

**The Neighborhood Club of Bala Cynwyd
Board Meeting November 10, 2009
Lower Merion Academy Building**

Board Attendees: Casey O'Bannon, Deedee Litvin, 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

Excused: Jerry Skillings

Call to order:

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

LMPD

LM Officer Lane reported approximately 15 burglaries in the area; targeting empty houses, daytime burglaries, pulling into the driveways, breaking back doors to force entry and some target jewelry and others electronics. Union Avenue, now a little further west – Penn Valley (Hagysford Rd) and Gladwyne. Officer urged that alarms be used. In some instances, phone lines have been cut. Residents should inquire with their alarm companies about service interruption processes. Call LMPD non-emergency number immediately if you accidentally set off your alarm (610-649-1000). Thefts from vehicles continue; GPS units are popular targets.

President's Announcements

President Greenhalgh announced Merion Civic Association Neighbor-to-Neighbor lecture series.

MINUTES

Some additional comments are expected to the draft October 2009 minutes, so the October minutes will be taken up at a later meeting.

TREASURER'S REPORT

Treasurer Amara Briggs reported that some additional member dues were received. Suggested officers meet in early 2010 to review and plan for 2010 budget.

Ellen Wertheimer moved to accept the treasurer's report, Maxine Goldberg seconded the motion, and it was unanimously approved.

SOLICITOR'S REPORT

Bob Zimmerman had nothing to report.

COMMISSIONERS' REPORT

Commissioner Manos indicated that in 2000 a revitalization plan was developed for Bala Cynwyd, specifically providing for enhanced street scapes on Bala Avenue. The idea is that this would help address traffic issues on Bala Avenue and assist with reinvigorating the retail establishments on Bala Ave. Thanks to Kathy Mandarino, we may have \$350,000 in funding and there is an additional \$250,000 in funding for this work.

The proposed Township 2010 budget is now available on-line. Commission Manos indicated that November 18 and December 2 are Township hearing dates on the proposed budget. Expected 2010 revenue is approximately 3% less than 2009 revenues and is expected to exceed expenses by roughly \$1.7 million.

Because it is not yet known what the budget will be for 2010, we do not know when roads will be repaved following the new water lines AQUA is installing all over Bala Cynwyd.

Commissioner Manos highlighted some of the tactics the TWP has taken to cut costs in 2009, which are detailed in the proposed 2010 budget, and he provided a short document summarizing these some of these measures.

Commissioner McElhaney addressed the new proposed solid waste fee structure, including the new \$200 fee for elective back-yard collection. There is some concern, including by Commissioner McElhaney, that this fee is too high and he hopes the fee will be addressed and lowered in future years.

The TPW CIPs (Capital Improvement Projects) include basic infrastructure projects, such as fire company facility projects, public sewer line on Righters Ferry, storm water project, Cynwyd Trail, Union Avenue bridge, Ardmore Transit Center and Ludington Library project.

Commissioner Reed reported on the Cynwyd Train Station. This project was originally funded for \$450,000 but as work continued it became evident that it will be \$177,000 beyond original projections and tonight the Historical Society voted to fund this additional expense.

West Laurel Hill Presentation

West Laurel Hill Cemetery is exploring developing a Jewish cemetery on a 2-acre site along Belmont Avenue. They continue discussion with different synagogues about the details, most notably issues relating to the "separateness" of the desired Jewish cemetery and related design conflicts. The goal is to start burials in this new cemetery in the spring. Some trees would be removed and replaced with others. This plan does not contemplate new roads for entry. 1200-1500 burial sites would be possible on the 2-acre site, which would take approximately 20 years to develop. There are 100,000 graves sites in Laurel Hill today.

President Greenhalgh expressed an interest in continuing to hear about this developing plan. Members of the Board and assembled residents expressed appreciation for West Laurel Hill's contributions to our community, including the support for our July 4 celebration and for the Cynwyd Trail project.

Membership

' Membership – Judy Strazzella
No report to date.

' Nominations – Casey O'Bannon

Revised Candidate Slate for The Neighborhood Club Annual Elections

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, Ellen Wertheimer

Note: Meredith Toole has resigned from the board effective October 22, 2009. She hopes to return once the issue of D&O insurance is settled.

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

The recommendations of the Nominating Committee were accepted by an unanimous vote.

Insurance

John Grugan reported that he has reviewed a number of form homeowner's policies and found that many have exclusions that would preclude coverage and also \$1,200-1,500 for annual policy of \$1 million in coverage, which would not be diminished as defense costs accumulated. Bob Zimmerman will review the terms of any policy being considered. Board members may be asked for \$50/each to fund the policy.

