

MIDDLETOWN TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA
JUNE 24, 2019

Minutes of the Regular Meeting of Township Council held on June 24, 2019 at 7:00 p.m. in the Township Administration Building located at 27 North Pennell Road.

Present: Stephen Byrne, Russ Carlson, Scott Galloway, Mark Kirchgasser, Susan Powell, Walter 'Bok' Read, Norman Shropshire, Andrew Haines, Joe Damico, Esq., Eric Janetka

1. OPENING

Chairman Mark Kirchgasser called the meeting of the Council to order at 7:00 p.m. and led recitation of the Pledge of Allegiance to the Flag.

Mr. Kirchgasser asked the public if anyone was videotaping the meeting. Mr. A.G. Ciavarelli, 301 New Darlington Road, stated he was videotaping the meeting.

2. APPROVAL OF MINUTES

N/A

3. PUBLIC COMMENTS

Mr. William Spring, 237 S. Pennell Road, stated he received a packet from Sunoco/ETP there are seven properties that are directly impacted by the new proposed revision. He asked if Council has read the entire statement. Mr. Kirchgasser stated he has not read the entire report of the Major Modification for HDD 620. Mr. Spring stated the report is incorrect as they are using Upper Chichester Township in the document. He stated the aerial photographs are also wrong. Mr. Damico stated a lease is a voluntary contract between any two parties and Mr. Spring stated Sunoco/ETP wants to lease the back portion of his property for a workspace easement. He asked if Sunoco/ETP could legally force him to let them use his property. Mr. Damico stated he is professionally conflicted on this matter and could not comment further. Mr. Kirchgasser stated he is not a lawyer and cannot offer legal advice. He stated as a landowner he is entitled to not engage in the lease agreement. Mr. Kirchgasser stated the notification letter is intended to inform residents that may have private wells within 450' and if you have an objection to go before the DEP board.

A major modification to HDD 620 will require approvals from the DEP and the PUC. Mr. Spring asked if there will be public hearings and will the Township post them on the website. Mr. Kirchgasser stated all information will be posted. Mr. Kirchgasser strongly suggested Mr. Spring obtain legal advice.

Mr. Michael Mita, 272 Oak Avenue development, stepped forward to comment on the June 10, 2019 public comments on this project. He stated it has been five years for his project to move forward and showed photos of the project. He stated they have poured their first basement. He stated he has been working with everyone in the Township to complete this project. Mr. Kirchgasser stated he is glad things are progressing on the project.

Mr. A.G. Ciavarelli, 301 New Darlington Road, stated he has some questions regarding the Comprehensive Plan task force and asked for a list of the task force members. Mr. Haines stated the list consists of the Planning Commission members, a member of the Historical Society and a member of the Parks and Recreation Committee and Councilman Steve Byrne. He stated they are working on the schedule for the public meetings and will post them on the website.

4. REPORTS

A. CHAIRMAN

Mr. Kirchgasser stated Council is working on a truncated summer schedule with the meetings to be held on the first Monday of each month during July and August.

B. MANAGER

Mr. Haines stated the Township has a new dais built by students from the Williamson College of the Trades and thanked them for their craftsmanship and enhancement of the public meeting room.

C. ENGINEER

No Report.

5. OLD BUSINESS

N/A

6. PUBLIC HEARING

- 1) A Public Hearing on a Conditional Use for 1067 E. Baltimore Pike (Promenade), Granite Run Buick GMC for long-long-term parking in MCO District. Consideration for approval of a Conditional Use for Granite Run Buick GMC.

Mr. Galloway made a motion to open the Public Hearing and Ms. Powell seconded the motion. The motion carried with a vote of 7-0.

SEE ATTACHED REPORT

Mr. Galloway made a motion to close the Public Hearing and Mr. Shropshire seconded the motion. The motion carried with a vote of 7-0. Mr. Carlson motioned to terminate the conditional use 90-days from the date of the hearing and Mr. Galloway seconded the motion. The motion carried with a vote of 7-0.

- B. A Public Hearing on Ordinance 807, Text Amendment to the Mall Conversion Overlay (MCO) District, Chapter 275 - Zoning.

- 1) Consideration for Adoption; Ordinance 807, Text Amendment to the Mall Conversion Overlay (MCO) District, Chapter 275 - Zoning.

Mr. Galloway made a motion to open the Public Hearing and Ms. Powell seconded the motion. The motion carried with a vote of 7-0.

