

MIDDLETOWN TOWNSHIP  
DELAWARE COUNTY, PENNSYLVANIA  
MARCH 27, 2023

Minutes of the Regular Meeting of Township Council held on March 27, 2023, at 7:00 p.m. in the Township Building located at 27 N. Pennell Road.

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Present: Bibianna Dussling, Kathleen O'Connell-Bell, Walter "Bok" Read, Susan Powell, Mark Damico, Esq., Eric Janetka, John McMullan, Vince Visoskas, Meredith Merino, Patrick McKenna, Esq. Andrew Parker.

Excused: David Bialek, PharmD, R.Ph, Jackie Donnelly, Mark Kirchgasser.

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1. OPENING: PLEDGE OF ALLEGIANCE TO THE FLAG

Ms. O'Connell-Bell called the meeting to order and led in the recitation of the Pledge of Allegiance to the Flag.

Ms. O'Connell-Bell announced Council met in Executive Session to discuss a legal matter.

2. APPROVAL OF MINUTES

Draft Township Council Minutes: February 13, 2023.

Mr. Read made a motion to approve the February 13, 2023 minutes. Ms. Powell seconded the motion. The motion carried with a vote of 4-0.

3. PUBLIC COMMENTS NONE

4. REPORTS

A. CHAIRMAN: NONE

B. COMMITTEE:

Ms. Powell reported on a new Library Workforce Group comprised of herself, Ms. Dussling, Mr. Visoskas, and library staff to establish better communication between the two entities. Mr. McMullan stated the request to form the group came from discussions at budget meetings. The consensus was between Township Council and the Library Board and its staff to form the workforce group to meet quarterly for updates so there will be more communication prior to budget meetings in the fall.

C. MANAGER

1) PA State Police - Trooper Michele Naab

Trooper Naab reported crashes are up slightly this month and they are doing everything they can to reduce speeding in order to reduce the number of crashes. She stated there is still an uptick in vehicle thefts and vehicle break-ins. She stated there was a recent break-in in Chadds Ford Township involving an armed individual. She asked everyone to please lock their cars. Ms. O'Connell-Bell asked because of social media, there is a lot of talk regarding people not wanting to lock their cars because they will be broken into anyway and could the Township receive an official statement. Trooper Naab stated she would have a statement prepared and sent to the township.

She iterated to lock the vehicles as a gang from Chester PA is going to day care facilities and breaking into unlocked cars while the parent is dropping off their children.

2) Update: SEPTA/Wawa Station

Mr. McMullan reported he had a follow-up meeting this morning with administrative staff from Aston Township and Chester Heights Borough in regard to complaints received involving the horns at the Lenni rail yard. The meeting involved the establishment of a quiet zone and the municipalities have agreed to enter into an intermunicipal agreement to move forward to hire a consultant to assist the municipalities in establishing a quiet zone. They are now prepared to move forward in sending out a description to be advertised in seeking a professional to assist in the feasibility in establishing a quiet zone.

Mr. Frank Annunziato, 1680 Erb Drive, Aston, asked if there was a timeline established for the quiet zone. Mr. McMullan stated he has no timeline because it depends on the cooperation between the intergovernmental agreements between the three municipalities. Mr. Annunziato asked for the point person in each municipality and Mr. McMullan stated himself, Aston Township Manager, and the Road Master in Chester Heights Borough.

D. ENGINEER: NONE

5. PUBLIC HEARING:

A. A public hearing amending Chapter 275, titled "Zoning" by amending the Township Zoning Map to provide for a change in zoning for certain parcels of land lying immediately to the east of Donovan Drive from SU-1 Special Use District and R-2 Residence District to SU-1-A Mixed Use District; amending the "Land Use Plan" for the SU-1-A Mixed Use District, Mint Tract.

Mr. Read made a motion to open the public hearing. Ms. Dussling seconded the motion. The motion carried with a vote of 4-0.

SEE STENOGRAPHER'S REPORT

Mr. Read made a motion to close the public hearing. Ms. Dussling seconded the motion. The motion carried with a vote of 4-0.

1) Consideration for Adoption: Ordinance No 847, zoning ordinance amending parcels from SU-1 and R-2 to SU-1-A for a self-storage facility at the Mint Tract, located on Baltimore Pike.

Ms. Powell made a motion to adopt Ordinance 847. Ms. Dussling seconded the motion. The motion carried with a vote of 4-0.

B. A public hearing on a Conditional Use for 684 S. New Middletown Road, approval to

change the use from one non-conforming use, currently a dental office, to another non-conforming use for the purpose of establishing a Non-Medical home Care Office in a R-2 zoning district.

Ms. Powell made a motion to open the public hearing. Mr. Read seconded the motion. The motion carried with a vote of 4-0.

SEE STENOGRAPHER'S REPORT

Ms. Powell made a motion to close the public hearing. Ms. Dussling seconded the motion. The motion carried with a vote of 4-0.

- 1) Consideration for Approval: Resolution 2023-08, approval of a Conditional Use application to change the use of the property from one non-conforming use to another non-conforming use in a R-2 zoning district.

Ms. Dussling made a motion to approve Resolution 2023-08. Mr. Read seconded the motion. The motion carried with a vote of 4-0.

6. OLD BUSINESS: N/A

7. NEW BUSINESS

- A. Consideration to Authorize: Purchase of two School Zone Signals from General Highway Products in the amount of \$7,200.

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Mr. McMullan stated before Council for their consideration to authorize is the purchase of two School Zone signs; one which will be on Lenni Road approaching S. Pennell Road near the driveway access to Glenwood Elementary School. He stated after much time they were finally able to get approval from PADOT to create a school zone area. The other sign is to replace a sign that was damaged about two weeks ago in a vehicle accident. He is making efforts to recoup this through insurance. The signs will be installed during the school spring break so as to not impact on school traffic. Ms. Dussling asked the location of the sign on Lenni Road, and Mr. McMullan stated it will be several feet in front of the driveway to Glenwood Elementary School. Ms. Dussling stated this will help in a number of ways.

Ms. Read made a motion to approve the purchase. Ms. Dussling seconded the motion. The motion carried with a vote of 4-0.

Ms. O'Connell-Bell adjourned the meeting at 7:24 pm.

Respectfully Submitted,

  
Sharon Browne

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MIDDLETOWN TOWNSHIP  
COUNCIL MEETING

- - -

PUBLIC HEARING AMENDING CHAPTER 275 TITLED "ZONING" BY  
AMENDING THE TOWNSHIP ZONING MAP TO PROVIDE FOR A CHANGE IN  
ZONING FOR CERTAIN PARCELS OF LAND LYING IMMEDIATELY TO THE  
EAST OF DONOVAN DRIVE FROM SU-1 SPECIAL USE DISTRICT AND  
R-2 RESIDENCE DISTRICT TO SU-1-A MIXED USE DISTRICT,  
AMENDING THE "LAND USE PLAN" FOR THE SU-1-A MIXED USE  
DISTRICT, MINT TRACT.

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MARCH 27, 2023

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Township of Middletown Council meeting held at the Township  
of Middletown Municipal Building, 27 North Pennell Road,  
Lima, PA, in the above-referenced matter at 7:20 p.m.

- - -

LORI A. DiFABIO  
PROFESSIONAL COURT REPORTER-NOTARY PUBLIC  
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1 MEMBERS OF COUNCIL

2

3 KATHLEEN O'CONNELL BELL, CHAIRPERSON

4 JACKIE DONNELLY, AT-LARGE

5 SUSAN K. POWELL, FIRST DISTRICT

6 WALTER BOK READ, SECOND DISTRICT

7 BIBIANNA DUSSLING, THIRD DISTRICT

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10 ALSO PRESENT:

11

12 JOHN McMULLAN, TOWNSHIP MANAGER

13 MEREDITH MERINO, DIRECTOR OF PLANNING AND DEVELOPMENT

14 ANDREW PARKER, P.E. PTOE, McCORMICK TAYLOR

15 SHARON BROWNE, RECORDING SECRETARY

16 VINCE VISOSKAS, FINANCE DIRECTOR

17 PATRICK McKENNA, ESQUIRE, TOWNSHIP CONFLICT COUNSEL

3-27-23

18 ERIC JANETKA, TOWNSHIP ENGINEER

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1 W I T N E S S I N D E X

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3 LISA THOMAS

4 Direct Examination By Ms. Camp 15

5 Recalled 26

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7 BARRY ARCHAMBAULT

8 Direct Examination By Ms. Camp 18

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10 JOSEPH DAVIDSON

11 Direct Examination By Ms. Camp 40

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MS. BELL: So, we will move onto item  
number five.

