

MIDDLETOWN TOWNSHIP  
DELAWARE COUNTY, PENNSYLVANIA  
MAY 22, 2023

Minutes of the Regular Meeting of Township Council held on May 22, 2023, at 7:00 p.m. in the Township Building located at 27 N. Pennell Road.

---

Present: Jackie Donnelly, Bibianna Dussling, Mark Kirchgasser, Kathleen O'Connell-Bell, Susan Powell, Walter "Bok" Read, Jamie Jilozian, Mark Damico, Esq., Eric Janetka.

Excused: David Bialek, PharmD, R.Ph.

1. OPENING: PLEDGE OF ALLEGIANCE TO THE FLAG

Mr. Kirchgasser called the meeting to order and led in the recitation of the Pledge of Allegiance to the Flag.

2. APPROVAL OF MINUTES

A) Draft Township Council Minutes: April 10, 2023.

Ms. O'Connell-Bell made a motion to approve the April 10, 2023 Council minutes. Ms. Powell seconded the motion. The motion carried with a vote of 6-0.

3. PUBLIC COMMENTS

Mr. Bruce Downing, P. O. Box 137, Lima, invited all to join in honoring our Veterans next Monday at 8 a.m. outside the Township Building. VFW Post 613 of Lenni will do the honors. Mr. Kirchgasser stated the Media parade is scheduled for 10 a.m. and the Rockdale parade is scheduled for 11a.m. He stated the Rockdale parade is as "Americana" as one has ever seen and invited all to attend.

Mr. Clayton Thomas, 9 Man O'War Drive, commented on a growing concern on Man O'War Drive with speeding. There are more than 15 children who live on Man O'War Drive. He witnessed someone driving at 70 mph. He stated the problem seems to be getting worse. Mr. Kirchgasser asked if the street is used as a cut-through, and Mr. Thomas responded yes. He stated he had an incident where he almost hit someone while turning into his driveway because the vehicle passed him. Mr. Thomas stated some of the incidents are perpetrated by people who live in Riddlewood; however, the speeding incident was by an outsider. Mr. Kirchgasser stated that unfortunately what they find is many times, more than half of the people causing the offense are neighbors. He asked if the State Police were contacted, and Mr. Thomas stated they were. Mr. Kirchgasser stated there are a couple of things that can be done; one is to notify PA State Police to patrol more in the area. Trooper Naab, Township liaison, will be the first step. He stated there are no obvious controls such as stop signs along the street because of no cross streets which limits the options. Ms. Dussling stated several residents reached out to her prior to the meeting with their concerns. Mr. Kirchgasser invited Mr. Thomas to reach out to him and he along with Ms. Dussling will contact Trooper Naab. Mr. Kirchgasser stated the Township has two brand new speed limiters that can be stationed on Man O' War Drive. Mr. Kirchgasser stated with completion of the loop road this should help with the traffic on Man O'War Drive.

Mr. Michael Palandro, 130 Hidden Hills Road, asked about the possibility of a four-way stop sign at Hidden Hills and Cricket Lane as well as a no outlet sign. He stated he has lived in the Township for seven years and has noticed a lot of cars thinking they can cut through to Rt.

352. He stated if they put up the signs vehicles will realize there is no cut-through. He stated this intersection is also a school bus stop. Mr. Palandro stated installing a stop sign will not affect the residents that live there but may curtail or limit vehicles trying to cut through. Mr. Kirchgasser asked Mr. Palandro how many houses he is off the intersection and Mr. Palandro stated four or five on the right side. Mr. Kirchgasser stated Ms. O'Connell-Bell is Chairperson of the Roads, Highways, and Public Safety Committee and suggested Mr. Palandro go before this committee. Mr. Kirchgasser stated the process of this committee is to gather all the information and from this point go about figuring out how to remedy the situation to bring it before Council.

#### 4. REPORTS

##### A. CHAIRMAN

Mr. Kirchgasser announced Mr. McMullan is not present this evening due to a death in the family. He stated our sympathies are with John and his immediate family. Mr. Kirchgasser announced the passing of Dr. Rosalie Mirenda. Dr. Mirenda was a twenty year plus resident of Middletown Township and is widely known for her Presidency of Neumann University. She took over when it was Our Lady of Angels College and turned it into a vibrant and athletic school and a spiritual and character developing university. If you ever met Dr. Mirenda, she was relentlessly positive and accomplished great things. Mr. Kirchgasser asked for a moment of silence in her memory.

- 1) Update: SEPTA - Middletown Township, Aston Township, Chester Heights Borough.  
Mr. Kirchgasser announced there is a meeting coming up with State Representative Borowski-Branakie and representatives from the three municipalities to work on a funding source to explore a study that could lead to a possible quiet zone at the Lenni Road crossing. The meeting is scheduled for June 2, 2023. Ms. Dussling asked for an update on the intergovernmental agreement. Mr. Kirchgasser stated this meeting will cover the agreement which is asking for \$10,000 from each municipality and the possibility of state funding for this project.

##### B. COMMITTEE - NONE

##### C. MANAGER

- 2) Update: SEPTA-Middletown Township, Aston Township, and Chester Heights Borough.  
See statements under Chairman's report.

##### D. ENGINEER - NONE

#### 5. PUBLIC HEARING:

- A. A public hearing on a Conditional Use for 122 S. Pennell Road (Glenwood Elementary School), approval to permit the expansion of an existing conditional use for modular classrooms.

---

Ms. O'Connell-Bell made a motion to open the Public Hearing. Ms. Dussling seconded the motion. The motion carried with a vote of 6-0.

SEE STENOGRAPHER'S REPORT

Ms. Donnelly made a motion to close the Public Hearing. Ms. Dussling seconded the motion. The motion carried with a vote of 6-0.

- 1) Consideration for Approval: Resolution 2023-13, approval of a Conditional Use application to permit the expansion of an existing conditional use for modular classrooms at 122 S. Pennell had (Glenwood Elementary School).

Mr. Read made a motion to approve Resolution 2023-13. Ms. Donnelly seconded the motion. The motion carried with a vote of 6-0.

- B. A public hearing on a Conditional Use for 47 N. Middletown Road, approval to permit the construction of a church in an R-1 Zoning District.

---

Ms. Powell made a motion to open the Public Hearing. Ms. Donnelly seconded the motion. The motion carried with a vote of 6-0.

SEE STENOGRAPHER'S REPORT

Ms. Donnelly made a motion to close the Public Hearing. Ms. O'Connell-Bell seconded the motion. The motion carried with a vote of 6-0.

- 1) Consideration for Approval: Resolution 2023-14, approval of a Conditional Use application to permit the construction of a church at 47 N. Middletown Road, R-1 Zoning District.

Ms. Donnelly made a motion to approve Resolution 2023-14. Ms. Powell seconded the motion. The motion carried with a vote of 6-0.

6. OLD BUSINESS:

- A. Consideration for Continuation: The approval of Resolution 2023-11, an amended Final Land Development Plan (6th Amendment) for Popeyes Chicken Restaurant located at the Promenade at Granite Run to the June 12, 2023, Council Meeting.

Mr. Kirchgasser stated this item has been continued until the June 12, 2023, meeting. He asked if the clock date has been extended, and Ms. Jilozian stated it has been extended until June 13, 2023.

7. NEW BUSINESS

- A. Consideration for Approval: Resolution 2023-15, a Preliminary/Final Land Development Plan ("Final Plan") for Rose Tree Media School District for six modular classrooms and associated gravel driveway, located at 122 S. Pennell Road, Glenwood Elementary School.

---

A motion was made during the public hearing for this line item. Ms. Dussling made a motion to approve Resolution 2023-15. Ms. Donnelly seconded the motion. The motion carried with a vote of 6-0.

- B. Consideration for Approval: Resolution 2023-16, a Preliminary Subdivision and Land Development Plan (“Preliminary Plan”) for Philadelphia Meeting room, Inc. for a 13,535 s.f. church building and associated parking lot, located at 47 N. Middletown Road.
- 

A motion was made during the public hearing. Mr. Read made a motion to approve Resolution 2023-16. Ms. Donnelly seconded the motion. The motion carried with a vote of 6-0.

- C. Consideration for Approval: Resolution 2023-17, a Preliminary Subdivision and Land Development Plan (“Final Plan”) for Printers Way Properties, LLC, to construct a storage depot at the Franklin Mint Property, Baltimore Pike.
- 

Ms. Kristen Camp, representing Printers Way Properties, LLC, stated they were before Council on March 27, 2023, for a request for a zoning amendment. Council agreed to amend the zoning for four parcels owned by Printers Way Properties, LLC from SU-1 and R-2 to SU-1A-Mixed Use District to allow for the development of a self-storage facility. She stated the Township staff helped to draft a resolution for approval. She stated this is only a preliminary plan approval at this stage. She stated the approval of this resolution will approve the plans as submitted subject to conditions listed in the resolution. She has reviewed the conditions and will modify the plan to include a guide rail at any place where there is a 10% grade. They will also change the dumpster enclosure from a split face block to brick. She stated they will pay the fee-in-lieu in the amount of \$175,982 and execute the development agreements the Township requires. Ms. Camp stated they are asking for three modifications; one to allow the grade of the driveways to exceed 2% within 25 feet of the driveways, and the other two are related to using HDPE pipe instead of reinforced concrete. Ms. Dussling asked how much of a difference in the grade, and Mr. Archambo stated 11%. Ms. Dussling asked why they needed a waiver for the pipe, and Mr. Archambo responded with the cost of the pipe. Ms. Camp stated at other areas of the Franklin Mint project the waiver was granted.

Ms. Donnelly made a motion to approve Resolution 2023-17. Ms. Dussling seconded the motion. The motion carried with a vote of 6-0.

- D. Consideration for Approval: Resolution 2023-18, authorizing and directing Township staff including the Township Manager, Director of Finance/Tax Collector, and Accounting Coordinator 1/Accounts Receivable, to serve as appointed liaisons between the Township and Berkheimer of Bangor, PA, previously appointed to collect certain local Township Taxes, for the express purpose of sharing confidential tax information
- 

Mr. Kirchgasser stated when originally made this was to keep information confidential, but as the Township is an interested party in its tax receivables, they want to make sure a limited set of members of Township staff have access to the information that Berkheimer has. Ms. Jilozian stated for the record Mr. John McMullan, Mr. Vince Visoskas and Ms. Jennie Bockius must be named.

Ms. O’Connell-Bell made a motion to approve Resolution 2023-18. Mr. Read seconded the motion. The motion carried with a vote of 6-0.

- E. Consideration to Authorize: Interior and exterior plumbing services at Roosevelt Community Center (East Wing) for connection to public sewer system to Rabe Plumbing and KBX Golden in the amount of \$18,600.

---

Ms. Jilozian stated there were three bids for the interior and exterior plumbing job at the Roosevelt Community Center (East Wing). The bid was awarded to Rabe Plumbing in the amount of \$6,100 for the interior work and KBX Golden for the exterior sewer connection in the amount of \$12,500 for a grand total of \$18,600. Mr. Kirchgasser stated it is his understanding they are filling into a substandard septic system, and it is creating back flow issues that need to be addressed.

Ms. Powell made a motion to approve and authorize the plumbing work at the Roosevelt Community Center. Ms. Dussling seconded the motion. The motion carried with a vote of 6-0.

- F. Consideration for approval of a tax appeal settlement, conditioned by the approval of Council for the fair market value of 336 W. Forge Road, Folio 27-00-00629-03.

---

Mr. Damico stated before Council to approve is a tax appeal settlement for 336 W. Forge Road. This is typical of some of the recent tax assessment appeals that have come before Council whereby, it goes back to the 2020 reassessment. He stated the proposed settlement would indicate a fair market value increase during the 2021-2023 period although with the CLR the assessment is lower. Similarly, to recent settlements, Rose Tree Media School District has approved the settlement.

Ms. O’Connell-Bell made a motion to approve the tax appeal settlement. Ms. Donnelly seconded the motion. The motion carried with a vote of 6-0.

- G. Approval of May 22, 2023 Bill List.

---

Mr. Kirchgasser read the Bill List aloud.

