN & CONDITIONAL USE – 27- 33 Old Lancaster Road, Bala Cynwyd, LD# 3632, Ward 9.

Demolition of two existing residential buildings and construction of a three-story assisted living facility with a 15,948 square foot print, 50 units and an underground parking garage with 50 spaces and six surface parking spaces to be held in reserve.

From Michael Taichman-Robins October 6<sup>th</sup>:

The Commission voted to move the project forward requiring two conditions to which the developer objected. First, the Commission is recommending that the developer screen all outdoor mechanicals such as air conditioning units. In addition, the Commission is recommending that the developer be required to install a garage door for the underground parking area. Further, the developer, neighbors and township reached an agreement to satisfy the township's requirement for such projects to dedicate 15% of its land to recreational purposes and/or pay a fee in lieu of such dedication. A certain amount of space in the project, such as a walking path and sitting area, will qualify as recreational space and then the developer will also pay a prorated fee to the township in lieu of dedicating all of the required recreational space. A group of neighbors continues to oppose the project. The basic premise of their objections is that the project is out of character for the neighborhood.

The zoning hearing board awarded the special exception use requested by the developer and a resident has appealed that zoning decision to challenge the finding about the nature of the impact on the neighborhood and also about the vagueness of the “home for the aged” terminology. The appeal will be circulated to Michael Taichman-Robins and then to the Board. The proposal is scheduled to go before the Building & Planning Committee for approval October 14.

A neighbor in attendance spoke in opposition to the proposed development and ambiguities about the reference to “home for the aged” and yet the developer claims that it is not assisted living, although it will include a “memory unit.” Another neighbor also spoke about concerns for the traffic impact, not on the major roads but on the smaller arteries adjacent to this area and implored the Board to oppose this development in accordance with its mission to protect the residential nature of the community.

Judy Strazzella expressed concern that the developer told us it would be assisted living and now it sounds as though it will not be an assisted living facility.

- Historic Preservation – Jerry Francis  
See attachment.

Gardens, Parks, Trails, and Open Space

- Beautification – Phyllis Faber Kelley
- Sunday, October 18 is the fall perennial exchange  
Phyllis will announce the 2009 Sidewalk Garden Winners in the October Newsletter.

- Open Space – Mark Kocent

Study Committee held its first meeting on 9/24/09 to introduce team members and discuss format, schedule and broad issues of concern.

Consultants are Bryan Hanes and Kim Douglas. They are well versed in community outreach and have devised a plan to seek input from numerous focus groups and hold community wide meetings.

Focus groups will be composed of the following interest groups: residential neighbors, institutional neighbors, retail, government, storm water and ecology, children, cultural groups, recreation, maintenance, and security.

Schedule assumes 6 month design and documentation phase from Sept 2009 to March 2010, followed by a bid and award period and then 5 month construction from June to Oct 2010.

There is also an on-line survey that anyone can respond to at:

<http://cynwydheritagetrail.com/Future.html>

Upcoming date for Cynwyd Trail Meetings:

- ✓ Tues Oct 13 6:30 - 8:00PM West Laurel Hill - Open Community Meeting
- ✓ Weds Oct 14 6:00 - 7:00PM LM Academy Building - Neighborhood stakeholders mtg (open to NCBC board and other area institutions.)
- ✓ Sun Oct 25 12:00 - 3:00 PM West Laurel Hill - Children's Design Workshop
- ✓ Sun Nov 1 12:00 - 3:00 PM - West Laurel Hill - Adult's Design Workshop
- ✓ Tues Nov 17 6:30 - 8:00 PM - West Laurel Hill - Open Community Meeting
- ✓ Tues Jan 26 6:30 - 8:00 PM - West Laurel Hill - Open Community Meeting

Phyllis Faber Kelley will meet with Lindsay Taylor and others to discuss plantings along the Cynwyd Trail on October 7<sup>th</sup> from 10:30 a.m. until noon at the Academy.

9:00 pm NEW BUSINESS

- 151 Overhill Road (courtesy of Len Thomas, 610-246-2326) – how is this property being used
- NCBC store – Jerry Skillings suggested we consider investing in some branded products that could be sold on-line and at the July 4

10:30 pm Motion to adjourn by David Haas, the motion was seconded by Bob Zimmerman and unanimously approved.

Next meeting: November 10, 2009 at the UNION FIRE ASSOCIATION

Respectfully submitted,

Deedee Litvin  
Secretary