We have two public hearings tonight.

A public hearing amending Chapter 275  
titled "Zoning" by amending the township  
zoning map to provide for a change in zoning  
for Parcel One east of Donovan Drive.

3-27-23

9 Can I have a motion to open the  
10 hearing?

11 MR. READ: So moved.

12 MS. BELL: Can I have a second?

13 MS. DUSSLING: Second.

14 MS. BELL: All those in favor?

15 MR. READ: Aye.

16 MS. POWELL: Aye.

17 MS. DUSSLING: Aye.

18 MS. BELL: Aye. Okay.

19 MS. BELL: Hi. Good evening. My name  
20 is Kristin Camp.

21 I am here for Printers Way Properties,  
22 LLC.

23 They are the owner of four parcels of  
24 property that are proposed to be rezoned.

4



1 I put in the front of all the council  
2 members a hard packet of all the exhibits.

3 We also have an electronic version that  
4 we can put up as we need.



3-27-23

5                   Let me just give some introductory  
6                   remarks.

7                   I have with me Kevin McLaughlin and  
8                   Kate Black from the McKee Group, an  
9                   affiliate of the property owner, Printers  
10                  Way Properties, LLC.

11                  I also have Barry Archambault from  
12                  Kelly Engineers who worked on the plan that  
13                  we will show you that we are trying to  
14                  accomplish if the property is rezoned.

15                  Lisa Thomas is my right-hand man here,  
16                  right-hand woman, from Glackin Thomas &  
17                  Panzak is the landscape architect, and I  
18                  also

19                  And also, Joe Davidson from VC  
20                  Architects who designed the building.

21                  MR. MCKENNA: Kristin, before you go any  
22                  further, can I mark my township exhibits?

23                  MS. CAMP: Absolutely.

24                  MR. MCKENNA: For the sake of the court

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1 reporter, my name is I am Patrick McKenna.

2 I am conflict counsel for council here  
3 this evening.

4 I have three board, township exhibits  
5 for the hearing this evening.

6 Township Exhibit-1 is the notice of the  
7 hearing and the list of residents to whom  
8 notice was provided for the hearing on the  
9 ordinance.

10 Township-2 is the proof of posting of  
11 the notice at conspicuous places on the  
12 properties themselves for the hearing this  
13 evening, and Exhibit T-3 is the proof of  
14 publication of the notice for this evening.

15 Those are the board exhibits for this  
16 evening.

17 MS. CAMP: Thank you, Patrick.

18 So, in November of 2021, we did appear  
19 before council to introduce this proposed  
20 amendment.

21 The property owner owns four parcels of  
22 property that are east of Donovan Drive.

23 They are in between what is known as

the Pennell parcel and the Granite parcel of



1 the overall Franklin Mint redevelopment.

2 All of the property except for these  
3 particular four properties were zoned  
4 SU-1A.

5 So, that zone was actually created for  
6 the redevelopment of the Franklin Mint site  
7 as well as the Pennell property and the  
8 Granite property.

9 These four parcels were purchased  
10 subsequent to that rezoning and were  
11 primarily purchased because they needed to  
12 be able to satisfy the township's concerns  
13 and request to build the loop road,  
14 basically Printers Way.

15 These parcels were, the McKee Group  
16 reached out to the owner at the time, and  
17 they would only sell them all four parcels  
18 as a group.

19 Therefore, they now purchased those

3-27-23

20 properties, and we are requesting they be  
21 rezoned their current zone, the ones closest  
22 to Baltimore Pike.

23 There are actually four parcels.

24 The two closest to Baltimore Pike are

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↑

1 zoned SU-1 today.

2 The two parcels further to the rear  
3 which are closer to the residential  
4 properties on Hunter are zoned R-2.

5 The request is to rezone all four of  
6 those parcels to be SU-1A.

7 If they are rezoned, we have also gone  
8 through again at the request of council and  
9 your staff that you would like to see what  
10 would be developed there if it is rezoned.

11 The McKee Group would like to build,  
12 excuse me, Printers Properties, LLC, would  
13 like to build a four story building for  
14 storage known as a storage depot.

3-27-23

15 We have gone through preliminary  
16 planning.

17 We have met before your planning  
18 commission; and in February of this year,  
19 your planning commission recommended that  
20 both recommended the rezoning ordinance be  
21 adopted as well as the preliminary plans for  
22 the storage depot.

23 Obviously we can't ask council to move  
24 forward on the preliminary plans until the

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1 zoning ordinance is in place.

2 Your ordinance requires that an  
3 ordinance be -- it's not effective for  
4 thirty-one days.

5 So, if we are successful this evening  
6 in convincing you to adopt this ordinance,  
7 we would appear back before you after  
8 thirty-one days and ask you to look at the  
9 preliminary plans.

10 So again, let me give you some of the

3-27-23

11 highlights of the actual development.

12 The property is bordered by Donovan  
13 Drive.

14 The proposed hotel pad site, which did  
15 receive plan approval, is located on the  
16 west of this proposed site.

17 Printers Ways and Baltimore Pike are to  
18 the north.

19 The proposed basin for the storage  
20 building development and residential  
21 properties are to the south or to the rear.

22 The Aqua Water tower and Wawa and WSFS  
23 bank are located to the east of these four  
24 properties.

9



1 As I mentioned, these four parcels are  
2 sandwiched between, as you see on the plan  
3 that's up there, and that's where the  
4 overall development tract for the Franklin  
5 Mint, they are sandwiched between the

3-27-23

6 Pennell parcel and the Granite parcel.

7 If rezoned, we were incorporate them  
8 into the Granite parcel.

9 In the SU-1 District, you are allowed  
10 to look at your area and bulk regulations on  
11 a development tract basis.

12 So, we would be adding these four  
13 parcels into what is called the overall  
14 development tract, and the area and bulk  
15 requirements would be measured on the  
16 development tract.

17 The four parcels today are currently  
18 vacant.

19 They are degraded wooded areas.

20 On one of the parcels, and Ms. Thomas  
21 will go into it a little bit more with her  
22 environment impact assessment, there is an  
23 unfinished cinderblock house.

24 That's just the foundation of that

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1 house. It's on the southeast corner of the

2 site.

3 If permitted to be rezoned, these four  
4 parcels will be reverse subdivided and then  
5 subdivided again into two parcels, and the  
6 parcel closest to Baltimore Pike is referred  
7 to as Parcel A.

8 That will have 2.388 acres, and that is  
9 where the self-storage building will be  
10 located.

11 Excuse me. The parcel is further to  
12 the rear, further to the south.

13 Parcel B, which is the parcel closer to  
14 Baltimore Pike, is 1.4 acres.

15 We have no development at this time  
16 proposed.

17 The facility, it will be a climate  
18 controlled self-storage facility.

19 Seven hundred and twenty-four  
20 individual units ranging in size from five  
21 by five to ten by thirty.

22 Those would be rented to individuals to  
23 store their personal belongings such as  
24 household goods, furniture.





1                   They will also as an accessory use to  
2                   the storage sell moving and packing supplies  
3                   and offer the leasing of U-Haul vans.

4                   We do show five parking spaces would be  
5                   available for the parking of those UHauls.

6                   The property is gated, and gate access  
7                   is from 6 a.m. till 10 p.m.

8                   Otherwise, the gate is locked.

9                   If you rent a space there, you have a  
10                  key card to get through the access gate.

11                  The McKee Group or Printers Way  
12                  Property does continue to, they will  
13                  continue to own this facility.