GENERAL FUND		
Aqua Pennsylvania, Inc.	April Hydrant Bills	\$ 9,510.71
Barbacane Thornton & Company	Audit 2022	\$ 21,299.00
	Public Safety Audit	\$ 1,900.00
		\$ 23,199.00
Collinson, Inc.	Guide Rail/E. Knowlton & Fox Roads	\$ 5,100.00
Kelly Engineers & Surveyors	Plan & Engr. Prof. Services	\$ 14,211.88
Keystone Municipal Services, Inc.	Bldg. Inspections 4/3/23-4/27/23	\$ 13,500.00

Longley Insurance Agency	Commercial Package	\$ 24,166.00
PA Municipal Health. Ins. Cooperative	June Health Insurance	\$ 35,271.97
Rocky Run Fire Company	1st Quarter Bonus	\$ 25,000.00
General Fund Total		<u>\$ 149,959.56</u>

**RECREATION**

PLGIT Credit Card-To G/F	Community Day Expense	\$ 2,299.28
	Recreation Supplies	\$ 266.32
	Jr. Summer Recreation. Supplies	\$ 1,047.45
	Tickets/Bus Tour/Prog Fee	\$ 7,252.91
		<u>\$ 10,865.96</u>

**CAPITAL RESERVE**

Kelly Engineers & Surveyors	Roosevelt Site Improvements	\$ 10,235.72
-----------------------------	-----------------------------	--------------

**HIGHWAY IMPROVEMENT FUND**

Premier Concrete, Inc.	Invoice #3 Demo for Loop Road	\$ 8,875.00
------------------------	-------------------------------	-------------

**2019 G. O. BOND - TRID**

Kelly engineers & Surveyors	Lenni & Mint Pedestrian Trail	\$ 32,161.08
-----------------------------	-------------------------------	--------------

Ms. O’Connell-Bell made a motion to approve the bill list. Ms. Donnelly seconded the motion. The motion carried with a vote of 6-0. Mr. Kirchgasser adjourned the meeting at 8:40 pm.

Respectfully Submitted,



Sharon Browne

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

MIDDLETOWN TOWNSHIP  
COUNCIL MEETING

- - -

PUBLIC HEARING ON A CONDITIONAL USE FOR 122 SOUTH PENNELL  
ROAD (GLENWOOD ELEMENTARY SCHOOL) APPROVAL TO PERMIT THE  
EXPANSION OF AN EXISTING CONDITIONAL USE FOR MODULAR  
CLASSROOMS.

- - -

CONSIDERATION FOR APPROVAL: RESOLUTION 2023-13, APPROVAL OF  
A CONDITIONAL USE APPLICATION TO PERMIT THE EXPANSION OF AN  
EXISTING CONDITIONAL USE FOR MODULAR CLASSROOMS AT 122  
SOUTH PENNELL ROAD (GLENWOOD ELEMENTARY SCHOOL).

- - -

MAY 22, 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 7:15 p.m.  
before Lori A. DiFabio, Professional Court Reporter-Notary  
Public.

- - -

LORI A. DiFABIO  
PROFESSIONAL COURT REPORTER-NOTARY PUBLIC  
P.O. BOX 292  
MEDIA, PA 19063  
610-659-7676  
loridm@comcast.net

23

- - - -

24

1



1 MEMBERS OF COUNCIL

2

3 MARK KIRCHGASSER, AT-LARGE, CHAIRPERSON

4 KATHLEEN O'CONNELL BELL, AT-LARGE

5 JACKIE DONNELLY, AT-LARGE

6 SUSAN K. POWELL, FIRST DISTRICT

7 BIBIANNA DUSSLING, THIRD DISTRICT

8 WALTER BOK READ, SECOND DISTRICT

9

10

11 ALSO PRESENT ON BEHALF OF THE TOWNSHIP:

12

13 MARK D. DAMICO, ESQUIRE, TOWNSHIP SOLICITOR

14 ERIC JANETKA, TOWNSHIP ENGINEER

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

16 SUSAN BROWN, RECORDING SECRETARY

17 JAIME JILOZIAN, COMPREHENSIVE PLANNING ADMINISTRATOR



18

19 ALSO PRESENT:

20

21 THOMAS KELLY, ESQUIRE

22 COUNSEL FOR APPLICANT

23

24

2



1 E X H I B I T I N D E X

2

3 SD-1 Notice to Neighbors 8

4

5 SD-2 School District Conditional Use Application 13

6

7 SD-3 Mr. Kelly's Opinion Letter 42

8

9 SD-4 Matthew Houtmann's Set of Plans 42

10

11 SD-5 Resume of Matthew Houtmann 42

12

13 Township-1 Conditional Use Application 43

14

15 Township-2 Proof of Publication in Delco Daily Times 43

16

17

18

19

20

21

22

23

24

3



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

2

3 WILLIAM DOUGHERTY

4 Direct Examination By Mr. Kelly 9

5

6 MATTHEW HOUTMANN

7 Direct Examination By Mr. Kelly 28

8

9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24



1 MR. KIRCHGASSER: Next we have the  
2 public hearing on a Conditional Use for 122  
3 South Pennell Road, also known as Glenwood  
4 Elementary School) for the approval to

5 permit the expansion of an existing  
6 Conditional Use for modular classrooms.

7 Mr. Kelly, good evening.

8 MR. KELLY: Good evening, Mr.  
9 Kirchgasser.

10 How are you tonight?

11 MR. KIRCHGASSER: I'm well. How are  
12 you, Sir?

13 MR. KELLY: I'm doing well. Thank  
14 you.

15 I am Solicitor for the Rose Tree  
16 Media School District.

17 I have with me tonight for this  
18 hearing, I have Mr. Bill Dougherty if he  
19 will stand.

20 He is the acting superintendent of the  
21 school district.

22 Mr. Ronald Baldino who is the  
23 Supervisor of Facilities and Buildings, and  
24 Matt Houtmann who is the engineer along with



1 his brother, Gus.

2 If I could give you a little brief  
3 background about this application, this is  
4 a request to extend an existing Conditional  
5 Use of the school which has been in  
6 operation --

7 MR. KIRCHGASSER: Mr. Kelly, standby. I  
8 think that I would like to open the hearing  
9 and make sure we have everything we need.

10 Can I have a motion to open here?

11 MS. BELL: Move to open.

12 MS. DUSSLING: Second.

13 MR. KIRCHGASSER: Thank you, Miss  
14 Dussling.

15 All those in favor.

16 MS. BELL: Aye.

17 MS. DONNELLY: Aye.

18 MS. POWELL: Aye.

19 MR. READ: Aye.

20 MS. DUSSLING: Aye.

21 MR. KIRCHGASSER: Aye.

22 Opposed? Motion carries

23 My apologies, Sir. Now, we can go

24

full on.

6

↑

1 MR. KELLY: That's fine.

2 What I started to say is the school  
3 building has been there as a Conditional Use  
4 for a number of years.

5 As a result of a growth in student  
6 enrollment over this last several years, the  
7 school building has maxed out and beyond  
8 maxed out as to the number of students and  
9 staff that it can accommodate.

10 So, we have come before council for an  
11 expansion of that Conditional Use to  
12 increase it in order to install six module  
13 classrooms.

14 They are proposing two for the upcoming  
15 school year.

16 Two more for the following school year  
17 and three for the, two for the third school  
18 year.

19 So, over a three year period will be a

20 phasing in of the six modular classrooms.

21 The school was built to accommodate

22 somewhere between thirty to thirty-five

23 professional teachers and staff and about

24 three hundred and fifty to four hundred

7

↑

1 students.

2 Today there are about seventy teachers

3 and staff in the building, and right now

4 for the end of this school year, there are

5 about five hundred and sixty-five students.

6 Next year the enrollment is

7 contemplated to be up to five hundred and

8 eighty-five students.

9 So, it is ostensibly over-crowded, and

10 you will hear testimony about that.

11 Before I proceed, I do want to hand up

12 the notice of this hearing which was given

13 to the neighbors, and it's marked as Exhibit

14 SD-1.

52223GES

15

- - -

16

(Whereupon, Exhibit SD-1 was identified

17

and previously marked as of this date.)

18

- - -

19

MR. KIRCHGASSER: Mr. Damico, do you

20

accept it as evidence?

21

MR. DAMICO: Yes.

22

MR. KELLY: And with that correct, I

23

would like to Bill Dougherty to testify if

24

we can put him somewhere, and we will do

8

↑

1

that.

2

MR. KIRCHGASSER: Thank you very

3

much.

4

Mr. Dougherty, good evening. You will

5

need to be by the microphone, and we will

6

get you sworn in.

7

MR. KELLY: If you will, stand over

8

there.

9

If you will give your full name for the

10

record. Be sworn in first.



11

- - -

12

MICHAEL DOUGHERTY, after having been

13

first duly sworn to tell the truth, was

14

examined and testified as follows:

15

- - -

16

DIRECT EXAMINATION

17

- - -

18 BY MR. KELLY:

19

Q. Bill, where are you presently employed?

20

A. The Rose Tree Media School District.

21

Q. What position do you have there?

22

A. Currently I am Acting Superintendent.

23

Q. And did you have prior positions with that

24 school district?

9

↑

1

A. Yes.

2

Q. What was the first position you had with the

3

school district?

4

A. Principal of Glenwood Elementary School.

5

Q. How long were you principal at Glenwood

6 Elementary School?

7 A. Six years.

8 Q. And after that, did you have further  
9 positions with the school district?

10 A. Yes.

11 Q. What's the next position you had?

12 A. Assistant Principal of Penncrest High  
13 School.

14 Q. How many years were you there?

15 A. Three.

16 Q. And after that, did you assume another  
17 position with the school district?

18 A. I did.

19 Q. And what position was that?

20 A. Assistant Superintendent For Curriculum and  
21 Instruction.

22 Q. Now, you heard me say what the reason we are  
23 here is to expand the Conditional Use for the reasons I  
24 have indicated.



2 A. Yes.

3 Q. Now, with respect to the school in terms of  
4 what would be the ideal occupancy of teachers, staff and  
5 students, what would that look like?

6 A. As you said earlier, three hundred and fifty  
7 to four hundred students is the optimal capacity of that  
8 school with approximately thirty to forty staff members.

9 Q. And at present, how many students are  
10 matriculating at Glenwood?

11 A. Five hundred and sixty-five.

12 Q. And with the staff and teachers, how many  
13 are there at present?

14 A. Approximately seventy.

15 Q. And with respect to the upcoming school  
16 year, what is contemplated as to the number of students  
17 that will be attending at Glenwood for the 2023-2024 school  
18 year?

19 A. Five-eighty three.

20 Q. And as a result of the increase in the  
21 number of students that are now attending Glenwood, has  
22 there been an impact in the ability to execute the  
23 educational program there?

24 A. This has, especially with, there is a couple



1 factors that have been impacted.

2                   First of all would be getting young  
3 kids through a lunch line is a challenge costing several  
4 minutes of instructional time per day.

5                   We have hired extra staff to mitigate  
6 that, but we have not been able to be as efficient as we  
7 would like.

8                   The other thing impacted would be our  
9 class size.

10                   Typically we follow the class size  
11 guidelines of twenty-five per policy and it is a guideline,  
12 um, but over the years, our practice, especially in the  
13 primary grades, kindergarten through second, ha been  
14 eighteen for kindergarten.

15                   First and second grade, twenty-one.

16                   Currently we have twenty kindergartners  
17 and twenty-two per class in first grade and second grade.

18                   So, we are above what our normal  
19 practice is.

20                   When I was principal there in our

21 grades, we typically had three to four sections of each  
22 grade level.

23 We have had for the past couples years  
24 now five sections of first and second grade.

12

1 So again, moving that many seven year  
2 olds from one place to another is quite a challenge.

3 Q. As a result, the school district has filed  
4 this application for the Conditional Use, has it not?

5 A. Correct.

6 Q. And have you read that application?

7 I am going to show you what I have had  
8 marked as SD-2 and ask you if you have looked at that  
9 before?

10 A. Yes.

11 Q. Is that the Conditional Use application that  
12 has been filed by the school district?

13 A. Yes.

14 - - -

15 (Whereupon, Exhibit SD-2 was identified  
16 and previously marked as of this date.)

17 - - -

18 BY MR. KELLY:

19 Q. And is the content of that application  
20 consistent with your testimony here tonight?

21 A. Yes, it is.

22 Q. Now, as a result of this application, if, in  
23 fact, the approval is not granted for the extension of the  
24 Conditional Use to install modular classrooms, what other

13

↑

1 option is there available to the school district?

2 A. At this point, there are no other options  
3 other than to over-crowding our classrooms, further  
4 over-crowding our classrooms.