Ellen Wertheimer moved that the Board accept the insurance policy that provides the coverage found acceptable by John Grugan and Bob Zimmerman, and David Haas seconded the motion. Mark Kocent spoke in favor of obtaining the insurance but expressed concern about knowing more of the details about the coverage before a policy is purchased.

Other board members expressed interest in purchasing the insurance as quickly as possible. Eric Foster suggested we receive details about the coverage by email prior to a purchase.

David Haas proposed an amendment to Ellen's motion to provide that in the event the cost exceeds \$2,000/yr there will be a communication with the Board about the costs. Mark Kocent opposed the motion, but the motion was carried.

' Federation – Maxine Goldberg
See attached minutes from October 12, 2009 meeting.

Financials

' Audit ~ John Grugan
No report.

Activities

' Programs – Roger Moog
No report

' Independence Day – Anne Greenhalgh
No report.

Communications

' Publicity/Newsletter/Website – Casey O'Bannon
Question for discussion: How do we want to handle sending out the newsletter? Hard copy or soft to email addresses or both? Printing costs this year are 17% over budget. Next year we may move to partial email delivery. Some neighbors and board members prefer hard copies. This issue will be discussed more in a future meeting.

We could use the Penn students to help us assess this issue.

Township, County and State Services

' Schools – Jerry Skillings

1. Harriton held its Open House in October
2. Lower Merion construction remains on target
3. 6000 H1N1 vaccines received to be given to students
4. School Board elections held with Lyn Kugel, Jerry Novick, Gary Friedlander and Melissa Gilbert winning

' Transportation –
No report.

' Public Service – Roger Moog
No report.

Planning, Zoning, and Building

- Zoning – David Haas & John Grugan
- John Grugan is drafting a letter to the neighbors from The Club and Commissioners McElhaney, Manos, and Reed as a follow up to the letter of June 18.

Len Thomas 1506 Overhill Road – original community watch member. Spoke to Wiley from zoning board. Joe Driscoll spoke to him but was not helpful. Next called Anne and she called back, Maxine told him the address did not exist. Next he spoke with the commissioners, George and Paul. George came to his house. The even houses are George's, the odds are Paul's. The taxes on 151 Overhill Road are paid by Devereau Corporation but Mr. Thomas cannot find a phone number or address for this company, just a PO Box in Bryn Mawr.

- Bala Avenue – Michael Taichman-Robins
- Bala Farmers' Market

Paraphrase of an email from Michael Taichman-Robins following a conversation with George Manos: About 50 neighbors turned out in support. Only one opposed. Some Commissioners raised concerns about the commercial use in a residential area. Staff was asked to get better information about whether there are any other sites that might work and to see if the proposed amendment conditions are drawn narrowly enough so that only a few properties in the affected zoning districts would qualify. Until this additional information is made available the matter was taken under advisement

A public hearing was scheduled, currently on or about Dec. 10, for the proposed ordinance amendment. Depending on how it was advertised, it may be possible for the ordinance to be adopted that night should the Board elect to vote on it.

- City Avenue – Mark Kocent
- No report

- Rock Hill Road – Dan Russoniello
- 131-151 Rock Hill Road Development

October 15, 2009 Zoning Hearing Board Meeting Report from Dan Russoniello regarding a dispute over side yard set back requirements.

I attended the ZHB meeting of 10/15/09 regarding an appeal the neighboring property owner Nicola Falcone. The basis of the appeal is as follows:

- The original LMT Zoning Ordinance (prior to ROHO) the C-2 zoning designation required 50' deep side yard setbacks.
- The ROHO Overlay Ordinance requires 25' deep side yard setbacks.
- Mr. Falcone says plans designed under the original C-2 zone and was satisfied with the 50' set back. He did not realize when the design was revised to comply with ROHO the setback was reduced to 25'.
- Mr. Falcone felt he had been assured of a 50' set back because of an earlier Special Exception granted by the Township that allows the Owners of 131-151 RHR to "cross the floodplain with a driveway and the 50' side yard setback imposed from 161 RHR per Appeal No. 3992 (11/10/05).
- Mr. Falcone believes the zoning officer was in error in his ruling that deemed the current design based on ROHO was compliant based on the 25' setback allowed in ROHO and therefore not bound to the 2005 Special Exception.

- Mr. Falcone's overriding concern seems to be a fear of flooding from water damage to his property and a lessening in property value because the new development will be within 25' of his property line.
- The 131-135 property owners contend that all storm water issues have been address and they are in compliance with ROHO.

After about 2 hours of testimony and discussion, time ran out and the hearing is continued to the November ZHB meeting. Testimony is to continue at the December 3rd ZHB meeting.

