

Via electronic service only due to Emergency Order at M-2020-3019262

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PECO Energy Company for a Finding :	P-2021-3024328
Of Necessity Pursuant to 53 P.S. § 10619 that the :	
Situation of Two Buildings Associated with a Gas :	
Reliability Station in Marple Township, Delaware :	
County Is Reasonably Necessary for the :	
Convenience and Welfare of the Public :	

**INTERIM ORDER
GRANTING IN PART AND DENYING IN PART PECO'S OBJECTIONS TO
PUBLIC INPUT HEARING EXHIBITS AND MOTIONS TO STRIKE
TESTIMONY OFFERED BY MARILIA MANCINI-STRONG**

Public input hearings in the above-captioned matter were held on May 25, 2021 and May 26, 2021, at 1:00 p.m. and 6:00 p.m. both days.

Two witnesses, Gregory Fat (Mr. Fat) and Marilia Mancini-Strong (Ms. Mancini-Strong), offered exhibits during their testimony.¹ Mr. Fat's proposed exhibits were marked as GF-A through GF-T and Ms. Mancini-Strong's exhibits were marked as MM-S-1 through MM-S-7.

On June 4, 2021, An Interim Order was entered setting deadlines for the filing of objections to the admission of the proposed exhibits, motions to strike testimony related to the proposed exhibits, and responses to any objections and motions to strike.

On June 11, 2021, PECO Energy Company (PECO) filed objections and motions to strike, arguing, *inter alia*, the proposed exhibits and testimony go beyond the relevant scope of

¹ Mr. Fat and Ms. Mancini-Strong filed protests in this matter and chose not to participate as active parties.

this proceeding, because they contain inadmissible hearsay, and because any probative value is outweighed by the danger of unfair prejudice and confusion of the issues.

On June 18, 2021, Julie Baker, (Ms. Baker), Theodore Uhlman (Mr. Uhlman), and Mr. Fat filed responses to PECO's objections and motions to strike.²

This Order pertains only to the testimony and exhibits offered by Ms. Mancini-Strong. The testimony and exhibits offered by Mr. Fat were addressed in a separate order entered June 30, 2021. The Exhibits proposed by Ms. Mancini-Strong that are admitted into the record pursuant to this Order (Exhibits MM-S-1, 4-6) are attached to this Order as an Appendix.

Discussion

This matter concerns PECO's Petition for a Finding of Necessity Pursuant to 53 P.S. § 10619 that the Situation of Two Buildings Associated with a Gas Reliability Station in Marple Township, Delaware County Is Reasonably Necessary for the Convenience and Welfare of the Public (Petition). In the Petition, PECO requests that the Commission, pursuant to 52 Pa.Code § 5.41 and Section 619 of the Municipalities Planning Code (MPC), 53 P.S. § 10619, make a finding that: (1) the situation of two buildings at 2090 Sproul Road, Marple Township, Delaware County, Pennsylvania, 19008 (2090 Sproul Road) for a proposed gas reliability station is reasonably necessary for the convenience and welfare of the public and, therefore, exempt from any zoning, subdivision, and land development restriction of the Marple Township Subdivision and Land Development Ordinance and the Marple Township Zoning Code pursuant to MPC § 619, and (2) a proposed security fence appurtenant to the Gas Reliability Station is a "facility" under 66 Pa.C.S. § 102 and is therefore exempt from local zoning requirements.

PECO avers in its application that its current natural gas distribution system in Delaware County is experiencing, or soon will be experiencing, design day constraints. Consequently, PECO plans to utilize an existing Liquified Natural Gas tank located elsewhere on

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Ms. Baker and Mr. Uhlman filed protests in this matter and chose to participate as active parties.

its system (in West Conshohocken) as a source of supply for Delaware County generally and Marple Township in particular. This larger Natural Gas Reliability Project consists of: (i) upgrading PECO's natural gas plant in West Conshohocken; (ii) installing 11.5 miles of new gas main; and (iii) constructing the Gas Reliability Station in Marple Township, Delaware County to receive and distribute the natural gas transported by the full Reliability Project. The Petition at issue in the instant matter pertains only to the Gas Reliability Station.