5 Q. Now, we had made this application for the  
6 Conditional Use expansion for the modular class classrooms?

7 Correct?

8 A. Yes.

9 Q. And you heard what I told council as to the  
10 process for the implementation of those classrooms.

11 Was I correct --

12 A. Yes.

13 Q. -- in terms of how that is going to work?

14 A. Yes.

15 Q. Can you indicate to council the staging of  
16 the classrooms for the ensuing years?

17 A. So, we would start with two modulars this  
18 year, two more the following year and then two more the  
19 year after that.

20 Yes. I should also mention that we  
21 have redesigned some things in our school already.

22 Our elementary schools are equipped  
23 with science labs at the elementary schools.

24 So, it's a room with actual science

14

↑  
1 tables and sinks.

2 That is being dismantled so we can use  
3 it as a regular classroom.

4 The students will still receive science  
5 instruction and doing labs, but they will be doing that in  
6 their regular classroom as opposed to a science lab, and  
7 there are other areas throughout the building that have

8 been used for smaller offices and things, but we are using  
9 every bit of space we can to increase instructional space  
10 and offices and work spaces for the additional adults in  
11 the building.

12 Q. And have construction contracts been let to  
13 make those modifications to the building?

14 A. Yes.

15 MR. KELLY: No other questions for Mr.  
16 Dougherty.

17 MR. KIRCHGASSER: Okay. Any questions  
18 for Mr. Dougherty from any members of  
19 council?

20 MS. POWELL: What grades do you plan on  
21 having in those modular classrooms?

22 THE WITNESS: We don't know yet. Most  
23 likely the upper --

24 We don't know yet.

15

↑

1 The modulators will be closely located to  
2 the first grade wing.



52223GES

3 I don't want to speak. I really give  
4 the principal the authority to make those  
5 decisions in the building since he runs the  
6 day-to-day.

7 It's likely that it would be a first or  
8 second grade classroom since it's right next  
9 to that first or second grade wing, but  
10 again, I would like to leave those  
11 particular logistical questions for the  
12 principal to decide.

13 MS. DONNELLY: You had mentioned concern  
14 about the lunch line and getting everyone  
15 through.

16 How is this going to solve that?

17 THE WITNESS: It won't completely, um,  
18 but it will give, spread the kids out a  
19 little bit more, um, while they --

20 MS. DONNELLY: So, they call them from  
21 their tables going to the buffet?

22 THE WITNESS: Correct. Yeah.

23 And for a while at Glenwood, this  
24 particular year until we hired another

1 person in staff, they actually had one lunch  
2 line in the main hallway as you enter the  
3 school.

4 So, they actually had to do a makeshift  
5 second line, not ideal. We are making, you  
6 know, we are making do.

7 MS. DONNELLY: So, this will just  
8 spread them out more?

9 THE WITNESS: This will impact class  
10 size for sure.

11 Without the extra space for a room, we  
12 would have to put twenty-five other kids  
13 spread out among four sections which then we  
14 are getting classes close to thirty, and we  
15 have been, one of the things, you know, I  
16 have been in this district for a long time,  
17 and I love it, and I think people that know  
18 me know how much I love this district, and  
19 one of the things that we pride ourselves on  
20 is being different.

21 Like we don't have to, our policy says  
22 twenty-five is a guideline, but having small

23 classes at the primary grades is something  
24 that we had chosen to do for many years, and

17

↑

1 it's something that has set us apart from  
2 other districts in the county quite frankly,  
3 and I know that that has always been a topic  
4 among our families, but it's something that  
5 we have always been proud of as well.

6 MR. KIRCHGASSER: Mr. Dougherty, I do  
7 have a question.

8 Have other elementary schools  
9 experienced similar growth and are you  
10 having similar plans for other  
11 accommodations?

12 THE WITNESS: Rose Tree Elementary is  
13 also very crowded. They have a modular  
14 there now.

15 They are in the process again of  
16 changing some of the configurations in their  
17 rooms.

52223GES

18 Also, they are dismantling their  
19 science lab.

20 That science lab is a very large room  
21 which could be split into two classrooms.

22 We are making some changes within the  
23 schools, and we are keeping a very close eye  
24 on our enrollment as it changes everyday.

18

↑

1 MR. KIRCHGASSER: Any other questions  
2 from any members of council?

3 MS. DUSSLING: Mr. Dougherty, any  
4 changes to any of the specials classrooms as  
5 far as music, art or anything like that,  
6 those classrooms?

7 THE WITNESS: Not yet.

8 All of those things are on the table in  
9 terms of how we operate the school, but we  
10 haven't, we are not there yet, but we are  
11 getting extremely close.

12 That's one of the things we do not --  
13 Again, it's not preferable to have, you

14 know, to have what we call Art-On-A-Cart or  
15 Music-On-A-Cart.

16 Um, we are really, um, fighting that.

17 MS. DUSSLING: If these were not in  
18 place, would that happen?

19 THE WITNESS: Absolutely.

20 MR. KIRCHGASSER: Any other questions  
21 for the witness?

22 Thank you.

23 MR. KELLY: Thank you, Mr. Dougherty.

24 THE WITNESS: Thanks.

19

↑

1 - - -

2 (Whereupon, the witness was excused at  
3 this time.)

4 MR. KELLY: Next I would call Ron  
5 Baldino.

6 MR. KIRCHGASSER: Good evening, Mr.  
7 Baldino.

8 Be sworn in, please.

9

- - -

10

RONALD BALDINO, after having been first

11

duly sworn to tell the truth, was examined

12

and testified as follows:

13

- - -

14

DIRECT EXAMINATION

15

- - -

16 BY MR. KELLY:

17

Q. Ron, are you employed?

18

A. Yes.

19

Q. Where are you employed?

20

A. Rose Tree Media School District.

21

Q. What position do you have with the Rose Tree

22 Media School District?

23

A. Maintenance and Operation Supervisor.

24

Q. How long have you been in that position?

20

↑

1

A. Eighteen years.

2

Q. Can you briefly describe your

3

responsibilities in that position?

4

A. I am responsible for all grounds and

5 buildings.

6 So, any vacant properties are also my  
7 responsibility.

8 I have all custodians, grounds' guys,  
9 maintenance.

10 Q. The whole works?

11 A. The whole works.

12 Q. And you are familiar, are you not, with  
13 Glenwood Elementary School?

14 A. Yes.

15 Q. And you heard Mr. Dougherty testify and  
16 myself make an opening statement concerning the application  
17 that we are here for on a Conditional Use expansion, have  
18 you not?

19 A. Yes.

20 Q. And have I asked you to take a look at the  
21 Conditional Use application and have you done so?

22 A. Yes.

23 Q. I am going to show you what I had previously  
24 had marked as School District-3 is the Conditional Use

1 application.

2 Have you previously reviewed that?

3 A. Yes.

4 Q. And is it accurate as to your understanding  
5 of the reason the school district is before township  
6 council tonight?

7 A. Yes, sir, it is.

8 Q. Now, with respect to the installation of the  
9 modular units themselves, can you describe briefly to  
10 council how that is going to take place?

11 A. There will be an access road brought in from  
12 the upper parking lot brought down.

13 We are going to make it a pad so that  
14 it's big enough that we can bring the units in two at a  
15 time over the three year period with a turnaround for the  
16 vehicle bringing the mods in.

17 There will be a walkway connecting the  
18 lower level of Glenwood straight across in front of the  
19 Nature Center to the rear of the mods.

20 They will enter from the rear steps.

21 There will be a fence put up along that  
22 section so that we could bring the mods in and not affect  
23 the fence that divides the outside from the students



24 walking up and down the concrete pads.

22

↑

1 Q. Is there going to be any security installed  
2 as part of the installation of these modular classrooms,  
3 Sir?

4 A. Yes.

5 Along with the fencing on both ends, we  
6 will also have security cameras on all four sides of the  
7 mods.

8 Q. And where will those security cameras be  
9 located?

10 A. One will be on the mowed itself for the far  
11 side.

12 The other three will be on Glenwood  
13 itself pointing at them.

14 Q. Now, you indicated there is going to be a  
15 cartway installed for the installation of these modular  
16 classrooms.

17 A. Yes.

18 Q. Correct?

19 A. Yes.

20 Q. And after the cartway installed, is the  
21 cartway going to remain there?

22 A. From the meeting previous, they wanted us to  
23 keep it there.

24 Q. And is the school district prepared to do

23

↑

1 that?

2 A. We are.

3 Q. And is the school district also prepared to  
4 put a gate there to secure that cartway when it's not being  
5 used, when the facilities are not going to be used by the  
6 school district?

7 A. Yes, they are.

8 MR. KELLY: I have no further questions  
9 of Mr. Baldino.

10 MR. KIRCHGASSER: Any questions from  
11 members of council for Mr. Baldino?

12 MS. DUSSLING: The access road, is that  
13 going off the current, the access road that  
14 goes towards the right-of-way or is it

52223GES

15 coming off --

16 THE WITNESS: So, the right-of-way where  
17 the gate was put now, just past that is  
18 where our access road will be cut in because  
19 currently our parking lot is being putting  
20 in there.

21 So, we have to go below that.

22 MS. DUSSLING: Okay. The existing  
23 access road that goes towards the --

24 THE WITNESS: Ponds Edge.

24

↑

1 MS. DUSSLING: Is it going to come off  
2 that?

3 THE WITNESS: Yes.

4 MS. DUSSLING: Okay. And on this  
5 picture, is that showing the proposed  
6 additional parking lot?

7 THE WITNESS: Yes.

8 MS. DUSSLING: Okay. So, it's well  
9 beyond --

10 THE WITNESS: Yes. Right.

11                   So, it's the upper parking lot, and  
12                   then, you have the lower parking lot.

13                   MS. DUSSLING: That part, the darker,  
14                   that's the one that is not currently in  
15                   existence. It is going to go beyond that.

16                   So, that will be able to be put in  
17                   place.

18                   THE WITNESS: Yes.

19                   MR. KIRCHGASSER: Any other questions  
20                   for Mr. Baldino from council?

21                   I apologize to the public. I should  
22                   have allowed you an opportunity to question  
23                   Mr. Dougherty as well, but I'll allow you  
24                   questions for Mr. Baldino.

25

↑

1                   MS. DUSSLING: I still have some  
2                   questions.

3                   MR. KIRCHGASSER: Okay. Yeah. We will  
4                   come back to you.

5                   Okay. Seeing none, hearing none, I'm

52223GES

6 sorry, Miss Dussling, please proceed.

7 MS. DUSSLING: The existing tree line,  
8 where does it show it the existing tree line  
9 on this?

10 Is that on there?

11 Are we go going into the tree line?

12 THE WITNESS: You will be going into the  
13 tree.

14 So, I'm on my left.

15 So, it will be on the left. So, it  
16 will be taking some of the tree line out.

17 MS. DUSSLING: Because that's the  
18 access road there. The line is right there  
19 (indicating).

20 So then, this line right there  
21 (indicating).

22 THE WITNESS: Yes.

23 MR. KIRCHGASSER: Mr. Baldino,  
24 I have just one question.

26

↑

1 You are going to be connecting these  
Page 31

2 units to the main building, is that correct,  
3 through the covered --

4 THE WITNESS: Correct.

5 MR. KIRCHGASSER: Is it going to be  
6 covered and enclosed or just covered?

7 THE WITNESS: No. Just have a carport  
8 over top of it.

9 MR. KIRCHGASSER: Okay.

10 THE WITNESS: The sides will be open.

11 MR. KIRCHGASSER: No further questions.

12 Thank you.

13 - - -

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

16 - - -

17 MR. KELLY: Next I have Matt Houtmann  
18 who is going to be testifying.

19 We kind of presented that part of it  
20 for the Conditional Use, the basis for that.

21 Matt's testimony is going to be for the  
22 land planning of how this is all going to  
23 look in terms of the project itself.

24 MR. KIRCHGASSER: Mr. Houtmann has all

↑

1                   our pass codes.

2                   MR. KELLY: I saw that right away.

3                   MR. KIRCHGASSER: And if you don't mind  
4                   while you are there, make sure it's large  
5                   enough so you can all see it and for the  
6                   public to see it.

7                   - - -

8                   MATTHEW HOUTMANN, after having been  
9                   first duly sworn to tell the truth, was  
10                  examined and testified as follows:

11                  - - -

12                  DIRECT EXAMINATION

13                  - - -

14 BY MR. KELLY:

15                  Q.       Matt, for the record, are you employed?

16                  A.       Yes.

17                  Q.       And where are you employed?

18                  A.       With the firm of G.D. Houtman & Son with  
19 offices in Media, Pennsylvania.

20                  Q.       And what position do you have there?

21 A. I am the president.

22 Q. And what do you do as a professional  
23 occupation.

24 A. I am a Registered Professional Engineer in

28

↑

1 the state of Pennsylvania.