14                  They are not just developing it and  
15                  flipping it.

16                  This is part of their real estate  
17                  portfolio.

18                  The facility will be staffed with a  
19                  manager and an assistant manager.

20                  Business hours are Monday through

3-27-23

21 Saturday, 9 to 5 and Sunday, 9 to 2.

22 MR. READ: Excuse me.

23 On the maps here, which one are you  
24 referring to now?

12



1 MS. CAMP: The highlighted yellow ones.

2 MR. READ: Okay.

3 MS. CAMP: So, this is the land use map  
4 that also would need to be revised.

5 In your SU-1A District, there is a land  
6 use that was adopted because you want to  
7 make sure and your ordinance requires you to  
8 have a multitude and a combination of  
9 various uses.

10 So, this was one of the appendices to  
11 the SU-1 District.

12 With this proposal to amend the zoning,  
13 we also have to amend the land use map to  
14 now add those four parcels that are  
15 highlighted in yellow.

16 MR. READ: And where will the building

3-27-23

17 that you are talking about be on that?

18 MS. CAMP: Yes. Lisa is showing to the  
19 rear there.

20 LISA THOMAS: Like right where the big C  
21 is.

22 MR. READ: I'm sorry?

23 MS. BELL: Just fronting Baltimore Pike.  
24 Right?

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1 MS. CAMP: No. That's actually further  
2 to the rear.

3 MS. BELL: Okay.

4 MS. CAMP: We will have a plan that will  
5 show it better. We can pull it up.

6 MR. READ: What's the setback on that  
7 from Baltimore Pike?

8 MS. CAMP: I am going to call the  
9 engineer who can go through some of the more  
10 details when we get to the land development  
11 plan if I can just get through my

3-27-23

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introduction.

There will be no parking of RVs or vehicles or boats. Anything like that.

None of that will be permitted outside.

There are eighteen parking spaces.

We do have some parking information and parking information from McMahon to indicate that that is a sufficient number of spaces.

I am going to now ask Barry to come up. He prepared the plans for the self-storage facility.

Actually, let's go through the

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photographs.

Lisa, as part of the attachment to the environment impact assessment, she did some photographs of the existing conditions.

I think it is helpful for you to see what properties we are talking about and how they are developed today which again they

3-27-23

8 are vacant.

9 - - -

10 LISA L. THOMAS, after having been first  
11 duly sworn to tell the truth, was examined  
12 and testified as follows:

13 - - -

14 DIRECT EXAMINATION

15 - - -

16 MS. CAMP: So, these photographs are  
17 attachment to the EIA, but I also pulled  
18 them out as A-5.

19 So, they are in the hard packet there.

20 And again, those were taken by Lisa to  
21 attach to the EIA.

22 THE WITNESS: So, what we are going  
23 today to do is we will walk through the site  
24 together, and this is the property that is

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1 south of Printers Way that we are looking  
2 at.

3-27-23

3 So, this is a well known icon in the  
4 landscape.

5 You all call it the water tower, and I  
6 believe it is eighty-nine feet tall, and  
7 then, you can start to see the type of  
8 wooded area that is adjacent to it.

9 It's a rather degraded area.

10 This view is to the west, and you can  
11 see Printers Way sort of to the right in  
12 that corner of the picture.

13 There is a lot of invasives. Pines.  
14 Multiflora rose. Mixture of black  
15 locusts. Some oaks and maples in here and  
16 another good idea of what it looks like,  
17 too.

18 This is the winter.

19 So, it's a lot easier to see what the  
20 woodlands look like without all the leaves  
21 on there.

22 It's not maintained. It's a bit of a  
23 dumping ground.

24 Also, we found some trash back there in

1 different areas.

2 You are looking to the south also  
3 here.

4 You can see through the trees some of  
5 the adjacent neighborhood to the south.

6 And this (indicating) is an opening on  
7 the land.

8 You can see the poor quality of the  
9 trees here.

10 One is completely dead.

11 This is looking to the north along  
12 Donovan Drive right here (indicating) where  
13 the hotel would be across the street.

14 MS. CAMP: Leading into Pond's Edge.

15 THE WITNESS: So, Pond's Edge is behind  
16 us in this picture.

17 We found an abandoned half started  
18 foundation in the woods that has been there  
19 for a number of years.

20 I think late in the eighties it was  
21 started based on Mr. Archambault's  
22 information.

3-27-23

23                   So, it just gives you just a taste of  
24                   what the woodlands look like.

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1                   You can see the vines all over the  
2                   place.

3                   This is the view to the north and here  
4                   is some of the trash that we found.

5                   A lot of branches and garden debris,  
6                   too.

7                   I think that's it.

8                   MS. CAMP: Okay. Do you want to pull up  
9                   A-9, which is the preliminary plans that we  
10                  filed for the storage depot?

11                  And Barry, do you want to come  
12                  forward?

13                  - - -

14                  (Whereupon, the witness was excused at  
15                  this time.)

16                  - - -

17                  BARRY ARCHAMBAULT, after having been



3-27-23

18 first duly sworn to tell the truth, was

19 examined and testified as follows:

20 - - -

21 DIRECT EXAMINATION

22 - - -

23 BY MS. CAMP:

24 Q. So, Barry just walk them through.

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1 MS. CAMP: This is in your packet,  
2 everybody, as Exhibit A-9, and these are  
3 three of the sheets, four of the sheets from  
4 the preliminary plan set that were filed.

5 We have gone through significant  
6 reviews with your engineers; and as I said,  
7 your planning commission on February 14th  
8 recommended approval of these plans as  
9 preliminary plans.

10 BY MS. CAMP:

11 Q. So, Barry, why don't you just walk through  
12 this proposed development?

13 A. Sure.

3-27-23

14 Baltimore Pike is off of the page at  
15 the bottom.

16 What we are looking at is the  
17 intersection between Printers Way and Donovan Drive.

18 So, right now that intersection has the  
19 four stop signs, and it's on all empty on all four corners  
20 at the moment.

21 Going up the page, take a left on  
22 Printers.

23 Go through that curve.

24 First thing on your left is going to be

19



1 Wawa to orient you guys a little bit more as well.

2 There is going to be two driveways  
3 servicing this site.

4 It's going to be one way in.

5 Actually, it's a two-way driveway off  
6 of Printers Way.

7 And then, once vehicles come to the  
8 locked gate and then put in their PIN number, the gate

3-27-23

9 swings up and then vehicles will then continue to the back  
10 of the building and then around the building like this  
11 (indicating) and one way out onto Donovan.

12 At the entrance here (indicating), the  
13 building is only three stories high because the grade is  
14 much higher than on Donovan.

15 So then, on this (indicating) side of  
16 the building, it is ten feet lower.

17 So, on the side of Donovan looking at  
18 the building, that's where you see the full four-story  
19 height.

20 There is four spots of parking right in  
21 the front.

22 So, that is for the employees in the  
23 small office and anyone who would be showing up to rent a  
24 unit.

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1 Beyond the locked gate, it is all  
2 parallel parking spots.

3 These are all large enough to  
4 accommodate moving trucks; and on both sides of the

3-27-23

5 building, there are at-grade garage doors.

6                   So, we anticipate people on Saturday  
7 morning coming up, parking and then just walking their  
8 stuff into the garage doors or to the main entrance which  
9 on each side of the building is half way down the building,  
10 here (indicating) and here (indicating).

11                   And that's how you would access the  
12 interior units on the ground floor and then the units on  
13 the third and fourth floors.

14                   Dumpsters are out back over here  
15 (indicating).

16                   They are going to be --

17                   This is part of our architectural  
18 plan.

19                   A lot of care has been looked into  
20 making the dumpster enclosures look nice, match the  
21 building.

22                   A couple comments came in about that.

23                   So, it definitely looks like I would  
24 say a mini-self-storage building.

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3-27-23

1                   Back behind that is the above-ground  
2 stormwater management facility.

3                   I can actually see that a little better  
4 on the next one.

5                   This (indicating) is the grading plan,  
6 and this shows a bit better how you come, enter the  
7 entrance driveway here (indicating).

8                   And then, it's all flat all along the  
9 building because of all the garage doors.

10                  And then, as you make the turn, it's a  
11 ten percent slope down to the other side of the building  
12 where then we have garage doors all along here  
13 (indicating).