Article VI of the Pennsylvania Municipalities Planning Code (MPC)³ provides that “[T]he governing body of each municipality . . . , may enact, amend and repeal zoning ordinances to implement comprehensive plans . . .”⁴ Article VI of the MPC does not apply to a proposed building to be used by a public utility corporation if, after notice to the municipality and corporation and public hearing, the Commission decides that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public.⁵

Therefore, a municipality may zone a public utility building unless the Commission determines that the building is reasonably necessary for the convenience or welfare of the public. If the Commission finds that the building is reasonably necessary, the building is exempt from a local zoning ordinance under the MPC.⁶ Section 619 of the MPC does not require a utility to prove that the site it has selected is absolutely necessary or that it is the best possible site, it need only show that the building is reasonably necessary.⁷ The Commonwealth Court has explained, “We do not interpret [Section 619 of the MPC] as requiring the [Commission] to

³ 53 P.S. § 10101 *et seq.*

⁴ 53 P.S. § 10601.

⁵ See 53 P.S. § 10619.

⁶ *Del-AWARE Unlimited, Inc. v. Pa. Pub. Util. Comm'n*, 513 A.2d 593 (Pa. Cmwlth. 1986).

⁷ *O'Connor v. Pa. Pub. Util. Comm'n*, 582 A.2d 427 (Pa. Cmwlth. 1990).

reevaluate the entire project. [Section 619 of the MPC] merely directs [the Commission] to determine whether the *site* of the [proposed facility] is appropriate to further the public interest.”⁸

Additionally, the Commission has adopted a final policy statement order intending to further the State’s goal of making State agency actions consistent with sound land use planning by considering the impact of its decisions upon local comprehensive plans and zoning ordinances.⁹ The policy statement provides that the Commission will consider the impacts of its decisions upon local comprehensive plans and zoning ordinances when reviewing applications for the following:

- (1) Certificates of public convenience.
- (2) Siting electric transmission lines.
- (3) Siting a public utility “building” under section 619 of the Municipalities Planning Code (53 P.S. §10619).
- (4) Other Commission decisions.¹⁰

Therefore, the issue in this case is whether the siting of the proposed buildings is reasonably necessary for the convenience or welfare of the public. The Commission must “determine whether the site of the [proposed facility] is appropriate to further the public interest.”¹¹ The scope of inquiry in this proceeding **does not include** whether the selected site is absolutely necessary or the best possible site, or whether the service to be provided by the public utility facilities is reasonably necessary for the convenience or welfare of the public.

Consequently, testimony and exhibits which challenge the existence of the proposed Natural Gas Reliability Station do not address the limited issue in this proceeding –

⁸ *Del-AWARE Unlimited, Inc. v. Pa. Pub. Util. Comm'n*, 513 A.2d 593 (Pa. Cmwlth. 1986) (emphasis in original).

⁹ See 31 Pa. Bull. 951 (February 17, 2001).

¹⁰ 52 Pa.Code § 69.1101.

¹¹ *Del-AWARE Unlimited, Inc. v. Pa. Pub. Util. Comm'n*, 513 A.2d 593 (Pa. Cmwlth. 1986) (emphasis in original).

whether the proposed siting of the buildings in question is reasonably necessary for the convenience or welfare of the public.

PECO's Objections to Ms. Mancini-Strong's Testimony and Exhibits

Exhibit MM-S-1

PECO did not object to the Admission of Exhibit MM-S-1. Therefore, Exhibit MM-S-1 shall be admitted into the record.

Exhibit MM-S-2

Exhibit MM-S-2 is a PowerPoint slide containing Ms. Mancini-Strong's characterization of PECO's testimony before the Zoning Hearing Board. PECO objects to the admission of Exhibit MM-S-2 and any related testimony on the grounds that their admission into evidence is barred by the "best evidence" rule¹² and they are incomplete and inaccurate characterizations of PECO's testimony before the Marple Township Zoning Hearing Board.

Furthermore, PECO argues the Zoning Board Hearing transcript has been offered into evidence as Exhibit MM-S-1 and is a document that speaks for itself and constitutes the best evidence of PECO's testimony in that proceeding. Accordingly, PECO argues that Exhibit MM-S-2, which constitutes Ms. Mancini-Strong's summary and or characterization of said testimony, should be stricken from the record as improper, together with the related testimony that appear at 333:20-334:20 and 344:14-346:16.