2 Q. And how long have you been you so  
3 registered?

4 A. Oh, geez, approaching thirty years.

5 Q. And in the course of that, has your firm  
6 been engaged by the school district for this project for  
7 which we are here tonight?

8 A. Yes.

9 Q. I am going to turn it over to you, if you  
10 would, and please describe to council what this project is  
11 about from a land planning standpoint.

12 A. Yes.

13 What is shown on the screen now is the  
14 first sheet of the land development set.

15 It's an overall view of the school  
16 district, the Glenwood School property.



17 I'm sure everybody on council is  
18 intimately familiar with Glenwood School, but it is located  
19 on the west side of Pennell Road approximately a hundred  
20 and sixty feet north of the intersection of Pennell Road  
21 and Lenni Road.

22 This site is bounded to the north by  
23 residential properties which front Pennell Road and are  
24 zoned R-2.

29

↑

1 Bounded to the east by Pennell Road.

2 To the south by residential properties  
3 which front on Lenni Road and are zoned R-2, and to the  
4 west by the Ponds Edge development which is zoned R-4.

5 The site is zoned R-1, and on this  
6 sheet, we have the zoning requirements listed for a  
7 governmental use of a property in R-1 District, and we do  
8 meet those area and bulk standards.

9 It's a fifteen point six acre tract in  
10 total.

11 It consists of buildings, parking

12 areas, access drives, athletic fields and other ancillary  
13 uses.

14 Just to orient everybody with the plan  
15 which is shown on the screen, the school fronts on Pennell  
16 Road.

17 Pennell Road is oriented north, south  
18 or up and down on the right side of the plan.

19 The existing parking area is  
20 approximately a hundred and eight parking spaces located to  
21 the east of the school between the school and Pennell Road  
22 and also to the south of the school.

23 On the drawings is a shaded parking  
24 area down toward the southerly end, southwesterly end.



1 That is an additional net fifty-four  
2 space parking area which was approved by township council  
3 back in 2021, and it is presently finalized in the  
4 developer's agreement and financial security agreements to  
5 be installed this summer.

6 There are two driveways which provide  
7 access to Pennell Road.

8                   The northerly access goes to the front  
9 of the existing building.

10                   It's also the student drop-off, and the  
11 southerly access on Pennell Road accesses the southerly  
12 parking area and also is the bus entrance area.

13                   Quickly, there is athletic fields to  
14 the north of the school building.

15                   Some playground area and basketball  
16 courts to the west.

17                   The existing building is, of course,  
18 served by public water and public sewer.

19                   In terms of the proposed improvements,  
20 the modular classes are located about center of the site,  
21 but on the westerly side.

22                   It is the darker-shaded area.

23                   I'll switch to the grading plan now.

24                   Again, the heavily shaded area is the



1 modular building.

2                   It's located off to the west of what I

52223GES

3 would call the southerly wing of the Glenwood School.

4                   Six modular classrooms, I call them  
5 three sets of two modular buildings.

6                   The gravel entrance drive, which was a  
7 question earlier, as you can see, accesses the very  
8 southwesterly corner of the site.

9                   MR. KIRCHGASSER: Would you mind  
10 enlarging that a little bit more for the  
11 public?

12                   THE WITNESS: Sure.

13                   MR. KIRCHGASSER: Thank you.

14                   THE WITNESS: Sure.

15                   So, again, at the very southwesterly  
16 corner there just to the left of the  
17 stippled area which is a stormwater bed is  
18 where the access road would come off.

19                   It's the emergency access to the Ponds  
20 Edge development.

21                   That access edge then weaves around  
22 the stormwater BMP and to the east side of  
23 the existing stormwater management basin and  
24 finally gains access to the modular

1 classrooms.

2 The buildings are approximately, and  
3 again, I'm referring to sets of two, are  
4 approximately twenty-eight feet wide and  
5 sixty-four feet long.

6 So, all three modular or six  
7 classrooms, three modular classrooms when  
8 they are finalized will cover approximately  
9 fifty-three hundred square feet.

10 The classrooms will be equipped with  
11 bathroom facilities.

12 A sanitary sewer lateral leaving the  
13 modular buildings will convey sewage to a  
14 grinder pump which is located back behind  
15 the existing southerly wing of the  
16 building.

17 Stormwater management is provided.

18 Again, if we look at this blow-up, the  
19 area which I am kind of circling there  
20 (indicating) is an existing stormwater  
21 management basin.

22 It was proposed to be enlarged for the

23 construction of the additional fifty-four  
24 space parking area; and when the modular

33

↑

1 buildings come in, it will require again a  
2 very light reduction of what was proposed  
3 for up and above the additional parking  
4 spaces.

5 And through the process with the  
6 planning commission, we did receive comments  
7 from the township engineer and zoning  
8 officer dated April 25th and April 17th.

9 Our office issued a response letter  
10 dated May 3rd which indicated that we would  
11 comply with the various comments and how we  
12 would comply, and the planning commission  
13 did recommend approval of the land  
14 development application.

15 BY MR. KELLY:

16 Q. Now, Matt, as part of the project, did you  
17 take a look at the school district's Conditional Use

18 application?

19 A. I did.

20 Q. I am going to show you what I had marked

21 SD-2.

22 Is that what you looked at and

23 reviewed?

24 A. Yes.

34

↑

1 Q. Is that application consistent with the land  
2 development plans that you have prepared, your office has  
3 prepared and to which you have testified?

4 A. Yes.

5 Q. And in the course of doing so --

6 You are familiar, of course, with the  
7 township's zoning ordinance, are you not?

8 A. Yes.

9 Q. And you are familiar with Section 275-236  
10 sets out the criteria guidelines for approval of the  
11 Conditional Use?

12 A. Yes.

13 Q. Have you reviewed all those criteria?

14 A. I have.

15 Q. And do you believe that this application is  
16 consistent with meeting those criteria as applicable?

17 A. Yes.

18 In my professional opinion, yes. They  
19 are.

20 We have met those standards for  
21 Conditional Use.

22 Q. Now, in addition to what you have thus far  
23 testified to, the school district is requesting certain  
24 waivers, are they not?

35

↑

1 A. They are.

2 Q. Can you indicate to council the waivers that  
3 the school district is requesting?

4 A. There was three waiver requests.

5 One was to allow this application to be  
6 processed as a preliminary final in one step.

7 The second one was a waiver of the  
8 requirement to pay a recreation fee in lieu of providing



9 dedicated open space, and lastly was a waiver request to  
10 install, to identify the property boundary by iron pins in  
11 lieu of concrete monuments.

12 Q. Now, today I provided to you, did I not,  
13 draft copies for both the Conditional Use and the Land  
14 Development Plan?

15 A. You did.

16 Q. And was there any reason to have any  
17 proposed revisions to either resolution?

18 A. Not that I saw. No.

19 Q. Did those resolutions comport with the Land  
20 Development application and the Conditional Use  
21 application?

22 A. Yes.

23 MR. KELLY: I have no further  
24 questions for Mr. Houtmann.

36

↑

1 MR. KIRCHGASSER: Any questions for Mr.  
2 Houtmann from township council?

3 MS. POWELL: Can you go back to the  
4 stormwater basin?

52223GES

5 THE WITNESS: Sure.

6 I don't know if you misspoke or I  
7 misunderstood.

8 You said it requires a reduction?

9 MATTHEW HOUTMANN: Oh, did I?

10 MS. POWELL: Yes.

11 THE WITNESS: No. Okay. There is a  
12 slight increase.

13 Again, there is an existing basin there  
14 getting expanded for the parking area; and  
15 when the modulares come in, it was a slight  
16 expansion.

17 Thank you.

18 MS. POWELL: That's what I thought.

19 MR. KIRCHGASSER: Thanks.

20 MS. DONNELLY: Me, too.

21 MR. KIRCHGASSER: Good catch.

22 MS. DUSSLING: The location of the  
23 modular classrooms, I mean there is a pretty  
24 steep slope that goes from past the

37

↑

1 kindergarten playground up to the larger  
2 playground.

3 THE WITNESS: Yes.

4 MS. DUSSLING: Is that coming into the  
5 slope or is it right at the base of the  
6 slope?

7 How do you rectify that?

8 THE WITNESS: Yes. It is basically at  
9 the base of the slope.

10 You will see some proposed grading  
11 lines with a minor modification to the base  
12 of that slope between that flat area and the  
13 basketball area I guess you could call it,  
14 but you basically we are down at that lower  
15 level.

16 MS. DUSSLING: Okay. So, not having to  
17 cut into that retention wall or anything  
18 like that?

19 THE WITNESS: No, not at all.

20 MR. KIRCHGASSER: Any other questions  
21 from members of council?

22 Mr. Janetka, do you have any comments?

23 MR. JANETKA: No.

It's a good plan, and all the comments,

↑

1 all the issues that I had are relatively  
2 minor, and they all comply.

3 MR. KIRCHGASSER: Thank you.

4 Any questions from members of the  
5 public for the witness?

6 Thank you, Mr. Houtmann.

7 THE WITNESS: Thank you.

8 MS. DUSSLING: One more question.

9 I'm anticipating the questions I am  
10 going to get from this.

11 Is it a matter of access where that  
12 location at the base of the slope is chosen  
13 versus the other side of the playground  
14 where it is more level there?

15 Is it a difference of access and ease  
16 of access for those access roads?

17 THE WITNESS: Yes. And Ron may be all  
18 set to answer that, but I believe it was to  
19 provide ready access to the existing

20 building to the modular classrooms.

21 MS. DUSSLING: Versus on that end of  
22 it. Okay.

23 THE WITNESS: Yes.

24 MR. KIRCHGASSER: Actually I do have a

39

↑

1 question.

2 Mr. Houtmann, I'm assuming that cartway  
3 is suitable for fire and EMS access?

4 Is that correct?

5 THE WITNESS: Yes.

6 MR. KIRCHGASSER: And given the fact  
7 that it would be a single lane, is there  
8 accurate?

9 THE WITNESS: Yes.

10 MR. KIRCHGASSER: Are there provisions  
11 for no parking or other types of ways to  
12 ensure that that cartway is not obstructed  
13 at any time during the school day?

14 THE WITNESS: I think it might be

15

gated.

16

MR. KELLY: It's going to be gated.

17

THE WITNESS: When not in use. Yes.

18

MR. KIRCHGASSER: Thank you.

19

MS. DUSSLING: Will there be fencing

20

along the length of it because the

21

kindergarten playground is almost right next

22

to it.

23

THE WITNESS: I don't think that is

24

in the plan currently.

40

↑

1

MR. KIRCHGASSER: We have to make sure

2

we get your testimony right. We will have

3

Mr. Baldino testify next.

4

THE WITNESS: Yes.

5

At this time, there is no fence

6

proposed for either side of the access

7

drive.

8

It's really a construction access

9

drive.

10

MS. DUSSLING: Okay. Got it. Very

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

limited in use.

THE WITNESS: Yes.

MR. KIRCHGASSER: Thank you.

Is that suitable, Bibianna?

MS. DUSSLING: Yes.

MR. KIRCHGASSER: Thank you. We are  
good.

Any other questions for the witness?

Seeing none and hearing none, thank  
you very much, Mr. Houtmann.

THE WITNESS: Thank you.

MR. KIRCHGASSER: Thank you for your  
over thirty years of professionalism.

MR. KELLY: Mr. Chairman, that completes



1  
2  
3  
4  
5

the school district's case on the  
Conditional Use and the Land Development  
applications.

I would like to hand up, for the  
record, Exhibit SD-2 which is the

52223GES

6 Conditional Use application.

7 SD-3 which is my opinion letter  
8 indicating the validity of extending this  
9 Conditional Use as an expansion as it is a  
10 governing, the building is a governmental  
11 use as defined under the zoning ordinance.

12 And lastly, I would hand up as Exhibit  
13 SD-5 Matt Houtmann's resume.

14 Matt has a set of the plans which he  
15 will introduce and make part of the record,  
16 and they are SD Number Four.

17 So, there are five exhibits that will  
18 be part of the record, and that concludes  
19 the school district's case.

20 - - -

21 (Whereupon, Exhibits SD-3, 4 and 5 were  
22 marked for identification as of this date.)