14                  Then, we can see the stormwater  
15 management facility back here (indicating), above-ground  
16 basin with a diversion channel along the property line that  
17 we see along here (indicating) which captures off-site  
18 runoff and then diverts it around the development's basin.

19                  The outfall ultimately will go into the  
20 now existing Pond's Edge storm drain infrastructure and  
21 then out to an outlet right here (indicating) on Pond's  
22 Edge property right before the wetlands start.

23                  For utilities, both water and sewer is

24 already in place on Donovan and Printers Way from the



1 previous land development of the Granite parcel and state  
2 police when all the roads were built.

3                   So, we will be using connections that  
4 we laid in the road for them.

5                   And then, storm, there are inlets we  
6 can see here (indicating) throughout the parking area on  
7 each side that then, you know, carries the stormwater to  
8 the basin.

9                   There will also be a gas connection  
10 coming off of Donovan.

11                   And then, we are going to have the  
12 fire hydrants per the fire marshal just outside of the  
13 gates.

14                   Actually it's inside the gates at the  
15 moment right about here (indicating).

16                   So, that's been reviewed by the fire  
17 marshal.

18                   That location is actually his request.

19                   MS. CAMP: You had a question about the

20 setback?

21 THE WITNESS: Yes.

22 MR. READ: Yes.

23 Where in the property will the building  
24 be?

23

↑

1 Where will the building be in that  
2 rectangle?

3 THE WITNESS: It is the rectangle.

4 MR. READ: That clarifies it. The whole  
5 thing?

6 THE WITNESS: Yes.

7 MR. READ: Wow.

8 The stormwater, that is just an open  
9 body of water?

10 THE WITNESS: It is designed to drain  
11 dry within seventy-two hours.

12 It's what the DEP calls a managed  
13 release concept.

14 The infiltration components of the

3-27-23

15 soils out here is actually pretty poor.

16 So, DEP allows us to use a what is  
17 called managed release concept which through  
18 mechanical means of us designing pipes at  
19 specific elevations, we can then mimick what  
20 infiltration would look like in the natural  
21 ground, even though we do not have  
22 infiltration available to us.

23 So, that will be reviewed by the  
24 Conservation District, and I just made my

24

↑

1 first submission to them last week.

2 MS. CAMP: Anything else for the  
3 engineer?

4 Questions for the engineer?

5 We did get a pass, as part of the  
6 overall Franklin Mint, there was a planning  
7 module submission.

8 For this particular project, the DEP  
9 sent a letter that is included in your  
10 packet as Exhibit A-10.



3-27-23

11 That DEP letter January 17th, 2023,  
12 indicated that no further sewer planning was  
13 needed for this proposed use.

14 It only requires one EDU for sewer, and  
15 that's already been accounted for.

16 So, we have covered that as far as  
17 sewer is concerned.

18 I would like to call Lisa back up and  
19 ask her to highlight some of the points of  
20 the environment impact assessment.

21 That is Exhibit-13.

22 And with the overall Franklin Mint  
23 site, there was a much larger environmental  
24 impact assessment as probably as big as

25

↑

1 three inches.

2 She really did an addendum for this  
3 particular application to focus on the four  
4 properties that we are asking to be rezoned.

5 So, I am just going to ask you to

3-27-23

6 highlight some of the features.

7 - - -

8 LISA THOMAS, previously sworn, was  
9 recalled at this time.

10 - - -

11 THE WITNESS: So, for the impact  
12 statement, we looked at a number of  
13 different things.

14 You all should have a copy of that.

15 We went did through the existing  
16 conditions in the impact statement which we  
17 just previously talked about.

18 We looked at the historic resources;  
19 and based on Delaware County Planning  
20 Commission review letter for the land  
21 development process, they noted that the  
22 area is a moderate to high potential for  
23 underground resources in it, but there are  
24 no known historic resources in the immediate

26

↑

1 facility.

2           So, what they asked us to do was that  
3           if the developer were to come into any  
4           artifacts during the construction process,  
5           that they would contact the Delaware County  
6           Planning Commission so they could do a short  
7           documentation process on the site, and we  
8           have put that in the booklet.

9           We have agreed to that. We want to do  
10          that for this project.

11          In terms of water resources, there is  
12          no streams, lakes or any type of water  
13          bodies on this property.

14          The slope, the water slopes drain from  
15          east to west in the direction of Donovan  
16          Drive naturally, and I think that might be  
17          it with the environment impact statement.

18          I wanted to touch on the fiscal impact  
19          statement with everybody.

20          That was also part of the environment  
21          impact statement, and this site a  
22          non-residential site, and it will generate  
23          one, two employees on this site with the  
24          use.



1                   So, there is a very low fiscal impact  
2                   to this in terms of a negative number.

3                   Basically it's a net positive of a  
4                   hundred and eight thousand dollars.

5                   I mean a hundred and eight thousand  
6                   dollars, three hundred and ten dollars on  
7                   the site.

8                   So, it will be a benefit to the  
9                   township fiscally, and the service will be  
10                  good for the community in terms of the use  
11                  there.

12 BY MS. CAMP:

13                  Q.       Can you touch upon community facilities and  
14                  the needs or the demands for any community services?

15                  A.       Because it's a non-residential site and  
16                  there is two employees, there won't be any needs or demands  
17                  on it.

18                                There is no impact to the school  
19                  district.

20                                It's actually a benefit with the fiscal

3-27-23

21 impact for the district.

22 In terms of the mitigation measures for

23 the site --

24 Q. You are going to the landscaping and show

28

↑

1 them?

2 MS. CAMP: So, the landscaping plan and

3 the lighting plan that Miss Thomas prepared

4 are Exhibit A-12.

5 BY MS. CAMP:

6 Q. If you want to turn to that or maybe do you

7 want to go to A-11?

8 A. Yes.

9 Q. Yes. That's probably a better one.

10 A. So, what we did is we did a

11 Q. Yes. Go down, A-11.

12 A. Here is a site rendering of the project to

13 help you visualize it.

14 On the southern side, you can see that

15 it's all green, and this (indicating) space includes the

16 basin that Barry was talking about.

3-27-23

17 It includes shade trees and evergreen  
18 buffering around this (indicating) portion of the site  
19 here.

20 This area is adjacent to the Hunter's  
21 Street neighborhood; and what's great about how the land is  
22 laid out here and where the building is and where the green  
23 space is is that there is no building immediately adjacent  
24 to any homes.

29

↑

1 So, the green space is next to the  
2 Hunter Street neighbors, and then, the building and the  
3 circulation is adjacent to the water tower.

4 So, it works quite well here with the  
5 way this lays out.

6 Additionally you can see to the west  
7 across the street is the proposed hotel.

8 So, the way the infrastructure lays out  
9 is that they kind of bookend the road right here  
10 (indicating).

11 There is a significant amount of

12 landscaping proposed.

13 First I want to talk about what has  
14 previously been approved by the township, and I'm looking  
15 at the hotel to the west right here (indicating).

16 Along the streetscape, there are trees  
17 approved that will be planted on both sides of Donovan  
18 Road.

19 That hotel also has some hedging that  
20 hides the parking.

21 On our property, we have some very  
22 detailed landscaping along the street trees, along our  
23 parking lot and along our fence.

24 We have been asked to add additional



1 landscaping in this area.

2 What we did is we have a hedge that  
3 will get to be around six to ten feet tall, and we have  
4 added lower level shrubs and we have added perennials.

5 So, it has really turned out with the  
6 help of the township to look like a nice entry into Pond's  
7 Edge to the back as you drive down to Pond's Edge.

3-27-23

8 I think the streetscape will look  
9 really nice.

10 Along Printers Way, there is the  
11 proposed landscaping from previous approvals along Printers  
12 Way.

13 We are adding another layer behind the  
14 streetscape there with the street trees.

15 We are adding somemore street trees. We  
16 are adding flowering trees, and you can see them between  
17 the building and those street trees.

18 The entrees and exits are accented with  
19 landscaping and signage.

20 As Barry discussed, you loop through  
21 and around the building.

22 We have hedging along the east side of  
23 adjacent to the water tower that will get to be about five  
24 to six, six to ten feet tall.

