

**HULMEVILLE BOROUGH COUNCIL**  
**Conditional Use Meeting – Fifth Meeting**  
**July 27, 2023**

A special meeting of the Hulmeville Borough Council was held on the above date at the William Penn Fire Company, 123 Main Street. The purpose of the meeting was to consider a conditional use application submitted by Superior Holdings LLC. This was a continuation of the meetings conducted on March 15, May 18, May 31, and June 29, 2023.

**Councilmembers Present**

Thomas Wheeler, President  
Dan Mandolesi, Vice President  
Nick Lodise  
Judy Coleman  
Nick Toth  
Doug Harris  
Jim Pio

**Staff in Attendance**

Thomas Panzer, Solicitor  
Bill Wheeler, Borough Manager  
Dorothy Omietanski, Secretary  
Debbie Mahon, Mayor  
John Baran, Chief of Police

**Council Members on Zoom:** none

**Councilmembers Absent:** Naz Atabas, Junior Council

**Councilmembers Late to Arrive:** none

**Staff on Zoom:** none

**Staff Absent:** Diane McKairnes, Treasurer, and Kurt Ludwig, Water and Sewer President

**Guests in Attendance:**

- **For the Applicant:** John Kennedy, Kennedy and Assoc, Land Planner, Robert Cunningham, Holmes Cunningham Engineering, Civil Engineer and Ed Murphy, Esq, Attorney for Applicant and Eugene Laurenzetti, Superior Holdings LLC
- **For the Protestant:** Terry Clemons, Esquire, representing the Hulmeville Conservation Committee, Daniel Gray, Knight Engineering Inc, Charles Guttenplan Land Planning Consultant and Don Rice Geologist.
- **For the Borough:** Amanda Fuller, Gilmore and Associates, Borough Engineer, Judith Stern Goldstein, Gilmore and Associates Planner
- **Stenographer:** Donna DeAngelis Lehmann, Court Reporter

**Call to Order:** Tom Wheeler called the meeting to order at 7:01 pm; all those present joined in the Pledge of Allegiance.

**Procedural Matters:**

- Mr. Panzer confirmed that Mr. Pio who was absent from the 6/29/23 meeting received and has read the transcripts.
- Mr. Panzer would like the next meeting to be the final meeting. He stressed to both parties as well as the public the need to keep their comments and questions short and to the point so that the meeting can come to an end.
- The final meeting will allow public comment. Public comment will not be limited to a time but Mr. Panzer is stressing the group to keep their comments brief and to the point. After the record is closed each party will have the opportunity to submit briefs. Council will then deliberate privately and arrive at a decision at a public meeting. The decision needs to be made within 45 days of the close of testimony.

**Parties:**

Steve McGinnis of 222 Main St. requested party status. Neither party objected and the request was granted.

**Council Exhibits:**

No additional Council exhibits were presented at this meeting.

**Applicant Exhibits:**

Note, these are in addition to those presented at the meetings on March 15, May 18, May 27 and June 29, 2023.

19. Borough Ordinance Conditional Use Requirements

**Proponent Exhibits:**

Note, these are in addition to those presented at the meetings on March 15, May 18, May 27 and June 29, 2023.

8. CV – Don Rice
9. Exhibits re: Hydrologic Issues
10. CV Charles Guttenplan
11. Guidance Document – Traditional Neighborhood Development
12. Photos of Homes in Hulmeville
13. Borough of Lansdale Single Access Street Standards