23 - - -

24 MR. KIRCHGASSER: Mr. Damico, if you can

42

↑

1 also acknowledge the entry of the township.



52223GES

2 MR. DAMICO: Yes.

3 So, two exhibits for the township,  
4 Township Exhibit-1 would be the application  
5 for Conditional Use, and Township Exhibit-2  
6 would be proof of publication in the  
7 Delaware County Daily Times on May 5th and  
8 May 12th.

9 MR. KIRCHGASSER: Okay. Thank you very  
10 much.

11 - - -

12 (Whereupon, Township Exhibits T-1 and  
13 T-2 were marked for identification as of  
14 this date.)

15 - - -

16 MR. KELLY: Thank you, Mr. Chairman.

17 That concludes the school district's  
18 application process.

19 MR. KIRCHGASSER: May I have a motion to  
20 close the hearing?

21 MS. DONNELLY: So moved.

22 MR. KIRCHGASSER: Thank you, Ms.  
23 Donnelly.

24 May I have a second?



1 MS. DUSSLING: Second.

2 MR. KIRCHGASSER: Thank you, Ms.

3 Dussling.

4 All those in favor?

5 MS. BELL: Aye.

6 MS. DONNELLY: Aye.

7 MS. POWELL: Aye.

8 MR. READ: Aye.

9 MS. DUSSLING: Aye.

10 MR. KIRCHGASSER: Aye.

11 Opposed? Motion carried.

12 Thank you.

13 - - -

14 (Whereupon, the matter was concluded at

15 7:46 p.m.)

16 - - -

17 MR. KIRCHGASSER: We will go then

18 promptly to item number five of page one,

19 consideration for approval.

20 This is approval of the Conditional

52223GES

21 Use, not the plan, to permit the expansion  
22 of modular classrooms at the Glenwood  
23 Elementary School.

24 May I have a motion?

44

↑

1 MR. READ: So moved.

2 MR. KIRCHGASSER: May I have a second?

3 MS. DUSSLING: Second.

4 MR. KIRCHGASSER: All those in favor?

5 MS. BELL: Aye.

6 MS. DONNELLY: Aye.

7 MS. POWELL: Aye.

8 MR. READ: Aye.

9 MS. DUSSLING: Aye.

10 MR. KIRCHGASSER: Aye.

11 Opposed? Motion carries.

12 Now, we will go straight to item 7-A  
13 which is consideration for approval.

14 A Preliminary/Final Land Development  
15 Plan for the Rose Tree Media School District  
16 for six modular classrooms and associated

17 gravel driveway located at 122 South Pennell  
18 Road at the Glenwood Elementary School.

19 Do you have anything else to add, Sir?

20 MR. KELLY: No. I'm just going to stand  
21 up here.

22 MR. KIRCHGASSER: Okay. So, that is the  
23 Land Development application presented as  
24 evidence during the hearing?

45

↑

1 Are there any questions for Mr. Kelly  
2 and/or the applicant from members of  
3 council?

4 From members of the public?

5 Seeing none and hearing none, can I  
6 have a motion?

7 MS. DUSSLING: So moved.

8 MR. KIRCHGASSER: Thank you, Ms.  
9 Dussling.

10 May I have a second?

11 MS. DONNELLY: Second.

52223GES

12 MR. KIRCHGASSER: Thank you, Ms.

13 Donnelly.

14 All those in favor.

15 MS. DUSSLING: Aye.

16 MS. DONNELLY: Aye.

17 MR. READ: Aye.

18 MR. BIALEK: Aye.

19 MS. BELL: Aye.

20 MR. KIRCHGASSER: Aye.

21 Opposed? Motion carries.

22 MR. KELLY: Thank you, Mr. Chairman

23 and Council. We thank you.

24 MR. KIRCHGASSER: Thank you very much,

46

↑

1 Mr. Dougherty. Mr. Baldino.

2 - - -

3 (Whereupon, the hearing was concluded

4 at 7:48 p.m.)

5 - - -

6

7

52223GES

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

47



1

2

C E R T I F I C A T E

Page 56

3

4

5

6

7

8

9

10

LORI A. DIFABIO

11

Professional Court Reporter - Notary

12

Public

13

14

15

16

17

18

19

20

21

22

23

24

(The foregoing certification of this

transcript does not apply to any reproduction of same by

any means, which is illegal and expressly forbidden, as

this transcript is the sole work product of the certifying

reporter. Reproductions of any portion of this transcript

without the knowledge AND prior written consent of the

certifying reporter will be billed directly to the person

and/or persons who illegally reproduced same without prior

knowledge AND written consent of the certifying reporter.)





1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

TOWNSHIP OF MIDDLETOWN  
COUNCIL MEETING

- - -

PUBLIC HEARING ON A CONDITIONAL USE FOR 47 NORTH MIDDLETOWN  
ROAD FOR APPROVAL TO PERMIT THE CONSTRUCTION OF A CHURCH IN  
AN R-1 ZONING DISTRICT.

- - -

RESOLUTION 2023-14, APPROVAL OF A CONDITIONAL USE  
APPLICATION TO PERMIT THE CONSTRUCTION OF A CHURCH AT 47  
NORTH MIDDLETOWN ROAD, R-1 ZONING DISTRICT.

- - -

MAY 22, 2023

- - -

Township of Middletown Council meeting held at the township  
building located at 27 North Pennell Road, Lima, PA, in the  
above-referenced matter at 7:50 p.m. before Lori A.  
DiFabio, Professional Court Reporter-Notary Public.

- - -

LORI A. DiFABIO  
PROFESSIONAL COURT REPORTER-NOTARY PUBLIC  
P.O. BOX 292  
MEDIA, PA 19063  
610-659-7676

52223CH  
loridm@comcast.net

23

- - -

24

1



1 MEMBERS OF COUNCIL

2

3 MARK KIRCHGASSER, CHAIRMAN, AT-LARGE MEMBER

4 KATHLEEN O'CONNELL BELL, AT-LARGE MEMBER

5 JACKIE DONNELLY, AT-LARGE MEMBER

6 SUSAN K. POWELL, FIRST DISTRICT

7 WALTER BOK READ, SECOND DISTRICT

8 BIBIANNA DUSSLING, THIRD DISTRICT

9

10 ALSO PRESENT:

11

12 MARK D. DAMICO, ESQUIRE, TOWNSHIP SOLICITOR

13 ERIC JANETKA, TOWNSHIP ENGINEER

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

15 SUSAN BROWN, RECORDING SECRETARY

16 JAIME JILOZIAN, COMPREHENSIVE PLANNING ADMINISTRATOR

17

18

19 ALSO PRESENT:

20

21 TIMOTHY SULLIVAN, ESQUIRE

22 COUNSEL FOR APPLICANT

23

24

2

↑

1 E X H I B I T I N D E X

2

3 A-1 Preliminary Land Development Plan 50

4

5 A-2 Interior Floor Plan 50

6

7 A-3 Architect Elevations Plan 50

8

9 A-4 Curriculum of David Damon 50

10

11 A-5 Plan 50

12

13

14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24



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

2

3 GILBERT MARKHAM

4 Direct Examination By Mr. Sullivan 9

5

6 DAVID DAMON

7 Voir Dire Examination By Mr. Sullivan 27

8 Direct Examination By Mr. Sullivan 28

9

10 ALBERT FEDERICO

11 Direct Examination By Mr. Sullivan

42

12

13

14

15

16

17

18

19

20

21

22

23

24

4

↑

1 MR. KIRCHGASSER: Okay. We will go

2 right ahead then.

3 Again, we are going to be respectful of

4 everybody's time.

5 So, we will be moving right along here.

6 Then, onto item 5-B, a public hearing  
7 on a Conditional Use for 47 North Middletown  
8 Road approval to permit the construction of  
9 a church in the R-1 Zoning District.

10 Good evening, Mr. Sullivan.

11 MR. SULLIVAN: Good evening.

12 For the record, Timothy Sullivan  
13 representing Philadelphia Meeting Room, Inc.

14 We are here tonight for two  
15 applications, a Conditional Use application  
16 and a Land Development application for the  
17 building of a church at 47 North Middletown  
18 Road.

19 We previously presented to the township  
20 in connection with the Planning Commission  
21 meeting on May 9th, our Affidavit of  
22 Service, and I would ask that that be  
23 included as part of the record of this  
24 hearing tonight.



1 MR. KIRCHGASSER: Okay. You want that  
2 admitted or presented as an exhibit?

3 MR. SULLIVAN: Yes. Jamie has it in the  
4 file.

5 And then, in addition to that, I have  
6 premarked for identification purposes an  
7 exhibit packet for the applicant's  
8 presentation tonight consisting of Exhibits  
9 A-1 through A-5.

10 MR. KIRCHGASSER: Let me open the  
11 hearing first because I think we want to get  
12 all this in.

13 Can I have a motion to open the  
14 hearing?

15 MS. POWELL: So moved.

16 MR. KIRCHGASSER: Thank you, Ms. Powell.

17 Can I have a second?

18 MS. DONNELLY: Second.

19 MR. KIRCHGASSER: Thank you, Ms.  
20 Donnelly.

21 All those in favor.

22 MS. BELL: Aye.

23 MS. DONNELLY: Aye.

52223CH  
MS. POWELL: Aye.

24

6

↑

1 MR. READ: Aye.

2 MS. DUSSLING: Aye.

3 MR. KIRCHGASSER: Aye.

4 Opposed? Motion carries.

5 My apologies.

6 Mr. Sullivan, please continue.

7 MR. SULLIVAN: Okay.

8 Did you get my previous statement or  
9 should I repeat it?

10 In connection with the Planning  
11 Commission presentation on May 9th, we  
12 delivered to the township the Affidavit of  
13 Service to abutting property owners as  
14 required by the Conditional Use application  
15 process of the township, and I would ask  
16 that that Affidavit of Service be made as  
17 part of this record tonight.

18 The township already has it in its  
19 possession.



20                   Secondly, I have premarked for  
21                   identification purposes an exhibit packet  
22                   for Exhibits A-1 through A-5.

23                   I don't have enough copies for  
24                   everyone, but I have enough that we can

7

↑

1                   share.

2                   MR. KIRCHGASSER: That's fine as long as  
3                   Mr. Damico has a copy of it.

4                   MR. SULLIVAN: And then, I'm calling  
5                   two witnesses.

6                   The first is Gilbert Markham, and the  
7                   second would be Dave Damon.

8                   So, if Mr. Markham can approach the  
9                   podium, and I would ask that he be sworn.

10                   - - -

11                   GILBERT MARKHAM, after having been  
12                   first duly sworn to tell the truth, was  
13                   examined and testified as follows:

14                   - - -

52223CH

15 MR. SULLIVAN: Before I begin with Mr.  
16 Markham's testimony, does the township  
17 want to put its exhibits into the record at  
18 this point?

19 MR. KIRCHGASSER: Mr. Damico?

20 MR. DAMICO: Yes.

21 We have Exhibit-1 would be the  
22 application for Conditional Use and  
23 Township Exhibit-2 would be the proof of  
24 publication of the Conditional Use

8

↑

1 application in the Delaware County Daily  
2 Times on May 5th and May 12th.

3 MR. KIRCHGASSER: Thank you, Sullivan.

4 - - -

5 DIRECT EXAMINATION

6 - - -

7 BY MR. SULLIVAN:

8 Q. Okay. Proceeding with my examination of my  
9 first witness, Mr. Markham, you have already stated your  
10 name.

11 Are you associated with Philadelphia  
12 Meeting Room, Inc.?

13 A. I am.

14 Q. And is Philadelphia Meeting Room, Inc. the  
15 owner of 47 North Middletown Road?

16 A. Yes.

17 Q. And is this property located in an R-1  
18 Zoning District?

19 A. Yes.

20 Q. And is a religious use of the property  
21 permitted by Conditional Use under the Middletown Township  
22 code?

23 A. Yes. That's my understanding.

24 Q. And is it the intent of Philadelphia Meeting



1 Room to demolish the existing structure and build a church  
2 at that property?

3 A. Yes. That's part of our application  
4 tonight.

5 Q. And Exhibit A-1, which has been pre-marked

6 for identification purposes, is that the preliminary Land  
7 Development which is shown on the screen right now?

8 A. Yes.

9 Q. Now, tell us a little bit about Philadelphia  
10 Meeting Room, Inc.

11 What denomination church are you  
12 associated with?

13 A. Yes.

14 We are, the name of our church globally  
15 is Plymouth Brethren Christian Church, and we are  
16 Christians, and we, um, a Christian congregation and we are  
17 believers in the Lord, Jesus Christ, and we follow the  
18 Bible. Scripture.