¹² Pennsylvania Rule of Evidence 1002 provides that an original writing, recording, or photograph is required to prove its content unless these rules, or other rules prescribed by the Supreme Court, or a statute provides otherwise. Pa. R. E. 1002. This is because secondary evidence of the contents of documents, whether copies or testimony, is susceptible to inaccuracy and the rule inhibits fraud as it allows the parties to examine the original documents to detect alterations and erroneous testimony about the contents of the document. Pa. R.E. 1002(2) and (3). This rule corresponds to the common law "best evidence rule." See *Paula Dibiasi v. PPL Electric Utilities Corporation*, No. F-2017-2590433, 2017 WL 3868551, at *5 (Pa. PUC July 31, 2017).

In response, Ms. Mancini-Strong acknowledges that the information on this exhibit was from the Zoning Board Transcript and explains, “my intent was to highlight/summarize the scope of this project presented by PECO representatives.”

Exhibit MM-S-2 substantially consists of excerpts of the Transcript found in MM-S-1, which is itself admitted into the record in its entirety, and three screen shots from the Zoning Board Hearing: one of a Zoom screen depicting the faces of the individuals participating, one of machine stacks, and one of a wall. The screen shot of the Zoom participants is not relevant. The images of the stacks and the wall are identical to the images found in Exhibit GF-T, which has been admitted into evidence. Exhibit MM-S-2 is not admitted as the excerpted quotes are redundant to Exhibit MM-S-1 and the screen shots are either cumulative or not relevant.

Ms. Mancini-Strong’s testimony at 333:20-334:20 is simply colloquy between the undersigned and Ms. Mancini-Strong regarding the identification and marking of Exhibit MM-S-2, and is not stricken as it does not include any substantive testimony. With regard to Ms. Mancini-Strong’s testimony at 344:14-346:9, it is essentially the identification and marking of exhibits. With regard to her testimony at 346:9-16, it is some identification, but also includes Ms. Mancini-Strong’s opinion of the proposed project. Therefore, PECO’s motion to strike the testimony at 333:20-334:20 is denied.

Exhibit MM-S-3

Exhibit MM-S-3 purports to be a list of information that PECO allegedly agreed to provide during a public meeting with Marple Township residents and stakeholders in April 2021, but allegedly never provided.¹³ PECO objects to the admission of Exhibit MM-S-3 and requests that the related testimony at 334:22-338:1; 343:3-9; and 346:17-25 should be stricken from the record. PECO argues the exhibit contains inaccurate information since PECO did serve the active parties with direct testimony covering the issues in Ms. Mancini-Strong’s list. PECO further objects arguing that the best evidence of the information provided by PECO is the pre-

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Transcript at 338:16-21; 343:3-6.

served testimony itself, and Ms. Mancini-Strong's list has no probative value. Further, PECO argues the exhibit is offered only to confuse the issues and cast PECO in a false light.

In response, Ms. Mancini-Strong argues PECO may have provided the information to active parties, but it was not available to inactive parties like herself. She argues that, if PECO was being honest and open about this plant, the residents of Marple would have received a communication from PECO themselves.

The undersigned notes that on May 26, 2021, PECO advised that it would make its non-confidential direct testimony available on its website. Furthermore, the Company's public transparency and public outreach efforts regarding this project have no bearing on the legal issue in this case – whether the proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public. Therefore, Exhibit MM-S-3 is not admitted as it is irrelevant.

Regarding the related testimony at 334:22-338:1, this testimony pertains to Ms. Mancini-Strong's opinions regarding the proposed facility and are appropriate considering the purpose and goals of a public input hearing. Her testimony at 343:3-9 and 346:17-25 is essentially identification of the exhibit. PECO's request to strike Ms. Mancini-Strong's testimony at 334:22-338:1, 343:3-9 and 346:17-25 is denied.

Exhibit MM-S-4

MM-S-4 purports to be a PowerPoint slide containing a screen shot of the April 2021 Uniform Residential Appraisal Report for Ms. Mancini-Strong's home and her interpretation of said report. PECO objects to the admission of MM-S-4 and any related testimony on the grounds that they constitute improper lay testimony and are mischaracterizations of documentary evidence. PECO argues Ms. Mancini-Strong is not qualified to offer testimony regarding the growth rate in Broomall because such testimony requires scientific, technical, or other specialized knowledge, none of which Ms. Mancini-Strong possesses. PECO avers that its position is evidenced by Ms. Mancini-Strong's misinterpretation

of the appraisal report which she acknowledged on cross-examination.¹⁴ Therefore, PECO requests that Exhibit MM-S-4 not be admitted and the related testimony that appears at 338:16-25 and 347:2-16 be stricken from the record as improper lay testimony and improper characterizations of documentary evidence.