SEE ATTACHED REPORT

Mr. Galloway made a motion to close the Public Hearing and Mr. Carlson seconded the motion. The motion carried with a vote of 7-0. Mr. Galloway made a motion to approve Ordinance 807 and Mr. Carlson seconded. The motion carried with a vote of 7-0.

7. NEW BUSINESS

- A. Consideration for Introduction; Ordinance 808 - Refinance 2014 Revenue Bonds for Middletown Township Sewer Authority with Township as Guarantor of Debt in the Maximum Aggregate Principal Amount Not to Exceed \$7,400,000.

Mr. Haines stated Middletown Township Sewer Authority is looking to refinance its 2014 Revenue Bonds and the Township has historically been the guarantor of their debt issuance. He stated this provides a better rating for the Sewer Authority and if Council introduces this Ordinance, it is an opportunity for savings to the community.

Mr. Shropshire stated that the Sewer Authority is doing an excellent job and would like to make a motion to Introduce the Ordinance and Mr. Byrne seconded the motion. The motion carried with a vote of 7-0.

- B. Consideration for Introduction; Ordinance 809 - Authority to Purchase Easement for Constructing Multi-Purpose Paved Trail ("Gergely Trail Easement"), Folio No.06-00-00034-00.

Mr. Shropshire stated he would like to make a motion to amend the agenda and under item 7.B, to accept the easement as a gift that was previously outlined in detail in Exhibit A of the draft Ordinance and Ms. Powell seconded the motion. The motion carried with a vote of 7-0.

Mr. Kirchgasser stated this item was originally for a purchase agreement. He stated Mr. Russell Gergely of Chester Heights has generously announced his intention to donate land that will allow the Township to complete the connection between the Middletown Trail to the Chester Creek Trails. He stated our community owes Mr. Gergely a debt of gratitude for his generosity. Mr. Kirchgasser asked if this should be considered for Introduction. Mr. Haines stated at this point the amendment will allow Council to accept the gift. He stated the Township will need the acceptance of this gift on the public record.

Mr. Shropshire made motion to graciously accept this gift which will save the residents money and Mr. Byrne seconded the motion. The motion carried with a vote of 7-0.

- C. Consideration for Waiver of Land Development; Riddle Village LifeCare Retirement

Community, 1048 West Baltimore Pike, the Thoroughbred Lounge Building Addition.

Mr. Robert Bertolette, CEO Riddle Village, stated Riddle Village is a life care retirement facility with 550 residents and 330 employees and is now celebrating 25 years of service. He stated it is renovating the dining venues and will be providing 3 dining restaurants on the first floor. He stated they have completed the Governors Inn room and will be completing the Chesapeake Inn and wants to expand the third lounge.

Mr. Neal Camens, Chester Valley Engineers, stated he is here tonight to ask Council to waive a Land Development application. He stated they will follow all the rules pertaining to this development. Mr. Shropshire asked if there was an accommodation for Riddle Village and Lima Estates when the total square footage did not exceed a certain amount. Mrs. Powell stated there were accommodations given to Tyler Arboretum for several small additions. Mr. Damico stated this is a small addition to an existing building and Council would at some point want a recorded plan. He stated they are asking for a waiver of the Land Development.

Mr. Camens introduced a plan showing the location of the addition and stated it is located within the interior courtyard and will not be visible. He stated there is an existing putting green that will be removed and in doing so, it will result in 77 square feet increase in impervious surface coverage. Mr. Camens stated this addition will be exempt from Stormwater Management Requirements. He stated in the future, Riddle Village may come in with a project that will require Stormwater Management or Land Development requirements. He stated they will prepare an Erosion and Sediment plan and apply for all building permits. Mr. Janetka stated this is a very minor impact with a very small increase in impervious surface on an already developed area. He stated the request seemed reasonable. Mrs. Powell asked if they will relocate the putting green. Mr. Camens stated they will relocate the putting green and will present the Township with plans when they are ready.

Mr. Shropshire made a motion to approve the waiver and Ms. Powell seconded the motion. The motion carried with a vote of 7-0.