19 We presently have a church at 621  
20 Newtown-Street Road, that's 252, in Marple just above the  
21 reservoir.

22 It's about, I think about twenty-five  
23 hundred square feet, but then, it's got a full basement.

24 Um, but we have outgrown it, and we are



1 looking to put up a roughly twelve thousand square foot

2 building on a single floor here on 352.

3 Q. And when does the church hold its religious  
4 services?

5 A. We have three on Sunday, 6 a.m., 11:30 in  
6 the morning and 5 o'clock at night.

7 And then, Monday and Wednesday evenings  
8 at 7, and Saturday mornings at 11:30.

9 Q. How long do those services typically last?

10 A. They are generally in the range of thirty to  
11 forty minutes.

12 Q. And are there any other activities that the  
13 church holds like a Bible study or Sunday school or  
14 anything of that nature?

15 A. We have our own schools, but we keep them  
16 separate from the church.

17 So, the church is only used for  
18 religious purposes.

19 Q. So, this proposed building on 352 would only  
20 be used for your worship services?

21 Is that right?

22 A. Correct.

23 Q. And do you plan to rent the building to a  
24 daycare or child care or anything of that nature?

↑

1 A. No. No. It's not an option.

2 Q. Does the church really frown upon that or  
3 prohibit it?

4 A. Yes.

5 We are part of a global church, and  
6 it's just not something that we consider okay to do.

7 Q. Okay. And has an interior floor plan's  
8 sketch been prepared for the proposed new church?

9 A. Yes, it has.

10 Q. And that's part of our exhibit packet,  
11 Exhibit A-2?

12 A. Yes.

13 Q. And I'm going to show you -- Or excuse me.

14 How many worshipers will the new church  
15 hold?

16 A. It's got seven sixty-five total.

17 Six hundred and fifty-seven permanent  
18 seats.

19 A hundred and seven temporary seats.

20 The primary seats are bench seating and

21 circular dish format.

22 So, the front row is actually lower  
23 than the back row.

24 Q. Are there any requirements from your church

12

↑

1 as to floor plan?

2 A. Yeah. They are all the same.

3 All the new builds are the same  
4 globally.

5 Q. All right.

6 A. I mean as far as the interior lay-out.

7 Q. That is kind of dictated by your church?

8 Correct?

9 A. Yeah. Yeah. Exactly.

10 We got typical models.

11 The exterior is what is sometimes  
12 altered to match the surroundings.

13 Q. Okay. All right.

14 And did we have an architect or did you  
15 have an architect prepare some elevations?

16 A. Yes, we did.

17 Q. And they are part of our exhibit packet as

18 A-3?

19 A. Yes.

20 Q. Is that correct?

21 A. Yes.

22 Q. And they are both a street view and a rear

23 view?

24 Is that correct?

13

↑

1 A. Yep.

2 Q. And in fact, the front door is in the rear

3 of the building.

4 Correct?

5 A. Yeah. That's correct.

6 We decided it was most functional that

7 way.

8 Q. Okay.

9 A. Safest.

10 Q. And in preparation for tonight's hearing,

11 did you and I review the twenty-seven criteria for approval



12 of a Conditional Use application?

13 A. Yes, we did.

14 Q. And do you believe that the conversion of  
15 the existing building at 47 North Middletown Road which  
16 used to be a single family residence to a church on that  
17 property would have any adverse impact on the health,  
18 safety and general impact of the surrounding area?

19 A. No.

20 It's already not a residence because we  
21 have already converted it to a fundraising property for our  
22 school.

23 So, it's already used for non-profit  
24 activities that are not conventional residential.

14

↑

1 Q. And do you feel that the church to be  
2 constructed at that site inhibits the harmonious orderly  
3 developmental of the zoning district involved?

4 A. No. Absolutely not.

5 The township, which is the new part,  
6 the neighbors and there is neighbors on the other side,  
7 everybody is happy it.

8 All the neighbors that I've spoken to  
9 are supportive.

10 Q. Do you feel it would be compatible with the  
11 character and type development which currently exists in  
12 the area?

13 A. Yes. Absolutely.

14 It's a lot better than the junk yard I  
15 bought if anybody remembers that property about four years  
16 ago.

17 Q. Okay.

18 A. It was terrible.

19 Q. And is one of the access roads to The  
20 Promenade at Granite Run directly across the street from  
21 this property?

22 A. That's correct.

23 Q. And do you feel it would in any way  
24 negatively impact the aesthetics of the community?

15

↑

1 A. No. I think it will enhance the aesthetics.

2 Q. And is the parking all on-site?

3 A. Yes. Correct.

4 Q. And is the parking primarily to the rear of  
5 the building?

6 A. Yeah.

7 It's almost all to the rear and a  
8 little bit along the side but not many. Maybe ten or  
9 twenty spots along the side.

10 Q. Okay. So, it's basically the parking lot is  
11 not going to be visible from 352.

12 Is that correct?

13 A. No, especially with the way the grades are.

14 Q. All right.

15 And do you believe that the twenty-  
16 seven criteria in the township code, many of them are not  
17 applicable to this site?

18 Is that correct?

19 A. Yes. That's correct.

20 Q. But there are a number of criteria dealing  
21 with stormwater, landscaping, parking and driveways and  
22 other land development issues.

23 Is that correct?

24 A. Yes.

1                   And we have also gone through zoning  
2 twice, zoning relief twice to allow for possible future  
3 PennDOT roads.

4                   We have moved our parking lot over.

5                   We have actually spent a lot of money  
6 trying to facilitate the road that keeps getting postponed  
7 but could someday happen.

8           Q.       In other words, the Penn Charter Drive  
9 extension?

10          A.       Correct.

11          Q.       Is that correct?

12          A.       Yes.

13          Q.       That is proposed to come through this site?

14                   Correct?

15          A.       Yes.

16                   It was supposed to be completed  
17 already.

18                   Now, they are talking '27-'29,  
19 somewhere in there.

20                   MR. SULLIVAN: Okay. I have no further  
21 questions of this witness.

22                   MR. KIRCHGASSER: Thank you.

23 Any questions for the witness from  
24 members of council?

17

↑

1 Miss Powell?

2 MS. POWELL: So, currently the existing  
3 home that is there, you were using it you  
4 said as fundraisers but like as a food  
5 pantry?

6 Wasn't that what you said?

7 Just what will happen to that  
8 operation?

9 Is that going to move somewhere else  
10 or is that going to be in that new building?

11 THE WITNESS: No.

12 That current one will be demolished,  
13 and we have no spare land.

14 So, we are looking around Middletown  
15 for somewhere else.

16 MR. SULLIVAN: But it won't happen at  
17 this site?

52223CH

18 THE WITNESS: It's not going to happen  
19 at this site.

20 There is just no room for it.

21 As previously stated, we don't have, we  
22 don't mix church and school, and we don't  
23 mix the church and the fundraisers.

24 MS. POWELL: Okay.

18

↑

1 And then, the building, Jamie, would  
2 come before the Design Review Committee?

3 MR. JILOZIAN: No. The Design Review  
4 Committee is only for the SU-1A and The  
5 Promenade.

6 So, not for an R-1 Zoning District.

7 MS. POWELL: So, at any point, would we  
8 adjust --

9 MR. JILOZIAN: The architectural  
10 elevations have been provided not by request  
11 but just by the applicants in good faith.

12 MS. POWELL: Okay.

13 MR. KIRCHGASSER: Any other questions

14 from members of council?

15 MS. DUSSLING: Yes.

16 I think I get the sense of what the  
17 answer will be, but as far as any external  
18 noises as far as, just to clarify for  
19 people, bells.

20 Looking at the Sunday service time and  
21 50 Granite Run right across the street, any  
22 impact on that early service?

23 THE WITNESS: No.

24 There is no loud speakers or buzzers or

19

↑

1 anything.

2 Of course, you know, after church, not  
3 so much at that one, but after church,  
4 sometimes people will talk for fifteen,  
5 twenty minutes.

6 MS. DUSSLING: No bells or anything like  
7 that?

8 THE WITNESS: No. No. No.

52223CH

9 Just so you know, we already have a  
10 church on 219 Middletown Road, 352 where we  
11 have the Lord's Supper, and our prayer  
12 meetings on Sunday and Monday.

13 That's between Lehman Methodist and  
14 Sunrise, Sunrise Assisted Living.

15 Yeah. Sorry.

16 So, we have been in the town for a few  
17 years, I think.

18 So, we have 6 a.m. there, and so far,  
19 everybody is happy.

20 MR. KIRCHGASSER: I would add to the  
21 record that we have not received one  
22 complaint.

23 You are good neighbors.

24 THE WITNESS: Good.

20

↑

1 MS. DUSSLING: Any concern with the  
2 evening services as far as the location of  
3 the driveway as far as the number of people  
4 coming in and out of that driveway.



5                   Just thinking of rush hour and coming  
6                   around that curve on 352 sometimes and how  
7                   the traffic builds up.

8                   THE WITNESS: Well, we are pushing  
9                   pretty hard for PennDOT to allow us to pay  
10                  for traffic light to be put in because there  
11                  is a traffic light on their plan.

12                  As I said, we have gone back to zoning  
13                  to move the church closer to the park, and  
14                  we have also adjusted the main entrance, so  
15                  it lines up as though it's an extension of  
16                  the Penn Charter Road.

17                  If you noticed on the plan, it's  
18                  straight there.

19                  We originally had it going for our use,  
20                  but now we have done it for theirs.

21                  So, Mr. Federico here is working with  
22                  PennDOT, and we are hoping to get a traffic  
23                  light, albeit maybe for the time being, it  
24                  will be vehicle activated if need be, but



1 that's what we are pushing pretty hard for.

2 MR. KIRCHGASSER: Will that be  
3 available under Mr. Federico's testimony,  
4 Mr. Sullivan?

5 MR. SULLIVAN: I can present him.

6 MR. KIRCHGASSER: Okay. At the  
7 appropriate time, we can have that question  
8 from your traffic engineer.

9 Any other questions from members of  
10 council?

11 I just have one regarding the road that  
12 appears that to be perpetually planned but  
13 not executed.

14 The numbers that we are hearing are  
15 2029 to 2030, but there are accommodations  
16 on the land plan for that eventual roadway

17 Is that accurate?

18 MR. SULLIVAN: Absolutely.

19 As you can see that instead of our  
20 driveway coming straight into our parking  
21 lot, our driveway now runs along the side of  
22 the parking lot and then comes in off of  
23 that access road.

There will be a you know, basically if

↑

1 go to A-5 in my exhibit packet, you will see  
2 that, you know, everything was shifted over  
3 so that the Penn Charter Drive extension  
4 could come right up the side of the  
5 property.

6 THE WITNESS: Yes. There is plenty of  
7 room for twenty-six, twenty-eight foot  
8 cartway with side room and everything  
9 without redoing our parking.

10 MR. KIRCHGASSER: Understood.

11 And you are prepared to tap into that  
12 once that road is complete.

13 Is that accurate?

14 MR. SULLIVAN: Yes, kind of.

15 THE WITNESS: Yes.

16 We will be in it because they will be  
17 taking over our driveway essentially.

18 MR. SULLIVAN: Yes.

19 From where our driveway feeds into our

20 parking lot out to 352, that will become  
21 part of, that will be the final piece of  
22 Penn Charter Drive.

23 MR. KIRCHGASSER: The last thing we want  
24 is to get through this entire process and

23

↑

1 not have you ready to plug and play on that  
2 and go through this process.

3 THE WITNESS: Yes.

4 Since we spent all the money upfront,  
5 they are welcome to do it pay us back.

6 MR. SULLIVAN: Yes. We have done a lot  
7 of extra expense on our end even though  
8 there has been no taking by PennDOT.

9 So, we didn't have to redo a lot of  
10 things.

11 At their expense, they redesigned this  
12 whole site.

13 MR. KIRCHGASSER: Understood.

14 Any additional questions from members

52223CH

15 of council on this side?

16 Mr. Read.

17 MR. READ: What's the size of your  
18 parking lot?

19 THE WITNESS: It's about a two hundred  
20 car parking lot.

21 MR. READ: Well, it seems to me that two  
22 hundred cars coming in there is a very busy  
23 intersection here.

24 It would be nice to have things more

24

↑

1 planned out.

