

TRAINER BOROUGH COUNCIL

DELAWARE COUNTY, PA

- - -

Conditional Use Application of UR-OZBP Parkview Lots,

LLC

- - -

June 10, 2021

Commencing at 7:47 p.m.

- - -

Zoom Meeting

- - -

COUNCIL MEMBERS PRESENT:

JEAN BECK
JOHN MATTHEWS
JENNIFER FRAZIER
JIM CASSIDY
TIM HORGAN
AWILDA BURGOS

COUNSEL APPEARED AS FOLLOWS:

FRANCIS J. CATANIA, ESQUIRE
Solicitor for the Zoning Hearing Board

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P R O C E E D I N G S

1
2 THE SOLICITOR: We're commencing the
3 hearing on the conditional use application from the
4 applicant. The applicant is entitled UR-OZBP Parkview
5 Lots. They're a limited liability company. They're
6 seeking conditional use approval for the property
7 located at 4300 West 9th Street in the Borough of
8 Trainer.

9 They want to expand an existing mobile
10 home park, which is in the R-1 District and the
11 proposed expansion would add an additional 25 mobile
12 home spaces. They're asking to comply with Ordinance
13 Number 768, which has recently been adopted by the
14 borough to allow the property to receive conditional
15 use approval for this expansion, to add the additional
16 25 mobile home spaces.

17 There are requirements in the ordinances
18 and the county ordinances regarding conditional uses
19 where certain notifications have to be given ahead of
20 time and that has occurred. So I would like to enter
21 into the record a copy of the application, which is 5
22 pages. It's dated May 25, 2021. The proof of
23 publication of this public hearing notice, which ran in
24 the Delaware County Daily Times on May 28, 2021 and

1 June 3, 2021; two affidavits from Victoria Orlando
2 about hand-delivering and mailing notice to adjacent
3 property owners; an affidavit of Charles Remaley for
4 the properties that he had hand-delivered. That
5 affidavit is two pages. Ms. Orlando's are two pages
6 and three pages respectively. And then, finally, the
7 proof of property being posted with attachments and
8 that's six pages long. So those exhibits will be
9 entered into the record. I've read what the relief
10 requested is. We have the applicant's attorney,
11 Mr. Murphy.

12 Mr. Murphy, do you want to make brief
13 comment or may I ask the borough engineer to give her
14 comments on the review of the application? That's up
15 to you.

16 MR. MURPHY: Good evening. Mr. Catania,
17 I would suggest that the engineer's comments would be
18 most constructive at this point.

19 THE SOLICITOR: Thank you. Thanks.
20 Eileen, you're up.

21 EILEEN NELSON: Okay. I need to find
22 them. Just a second.

23 THE SOLICITOR: May 13, 2021. Thank you.
24 And I was not sure if they were also amended.

1 EILEEN NELSON: No, they have not been
2 amended yet, because I have not received revised plans.

3 THE SOLICITOR: Okay. So we'll also make
4 the borough engineer's May 13th letter part of the list
5 of exhibits here.

6 In addition to the relief that the
7 applicant is asking for, for approval for those 25
8 additional units, they're asking for a waiver from the
9 county subdivision ordinance to treat this as both
10 preliminary and final submission.

11 MR. MURPHY: That is correct.

12 THE SOLICITOR: When I hear Eileen's
13 comments, then the questioning will be turned to the
14 borough council, after hearing from Mr. Murphy, if
15 necessary, as to whether council wants to impose any
16 additional conditions other than what Ms. Nelson says
17 and then before you move to act on the resolution, I
18 would like to indicate that the resolution will also
19 require that the applicant and the owner comply with
20 Trainer's standards, codes, requirements, ordinances,
21 including those of the fire marshall and then any other
22 conditions that we've talked about tonight and with
23 that, Eileen, I've said all that I can say to fill the
24 time.

1 THE SOLICITOR: Go ahead.

2 GUS HOUTMAN: Regarding that would be
3 comment 2 under Part 2, general legislation section of
4 the review, that is will comply. We can simply slide
5 the referenced units back away from the intersections
6 to supply the 15 feet required separation distance
7 between the unit and the street.

8 THE SOLICITOR: So that's a will comply.

9 GUS HOUTMAN: Will comply.

10 THE SOLICITOR: What's next, Eileen?

11 EILEEN NELSON: Next is streets are not
12 to be offered for dedication so that a plan note should
13 be supplied indicating such and I believe that's an
14 easy one to do.