In response, Ms. Mancini-Strong argues her intent in offering Exhibit MM-S-4 is to show that it is her opinion that there is no “rapid growth” in Broomhall and there is no reason to “prepare ourselves for potential gas supply constraints for years to come.” She also avers there are “other sources of energy supply such as solar.”

Exhibit MM-S-4 will not be accepted for any truth of statements or data contained in the document, however it will be admitted for the sole purpose of showing why Ms. Mancini-Strong has the opinions expressed during her testimony.

Regarding testimony at 338:16-25, this portion of her testimony does not relate to Exhibit MM-S-4, and may have been listed in PECO’s motion in error. Ms. Mancini-Strong’s testimony at 347:2-16 is essentially identification of the exhibit. Therefore, PECO’s request to strike testimony at 338:16-25 and 347:2-16 is denied.

Exhibit MM-S-5

PECO did not object to the Admission of Exhibit MM-S-5. Therefore, Exhibit MM-S-5 shall be admitted into the record.

Exhibits MM-S-6

PECO did not object to the Admission of Exhibit MM-S-6. Therefore, Exhibit MM-S-6 shall be admitted into the record.

¹⁴ See Public Input Hearing Transcript, at 354:1-4 (Q.: “So isn’t it true that this report does not state that there’s no growth in Broomall, but rather states that the growth is stable as of 2021?” A.: Uh-huh (yes)).

Exhibit MM-S-7

Exhibit MM-S-7 purports to be an aerial photograph of a section of Sproul Road in Marple Township with annotations supplied by Ms. Mancini-Strong suggesting that the proposed location for the Natural Gas Reliability Station is a “few ft away” from Russell Elementary School. PECO objects to the admission of Exhibit MM-S-7 on the grounds that it is irrelevant to the limited issues in this proceeding and are misleading. Also, PECO argues Ms. Mancini-Strong is not qualified to offer an opinion on the safety of the proposed Natural Gas Reliability Station and any probative value of this photograph is outweighed by the danger of unfair prejudice to PECO and confusion of the issues. PECO further argues this exhibit is misleading because: 1) it does not depict the location of the proposed site; and 2) it does not accurately depict the distance between the proposed site and Russell Elementary School.

In response, Ms. Mancini-Strong avers her intent with this exhibit is to show how close Russel Elementary school is from the proposed plant.

This exhibit does not show the proposed site and is therefore unhelpful to the undersigned. Furthermore, there is ample testimony in the record regarding the proximity of the elementary school to the proposed site. Therefore, to the extent that Exhibit MM-S-7 has any value, it is cumulative. As such, Exhibit MM-S-7 is not admitted.

THEREFORE,

IT IS ORDERED:

1. That Exhibit MM-S-1 is hereby admitted into the record.
2. That PECO’s objection to the admission of Exhibit MM-S-2 is sustained, and Exhibit MM-S-2 is not admitted into the record.
3. That PECO’s Motion to Strike Ms. Mancini-Strong’s testimony at

333:20-334:20 is denied.

4. That PECO's objection to the admission of Exhibit MM-S-3 is sustained, and Exhibit MM-S-3 is not admitted into the record.

5. That PECO's Motion to Strike Ms. Mancini-Strong's testimony at 334:22-338:1, 343:3-9 and 346:17-25 is denied.

6. That PECO's objection to the admission of Exhibit MM-S-4 is granted such that Exhibit MM-S-4 will not be accepted for any truth of statements or data contained in the document, and it will be admitted for the sole purpose of showing why Ms. Mancini-Strong has the opinions expressed during her testimony.

7. That PECO's Motion to Strike Ms. Mancini-Strong's testimony at 338:16-25 and 347:2-16 is denied.

8. That Exhibit MM-S-5 is hereby admitted into the record.

9. That Exhibit MM-S-6 is hereby admitted into the record.

10. That PECO's objection to the admission of Exhibit MM-S-7 is sustained, and Exhibit MM-S-7 is not admitted.

Date: July 29, 2021

/s/
Emily I. DeVoe
Administrative Law Judge

EXHIBIT MM-S-1

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Attorney for Appellee

**IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY,
PENNSYLVANIA
CIVIL ACTION — LAW**

Y.