2 I know you can't because PennDOT does  
3 not hurry up for anybody, but it seems like  
4 that could be a real mess.

5 THE WITNESS: Yeah.

6 Now, in fairness, we would not have you  
7 two hundred cars in there maybe once or  
8 twice a year.

9 Like we have not really grown to that  
10 size, and hopefully except for special

11 meetings.

12 So, hopefully if we ever grow to that  
13 size, the light will be long in before then.

14 MR. SULLIVAN: They are pushing hard  
15 for a light with PennDOT. It's PennDOT's  
16 decision ultimately.

17 We are hoping the township will back  
18 our request for a traffic signal, and the  
19 traffic signal will be at my client's  
20 expense, not the township's expense and not  
21 PennDOT's.

22 THE WITNESS: Yes.

23 And in fairness, we are building a  
24 bigger church than we have to have today and

25

↑

1 a bigger parking lot than we have to have  
2 today just because we don't want to be  
3 redoing it in three or five years.

4 MR. KIRCHGASSER: That's a right turn  
5 only exit.

52223CH

6 Is that accurate?

7 MR. SULLIVAN: We are hoping to get a  
8 traffic signal that will be trip activated  
9 at this point.

10 MR. KIRCHGASSER: I am going to refer  
11 you to its current position, that's a right  
12 turn only exit.

13 Is that right?

14 THE WITNESS: In the current condition,  
15 it's right-in right-out.

16 They are saying do a left in without  
17 a traffic light.

18 MR. KIRCHGASSER: We will have the  
19 opportunity to address that question.

20 So, it's current condition is right-in  
21 right-out.

22 THE WITNESS: Currently for what exists.

23 MR. KIRCHGASSER: So, we will have no  
24 cross-traffic.

26

↑

1 THE WITNESS: Yes.

2 MR. SULLIVAN: Any other questions for  
3 Mr. Markham?

4 MR. KIRCHGASSER: No.

5 And for the members of the public?

6 Seeing none, hearing none, thank you,

7 Sir.

8 - - -

9 (Whereupon, the witness was excused at  
10 this time.)

11 - - -

12 MR. KIRCHGASSER: Mr. Sullivan.

13 MR. SULLIVAN: Dave Damon.

14 - - -

15 DAVID DAMON, after having been first  
16 duly sworn to tell the truth, was examined  
17 and testified as follows:

18 - - -

19 VOIR DIRE

20 - - -

21 BY MR. SULLIVAN:

22 Q. State your name for the record, please, Mr.  
23 Damon.

24 A. David P. Damon.



↑

1 Q. What's your business address?

2 A. 1343 Chester Pike, Sharon Hill,  
3 Pennsylvania.

4 Q. And are you a registered professional  
5 engineer?

6 A. I am.

7 Q. And at my request, did you submit to me a  
8 Curriculum Vitae?

9 A. Yes.

10 Q. And that is A-4 on our packet.

11 MR. SULLIVAN: I would ask that Mr.  
12 Damon be accepted as an expert witness in  
13 Civil Engineering matters.

14 MR. KIRCHGASSER: Any objections to that  
15 from members of council?

16 Accepted.

17 Thank you, Mr. Sullivan.

18 - - -

19 DIRECT EXAMINATION

20 - - -

21 BY MR. SULLIVAN:

22 Q. Were you retained by Philadelphia Meeting  
23 Room, Inc. to provide civil engineering services for this  
24 project?

28

↑

1 A. Yes.

2 Q. In conjunction with that, did you prepare  
3 the a Preliminary Land Development Plan dated February 8th,  
4 2023, last revised April 4th, 2023?

5 A. I did.

6 Q. And that's what's on the board right now.  
7 Correct?

8 A. Yes.

9 Q. And so, why was the plan revised in early  
10 April?

11 A. We were asked to meet with the township.  
12 We were ready to submit an earlier  
13 version.

14 The township had met with PennDOT and  
15 asked us to come in. We met.

16 We were given a conceptual plan showing

17 the extension of Penn Charter Drive and asked to modify the  
18 plan.

19                               What was done was we modified by moving  
20 the building closer to Smedley Track Park and by  
21 reconfiguring the entrance drive and the parking lot so  
22 that that entrance driveway does serve as an extension of  
23 the existing Promenade driveway and would be a future Penn  
24 Charter Drive extension.

29



1               Q.       I'm going to show you a planner that has  
2 been marked for identification purposes A-5 in our packet.

3                               Is this the extension of Penn Charter  
4 Drive as it impacted the Philadelphia Meeting Room, Inc.  
5 property?

6               A.       Yes.

7               Q.       And as a result of that, you revised the  
8 plan.

9                               We went back in front of the Zoning  
10 Hearing Board and obtained a variance to push the building  
11 closer to the unnamed park?

12 A. That's correct.

13 Q. Is that right?

14 A. Yes.

15 Q. Now, Mr. Damon, the township's Conditional  
16 Use criteria requires the applicant to utilize effective  
17 stormwater management techniques, soil erosion, sediment  
18 control techniques.

19 Can you briefly describe how this plan  
20 complies with the township's stormwater management  
21 requirements?

22 A. So, the property drains partially to  
23 Middletown Road and partially to the Smedley tract, the  
24 township-owned park.

30



1 So, we provide two stormwater  
2 infiltration beds.

3 One in the front of the property. One  
4 towards the rear.

5 Those beds capture all the runoff from  
6 the impervious surfaces that are proposed and reduce runoff  
7 from the present condition by fourteen to seventy-five

8 percent of what happens today.

9 Q. And is the parking lot totally lined with or  
10 outlined in curb?

11 A. Yes, it is.

12 So, we capture all the stormwater  
13 runoff without impacting any adjacent properties.

14 Q. As opposed to the current condition where  
15 there is sheet flow across the property onto adjacent  
16 properties?

17 A. Yes.

18 Q. And with respect to the parking lot and roof  
19 leaders, are they all directed to the underground  
20 stormwater basins?

21 A. Yes.

22 All the roof drainage is directed  
23 towards the basin that is towards Middletown Road.

24 Q. And the parking lot is the basin that is

31

↑

1 under the parking lot?

2 A. Yes. That's correct.

3 Q. And in fact, you can see the dashed lines  
4 towards the rear of the parking lot where the parking lot  
5 basin is.

6 Correct?

7 A. That's right.

8 Q. Now, Mr. Damon, with respect to landscaping,  
9 can you discuss the landscaping aspects of the plan?

10 A. All landscaping plan was prepared by a  
11 landscape architect that with the township requirements.

12 We had some good comments that we have  
13 agreed to based on the township engineer's review.

14 He requested a board-on-board fence  
15 along that southeast property line where we abut the  
16 Convery property, and that would help with shielding those  
17 properties from headlights.

18 Also, trying to rework some of the  
19 buffering to provide better buffering on the park side.

20 We are limited because of the way we  
21 had to shift the building and the parking lot to the  
22 northwest on what we can do there, but we also would agree  
23 one of the comments in the Review Letter was to consider  
24 planting some additional buffering on the park property

1 itself.

2 So, we would be agreeable to that.

3 Q. And in fact, our border with the park is  
4 currently a six foot wrought iron line fence?

5 A. Yes.

6 It's a relatively newer fence that was  
7 put in.

8 Q. All right.

9 Do you believe the landscape plan after  
10 revisions will comply with the township landscape  
11 requirements?

12 A. Yes, it will.

13 Q. Will the plan comply with the lighting  
14 consultant review comments?

15 A. Yes.

16 Q. And with respect to traffic, we have already  
17 heard when church services are.

18 They are off-peak hours. Is that  
19 accurate?

20 A. Yes. That's accurate.

21 Q. And we have Al Federico here to answer any  
22 questions regarding traffic generated by this site.

23 Is that correct?

24 A. That's correct.

33

↑

1 Q. And is the traffic signal important to the  
2 church?

3 A. Yes.

4 That's one thing that they have  
5 emphasized throughout the process.

6 They want that signal.

7 They want to be able to make a left  
8 turn out with that signal.

9 Q. And the church is prepared to pay for that  
10 traffic signal?

11 A. They are.

12 Q. Is that correct?

13 A. Yes.

14 Q. And the church would agree that any cars  
15 exiting would have to trigger the light in order for it to  
16 activate?

17 Is that correct?



18 A. Yes. Yes, Sir.

19 Q. Do you believe that the township review  
20 comments by its professionals can be complied with when we  
21 get to Final Land Development?

22 A. Yes. Yes.

23 We went through those with the Planning  
24 Commission, and it all will comply.

34

↑

1 MR. SULLIVAN: No further questions.

2 MR. KIRCHGASSER: Just to start before  
3 we get to council, I am going to ask Mr.  
4 Janetka for his comments.

5 MR. JANETKA: Yes.

6 The Planning Commission review was  
7 pretty valuable in that the buffering issue  
8 was discussed as really the primary issue on  
9 the project, and Dave summed it up pretty  
10 well with the fence on the southern or, I  
11 guess, that's the eastern, Dave?

12 THE WITNESS: Southeast.

13 MR. JANETKA: Southeast border, and

14           then, the suggestion if the township and  
15           council, if it was acceptable to them to put  
16           buffer plantings on Smedley Park to buffer  
17           the park from the parking lot and the  
18           headlights and the building, et cetera.

19                     They seemed willing to do that as Dave  
20                     acknowledged tonight.

21                     So, the reason why we have requested  
22                     plantings be removed from the southeastern  
23                     boundaries is because of the future Penn  
24                     Charter extension



1                     If you buffer that side with plantings,  
2                     the plantings will be removed theoretically  
3                     in five, six, seven years, ten years or  
4                     whenever the road gets extended.

5                     So, our suggestion was to put the  
6                     resources for buffering on the park side and  
7                     use fence on the southeast side as a means  
8                     to the buffer.

52223CH

9 So, that really is the primary issue  
10 from the planning prospective.

11 MR. KIRCHGASSER: Okay. Thank you, Mr.  
12 Janetka.

13 Any questions from members of council  
14 for the witness?

15 Miss Powell?

16 MS. POWELL: I think I was not paying  
17 attention at the beginning.

18 I assume that the pavement is pervious  
19 pavement. I missed it.

20 The infiltration bed, it's under the  
21 parking lot.

22 THE WITNESS: Yes.

23 MS. POWELL: So, it's pervious.

24 THE WITNESS: So, there is stormwater

36

↑

1 inlets throughout the parking lot that will  
2 pipe it back into that bed.

3 MS. POWELL: Okay. Okay.

4 And then, on sheet C-3, what's this

5 gray triangle down here (indicating)?

6 THE WITNESS: During construction, there  
7 will be a basin, a temporary basin that will  
8 act as a sediment tract basin, and it  
9 provides stormwater management.

10 MS. POWELL: Thanks. I couldn't read  
11 it. It's too small.

12 Okay. Thanks.

13 MR. KIRCHGASSER: Is that all, Ms.  
14 Powell?

15 MS. POWELL: Yes.

16 MR. KIRCHGASSER: Any other questions  
17 from members of council?

18 I just do have one.

19 From the top of the parking lot  
20 immediately adjacent to the new structure to  
21 the bottom of the parking lot is how many  
22 feet of grade?

23 THE WITNESS: So, it drops off about  
24 thirty feet.

1 MR. KIRCHGASSER: Is that all gradually  
2 sloped in the parking lot or is that stair  
3 stepped in the parking lot's construction?

4 THE WITNESS: The parking lot is at five  
5 percent grade.

6 So, it's, aside from the flatter areas  
7 where we have the ADA spaces up near the top  
8 where it's going to be more of the two  
9 percent grade.

10 So, it drops off at the rear.

11 Well, there is a walls along the  
12 southeast part of the parking area.

13 Those are about four feet high, and  
14 then, there is a three-to-one embankment  
15 below those.

16 MR. KIRCHGASSER: So, I guess my  
17 question is at the bottom of that parking  
18 lot, then, you mentioned there is curbing,  
19 but is it sufficient to handle any heavy  
20 rainfall and control that to your stormwater  
21 management system?

22 THE WITNESS: Yes.

23 And again, at that area, it does

24                   flatten out at that bottom part of the

38

↑

1                   parking lot.

2                   So, it's more like three percent at  
3                   that point, and there is several inlets  
4                   down there.

5                   So, yes. They would more than be  
6                   adequate to capture.

7                   MR. KIRCHGASSER: Second question. You  
8                   won't see this one coming.

9                   You are immediately adjacent to a  
10                  recreational park where we can anticipate  
11                  quite a bit of soccer and softball and  
12                  lacrosse occurring.