31



1 Also, the rear of the building we have  
2 added evergreens to.



3-27-23

3 We have increased the number of  
4 evergreens so that we could screen the back end of the  
5 building from adjacent neighbors.

6 We were asked to do that, and we are  
7 very happy to do it.

8 So, we have added, these are evergreen  
9 trees here along this (indicating).

10 And then, also in discussion with the  
11 neighbors, we have added additional evergreen trees along  
12 the east and southern end of the property to screen the  
13 neighbors.

14 MS. CAMP: Does anybody have any  
15 questions about this illustrative plan?

16 MS. POWELL: There are two seed mixes  
17 listed on the plant list.

18 Where are they going to go?

19 THE WITNESS: They are in the basin.

20 A couple other things I want to tell  
21 you is we have a total of twenty-six  
22 deciduous trees proposed, a hundred and one  
23 evergreen and two hundred and forty-three  
24 shrubs proposed for this site.

1 MS. CAMP: Okay. No questions on this?

2 BY MS. CAMP:

3 Q. Do you want to touch upon lighting?

4 A. Yes.

5 You can see on this plan, the black,  
6 the little black boxes around the edge of the parking  
7 spaces.

8 Those are the site lights.

9 They are sixteen feet tall. They have  
10 full cut offs.

11 So, all the light stays on the  
12 property, and then, they will be on timers, too.

13 MR. READ: They will be on timers. What  
14 period?

15 THE WITNESS: You know, I don't have the  
16 answer to that.

17 I'm very sorry.

18 I can look that up and get back to you  
19 on that.

20 MS. CAMP: Let me just touch upon the  
21 traffic and parking, and that was McMahon,  
22 as I said, McMahon Associates, Nicole

3-27-23

23

Kline.

24

Exhibit A-16 was her traffic analysis

33

↑

1

that was submitted with the preliminary

2

plans.

3

I'll just highlight her findings.

4

Again, as part of the overall Franklin

5

Mint redevelopment, there was a much larger

6

traffic study for all mix of uses, and they

7

did in that study propose this as a storage

8

facility.

9

She then knowing the specific numbers,

10

she looked at it a couple of different ways;

11

and based on either the number of storage

12

units, the overall square footage of the

13

building and the number of occupied units,

14

she came up you with a hundred and forty

15

trips daily, ten for the a.m. peak hour and

16

fifteen in the p.m. peak hour and twenty-one

17

on Saturdays for the midday peak.

3-27-23

18 This use was, as I said, included in  
19 the master plan traffic supplement for the  
20 Franklin Mint and Pond's Edge development  
21 which actually assumed a higher traffic  
22 rate.

23 The township engineer has concluded and  
24 agreed that no further traffic improvements

34

↑

1 are needed in as a result of this  
2 development.

3 The parking analysis, again McMahon  
4 looking at the ITE data, suggested the  
5 demand would be ten spaces during the  
6 weekday and nine on the weekends.

7 The busiest time which again this  
8 entity does, the developer does own a  
9 similar facility actually real close to  
10 where I live in West Whiteland Township; and  
11 based on the data from that similar sized  
12 facility, the manager there has indicated  
13 that Saturdays is the busiest day.

3-27-23

14 The peak is in between 10 and 11.  
15 That's the busiest hours for this type  
16 of a use, and that seven people typically  
17 are coming in and out during that peak  
18 hour, Saturday morning, 10 to 11.  
19 MR. READ: Seventy in an hour?  
20 MS. CAMP: No. Seven.  
21 MR. READ: I'm sorry?  
22 MS. CAMP: Seven. Seven trips.  
23 So, the peak demand for the existing  
24 facility in East Whiteland is seven trips

35

↑

1 Saturday morning from 10 to 11.  
2 That is the peak traffic generator and  
3 peak requirement for parking.  
4 This plan actually has more parking  
5 spaces than the are one in West Whiteland.  
6 This has eighteen parking spaces.  
7 As Barry indicated, there are four  
8 before you get into the locked gate, and

3-27-23

9 then, once you get gated entrance, there are  
10 an additional fourteen spaces that come  
11 around the building.

12 So, we believe and your traffic  
13 engineer or your engineer has not commented  
14 on needing anymore traffic improvements or  
15 needing anymore parking spaces.

16 The planning commission was also  
17 satisfied with that.

18 MS. BELL: Can I ask you a quick  
19 question?

20 And I don't want to derail from where  
21 you were.

22 MS. CAMP: Sure.

23 MS. BELL: But it was one of the things  
24 in the impact statement that you just went

36

↑

1 through that I thought might just be helpful  
2 to touch on for anyone paying attention.

3 MS. CAMP: Sure.

4 MS. BELL: If it weren't this type of

3-27-23

5 facility, what types of other alternatives  
6 are the kinds of things that would be  
7 considered for this kind of pad so people  
8 can kind of weigh this versus if it were  
9 something else?

10 MS. CAMP: So, if it was not zoned  
11 SU-1A?

12 Is that what you mean?

13 MS. BELL: Yes.

14 MS. CAMP: Is that what you mean?

15 MS. BELL: Yes.

16 MS. CAMP: Yes.

17 So, SU-1A, and I'm going to grab my  
18 ordinance book, but one of the interesting  
19 uses is it does allow offices.

20 It does allow light manufacturing.

21 It allows retail.

22 Let me get my book because I have that  
23 marked.

24 So again, the two parcels that are

37

↑

3-27-23

1 zoned SU, that's governed under 275-111, and  
2 that allows as a permitted principal use  
3 scientific research laboratory, light  
4 manufacturing, a dairy together with  
5 warehouse facilities, an office building,  
6 communications antennas mounted on existing  
7 public utility towers.

8 Conditional uses are indoor and outdoor  
9 recreational uses, private clubs for  
10 recreation, conference centers and meeting  
11 and assembly facilities, schools, daycare  
12 centers and regional rail facilities.

13 Those are all permitted uses in the  
14 SU-1 District.

15 We believe not only those uses but also  
16 a lot of the other uses that the SU-1  
17 District, you know, allows, this is probably  
18 the lowest traffic generator that you are  
19 going to have. Very innocuous use.

20 And as we said, peak demand is Saturday  
21 morning from 10 till 11.

22 - - -

23 (Whereupon, the witness was excused at



24 3-27-23  
this time.)

38

↑

1 - - -  
2 MS. CAMP: I am next going to call the  
3 architect, Joe Davidson.  
4 Again, he is VC Architects.  
5 Lisa, would you mind pulling up A-14  
6 for me?  
7 So, A-14 are the architectural plans.  
8 I am going to make a couple preliminary  
9 statements.  
10 You have obviously your design review  
11 committee.  
12 I think they have gone and reviewed  
13 these plans two or three times.  
14 We have made significant and  
15 substantial changes based on their comments.  
16 So, we appreciate their comments.  
17 We are trying to keep the building  
18 architecturally compatible with some of the  
19 buildings that are nearby, the WaWa, the

3-27-23

20 WSFS, the color of the brick.

21 So, we have changed the color scheme  
22 to reduce the number of different colors and  
23 hopefully have it in keeping with the  
24 surrounding other buildings within the

39

↑

1 SU-1.

2 I'm going to let you take over. First  
3 you are going to need to be sworn.

4 - - -

5 JOSEPH DAVIDSON, after having been  
6 first duly sworn to tell the truth, was  
7 examined and testified as follows:

8 - - -

9 JOSEPH DAVIDSON: Hi. So, I know a lot  
10 of stuff has kind of already been gone  
11 through.

12 We are going to kind of go through the  
13 design of the building.

14 If you have any questions along the

3-27-23

15 way, feel free to ask.

16 As Barry said, this has basically two  
17 entrance levels of the building, Printers  
18 Way and Donovan Drive.

19 This image that you are looking at  
20 right now is the office entrance off of  
21 Printers Way.

22 We have created the building to kind of  
23 pull in some of the materials and design  
24 elements from the surrounding buildings, in

40

↑

1 particular the hotel and the Wawa.

2 Part of the process that we went  
3 through was the blue color here  
4 (indicating), the blue color there is part  
5 of Storage Depot brand.