D. Consideration for Waiver of Preliminary Land Development; SEPTA, Wawa Train Station, 1490 West Baltimore Pike.

Mr. Slattery, SEPTA Project Manager, stated SEPTA is prepared to proceed with advertising and awarding the R3-3 contract as soon as they can finalize all the permits. He stated the schedule is to advertise in July with the intention of awarding the contract at a board meeting in September with construction to start at the beginning of 2020. He stated this contract will take approximately 18-months to complete. Mr. Slattery stated by the middle of 2021 they will be completing the entire rail extension. He stated when meeting with Mr. Janetka and Mr. Haines, they have decided to withdraw the Preliminary Land Development Submission of May 20, 2019 and are requesting the requirement for a Preliminary Land Development Submission be waived so they may proceed to a Final Land

Development Submission. He stated Mr. Janetka and Ms. Merino have pointed out certain things that will be required. Mr. Joseph Connelly, SEPTA Government Affairs, stated they had originally submitted Sketch and Preliminary plans in 2010 and 2011. He stated when the project was restarted in 2015 there were changes in the project, but the main concept remains the same. He stated the biggest change was the incorporation of more bus facilities. He stated they have also modified the building and the SEPTA crew facility on Lenni Road has been modified. He stated they are 100% engineered with design plans and are asking for a waiver to go right to Final Land Development. Mr. Kirchgasser asked when service will begin. Mr. Slattery stated he has no control when the Governor comes to town and pulls the horn. He stated he believes later in 2021 is when service will begin.

Mr. Galloway made a motion to waive the Preliminary Land Development and Mr. Carlson seconded the motion. The motion carried with a vote of 7-0.

E. Waiver of Riparian Corridor, 351 New Darlington Road, for a Swimming Pool.

Mr. David Lisanti, representing the applicants, Dennis and Jamie Mosteller, of 351 New Darlington Road stated they are requesting a waiver of the riparian buffer requirement of Section 198-14.D to allow a reduction from 50 feet to 25 feet. He stated the required 50-foot buffer represents a significant impact to the development of the property. He stated they are proposing an in-ground pool located in the side yard. He stated the current design requires disturbance to within 27 feet of the stream edge. He stated the wetlands and the stream have been delineated by a wetland’s scientist. He stated the wetlands will not be impacted and the stream is self-contained. Mr. Reed asked if Mr. Janetka checked the plans and Mr. Janetka stated he agrees with Mr. Lisanti and stated this is a reasonable request.

Mr. Galloway made a motion to waive the Riparian buffer as requested and Mr. Carlson seconded the motion. The motion carried with a vote of 7-0.

F. Approval of June 24, 2019 Bill List.

Mr. Kirchgasser read the bill list aloud.

GENERAL FUND		
Aqua Pennsylvania, Inc.	May Hydrant Bills	\$ 10,957.76
A. J. Blosenski, Inc.	April Recycling/Yard Waste	\$ 25,154.53
Kelly & Close Engineers	Prof. Services 4/27 -5/31/19	\$ 26,824.73
Independence Blue Cross	June Insurance	\$ 9,656.76
	Highway Share	\$ 9,066.55
	Recreation Share	\$ 4,594.64
		\$ 23,317.95
Keystone Municipal Services	Contracted Serv. 4/8 - 5/31/19	\$ 26,287.50
Linn Architects	Promenade @ G.R. April/May	\$ 12,500.00

Longley Insurance Agency	Fire Co. Package	\$ 21,013.00
Petrikin Wellman Damico Brown	Two. Solicitor - 5/31/19	\$ 6,881.28
Standard & Poor's Fin. Services	Two. GOB Series 2019	\$ 16,000.00
Tristate Environment Mgmt. Serv.	Prof. Serv. - Sleighton School	<u>\$ 14,636.67</u>
General Fund Total		\$ 183,573.42

RECREATION FUND

PNC Credit Card to G?F	Supplies	\$ 42.25
	Postage-Flyers	\$ 605.00
	Trips	\$ 14,229.82
		\$ 14,877.07

CAPITAL RESERVE FUND

Criterion	Asbestos Project Roosevelt	\$ 21,750.00
McCormick Taylor	PA 452 & SR 1 Imp. 3/30-4/26/19	\$ 29,508.80
Sargent Enterprises, Inc.	Asbestos Abatement Roosevelt School	\$ 198,000.00
R. C. Titter Construction, Inc.	Window Board Up Roosevelt School	\$ 12,550.00
Capital Reserve Total		\$ 261,808.80

Mr. Carlson made a motion to approve the bill list and Ms. Powell seconded the motion. the motion carried with a vote of 7-0.