15 GUS HOUTMAN: Yes, that's a will comply.
16 We'll add the note of the streets remaining private.

17 THE SOLICITOR: Okay.

18 EILEEN NELSON: Next up is one guest
19 parking space is required for every four mobile homes
20 proposed. There's a paved area next to Lot 15
21 identified as Open Space Number 6. The plans should
22 note if it's intended for guest parking and if so, to
23 confirm that the number of spaces meets the
24 requirement.

1 GUS HOUTMAN: That one is also a will
2 comply. Any guest parking at the requirement of one
3 per four units will be provided on the plan and that
4 will be primarily an open space, identified as Open
5 Space Number 6. So that is a will comply.

6 THE SOLICITOR: Okay.

7 EILEEN NELSON: Next up is several
8 sections, which I'm not going to name all of them and
9 the Delaware County Planning Department's review letter
10 requesting details of the mobile homes stand and base
11 that's to be provided.

12 GUS HOUTMAN: That is also will comply.
13 The requested details will be added to the plans.

14 EILEEN NELSON: Okay. Item number 6, the
15 mobile home park is adjacent to a public park and per
16 the new ordinance, the minimum open space requirement
17 of 7 percent of the total area of the mobile home park
18 is satisfied, however, one quarter of the open space is
19 supposed to be in one area. All seven areas that are
20 shown on the plan are separate from one another and
21 total up to the percentage, but Area Number 7 is
22 designated as a buffer instead of open space. So we
23 were looking for clarification on that item.

24 GUS HOUTMAN: The area identified as

1 Green Space Buffer Area 7 is -- will be also open
2 space. We called it a buffer because the landscape
3 plan does detail a number of plantings that will go
4 into that area to buffer the proposed development from
5 9th Street. And regarding the 7 percent open space
6 requirement, doing the math for the 9.26 acre property,
7 we're required to have 28,236 square feet. The plans
8 detail a total of 41,725 square feet between the 7 open
9 space areas. So we are above that requirement
10 significantly. And then regarding the one quarter
11 required open space in any one area, one quarter of the
12 required 28,236 square feet is 7,058 square feet and
13 Open Space 3, we copulated at 7,092 square feet. So we
14 will comply fully with that open space requirement.

15 EILEEN NELSON: Okay. And then the next
16 comment relates to open space as well. It says it must
17 be maintained by the mobile home park operator or
18 offered for dedication to the borough, if the borough
19 is willing to accept and maintain the open space. And
20 I think my understanding is that the borough will
21 prefer the mobile home park operator continue to
22 maintain that.

23 GUS HOUTMAN: That's a will comply. A
24 note will be added to that effect that the open space

1 will be maintained by the operator of the park.

2 EILEEN NELSON: Okay. The next item
3 pertains to the requirement for a developer's agreement
4 and financial security agreement for the actual
5 construction to take place.

6 GUS HOUTMAN: That's a will comply. Any,
7 you know -- any -- we'll provide an estimate for
8 construction and financial security as part of the
9 developer's agreements once the project is approved.
10 So that's a will comply.

11 EILEEN NELSON: Okay. The next item
12 listed, permits and approvals that were required, some
13 of which were -- or the most of which were listed on
14 the plans, Item A, with respect to PennDOT Highway
15 Occupancy Permit needed for discharging the proposed
16 stormwater system. I did meet with Matt Houtman on
17 Tuesday at the site and we reviewed some existing storm
18 sewer information that may negate the need for the
19 applicant to apply to PennDOT for an HOP because of the
20 existing condition.

21 There would just be some calculations
22 needed to prove the capacity of that line, for what is
23 being discharged to it and similarly, we did get
24 information on the existing access traffic volume

1 designation for classification of the driveway and that
2 remains the same classification with the 25 new units,
3 so there may be no need whatsoever for the applicant to
4 obtain a PennDOT HOP, which is a significant savings in
5 time for the project to move forward.

6 There are Delaware County Planning
7 Department review comments from their letter of April
8 15th that would need to be addressed and I'll kick it
9 over to Gus for a response on that.

10 GUS HOUTMAN: Yes. Regarding the PennDOT
11 permits, yeah, to the extent that we can stay away from
12 the PennDOT permits, we will proceed in that fashion,
13 but we agree with Eileen's assessment, that the traffic
14 generated by the proposed 25 additional mobile home
15 sites will not cause a reclassification of the
16 traffic -- or the reclassification of the intersection
17 based on traffic volume. The intersection, the access
18 intersection will remain a low volume driveway and
19 that's classified as somewhere between 25 and 750 trips
20 per day. Even with the added 25 units, that volume
21 will remain in that range so we will not need a new
22 permit based on volume and we will work together with
23 Eileen in getting the information over so that we don't
24 need any PennDOT approvals for the drainage from the

1 site.