6 It was one of the comments that we did  
7 have on the building in the original design.

8 Through some EIFS colors, that has been  
9 minimized to just the door and the actual  
10 signs themselves.

3-27-23

11                   The doors are on two sides of the  
12                   building.

13                   This is the first floor plan which is  
14                   not the main entrance to the building but  
15                   off of Donovan Drive side.

16                   As you could see, the middle area where  
17                   the box is, that's the entrance.

18                   There is elevators from there.

19                   There is also a number of exterior  
20                   accessed storage units which are the blue  
21                   doors as well as some utility access off of  
22                   that side of the building.

23                   And then, inside the gray boxes are all  
24                   the different sized storage units.

41

↑

1                   The second floor is that entrance off  
2                   of Printers Way.

3                   That has the, again, that main entrance  
4                   element tower element there with the Storage  
5                   Depot sign and also the entrance to the

3-27-23

6 storage facility, the main entrance, I guess  
7 to the storage facility once you have your  
8 unit purchased and leased is in the middle  
9 as well with elevator access to the other  
10 floors.

11 This (indicating) is the third floor.

12 As you get up you higher in the floor  
13 levels, the units gets smaller and smaller  
14 because you have to carry your stuff a  
15 little bit longer.

16 So, elevation wise, we have gone  
17 through a number of revisions and review  
18 with the design review committee in terms of  
19 breaking up the elements and adding somemore  
20 windows and reducing the number of materials  
21 that we were using.

22 We are using two colors of EIFS, red  
23 brick and a wood composite material to kind  
24 of go along with the hotel across the

42

↑

1 street.

3-27-23

2                   These (indicating) are the two sides,  
3                   shorter sides of the building again carrying  
4                   all the same materials and design language  
5                   around the building, not keeping it the  
6                   same, and I know there was some comments  
7                   about the dumpster enclosure design and  
8                   there at those two little two elevations up  
9                   top.

10                   And again, what we did is we pulled the  
11                   materials from the building and used that as  
12                   part of the design inspiration as part of  
13                   the dumpsters enclosures.

14                   And then, that's the main rendering  
15                   that you had seen from Printers Way.

16                   That is the main entry. We had seen  
17                   that on the first cover sheet.

18                   This is the view from Donovan Drive  
19                   from the south end of the building.

20                   Again, it's something, it's 3D of what  
21                   you have seen before.

22                   Again, you can see the multiple  
23                   materials, the brick, the two colors of EIFS  
24                   and the composit wood material.



1                   LISA THOMAS: I am just going to add  
2                   this is the area where we would have street  
3                   trees along (indicating) along with the  
4                   lower level landscaping I spoke about to  
5                   soften the transition between the building  
6                   and the street.

7                   MS. BELL: Can I ask a question?  
8                   It's not really a tree question.  
9                   It's about the softening along the  
10                  street.

11                  The first question is one that I  
12                  actually thought of off the top of my head.

13                  How many floors is the hotel?

14                  MR. McMULLAN: Four.

15                  MS. BELL: Is it also four?

16                  MR. McMULLAN: Yes.

17                  MS. BELL: Do you know, and I don't  
18                  know, the engineers, but the topography, I  
19                  mean is it, are we go sloping from hotel  
20                  here?

3-27-23

21 Are they about even in height or do you  
22 know that?

23 BARRY ARCHAMBAULT: They are relatively  
24 even, both the self-storage and the hotel,

44

↑

1 and they are quite similar footprints for  
2 sizes, similar rectangle shape and very  
3 similar heights as well and similar colors  
4 and materials, I think.

5 I know blue was one of the main colors  
6 we were using on the hotel.

7 MS. BELL: I was just trying to see if  
8 it was tunneling between the two or one  
9 would be towering over the other?

10 BARRY ARCHAMBAULT: Right.

11 I would say no merely because of the  
12 width of Donovan Drive, and then, you have a  
13 minimum thirty foot setback for the  
14 building.

15 So, for each one.

16 And then, both the hotel.



3-27-23

17                   The hotel has a parking field before  
18                   you get to the front of the hotel, and then,  
19                   here what we are looking at is a thirty foot  
20                   wide drive aisle as well.

21                   So, adding up all those together, yes.

22                   I mean it might almost be two hundred  
23                   feet, and these buildings are less than  
24                   fifty feet tall.

45

↑

1                   MS. BELL: I just think it's important  
2                   to know because I think the people in their  
3                   mind may think of the bank is low.

4                   They think of the Wawa low.

5                   And when you say four stories, people  
6                   start to react. Okay.

7 BY MS. CAMP:

8                   Q.     Joe, what about the screening of the rooftop  
9                   mechanicals?

10                  A.     Yes. That was a comment that came up.  
11                  Screening the rooftop mechanicals.

3-27-23

12 There are parapets all around this  
13 building.

14 The minimum height is three foot six,  
15 and we did do a little bit of an analysis with the grading  
16 that we had up on the residential side of the building  
17 because that's where, you know, the grade is kind of going  
18 up, and we just estimated it because I don't have the  
19 measurements of the floors there.

20 But from the grade there, you will not  
21 be able to see any of the rooftop units even from a higher  
22 elevated point on this site for the houses that are right  
23 close by to the building.

24 There will be a minimum amount of

46

↑

1 conditioning here because this is not conditioned for  
2 occupancy but just conditioned to keep the storage items we  
3 -- I'll say comfortable but...

4 Q. Climate controlled.

5 A. Yes.

6 It's climate controlled, but it's not  
7 to what you would keep your home or your office.

3-27-23

8 This is again a view of the Donovan  
9 Drive side but from the opposite end.

10 Again, there will be a glass, we will  
11 call it display feature where they have, you know, you see  
12 them typically on storage units where they will have the  
13 storage unit doors behind glass.

14 This helps break up the facade.

15 There are not actually usable units.  
16 They are just there are for display.

17 Is that it?

18 Q. Yes.

19 Do you want to show everyone the  
20 materials board?

21 A. Yes.

22 MS. CAMP: So, we have obviously not in  
23 your packets, but I have asked him to bring  
24 you the materials board.

47

↑

1 That is something that we will leave  
2 here and Meredith will get to the DRC.

3-27-23

3 That was something the planning  
4 commission wanted to make sure got further  
5 reviewed.

6 THE WITNESS: So, I had a little bit of  
7 an issue with glue on the way here.

8 I apologize.

9 So, this is the material board that we  
10 have.

11 This (indicating) is the Donovan Drive  
12 elevation.

13 You can see the red brick that we had  
14 chosen.

15 The wood composite material.

16 This is just a cast stone cap that runs  
17 along the top of the brick.

18 These are the two colors of the EIFS,  
19 and then, the sanitized materials here are  
20 just the coping and the window colors.

21 And then, this black is for the canopy  
22 which is not visible here, but it's at that  
23 corner element at the main entry.

24 And then, the blue little circle here,

1                   that's the color of the doors.

2                   MS. CAMP: Okay. Thank you. Thank you,  
3                   Joe.

4                   - - -

5                   (Whereupon, the witness was excused at  
6                   this time.)

7                   - - -

8                   MS. CAMP: So, I'll finish off with the  
9                   zoning ordinance has specific standards that  
10                  we are required to demonstrate compliance  
11                  with before the council would consider  
12                  rezoning.

13                  I think most of our testimony has gone  
14                  through those, but I will highlight it.

15                  These are found in Section 275-248 of  
16                  your ordinance.

17                  The first one is the that proposed use  
18                  should be consistent with the purpose of the  
19                  zoning ordinance, the overall purpose of  
20                  zoning and also consistency with the  
21                  Comprehensive Plan.

22                  So, one of the exhibits is actually a

3-27-23

23 correspondence or a memo that Meredith  
24 Merino had provided.

49

↑

1 It's Exhibit A-6.

2 When she was introducing this to  
3 council the first time, she wrote a memo on  
4 November 22nd where she indicated that this  
5 proposed rezoning is consistent with the  
6 2020 Comprehensive Plan which contemplates  
7 that you should promote the development and  
8 redevelopment of Baltimore Pike into a  
9 regional commercial corridor with the  
10 primary location of commercial development  
11 in the township.