Mr. Kirchgasser adjourned the meeting at 8:05 p.m.

Respectfully Submitted,



Sharon Browne

RECEIVED

JUL 8 - 2019

MIDDLETOWN TOWNSHIP

MIDDLETOWN TOWNSHIP
COUNCIL MEETING
June 24, 2019

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In Re: Public Hearing, Conditional Use for
1067 E. Baltimore Pike, Granite Run Buick

Transcript of the MIDDLETOWN TOWNSHIP
COUNCIL MEETING, PUBLIC HEARING portion, in the
above-captioned matter, taken before Lorraine Evans,
Court Reporter-Notary Public, at the Township
Building, 27 North Pennell Road, Media, Pennsylvania
19063, on Monday, June 24, 2019, commencing
approximately at 7:20 p.m.

BOARD MEMBERS

- MARK KIRCHGASSER, Chairman
- NORMAN C. SHROPSHIRE
- SUSAN POWELL
- WALTER READ
- STEPHEN BYRNE
- SCOTT D. GALLOWAY
- RUSS CARLSON

- ANDREW HAINES, Township Manager
- JOSEPH A. DAMICO, JR. ESQUIRE, Solicitor
- ERIC J. JANETKA, Township Engineer

LORRAINE EVANS
PROFESSIONAL COURT REPORTER-NOTARY PUBLIC
530 Paxon Hollow Road
Broomall, Pennsylvania 19008
(610)203-7715 7evanslorraine@comcast.net

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LORRAINE EVANS

1 CHAIRMAN KIRCHGASSER: Six A, public
2 hearing for the conditional use of 1067 East
3 Baltimore Pike, Promenade, Granite Run, for
4 long-term parking in the Mall Overlay District.
5 Any representation from Mr. Irish's team? Yes,
6 sir, good evening.

7 MR. DAMICO: Before we begin, we have
8 certain -- we have to make a record of this
9 conditional use hearing. We have certain
10 township exhibits, first of which is, we'll
11 mark Township Exhibit One, Affidavit of
12 Publication issued.

13 Tonight's hearing was originally scheduled
14 for 5/24 -- I am sorry, originally scheduled
15 for June 10, and this publication, Affidavit of
16 Publication, was to advertise it for that date.
17 And since that time each -- beginning with
18 June 10 there was a statement made by you, Mr.
19 Chairman, that the hearing was continued to a
20 date certain, and thereafter several more times
21 to a date certain, including up to tonight.

22 So we are asking that the minutes of each
23 one of the meetings and the Affidavit of
24 Publication for tonight's hearing be marked

LORRAINE EVANS

1 Township Exhibit Number One.

2 In addition to that, our code requires
3 that all persons adjacent to the subject
4 property be notified by certified mail, return
5 receipt requested. And I have before me for
6 Township Exhibit Number Two the list of all of
7 the people notified by certified mail, and the
8 green cards that were signed and sent back to
9 the township as evidence of receipt of the
10 notice of the hearing.

11 Finally, the ordinance requires that a
12 public hearing notice be posted on the
13 property, and I have here an Affidavit of
14 Posting on 5/31/19 for the first hearing and
15 then continued hearings up to and including
16 tonight are in the minutes from the posting.

17 (Whereupon, a few documents are
18 introduced and marked as
19 Township Exhibits T-1, T-2 and
20 T-3 for identification.)

21 CHAIRMAN KIRCHGASSER: Does that conclude
22 the township's exhibits?

23 MR. DAMICO: That concludes the township's
24 exhibits.

LORRAINE EVANS

1 CHAIRMAN KIRCHGASSER: Thank you, Mr.
2 Damico. Sir, if I could have you sworn in.
3 Are you a counsel or attorney?

4 A VOICE: I am not.

5 CHAIRMAN KIRCHGASSER: So I'll have you
6 sworn in. I'm sorry, motion to open the public
7 hearing.

8 MR. GALLOWAY: Motion to open the public
9 hearing.

10 MR. CARLSON: Second.

11 CHAIRMAN KIRCHGASSER: All in favor?
12 Opposed? Motion carried.

13 (Whereupon, all Council members
14 present vote "aye.")

15 ROBERT VANDEPETTE, having been
16 called as a witness and having
17 been duly sworn, was examined
18 and testified as follows:

19 CHAIRMAN KIRCHGASSER: Good evening, Mr.
20 VanDepette. How are you, sir?

21 THE WITNESS: I am good.

22 CHAIRMAN KIRCHGASSER: You're here with
23 testimony regarding the continuation for long
24 term approval in the mall overlay district?