13                  You have a fence that appropriately  
14                  separates the property, but I envision the  
15                  occasional errant ball making it onto the  
16                  the church's property.

17                  Is there a way for the parents or kids  
18                  to get around to retrieve their lost  
19                  articles?

20 Is that fence contiguous from 352 all  
21 the way down to the bottom?

22 THE WITNESS: It is. Yeah. It is.

23 MR. KIRCHGASSER: Okay. And I'm  
24 assuming the church won't have an issue with

39

↑

1 kids retrieving their balls.

2 THE WITNESS: Well, the fence does end  
3 towards the rear of the parking lot.

4 So, there is a way around it now.

5 I'm not certain that they would extend  
6 it, and that fence we just recently added it  
7 to the plan.

8 So, that will be even more apparent.

9 But yes. There is a way to get around the  
10 church.

11 MR. KIRCHGASSER: The church does not  
12 have issue with that?

13 MR. SULLIVAN: No. No. I'm hoping it's  
14 not baseball.

52223CH

15 MR. KIRCHGASSER: Mr. Sullivan has not  
16 as many years as Mr. Houtmann.

17 I have seen literally people with nails  
18 at the bottom of broom sticks popping balls  
19 that made up in their yard. I'm just making  
20 sure.

21 MR. SULLIVAN: Yes.

22 Just remember we are not here anywhere  
23 near as much as those fields are going to be  
24 used; and when we are there --

40

↑

1 MR. KIRCHGASSER: Right.

2 MR. SULLIVAN: -- if it's a night  
3 service, at least six months of the year,  
4 the park won't not even be open.

5 MR. KIRCHGASSER: Okay.

6 MR. SULLIVAN: In response to your  
7 question, it's looks like there is an  
8 elevation drop from about three ninety-two  
9 to three seventy-two from the parking lot  
10 closest to the building to the end of the



11 parking lot.

12 It looks like twenty foot.

13 MR. KIRCHGASSER: There was testimony  
14 that the stormwater management is able to  
15 handle heavy downpour.

16 MR. SULLIVAN: Yes.

17 MR. KIRCHGASSER: Thank you. I have no  
18 questions.

19 Any additional questions from members  
20 of council?

21 Any questions from members of the  
22 public?

23 Seeing none and hearing none, Mr.  
24 Sullivan, do you have any additional

41

↑

1 witnesses?

2 MR. SULLIVAN: I was going to call Mr.  
3 Federico to the stand. He is our traffic  
4 engineer for this project.

5 I don't have a CV, Curriculum Vitae,

52223CH

6 but he is basically here to answer any  
7 questions township council may have as far  
8 as traffic is concerned.

9 MR. KIRCHGASSER: Mr. Federico has not  
10 only presented in front of this council but  
11 represented this council on many matters.

12 We are aware of his skills and  
13 ability.

14 So, he can be entered as an expert  
15 witness.

16 - - -

17 ALBERT FEDERICO, after having been  
18 first duly sworn to tell the truth, was  
19 examined and testified as follows:

20 - - -

21 DIRECT EXAMINATION

22 - - -

23 BY MR. SULLIVAN:

24 Q. Mr. Federico, you heard the comments of the



1 previous two witnesses with respect to traffic.

2 Do you take issue with any of the  
3 comments previously made?

4 A. No.

5 MR. SULLIVAN: Does council have any  
6 questions for Mr. Federico?

7 MR. KIRCHGASSER: I have one.

8 So, you are aware of PennDOT's plans to  
9 further redevelop 352 from what would be the  
10 former clover leaf down through Old Forge  
11 Road and beyond.

12 THE WITNESS: Yes. And if I may  
13 elaborate.

14 We have been in conversation with both  
15 the Permit Unit at PennDOT and the Project  
16 Management Unit because PennDOT is not a  
17 monolithic organization, and we are aware of  
18 their plan.

19 The exhibit Mr. Janetka put together  
20 showing that was helpful.

21 We believe that the alignment of the  
22 driveway as it's presented is the alignment  
23 that they will be using because I don't  
24 anticipate that they are going to be

↑

1           realigning the Promenade driveway  
2           particularly with the grading on the other  
3           side, and the area that we have provided we  
4           believe is adequate to provide a local road  
5           that would match Penn Charter Drive further  
6           into the neighborhood.

7                        We are in a procedurally odd place  
8                        because if you look at how PennDOT stages  
9                        their projects, they have a preliminary  
10                      design, final design.

11                     Then, they actually start talking  
12                     right-of-way and other things.

13                     At this point, they are still in the  
14                     early design phases.

15                     They actually are not in a position to  
16                     talk to the applicant regarding  
17                     right-of-way, getting right-of-way.

18                     So, it's an odd dynamic at the moment.

19                     When we last spoke to them, and I  
20                     apologize.

52223CH

21 I did give Mr. Parker a copy of the  
22 meeting summary.

23 They are not even in a position right  
24 now to confirm or deny what size the road is

44

↑

1 going to be.

2 So, as we are moving the building and  
3 the parking lot, it's like what kind of road  
4 do you want?

5 Well, we can't, we are not there yet.

6 I'm like, okay. Well, this will match  
7 what is further south. It will provide room  
8 on either side.

9 It should accommodate a sidewalk which

10 I believe the township has requested from  
11 PennDOT; and frankly, at the rate that the  
12 PennDOT project is going, we have every  
13 expectation that these guys are going to be  
14 in and using this property for five years  
15 before PennDOT even puts a shovel into the  
16 ground.

17                   In the meantime, at least part of the  
18                   project, the Penn Charter extension will  
19                   have been started, and so, we are, my next  
20                   step is we are waiting for information from  
21                   the PennDOT project team so that we can  
22                   revise the traffic study to revise Mr.  
23                   Parker's comments, some comments we got from  
24                   PennDOT and go back to them.

45

↑

1                   MR. KIRCHGASSER: Are you aware of  
2                   PennDOT's plans to put a traffic light at  
3                   Rose Tree Road and reroute the ingress/  
4                   egress to The Promenade at Granite Run?

5                   THE WITNESS: I have heard of the signal  
6                   at Rose Tree Road. Um, I need a little more  
7                   clarification.

8                   I'm not entirely sure.

9                   MR. KIRCHGASSER: PennDOT in presenting  
10                   that, PennDOT also mentioned that there is  
11                   distancing limitations that they have from

52223CH

12 traffic signal to traffic signal.

13 THE WITNESS: Yes.

14 This turn signal at this location is  
15 one that is on their plan that should be  
16 compliant with the differences.

17 So, in part of the coordination with  
18 PennDOT, they have asked when we revised  
19 the study, we look at an additional  
20 intersection that was not included in the  
21 scoping that we submitted, but that is data  
22 that will be provided by PennDOT, and we  
23 will submit a signal or an analysis to  
24 support the application.

46

↑

1 MR. KIRCHGASSER: I think it's council's  
2 concern if we were accommodate this request,  
3 it would preclude us from getting one at  
4 Rose Tree and the new entrance to the mall  
5 and/or one which is more desperately needed  
6 at Vanleer and 352.

7 So, we just want to be mindful, as we

8 put these up, that they are a hierarchy of  
9 traffic issues that we have to address.

10 THE WITNESS: Yes. No. I understand  
11 it.

12 Again, we have been trying to do this  
13 consistent with the concept that PennDOT  
14 that has been advancing; and based on the  
15 conversation with them, they have every  
16 expectation that there is going to be a  
17 traffic signal here at some point.

18 So, we would just like to advance  
19 that.

20 MR. KIRCHGASSER: Okay. Any other  
21 questions?

22 MS. DUSSLING: In the meantime, the  
23 timing of when this might be complete and  
24 when the traffic light might be in place,

47

↑

1 what consideration is being given to that  
2 timing?



52223CH

3 This might not be in place during  
4 construction as far as construction vehicles  
5 in and out.

6 How are those impacts being handled  
7 there?

8 THE WITNESS: So, for the construction  
9 of the Worship Hall, I expect that they  
10 would get a temporary construction access,  
11 and they would probably be either limited to  
12 either right-in right-out or have to have a  
13 flagger.

14 That is a separate PennDOT permit.

15 Again, it is the expectation of the  
16 applicant that they will be putting a  
17 traffic signal in, and the traffic signal  
18 will be operating when the church is  
19 operating.

20 MS. DUSSLING: Got it. Thank you.

21 MR. KIRCHGASSER: Any other questions  
22 from members of council?

23 Any questions for Mr. Federico from Mr.  
24 Parker?

1 MR. PARKER: I will just generally  
2 concur with what Al is saying.

3 I think the timing of when the signal  
4 and if the signal gets installed is still up  
5 in the air.

6 As he said, it is planned currently as  
7 part of the PennDOT project for the  
8 Penn Charter extension, but the question of  
9 can that signal be installed and activated  
10 prior to that PennDOT project going in is up  
11 in the air at the moment.

12 So, that's part of the coordination  
13 they are doing with PennDOT.

14 It would also involve, as Al said, we  
15 did review the initial traffic study, and  
16 provided them some comments, and they have  
17 revised that.

18 MR. KIRCHGASSER: Thank you. Thank you,  
19 Mr. Federico.

20 THE WITNESS: Thank you.

21 - - -

22 (Whereupon, the witness was excused at  
Page 58

23 this time.)

24 - - -



1 MR. SULLIVAN: I have no further  
2 questions.

3 I do want to move for the admission of  
4 A-1 through A-5.

5 - - -

6 (Whereupon, Exhibits A-1 through A-5  
7 were identified and marked for  
8 identification as of this date.)

9 - - -

10 MR. KIRCHGASSER: That's correct.

11 Mr. Damico, are you prepared with the  
12 township's exhibits?

13 MR. DAMICO: Yes. They will be admitted  
14 automatically.

15 MR. KIRCHGASSER: Thank you. Thank you,  
16 Mr. Sullivan.

17 MR. SULLIVAN: So, we have two

18 applications before you, two Conditional  
19 Use and one preliminary land development.

20 MR. KIRCHGASSER: So, if there are no  
21 other witnesses, I would like to close the  
22 hearing.

23 May I have a motion to close the  
24 hearing?

50

↑

1 MS. DONNELLY: So moved.

2 MR. KIRCHGASSER: Thank you, Ms.  
3 Donnelly.

4 May I have a second?

5 MS. BELL: Second.

6 MR. KIRCHGASSER: Thank you, Ms.  
7 Bell.

8 MS. POWELL: Second.

9 MR. KIRCHGASSER: All those in favor.

10 MS. BELL: Aye.

11 MS. DONNELLY: Aye.

12 MS. POWELL: Aye.

13 MR. READ: Aye.

52223CH

14 MS. DUSSLING: Aye.

15 MR. KIRCHGASSER: Aye.

16 Opposed? Motion carries.

17 Now, we will go straight to item 5-B1,

18 consideration for approval for the

19 Conditional Use to construct a church at 47

20 North Middletown Road in the R-1 Zoning

21 District.

22 MS. BELL: So moved.

23 MR. KIRCHGASSER: I have a motion.

24 Do I have a second?

51



1 MS. POWELL: Second.

2 MR. KIRCHGASSER: Thank you, Ms. Powell.

3 All those in favor.

4 MS. BELL: Aye.

5 MS. DONNELLY: Aye.

6 MS. POWELL: Aye.

7 MR. READ: Aye.

8 MS. DUSSLING: Aye.

52223CH  
MR. KIRCHGASSER: Aye.

9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

Opposed? That motion carries.

- - -

(Whereupon, the matter was concluded  
at 8:28 p.m.)

- - -



1  
2  
3  
4

C E R T I F I C A T E

I hereby certify that the proceedings and  
Page 62

5 evidence noted are contained fully and accurately in the  
6 notes taken by me of the foregoing matter, and that this is  
7 a correct transcript of the same.

8

9

10

LORI A. DIFABIO

11

Professional Court Reporter - Notary

12

Public

13

14

15

(The foregoing certification of this  
16 transcript does not apply to any reproduction of same by  
17 any means, which is illegal and expressly forbidden, as  
18 this transcript is the sole work product of the certifying  
19 reporter. Reproductions of any portion of this transcript  
20 without the knowledge AND prior written consent of the  
21 certifying reporter will be billed directly to the person  
22 and/or persons who illegally reproduced same without prior  
23 knowledge AND written consent of the certifying reporter.)

24