Marple Township Zoning Hearing Board

Appellee

LAND USE APPEAL

SUPPLEMENTED RETURN OF RECORD FROM MARPLE TOWNSHIP ZONING HEARING BOARD

PECO Energy Company

Appellant

No. CV-2020-847

TO THE OFFICE OF JUDICIAL SUPPORT:

Enclosed please find a copy of the Board's Findings of Fact and Conclusions of Law, along with the completed Record and the Notes of Testimony from the Hearing of the Marple Township Zoning Hearing Board that is the subject of this Appeal.

Matthew J. Bilker, Esquire /s/

MATTHEW J. BILKER, ESQUIRE Attorney for Appellee

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IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY,
PENNSYLVANIA
CIVIL ACTION — LAW

PECO Energy Company

Appellant :

v.

: LAND USE APPEAL

Marple Township Zoning Hearing
Board

Appellee

FINDINGS OF FACT AND CONCLUSIONS OF LAW

FINDINGS OF FACT

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1. The Appellant / applicant is PECO Energy Company ("Applicant") (*N.O.T. Marple Township Zoning Hearing Board Hearing, 10/ 21/ 2020, p. 8,1. 9-12*).
2. Applicant is a registered Pennsylvania public utility company, whose corporate address is 2301 Market St, Philadelphia, PA 19103. (*N.O.T. Marple Township Zoning Hearing Board Hearing, 10/ 21/ 2020, p. 18,11. 13-14*).
3. The property in question is located at 2090 Sproul Road, Broomall, Marple Township, Delaware County, Pennsylvania, 19008 ("the Property") (*N.O.T. Marple Township Zoning Hearing Board Hearing, 10/ 21/ 2020, p. 16,1. 8-10*).
4. Applicant is the equitable owner of the Property. (*N.O.T. Marple Township Zoning Hearing Board Hearing, 10/ 21/ 2020, p. 89,11. 7-10*).

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5. The Property measures just over one-half acre and has an impervious surface. (*N.O.T. Marple Township Zoning Hearing Board Hearing, 10/ 21/ 2020, p.*

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20-21, ll. 24- 7).

6. The Property is located in Marple Township's "N" Neighborhood Center Zoning District, which permits retail commerce, business or professional offices, and municipal and governmental facilities uses as a matter of right. *See, Marple Township Zoning Map, attached to Reproduced Record.*

7. Marple Township's "N" Neighborhood Center Zoning District allows for gasoline services stations as a special exception use. *Article XV, §300-37 of the Marple Township Zoning Ordinances.*

8. Applicant, through its Zoning Application, proposes to construct a gasoline reliability station at the Property ("the Proposed Use") under special exception. Applicant also seeks a variance to erect a fence measuring eight feet in height around the Proposed Use in lieu of a permitted six-foot-high fence.

9. Specifically, Applicant seeks the following relief:

(a). authorization by the Marple Township Zoning Hearing Board for a Special Exception to Chapter 300, Article V, §300-37 and 39 to permit the Proposed Use in accordance with Marple Township Zoning Code; and

(b). a variance to Chapter 300, Article XIII, §300-111, Fences and walls, which limits fences to a maximum height of 6 feet.

10. Applicant made the following representations in its Zoning Application:

(a). The Proposed Use would include a principal, unmanned building

measuring 28 feet by 74 feet that would house technical equipment, along

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with an auxiliary building measuring 10 feet by 16 feet that would house telecommunications equipment;

(b). The Proposed Use would accept natural gas directly from a new gas main leading from Applicant's West Conshohocken plant and then re-distribute the natural gas to an existing and expanding network of gas mains servicing Delaware County;

(c). Applicant's Proposed Use would not produce or store natural gas;

(d). while most pipes would be underground, a few pipes would extend above ground, as would equipment designed to heat the gas when necessary;

(e). the entire working area would be secured by a fence measuring no less than eight feet tall, constructed of solid sheeting surrounding several inches of insulating material; and

(1. a grass and landscaped area would be located outside of the fence, and would occupy 40% of the Property.

11.On October 21, 2020, the Marple Township Zoning Board ("the Board") held a virtual, public hearing on Applicant's Zoning Application (the "Public Hearing").

12.Applicant presented evidence to the Board by way of exhibits and the testimony of seven different witnesses.

13.Aaron Szczesny is the Project Manager and is employed by EN Engineering.

14.Giovanna Iacono, P.E., is a Civil Engineer on the project and employed by Stantec Consulting.

15.Tim Flanagan is an employee of Applicant.

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16. Mehul Gandhi is a Project Manager employed by Applicant.