12 So, that was your planner who commented  
13 upon that.

14 The Delaware County Planning Commission  
15 also provided a review letter on November  
16 18th, and I have that in your packet as  
17 Exhibit A-7.

3-27-23

18 They also made that same comment.

19 That they believed that the rezoning  
20 was consistent with the Comprehensive Plan  
21 as well as the commercial properties and  
22 commercial development around.

23 The second standard is that the  
24 proposed use will satisfy all relevant

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1 provisions in your Subdivision and Land  
2 Development Code.

3 Again, we did go to the planning  
4 commission on the proposed plan for the  
5 self-storage facility.

6 There are three waivers that we did  
7 point out that we did need or modifications.

8 We will go into those with more detail  
9 when we come back for preliminary plan, but  
10 they are waivers that you have granted for  
11 other developments within this tract or  
12 within this development area.

13 The other one is that there is a

14 demonstrated need for the proposed use; and  
15 with the residential development that is  
16 going on at Pond's Edge as well as at the  
17 Toll Brothers site, those property owners,  
18 we believe will have a demand for this  
19 self-storage facility.

20 I will tell you that I represent eight  
21 or nine different municipalities, and we  
22 have had a plethora of self-storage  
23 facilities come in, and we consistently ask  
24 the question of who is renting these



1 spaces, and there is a demand right now.

2 A lot of the apartment buildings that  
3 are recently built.

4 People are downsizing from larger homes  
5 into apartments and need self-storage.

6 So, we do think, and obviously they are  
7 not going to build something that they have  
8 not done market analysis on or a study.



3-27-23

9 There is a demand.

10 The next is that proposed use will  
11 contribute to the maintenance of the health,  
12 safety and morals of general welfare of the  
13 township.

14 I think Lisa's environmental impact  
15 assessment touched upon that.

16 There is very few community demands for  
17 this type of a use, and we think that it's  
18 going to be a positive net generation as far  
19 as taxes and little by way of police, fire,  
20 EMS, that kind of thing.

21 Obviously, no impact on your schools.

22 The proposed use is consistent with the  
23 nature of the uses existing on any  
24 immediately adjacent properties and will not

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1 detract from or cause harm to the  
2 neighboring properties

3 So, in this case, obviously with two of  
4 the parcels being zoned R-2 and having the

3-27-23

5 rear property, the properties to the rear be  
6 residentially used, we were cognizant of  
7 that.

8 And as it worked out on the plan, you  
9 saw that the use most closest to, in closest  
10 proximity to those residential properties  
11 will be the stormwater basin.

12 So, you know, we recognize that it is  
13 no longer, if you approve this, it will not  
14 be zoned R-2 anymore, although it has been  
15 zoned R-2 for quite sometime, and for  
16 whatever reason has not had residential  
17 development.

18 They will really see a much more  
19 beautiful site with a beautiful landscaping  
20 perimeter.

21 As Lisa said, you know, a hundred and  
22 some trees and evergreens.

23 And two of the neighbors did come to  
24 planning commission meetings; and as a

53

↑

1 result of that, the applicant did reach out  
2 to them.

3 There was communication, and we have  
4 added additional buffer trees to address  
5 their concerns.

6 The proposed use is consistent in  
7 context and design with other amendments  
8 which have previously been approved, and I  
9 would say this again is consistent with how  
10 you have rezoned for the entire  
11 redevelopment of the Franklin Mint, and I  
12 think it adds to that.

13 The proposed use is consistent with the  
14 logical extension of public services and  
15 will not measurably affect public services  
16 and utilities.

17 Again, Lisa's EIA touched upon that.

18 The proposed construction will be  
19 consistent with good design principles and  
20 sound engineering and land development  
21 practices and is in keeping with the  
22 character of the existing construction  
23 within the neighborhood.

Again, the DRC made sure of that and



1 the architect has responded accordingly to  
2 make sure that it is compatible with the  
3 surrounding buildings.

4 The proposed use will provide safe and  
5 adequate access to roads and public services  
6 and will not result in excessive traffic  
7 volumes.

8 Again, McMahon's report addressed that  
9 and was agreed to by your township engineer  
10 or no objection, I should say, from your  
11 township engineer.

12 The proposed use has provided adequate  
13 sanitation.

14 Again, we only need one EDU of sewer,  
15 and we already have planning module approval  
16 for that.

17 The proposed use will provide adequate  
18 screening.

19 Lisa touched upon that.

3-27-23

20                   There is adequate parking, and the  
21                   signage is something that we have  
22                   submitted.

23                   We have submitted a master sign plan  
24                   which your SU-1 regulations require.

55

↑

1                   We do have comments back, and we are  
2                   working on amending to make them compliant.

3                   So, that will be something we will go  
4                   into deeper review when we come in for  
5                   preliminary plan.

6                   And finally, the proposed use, the last  
7                   one is that it conforms with standards for  
8                   Conditional Use, but this is a permitted  
9                   use.

10                  So, I did not think that was relevant.

11                  Happy to answer any questions or  
12                  provide any of the witnesses to answer  
13                  questions.

14                  We appreciate your time and your

3-27-23

15 consideration, and we would ask that you  
16 approve the rezoning this evening.

17 MS. BELL: Well, I have been  
18 interrupting all night long.

19 Is there any other questions from  
20 members of council?

21 MS. POWELL: No.

22 MR. READ: Specifically on the lighting,  
23 is that proposed to be on twenty-four  
24 hours?

56



1 LISA THOMAS: No. It's an hour after it  
2 closes.

3 It closes at ten.

4 So, it will go off an hour later.

5 MR. READ: Thank you.

6 So, what would we be voting on?

7 MS. CAMP: There is a proposed zoning  
8 ordinance amendment.

9 MS. BELL: Just the ordinance.

10 MR. READ: A zoning ordinance amendment

3-27-23

11 tonight.

12 MS. CAMP: Yes.

13 Just the ordinance to rezone these four  
14 parcels; and with that ordinance, if they  
15 become zoned SU-1A, you also are adopting a  
16 land use map, the revision to the land use  
17 map which only deals with the SU-1A  
18 District.

19 So, the attachments to the ordinance  
20 for the legal description of the lots, a  
21 plan which shows the lots and the new land  
22 use map.

23 MR. READ: Okay.

24 MS. BELL: Any questions from members of

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↑

1 the public?

2 Okay. Seeing none here, do I have a  
3 motion to close the hearing?

4 MR. READ: So moved.

5 MS. DUSSLING: Second.

3-27-23

6 MS. BELL: All those in favor.

7 MR. READ: Aye.

8 MS. DUSSLING: Aye.

9 MS. POWELL: Aye.

10 MS. BELL: Aye.

11 Okay. So, before us is the

12 consideration of Ordinance #847.

13 Is there a motion from council?

14 MS. POWELL: I would move for adoption.

15 MS. DUSSLING: Second.

16 MS. BELL: All those in favor.

17 MR. READ: Aye.

18 MS. POWELL: Aye.

19 MS. DUSSLING: Aye.

20 MS. BELL: Aye.

21 Okay. Motion carried.

22 Thank you.

23 MS. CAMP: Thank you very much.

24 I appreciate it.





3-27-23

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(Whereupon, the matter was concluded  
at 8:12 p.m.)

- - -



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C E R T I F I C A T E

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LORI A. DIFABIO

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Professional Court Reporter - Notary

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Public

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3-27-23

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MIDDLETOWN TOWNSHIP  
COUNCIL MEETING

- - -

PUBLIC HEARING ON A CONDITIONAL USE FOR 684 S. NEW  
MIDDLETOWN ROAD, APPROVAL TO CHANGE THE USE FROM ONE  
NON-CONFORMING USE, CURRENTLY A DENTAL OFFICE, TO ANOTHER  
NON-CONFORMING USE FOR THE PURPOSE OF ESTABLISHING A  
NON-MEDICAL HOME CARE OFFICE IN AN R-2 ZONING DISTRICT.

- - -

MARCH 27, 2023

- - -

Township of Middletown Council meeting held at the Township  
of Middletown Municipal Building, 27 North Pennell Road,  
Lima, PA, in the above-referenced matter at 8:13 p.m.