2 Then, regarding the Delaware County
3 Planning Department review, that's a will comply. Any
4 applicable comments from Delaware County will be
5 addressed with the revised plans.

6 EILEEN NELSON: And all of the other
7 approvals listed are fairly standard and I think we can
8 take them altogether. The NEDES for the Conservation
9 District; the 537, Sewing Facilities Planning Module
10 approval, the approval for Delcora to connect the
11 proposed sanitary system and what's the last one? The
12 sewer riser for each mobile home standalone with the
13 provision for plug-in riser when the mobile home is not
14 occupied has to be provided on the plans. Also, paying
15 the appropriate connection fees for the new units.

16 GUS HOUTMAN: They're all will comply.

17 EILEEN NELSON: Then we have Chester
18 Water Authority. There is -- maybe this one requires
19 separate comment, but there is a pipeline running
20 through the property and that would require specific
21 approval from Monroe Energy, because some utility lines
22 are potentially going to be within the easement or
23 crossing the easement so if you want to speak to that,
24 Gus.

1 GUS HOUTMAN: Yes, there are several
2 areas where we're crossing that pipeline with the
3 proposed utilities. There's a sanitary sewer down by
4 9th Street, an extension that will need an approval
5 from Monroe. Also water lines, sanitary sewer lines
6 are crossing through the site, through Monroe's
7 pipeline, so we will need to go through the pipeline
8 company to get approvals for those crossings of their
9 right-of-way with those utilities. So we will comply
10 with that. We understand that's needed and we will
11 comply.

12 EILEEN NELSON: Section 165.21, the
13 mobile home owners are to acquire a permit from the
14 borough in accordance with that section.

15 GUS HOUTMAN: That's a will comply as
16 well. We understand that's a requirement and that will
17 be either -- I guess a note will be put on the plans
18 that will reenforce that requirement.

19 EILEEN NELSON: There's also a required
20 approval from the borough fire marshall.

21 GUS HOUTMAN: Agreed. We understand.
22 The plans will be updated with the fire marshall
23 review.

24 EILEEN NELSON: And along with the

1 financial security developers agreement, there will
2 also be stormwater operations and a maintenance
3 agreement for the new facilities that will control the
4 increase in runoff from the new development.

5 GUS HOUTMAN: The applicant intends to
6 comply with that. That is a strict requirement of the
7 borough, so we will have to supply that as part of the
8 approval process, so we will have to comply.

9 EILEEN NELSON: Section 803.H4 and 5 from
10 the Subdivision Land Development Ordinance requires
11 sight distance or clear sight distance be provided at
12 each street intersection. So they would need to be
13 shown and the restrictions for plantings and structures
14 indicated.

15 GUS HOUTMAN: That's a will comply. I
16 think the only -- the only exception we would note
17 there is, we feel the 75 foot sight triangle at -- I
18 believe that's Row W or Drive W and 9th Street and
19 that's -- we showed it to the extent where it crosses
20 the property line, we can't go on the adjacent
21 property. So we terminated the clear sight triangle at
22 the property line, where we can control it along our
23 frontage, that 75 foot clear sight triangle, limiting
24 vegetation, planting in that area will be adhered to by

1 the client or by the owner.

2 EILEEN NELSON: Section 803.J requires
3 street signs, stop signs, lot and house numbers to be
4 provided in accordance with that section and the mobile
5 home numbering system for those lots should be
6 established by our office.

7 GUS HOUTMAN: Will comply.

8 EILEEN NELSON: Then general comments.
9 New drive lanes are proposed that will connect the
10 existing drive lanes. The limits of where new and
11 existing meet shall be shown. In addition, if new
12 asphalt paving is proposed on the existing drive lanes,
13 that will be shown as well.

14 GUS HOUTMAN: That's a will comply.

15 EILEEN NELSON: It appears Drive C is
16 proposed to be reconstructed per the planning section
17 detail, however, some of the existing material --
18 identified as gravel on the existing conditions and
19 reverse subdivision plan is also shown as gravel on
20 other plans. That needs a clarification.

21 GUS HOUTMAN: We will clarify that, but I
22 believe that all Road C will be repaved, but we will
23 clarify that on the plans.

24 EILEEN NELSON: Okay. Sheet 1 of 11.

1 General note. Total number of Section 1 and 3 units
2 shall be corrected to say 1 and 2 units.

3 GUS HOUTMAN: We'll correct that typo.

4 EILEEN NELSON: Sheet 5 of 11 and 10 of
5 11 shows some of the inlets to be Type M. It appears,
6 based on their locations, that all of the inlets should
7 be Type M.