### **Proponents Case:**

- Mr. Clemons continued to ask questions of Daniel Gray regarding his opinion on the plan proposed by the applicant and where he believes it is in violation of the Hulmeville Borough ordinance. Mr. Grays issues are as follows:
  1. The applicant is not providing adequate streets and sidewalks in their plan. The emergency access suggested would be an issue with the grade that the hill is at and would be difficult to travel in the winter time.
  2. Mr. Gray believes that 26 townhouse units exceeds impervious surface requirements.
  3. The applicant defines a minimum lot width of 25 feet but the ordinance clearly states a maximum lot width of 25 feet.
  4. Lots 1-39 (single family dwellings) are not providing alley ways and parking in the back of the property which is required in a traditional plan. All driveways are in the front.
  5. Open Space on the plan is not central to the neighborhood. Apartment buildings do not have any open space around them.
  6. The plan does not provide the proper width right away along Trenton Rd and only shows half width.
  7. The plans do not meet parking requirements on some of the townhouse units and single homes. The driveways are narrow and smaller than standard sizes. Overflow parking is not centrally located which will encourage parking on the street which will cause issues for emergency vehicles.
  8. There are some questions with regards to the property markers along Main St belonging to the homeowner or new development.
  9. The mapping of the wet lands is being provided by Gilmore and Assoc. Mr. Gray believes the mapping should be more detailed by a professional.
  10. Front yard setbacks are not being met under the current plans.
  11. The architectural plans should be exact not pictures of possibilities.
  12. Mr. Gray read 12 ordinance requirement that he believes the plan has failed to follow. These issues are regarding placement and distance.

### **Questioning:**

- Mr. Murphy asked several questions of Mr. Gray.
  1. Mr. Murphy stressed that the level of detail for the application of a Conditional Use Application is not the same as what will be required in the Subdivision and Land Development Stage. The level of detail at this point is a sketch plan. Right now, the application is for use only not to provide specific details to a plan. The next step the applicant will comply with all requirements. Mr. Murphy provided Mr. Gray a copy of the borough ordinance conditional use requirements which confirms his point.
  2. Mr. Murphy pointed out that the borough currently has no alley ways and the plan could use another form of parking if Council agrees.

3. Mr. Murphy stated that there is a waiver process that would address the 12 ordinance requirement issues that Mr. Gray mentioned. During that time council would decide on how they want to proceed with regard to all these matters.
- Council Members had a few questions.
    1. Mr. Pio asked Mr. Gray how many conditional use hearings he has been a part of to which he responded more than 10 less than 20. Mr. Pio confirmed that there are no traditional neighborhoods in the Borough which means there are no alley way parking.
    2. Mayor Mahon confirmed that Mr. Gray is proposing a crosswalk from the neighborhood to Green St which he responded yes.

### **Proponents Case:**

- Mr. Clemons introduced Don Rice a geologist to discuss storm water management in the proposed plan by the applicant. Mr. Clemons reviewed Mr. Rice's qualifications. Mr. Murphy objected to his testimony being heard with respect to relevance Mr. Panzer over ruled his objection. Mr. Rice was not given permission to enter the property in questions so he based his conclusions on property adjacent to the land in question. He took samples after a rain storm in the soccer fields and church property along Main St. He found both clay material and a significant amount of puddling. He is concerned with the amount of clay because clay will not allow infiltration in the basins just evaporation. He was also concerned with the location of the one basin being too close to Little Rio, a small creek. The water from that basin will flow into Little Rio causing flooding down stream. He also pointed out that wetlands need to be professionally documented as required by Hulmeville's ordinance.

### **Questioning:**

- Mr. Murphy asked several questions of Mr. Rice.
  1. Mr. Murphy pointed out the Mr. Rice did not collect data on the actual property in question so his data is not an accurate reflection of the area in question.
- Council Member Questions
  2. Mayor Mahon confirmed that Mr. Rice only dug down 6 inches into the ground. Mayor Mahon stated that she planted 13 trees in the soccer field area where he observed the water pooling. Only one of the trees when she was digging did she discover water the other 12 areas were fine. From her digging, which was much deeper than Mr. Rice's, she did experience different types of soil not all were clay.
  3. Jim Pio asked if wetlands can change over time. Mr. Rice confirmed they can and not all wetlands are wet all the time. Mr. Rice believes the best positioning of the

basins would be where the soil is the best which in his opinion is at the top of the hill where the houses are planned to be built.

- Party Questions

1. Steve McGinnis on 222 Main Street confirmed that he has a significant amount of clay in his yard.

**Motion made by Mr. Pio and seconded by Mr. Mandolesi to continue the meeting on August 7, 2023, at 7 pm at William Penn Fire Co; motion passed with all in favor 7-0-0.**

Respectfully Submitted

Dorothy Omietanski  
Secretary Hulmeville Borough