LORRAINE EVANS

1 THE WITNESS: Yes. I'm here to answer any
2 questions that you may have.

3 CHAIRMAN KIRCHGASSER: Council have any
4 questions?

5 MR. GALLOWAY: Generally the way this
6 should work, you at least present some brief
7 testimony if you might in reference to the
8 relief that -- the request that you are making
9 here. So I think it might be appropriate for
10 the record that you summarize the reason for
11 you being here.

12 THE WITNESS: Our business has grown
13 exponentially and we have outgrown the property
14 we are on. We have reached out to Sears and
15 previously through this Council received
16 conditional award or whatever it may be called,
17 to park our vehicles there, which is our excess
18 inventory.

19 As we seek other property to have
20 permanent storage of our own vehicles, we have
21 purchased property, have not been awarded the
22 use to upgrade. But we continue to seek
23 permanent -- owned, privately owned by Granite
24 Run property, to relieve this problem.

LORRAINE EVANS

1 Our business gets larger every year so the
2 relief we get at Sears helps us. We need that
3 for at least the remainder of this year and if
4 things go well during the course of this year
5 we may not need to do this again.

6 CHAIRMAN KIRCHGASSER: Okay. How many
7 vehicles do you need to maintain at a given
8 time, given the current business conditions?

9 THE WITNESS: We have fluctuated in that
10 property somewhere between 75 and 120 cars.

11 CHAIRMAN KIRCHGASSER: Just on the mall
12 property?

13 THE WITNESS: At Sears, yes, behind Sears.

14 CHAIRMAN KIRCHGASSER: And then, in
15 aggregate, all the properties combined, how
16 many vehicles to keep Granite Run operating
17 correctly?

18 THE WITNESS: Probably no more than, at
19 any one time, no more than 200.

20 MR. GALLOWAY: Is your agreement with
21 Sears specifically or is it with the owner
22 of -- the current owner of the mall?

23 THE WITNESS: It's with Sears
24 specifically.

LORRAINE EVANS

1 MR. GALLOWAY: And they are in favor of
2 you continuing this use?

3 THE WITNESS: They are.

4 CHAIRMAN KIRCHGASSER: There are multiple
5 locations where you're storing vehicles in
6 Middletown Township, is that correct?

7 THE WITNESS: We have on Brook Street
8 property. That's our secondary property.

9 CHAIRMAN KIRCHGASSER: You would also
10 store them at the former Denny's at the
11 cloverleaf at 352?

12 THE WITNESS: Yes, we have cars there.

13 CHAIRMAN KIRCHGASSER: Also store them at
14 the office facility immediately across from
15 your dealership, is that correct?

16 THE WITNESS: Yes, we have had that
17 agreement for minimum of 15 years.

18 CHAIRMAN KIRCHGASSER: You also store them
19 at times behind the former Franklin Mint
20 building, is that correct?

21 THE WITNESS: We do not.

22 CHAIRMAN KIRCHGASSER: Is that concluded?

23 THE WITNESS: Probably five months ago.

24 CHAIRMAN KIRCHGASSER: So Brook Street,

LORRAINE EVANS

1 Granite Run Mall, Denny's, the office facility
2 across from your building and, of course, your
3 building itself, so my count is five locations.

4 THE WITNESS: Yes.

5 CHAIRMAN KIRCHGASSER: Has there been any
6 thought by the applicant to consolidate that
7 parking in anyway in one location?

8 THE WITNESS: Only ten times a day, yes.

9 CHAIRMAN KIRCHGASSER: The frequency we
10 understand. Is there a specific plan or
11 timeline in mind as to how that would be
12 alleviated?

13 THE WITNESS: We thought we had a great
14 plan on the property on Baltimore Pike just
15 above the hill, and we spent two years, lot of
16 time, lot of effort, lot of money, to try to
17 make that happen and it's not yet happened.
18 That would resolve all off-site issues
19 completely.

20 Then we continue, until that gets
21 resolved, we continue to look for an
22 alternative. We are not crazy about all those
23 other locations. It creates anxiety.

24 CHAIRMAN KIRCHGASSER: I would argue

LORRAINE EVANS

1 visually it creates a bit of a clutter driving
2 through the area. Of course we are thrilled
3 that the business is successful, but five
4 different locations for your vehicles
5 immediately approximate to the building is not
6 ideal as well.