8 GUS HOUTMAN: That's a will comply.

9 EILEEN NELSON: Inlet 6 shall be shown on
10 the profile from Inlet 6 to 5.

11 GUS HOUTMAN: Will comply.

12 EILEEN NELSON: The rest are pretty
13 typical details that just probably have a few
14 sanitary -- I'm assuming they are will comply as well?

15 GUS HOUTMAN: Yes.

16 EILEEN NELSON: And driveway detail?

17 GUS HOUTMAN: Yep, Comment 17A and B are
18 will complies.

19 EILEEN NELSON: 18?

20 GUS HOUTMAN: 18, will comply. The
21 current designation for the wearing course will be
22 added.

23 EILEEN NELSON: Okay. And then all of
24 the details on Sheet 10 of 11?

1 GUS HOUTMAN: Yes. Comments A, B, C, D,
2 identified under Comment 19 are all will comply.

3 EILEEN NELSON: Okay. The photometric
4 pattern on the lighting shall be provided.

5 GUS HOUTMAN: That's a will comply.

6 EILEEN NELSON: There are references in
7 the stormwater -- the infiltration rates. We just
8 needed clarification as to whether they were as a
9 result of actual testing and applied an applicable
10 factor of safety or were they assumed. I understand
11 from the other day that they have been tested?

12 GUS HOUTMAN: I think we need to confirm
13 some areas but that's a will comply. We will be fully
14 compliant with that.

15 EILEEN NELSON: And then there were just
16 a few discrepancies on the sizing of the infiltration
17 bed between the plans and the -- which need to be
18 resolved.

19 GUS HOUTMAN: Yeah, we'll coordinate
20 that with -- if we need coordinations, we'll contact
21 you but that's a will comply as well.

22 EILEEN NELSON: And the yard bearing
23 details shall be provided on the plans.

24 GUS HOUTMAN: That's a will comply.

1 EILEEN NELSON: That ends the letter on
2 May 13th.

3 THE SOLICITOR: Eileen, is it your
4 recommendation -- first of all, is it your opinion that
5 land development approval is also needed?

6 EILEEN NELSON: That what is needed?

7 THE SOLICITOR: Land development approval
8 under the --

9 EILEEN NELSON: Yes.

10 THE SOLICITOR: So are we doing that
11 tonight, too?

12 EILEEN NELSON: If borough council is
13 amenable to it, I figured we could wrap it all up in
14 one package.

15 THE SOLICITOR: Okay. Jean, it would be
16 appropriate to ask if there's any public comment on the
17 conditional use application.

18 MR. MURPHY: Mr. Catania --

19 THE SOLICITOR: Sorry, Frank. Go ahead.

20 MR. MURPHY: I just wanted to ask
21 Mr. Houtman one question while he's -- just to keep his
22 portion of the testimony all complete, if I could.

23 EXAMINATION

24 BY MR. MURPHY:

1 Q. Mr. Houtman, have you reviewed Chapter 165
2 of the Borough of Trainer code, which sets forth the
3 conditional use requirements for the borough?

4 A. Yes, I have.

5 Q. And in your professional opinion, does this
6 application meet all of of the conditional use
7 requirements?

8 A. Yes, it's my professional opinion that the
9 application plans, details, submitted calculations meet
10 the standards and criteria for conditional use as
11 outlined in Section 7681.A, that would be items 1
12 through 28 in that section.

13 Q. Thank you, Mr. Houtman.

14 MR. MURPHY: Mr. Catania, I have with me
15 Mr. Henderson, who's a represent of the applicant. I
16 don't know if council has any questions for him, but he
17 is also here --

18 THE SOLICITOR: Great.

19 MR. MURPHY: -- for council's benefit.

20 THE SOLICITOR: Jean, why don't you
21 solicit public comment first and of course, it's always
22 appropriate to hear from council.

23 MS. BECK: Okay. Mark, you want to see
24 if there's any comments from the --

1 MARK POSSENTI: I'm sorry, Jean. I
2 interrupted you, I apologize. If anybody would like to
3 make a public comment, there's an icon. You're able to
4 raise your hand. Wave your hand in your box and we'll
5 call upon you to make a comment.

6 Jean, I'm not showing anybody who wants
7 to make a comment.

8 MS. BECK: Okay. Council, any comments?

9 MR. CASSIDY: Jean, I do.

10 MS. BECK: Go ahead.

11 MR. CASSIDY: We're talking going from 75
12 trailers to 100 trailers. Now, people on council -- I
13 think either you, maybe John, if you remember back in
14 the day when Copsin [ph] had that trailer park, it was
15 over a hundred trailers in that park and they were
16 jammed.