- - -

LORI A. DiFABIO  
PROFESSIONAL COURT REPORTER-NOTARY PUBLIC  
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MEDIA, PA 19063  
610-659-7676  
loridm@comcast.net

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- - -

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1 MEMBERS OF COUNCIL

2

3 KATHLEEN O'CONNELL BELL, CHAIRPERSON

4 SUSAN K. POWELL, FIRST DISTRICT

5 WALTER BOK READ, SECOND DISTRICT

6 BIBIANNA DUSSLING, THIRD DISTRICT

7 MARK D. DAMICO, ESQUIRE, COUNSEL FOR ZONING HEARING BOARD

8

9 ALSO PRESENT:

10

11 JOHN McMULLAN, TOWNSHIP MANAGER

12 MEREDITH MERINO, DIRECTOR OF PLANNING AND DEVELOPMENT

13 ANDREW PARKER, P.E. PTOE, McCORMICK TAYLOR

14 SHARON BROWNE, RECORDING SECRETARY

15 VINCE VISOSKAS, FINANCE DIRECTOR

16 ERIC JANETKA, TOWNSHIP ENGINEER

17

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2



1 MS. BELL: Okay. Are you ready? Yes.  
2 Did we do a motion to open this up yet?

3 MR. McMULLAN: Not yet.

4 MS. BELL: Okay. Can I have a motion to  
5 open up the public hearing for 684 South  
6 Middletown Road?

7 MS. POWELL: So moved.

8 MR. READ: Second.

9 MS. BELL: Okay. All those in favor.

10 MS. POWELL: Aye.

11 MR. READ: Aye.

12 MS. DUSSLING: Aye.

13 MS. BELL: Aye.

3-2723

14 Okay. You're up.

15 TITIXA PATEL: My name is Titixa Patel,  
16 and we are looking into purchasing 684  
17 South New Middletown property.

18 MS. BELL: I have a question real quick.  
19 You're representing yourself this  
20 evening?

21 TITIXA PATEL: Yes.

22 MS. BELL: So, we will have you sworn in  
23 at this time.

24 - - -

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1 TITIXA PATEL, after having been first  
2 duly sworn to tell the truth, was examined  
3 and testified as follows:

4 - - -

5 MR. McMULLAN: I also wanted to enter  
6 on behalf of the township the posting of the  
7 public hearing as well as the notifications  
8 to residents and the advertisement of the

9 public hearing.

10 TITIXA PATEL: So, I'm here requesting a  
11 change from one confirming use, which is  
12 currently a dental office to a  
13 non-confirming to establish a non-medical  
14 homecare.

15 Just to brief you guys what a  
16 non-medical homecare is, it is that we  
17 provide long-term care to the older adults  
18 at their comfort and safety in their own  
19 homes.

20 So, we do have caregivers that actually  
21 go to the client's house to provide  
22 services.

23 For example, services would include  
24 meal preparation, medication reminders,

4

↑

1 companionship and there are many more  
2 related to that as well.

3 We will be talking about the use of the  
4 office.



3-2723

5                   We are a total of seven employees, and  
6                   we will be utilizing the office for  
7                   administrative and health management work.

8                   Thank you.

9                   Any questions? I'm more than happy to  
10                  answer.

11                  MS. POWELL: So, you say administrative,  
12                  meaning like you are going to have office,  
13                  clerical people.

14                  TITIXA PATEL: Yes.

15                  MS. POWELL: Health management.

16                  So, your aides, do they come to that  
17                  office?

18                  TITIXA PATEL: It's very rare. I mean  
19                  just on pay days.

20                  Every Friday, we have about just a  
21                  handful that don't have direct deposit.

22                  They will pick up their checks, and  
23                  then, they will leave.

24                  MS. POWELL: So, it will mostly be

5

↑

1 office staff. No clients?

2 TITIXA PATEL: No clients.

3 MS. BELL: You said seven employees.

4 Correct?

5 TITIXA PATEL: Correct.

6 MS. BELL: How many parking spots are  
7 out there? Ten? Eleven?

8 I'm trying to conceptualize the size of  
9 the lot.

10 TITIXA PATEL: Eleven. Eleven is my  
11 memory.

12 MS. DUSSLING: And it's currently, the  
13 current use is a non-conforming use.

14 The dental office is non-conforming  
15 because it's currently R-2.

16 So, the dental office was  
17 grandfathered.

18 MR. McMULLAN: So, when it was approved  
19 back in 2002, the dental office was approved  
20 as non-conforming back in 2002.

21 MS. MERINO: As a Conditional Use.

22 MR. McMULLAN: Right.

23 As a Conditional Use because of the

24

3-2723  
zoning district.

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1 MR. DAMICO: So, counsel granted a  
2 Conditional Use approval.

3 MR. McMULLAN: In 2002.

4 MS. BELL: It's an existing business?

5 TITIXA PATEL: Yes. It is an existing  
6 business.

7 We have been here in Brookhaven five  
8 years now.

9 MS. BELL: Living up the road.

10 TITIXA PATEL: Yes. Yes.

11 MR. McMULLAN: What are the hours of  
12 operation?

13 TITIXA PATEL: Monday through Friday, 8  
14 a.m. till 4 p.m.

15 MS. POWELL: Right now are you planning  
16 on using the existing building, do you  
17 think, or are you going to modify it?

18 TITIXA PATEL: I think we are just  
19 going to use how it is.

20 MS. POWELL: You can modify the inside.

21 TITIXA PATEL: Correct.

22 MS. POWELL: The footprint is going to  
23 stay the same for now?

24 TITIXA PATEL: Yes.

7

↑

1 MS. BELL: Any other questions from  
2 council?

3 MR. READ: Not yet anyway.

4 MS. BELL: Not yet? We are going to  
5 give Mr. Read a minute. He is catching up.

6 MR. READ: We have eighty pages in front  
7 of us here, so...

8 MS. DUSSLING: So, the hours of  
9 operation being 8 to 4, is there anybody  
10 that remains there later than that or does  
11 everybody, is everybody usually gone by  
12 four?

13 TITIXA PATEL: I think usually everyone  
14 is gone by four.

3-2723

15 I would say fifteen minutes plus/minus  
16 but nothing later than that. Yeah.

17 MS. DUSSLING: Okay.

18 MR. READ: Do you mind listing, I mean  
19 you did you this quickly, but I am buried in  
20 paper, the services you offer.

21 TITIXA PATEL: We offer lots of  
22 services.

23 For example, companionship. Medication  
24 reminders. Light housekeeping. Meal

8

↑

1 preparation. Scheduling appointments for  
2 their doctors. Take them to the doctors.  
3 Bring them back. Do their grocery  
4 shopping.

5 The list is very long. Yes.

6 MR. READ: But people --

7 Well, are any of your clients staying a  
8 significant amount of time in this  
9 building?

10 TITIXA PATEL: Clients do not stay in

11 the building.

12 MR. READ: Okay.

13 TITIXA PATEL: The caregivers go to the  
14 client's homes.

15 So, the clients just stay in their own  
16 homes.

17 It's our caregivers that actually go to  
18 their homes to provide the services.

19 MR. DAMICO: So, essentially it's an  
20 administrative office.

21 You do basically back office.

22 TITIXA PATEL: Correct. Back office  
23 work.

24 MR. DAMICO: How do you get your, are

9

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1 some of these seven employees salespeople?

2 Are they making phone calls?

3 How do you get your clients?

4 TITIXA PATEL: So, we have two care  
5 coordinators that actually work like a link

3-2723

6 between the client and the insurance.

7 So, they will handle all going to the  
8 client's houses.

9 Preparing a plan of how they need to do  
10 stuff.

11 We have an HR, and then, we have a  
12 receptionist.

13 MR. READ: Do you make use of your own  
14 cars or how does that work?

15 TITIXA PATEL: Yes. We use our own  
16 cars.

17 MS. BELL: Any other questions?

18 MS. DUSSLING: No.

19 MS. POWELL: No.

20 MR. READ: How is licensing done?

any means, which is illegal and expressly forbidden, as