7 I don't know if you're familiar with the
8 most recent trip Mr. Irish made to Council, but
9 in it Council reminded Mr. Irish that we would
10 strongly prefer requests be done in advance of
11 making a decision.

12 Mr. Irish in previous three occurrences
13 basically parked the cars and came later for
14 forgiveness rather than asking for the zoning
15 variances needed to do so.

16 I find we are now six and a half months
17 late on this agreement as well. So we're
18 retroactively yet again addressing the vehicle
19 parking issue for Granite Run, which despite
20 our extremely strong pleading, we find
21 ourselves here again.

22 I don't know if you have a familiarity
23 with that or response to that. But I think
24 it's important that make this record as well.

LORRAINE EVANS

1 THE WITNESS: I can assure you it is
2 blisteringly clear at this point.

3 CHAIRMAN KIRCHGASSER: We are here six
4 months later addressing this very same issue.

5 THE WITNESS: I understand.

6 CHAIRMAN KIRCHGASSER: Any other questions
7 from members of Council?

8 MR. CARLSON: I think I would like to say
9 a three month extension might be adequate since
10 you're already six months past the time.

11 CHAIRMAN KIRCHGASSER: Any other questions
12 from members of Council? We'll open this up to
13 questions from members of the public. At this
14 part of this hearing, I would ask if you have a
15 question you go to the podium over there.
16 Seeing none and hearing none, is that all the
17 testimony you have this evening, sir?

18 THE WITNESS: I believe so.

19 MR. GALLOWAY: Make a motion to close the
20 public hearing then.

21 MR. SHROPSHIRE: I will second it.

22 CHAIRMAN KIRCHGASSER: All in favor?
23 Opposed? Motion carried.

24 (Whereupon, all Council members

LORRAINE EVANS

1 present vote "aye.")

2 CHAIRMAN KIRCHGASSER: Consideration for
3 approval for conditional use for Granite Run
4 GMC Buick. Mr. Carlson, would you care to make
5 that a motion?

6 MR. CARLSON: Three month extension for
7 the parking.

8 MR. GALLOWAY: So would that be a motion
9 to deny the conditional use, but agree that the
10 applicant has three months from today's date?

11 MR. CARLSON: Deny the conditional use,
12 but the applicant has three months from today's
13 date to find another location.

14 MR. SHROPSHIRE: Is that a motion?

15 MR. CARLSON: That's a motion.

16 MR. SHROPSHIRE: Then I will second the
17 motion for three months.

18 CHAIRMAN KIRCHGASSER: All those in favor?
19 Opposed? That motion carries.

20 (Whereupon, all Council members
21 present vote "aye.")

22 CHAIRMAN KIRCHGASSER: Thank you, sir.
23 May I strongly suggest that either yourself or
24 Mr. Irish reach out to me regarding possible

LORRAINE EVANS

1 solutions to bring all these together in one
2 place. If it requires land use planning or
3 zoning, those preliminary discussions would be
4 very important in the success of that
5 application, understanding what your intent is
6 and where you would like to put it.

7 We are thrilled with the success of your
8 business, but there are other very successful
9 businesses in this township that comply to the
10 processes of this township. We need to make
11 sure that is done for Granite Run as well.

12 MR. DAMICO: Mr. Chairman, before we
13 adjourn on that, should we have a date certain,
14 three months from when?

15 CHAIRMAN KIRCHGASSER: From the date of
16 this meeting.

17 MR. CARLSON: From the date of the
18 meeting.

19 MR. DAMICO: Okay.

20 CHAIRMAN KIRCHGASSER: Thank you,
21 Mr. VanDepette. Appreciate it.

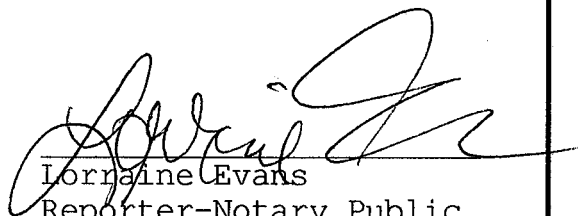
22 (Whereupon, the meeting is
23 concluded at 7:30 p.m.)