- 132-134 RHR Development
Appeal No. 4199
Applicant: 132-134 Rock Hill Associates, LP and O'Neill Properties Group
Property: 134 Rock Hill Road, Bala-Cynwyd, PA 19004
AKA:132-134 Rock Hill Road
(Election District #3) C 2 & C 1 Commercial and R 5 & R 4 Residence Districts:
subject to the Rock Hill Overlay District (ROHO)

The applicants are appealing the Zoning Officer's determination that portions of proposed multi-family dwelling buildings and improvements are not permitted upon steep slopes by right. The applicants contend that §155-206 exempts ROHO developments from the slope provisions, permits slope stabilization and that the slopes are manmade and therefore the slope provisions do not apply. They seek a determination that the proposed buildings and improvements are allowed as a matter of right. Alternatively, they seek a variance from §155-206 and/or §155-166 to develop upon steep slopes and to the extent required, they seek any other approvals necessary to allow the proposed development.

132-134 RHR report from Dan Russoniello

OP is appealing the Zoning Officer's determination that the slopes being disturbed for the 143-134 RHR development are man-made slopes and are therefore able to be altered or improved per the steep slope provisions of the ROHO Overlay Ordinance. They contend that the slope changed proposed in their development plan are allowable by right.

This is scheduled to go before the ZHB on November 18th.

- Schuylkill River Development – Ellen Wertheimer
 - 600 Righters' Ferry Road
- From Ellen Wertheimer: Conditional Use Hearings are continuing before the Board of Commissioners, with the last scheduled date (at the moment) being Nov. 16.

- Old Lancaster Road—Michael Taichman-Robins
 - 27 - 33 Old Lancaster Road
- Paraphrase of an email from Michael Taichman-Robins: The Building and Planning Committee approved the preliminary land approval with a long list of conditions. Certain neighbors spoke out against the use. George raised the issue of the vague/undefined term "home for the aged."

On October 14 the Board of Commissioners approved the preliminary plans. Assuming the customary process ensues, plans will eventually be submitted for a building permit and, if all building code and conditional use requirements are met, a permit will be issued. In addition, a conditional use hearing was held on whether to permit six parking spaces to be held in reserve. It is anticipated that the Board will receive the solicitor's findings of fact and opinion on it. The Board can then accept, reject, or modify the decision. The decision by the ZHB that the use was permitted was appealed, and such appeal is still pending.

A couple neighbors spoke in opposition to the project and expressed concern about the vagueness of the "home for the aged" phrase and also the undefined nature of what the medical conditions and needs will be for the residents of the contemplated community and how that would relate to the required recreational space and applicable federal and state regulation.

Commissioner Manos addressed a neighbors comment that a zoning amendment is pending to address parking requirements for the "home for the aged" and convalescent operations as a result of requests from Mary Drexel Home. Commissioner Manos said ITE (nationally recognized standard) studies indicate less than .3 spaces are needed per unit. The TWP is proposing to double this amount to require .6 spaces per unit. Dan spoke against this type of change because it can devalue our older, large homes and encourage the development of more of these facilities.

An extended discussion took place regarding the proposed parking amendment, its potential impact on the Old Lancaster project, and its potential impact on the residential communities in the Township.

Next month we will hear more from Commissioner Manos with respect to the proposed parking ordinance.

- Historic Preservation – Jerry Francis
No report.

Gardens, Parks, Trails, and Open Space

- Beautification – Phyllis Faber Kelley
Marion Diamond and Phyllis announced the 2009 Sidewalk Garden Winners, which are also in the Newsletter and will also be posted online.

The following neighbors and businesses were recognized at the meeting and presented with a garden decoration:

Nancy Ash of 63 W. Lodges Lane

Tracey Ellenbogen of 120 Bentley Road

Paige Talbot & Jim Gould of 440 Bryn Mawr Ave.

555 Associates of 555 City Avenue, under direction of Christopher Sulpizio

Bala Oral Health Center of 125 W. City Ave.

- Open Space – Mark Kocent

Upcoming date for Cynwyd Trail Meetings:

- Tues Nov 17 6:30 - 8:00 PM - West Laurel Hill Conservatory - Open Community Meeting
- Tues Jan 26 6:30 - 8:00 PM - West Laurel Hill Conservatory - Open Community Meeting

Cynwyd Heritage Trail/Park – really exciting developments underway. Paving expected in the Spring. Consultants have developed great and varied ideas about potential uses for different areas of the trail.

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

President Greenhalgh thanked Roger Moog for organizing our annual meeting.

Dec 8 is our next meeting at the Academy Building.

At 9:55 pm David Haas moved to adjourn, the motion was seconded by Phyllis Faber Kelley and unanimously approved.

Respectfully submitted,

Deedee Litvin
Secretary