17 MS. BECK: Right. 101.

18 MR. CASSIDY: Right. And just for matter
19 of speaking, he's using more land now so it's going to
20 be less distance between -- you know, it's going to be
21 100 trailers, but it's not going to be congested as it
22 used to be. I just wanted to make that comment in
23 there.

24 MS. BECK: Correct.

1 MR. CASSIDY: There was over 100 trailers
2 in there at one time.

3 MR. MATTHEWS: I think they're bigger
4 trailers now.

5 MR. CASSIDY: They're not that much
6 bigger, John.

7 MS. BECK: They can go up to 101
8 trailers.

9 MR. CASSIDY: Correct.

10 MS. BECK: Okay. Anybody else?

11 MR. CASSIDY: Now they want to put some
12 down where the pool was at, so 100 trailers is still
13 going to be less than what he had before.

14 I want to talk about the improvements.
15 This is going to be my comment. Can anybody in the
16 last couple months remember any fires up there because
17 of electrical issues? No, because we're not running
18 extension cords from trailer to trailer now and we
19 haven't had any sewer issues up there this year, like
20 we had the last few years and overall, I mean, again,
21 it's just my comment and this is my comment.

22 MS. BECK: And I agree with you, Jim, it
23 will look much nicer, more professional.

24 MR. CASSIDY: Correct.

1 MS. BECK: Okay. Anyone else? John?

2 MR. MATTHEWS: No, I'm good.

3 MS. BECK: Okay. Awilda? Jen? Okay.

4 Tim? Nobody has any comments.

5 All right. So what's your pleasure,
6 council?

7 THE SOLICITOR: Jean, can I articulate
8 the motion and then ask you to see if it's supported?

9 So, there would be two motions. The
10 first would be to approve the conditional use
11 application and impose the following conditions, one,
12 the applicant and owner must comply with the comments
13 of the borough engineer's letter of May 13, 2021. We
14 just went through those, they indicated they would.

15 You would be granting a waiver from the
16 Delaware County Ordinance, treating this as both a
17 preliminary and a final. Other than what's set forth
18 in the letter, the only additional conditions would be
19 that applicant and the owner comply with all of the
20 borough ordinances, standards, codes and requirements
21 including but not limited to the fire marshall's
22 comments. And then that would be the first conditional
23 use resolution and motion.

24 You would be moving to adopt that

1 resolution, with those additional terms added to it.

2 MS. BECK: Okay. Council, what's your
3 pleasure with the first recommendation?

4 MR. CASSIDY: I make a motion we except
5 it.

6 MR. MATTHEWS: Second.

7 MS. BECK: All in favor?

8 (Whereupon, members presented vote
9 "aye.")

10 Motion carries. Go ahead, Frank.

11 THE SOLICITOR: And the second vote would
12 be now that the conditional use application has been
13 granted, the borough has a land development ordinance
14 that was included and mentioned as part of the
15 engineer's report.

16 The motion would be to grant land
17 development approval to this application.

18 MR. MATTHEWS: I'll make a motion.

19 MR. CASSIDY: Second on the motion.

20 MS. BECK: All in favor?

21 (Whereupon, the members presented vote
22 "aye.")

23 MS. BECK: Opposed?

24 (No response.)

1 Motion carries.

2 THE SOLICITOR: Mr. Murphy, any other
3 comments?

4 MR. MURPHY: No, I have no other comments
5 other than to thank council, Ms. Nelson, Mr. Catania
6 for your hard work on this.

7 Mr. Henderson, who's a representative of
8 the applicant just popped up here.

9 MR. HENDERSON: I would like to -- my
10 colleague, Ben Cullop, is on this call. He just joined
11 after a flight. You may recall him speaking last year
12 on this project. I just want to say thank you for
13 everyone's time and attention on this. We really
14 appreciate the partnership with the borough and like
15 we've said before, we're committed to finishing all of
16 the work on this park and making it a very great place
17 to live for the tenants. So again, thank you so much
18 and we're really amped to kick things off and get this
19 expansion completed.

20 MS. BECK: You're welcome.

21 (Hearing concluded.)

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C E R T I F I C A T E

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I hereby certify that the proceedings are contained fully and accurately in the notes taken by me in the proceedings of the above cause, and that this copy is a correct transcript of the same.

Bridget Galloway Owen
Official Court Reporter