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LORRAINE EVANS

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REPORTER'S CERTIFICATION

I HEREBY CERTIFY that I was present upon the hearing of the above-entitled matter and there reported stenographically the proceedings had and the testimony produced; and I further certify that the foregoing is a true and correct transcript of my said stenographic notes.



Lorraine Evans
Reporter-Notary Public
My Commission Expires
October 25, 2022

(The foregoing certification of this transcript does not apply to any reproduction of the same by any means, unless under the direct control and/or supervision of the certifying reporter.)

LORRAINE EVANS

MIDDLETOWN TOWNSHIP
COUNCIL MEETING
June 24, 2019

In Re: Public Hearing on Ordinance 807, Text
Amendment to the Mall Conversion Overlay
District

Transcript of the MIDDLETOWN TOWNSHIP
COUNCIL MEETING, PUBLIC HEARING portion, in the
above-captioned matter, taken before Lorraine Evans,
Court Reporter-Notary Public, at the Township
Building, 27 North Pennell Road, Media, Pennsylvania
19063, on Monday, June 24, 2019, commencing
approximately at 7:30 p.m.

BOARD MEMBERS

MARK KIRCHGASSER, Chairman
NORMAN C. SHROPSHIRE
SUSAN POWELL
WALTER READ
STEPHEN BYRNE
SCOTT D. GALLOWAY
RUSS CARLSON

ANDREW HAINES, Township Manager
JOSEPH A. DAMICO, JR. ESQUIRE, Solicitor
ERIC J. JANETKA, Township Engineer

LORRAINE EVANS
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LORRAINE EVANS

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LORRAINE EVANS

1 CHAIRMAN KIRCHGASSER: On then to public
2 hearing on Ordinance 807, text amendment to the
3 Mall Conversion Overlay District, Chapter 275,
4 zoning. Motion to open the public hearing.

5 MR. GALLOWAY: I'll make that motion.

6 MR. CARLSON: Second.

7 CHAIRMAN KIRCHGASSER: All in favor?
8 Opposed? Motion carries.

9 (Whereupon, all Council members
10 present vote "aye.")

11 CHAIRMAN KIRCHGASSER: Mr. Riper. Mr.
12 Damico, we'll start with you on documents.

13 MR. DAMICO: We have an Affidavit from
14 21st Century, owner of the Delaware County
15 Daily Times, advertising tonight's hearing as
16 Proof of Publication, which I would mark the
17 Township's Exhibit One.

18 (Whereupon, a document is
19 introduced and marked as
20 Township Exhibit One for
21 identification.)

22 MR. RIPER: For the record, my name is
23 Joseph Riper, I'm representing the applicant,
24 BET Investments, which is the owner of the

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1 mall. Actually it's BT Granite Run, LP is the
2 legal owner. I don't have any witnesses in
3 support of the application. But I do have a
4 brief explanation as to what the nature of the
5 request is.

6 We are requesting two modifications to the
7 sign regulations and the MCO zoning
8 regulations. The two changes are as follows:
9 When the mall conversion overlay regulations
10 were adopted, there was an oversight in that we
11 failed to take into consideration that there
12 might be single occupancy buildings on the
13 property; such as what is going on now with the
14 Wawa building. And we'll also be going on with
15 a new application for Miller Brewing. The
16 problem is that --

17 CHAIRMAN KIRCHGASSER: Miller's Brew
18 House, not Miller's Brewing.

19 MR. RIPER: I apologize. The net effect
20 of the oversight was that if there was a single
21 occupancy building, it defaulted to the B-2
22 regulations, which permitted two signs having a
23 maximum square footage of 50 feet.

24 The MCO regulations for any tenant in a

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1 multi-occupancy building had a minimum of 100
2 square feet for space that was less than 3,333
3 feet, and the basic calculation was three
4 percent of the gross floor area or 2,000 square
5 feet was the sign limit, whichever was smaller.

6 All we're doing with the first change is
7 to have that same regulation applied to a
8 single occupancy building. Just a correct in
9 oversight. And as Miller's Brew House, without
10 this change, they would have to apply for a
11 variance, which is what we did in the case of
12 the Wawa.

13 The second change has to do with
14 multi-occupancy residential buildings. The MCO
15 regulations permits two signs having -- each
16 being 75 square feet maximum. When the design
17 of the first apartment building was being
18 worked on, it was thought that it might be a
19 good idea to be able to advertise the building
20 in each direction on Middletown Road, and then
21 also to have some indication of the building
22 that would be seen from within the mall, like
23 from where the Acme is, and there was also just
24 an entrance sign in the main entrance area to

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1 the apartment building.

2 There was a discussion, which I wasn't
3 part of, some debate whether some of the
4 signage might be address signage or might be
5 advertising the building. There was a
6 compromise made that basically BET agreed they
7 would limit the total square footage to
8 150 square feet, which is the same as the 275
9 square foot signs, but they would be permitted
10 to have four signs.

11 So there will be a sign looking on
12 Middletown Road looking west that will have the
13 number 50, and the same thing going the other
14 way. Then there will be a sign that you could
15 see from the mall that would say 50 at Granite
16 Run, and then there's an interior sign which is
17 not visible from any place that says the same
18 thing, 50 at Granite Run. Those are the two
19 changes. That's all of the presentation I
20 have.

21 CHAIRMAN KIRCHGASSER: Thank you, Mr.
22 Riper. Any questions from members of Council?
23 Seeing none and hearing none, ask the public,
24 any questions from any members of the public?

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1 Mr. Severelli.

2 A VOICE: How many signs total are we
3 talking about? It sounded like there's two
4 already up?

5 MR. RIPER: Four signs altogether.

6 MR. SEVERELLI: Including the Wawa sign
7 and the Miller sign down the road?

8 MR. RIPER: Those are separate
9 applications, they relate to separate parts of
10 the zoning ordinance. The residential signs
11 for the apartment building, four signs on the
12 apartment building, then there will be three
13 signs on the Wawa, and the Miller Brew House
14 has not actually been proposed at this point.
15 I can't answer that question.

16 MR. SEVERELLI: The idea would be you want
17 signs for each of the stand alone entities
18 eventually, like Miller and Wawa and whatever
19 else might go in there?

20 MR. RIPER: The ordinance permits that.
21 There was an oversight when it came to a single
22 occupancy building, stand alone building. The
23 limitation was a total of 50 square feet, which
24 was unacceptable to Wawa. We applied for a

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1 variance and Wawa was granted a variance to
2 have three signs totalling just about 125
3 square feet, which would be a little bit less
4 than what the ordinance amendment would allow,
5 which is roughly 150 square feet total.

6 MR. SEVERELLI: And the two signs for each
7 of the apartment buildings are how much square
8 footage?

9 MR. RIPER: All four signs will aggregate
10 not to exceed 150 square feet.

11 MR. SEVERELLI: Thanks.

12 CHAIRMAN KIRCHGASSER: Thank you. Any
13 other questions from members of the public?
14 Seeing none and hearing none, motion?

15 MR. GALLOWAY: I will make that motion to
16 close the public hearing.

17 MR. CARLSON: Second.

18 CHAIRMAN KIRCHGASSER: All in favor?
19 Opposed? Motion carries.

20 (Whereupon, all Council members
21 present vote "aye.")

22 CHAIRMAN KIRCHGASSER: Going on to Item
23 6B1, consideration for adoption text amendment
24 to the Mall Conversion Overlay District.

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1 MR. CARLSON: Move adoption.

2 MS. POWELL: Second.

3 CHAIRMAN KIRCHGASSER: All those in favor?

4 Opposed? Motion carries.

5 (Whereupon, all Council members
6 present vote "aye.")

7 (Whereupon, the hearing is
8 concluded at 7:40 p.m.)

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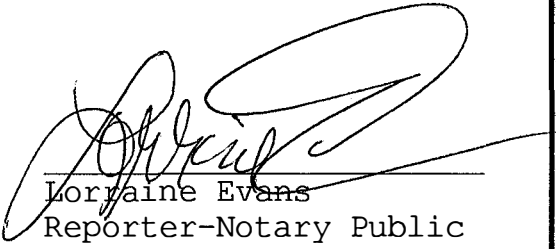
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1 REPORTER'S CERTIFICATION

2 I HEREBY CERTIFY that I was present upon the
3 hearing of the above-entitled matter and there
4 reported stenographically the proceedings had and the
5 testimony produced; and I further certify that the
6 foregoing is a true and correct transcript of my said
7 stenographic notes.

8
9 
10 Lorraine Evans
11 Reporter-Notary Public
12 My Commission Expires
13 October 25, 2022

14
15
16 (The foregoing certification of this transcript does
17 not apply to any reproduction of the same by any
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19 supervision of the certifying reporter.)
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