17. Henry Scheck is a Contract Project Manager from Lafata.

18. Michele Garrity is Applicant's External Affairs Manager of Delaware County.

19. Applicant, through its attorney, Neil Sklaroff, Esquire, provided the following specifics related to its Zoning Application, frequently referencing a PowerPoint that was admitted into evidence:

(a). The Proposed Use would be located at 2090 Sproul Rd, Marple Township, PA;

(b). Applicant had two requests of the Board: a special exception grant to allow operation and installation of the Proposed Use, and a variance to allow it to install an eight-foot-high security fence;

(c). The Proposed Use would receive its gas from eleven-and-a-half miles of new twelve-inch gas mains from the Applicant's West Conshohocken facility (*N.O.T. Marple Township Zoning Hearing Board Hearing*,

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10/21/ 2020, p. 19,11. 22-24);

(d). Two miles of that new gas main will located be in Marple Township (*N.O.T.*

Marple Township Zoning Hearing Board Hearing, 10/ 21/ 2020, p. 20,11. 2-3);

(e). The Proposed Use takes the gas from the main, ensures constant pressure, and adjusts the temperature in order to send the natural gas to an existing network of gas lines throughout Delaware County (*N.O.T.*

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Marple Township Zoning Hearing Board Hearing, 10/ 21/ 2020, p. 20, U. 6-12); (D.

The Property was last used as an automobile fuel station and is approximately 24,000 square feet and one-hundred percent impervious, with macadam and concrete (*N.O.T.*

Marple Township Zoning Hearing Board Hearing, 10/ 21/ 2020, p. 21, H. 2-9);

(g). The landscape development of the Property would reduce the impervious surface by thirty-four percent (*N.O.T. Marple Township Zoning Hearing Board Hearing, 10/ 21/ 2020, p. 22, H. 18-20);*

(h). In addition, trees and shrubbery would be planted on the Property (*N.O.T. Marple Township Zoning Hearing Board Hearing, 10/ 21/ 2020, p. 23, H. 36);*

(i). The primary principal building of the Proposed Use, measuring twenty-six feet wide, by sixty-two feet long, by fourteen feet high, would house gas measurement and pressure regulation equipment (*N.O.T. Marple Township Zoning Hearing Board Hearing, 10/ 21/ 2020, p. 24, U. 18-22);*

(j). A second room in the primary building would house data acquisition and controls that relate to the power controls and battery back-up (*N.O.T. Marple Township Zoning Hearing Board Hearing, 10/ 21/ 2020, p. 24-25, U. 23-4);*

(k). A second, smaller building measuring fifteen feet long, by 10 feet wide, by ten feet high, would be constructed to house telecommunications

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equipment (*N.O.T. Marple Township Zoning Hearing Board Hearing, 10/ 21/ 2020, p. 25, ii. 14-17*);

Above-ground pipes would be located behind the main building and would transport the gas around the building to line heaters located outside the building (*N.O.T. Marple Township Zoning Hearing Board Hearing, 10/ 21/ 2020, p. 26-27, 11. 22-2*);

(m).Depending on the air temperature, gas entering the facility may need to be heated, so that it can be regulated and processed to a lower pressure, before exiting via the distribution pipes (*N.O.T. Marple Township Zoning Hearing Board Hearing, 10/ 21/ 2020, p. 27-28, 11. 20-1*)

(n). Applicant also proposed the installation of an eight-foot-high fence to keep out intruders and minimize noise (*N.O.T. Marple Township Zoning Hearing Board Hearing, 10/ 21/ 2020, p. 29, ii. 19-20*);

(o).A technician would visit the site "probably" on a monthly basis for the purpose of "taking a look and checking everything out" (*N.O.T. Marple Township Zoning Hearing Board Hearing, 10/ 21/ 2020, p. 76, ii. 15-19*);

(p).In the event of venting into the environment (e.g., a gas leak), or if someone reported smelling gas, Applicant had protocols to handle the situation and respond on scene within 60 minutes (*N.O.T. Marple Township Zoning Hearing Board Hearing, 10/ 21/ 2020, p. 49, H. 11-15*);

(q). If an emergency occurred, however, local first responders would not be able to access the property—rather, only Appellant's technicians would be

EXHIBIT MM-S-1

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able to bypass the fencing to assess the situation (*N.O.T. Marple Township*

Zoning Hearing Board Hearing, 10/ 21/ 2020, p. 48, H. 7-10);

(r). Applicant's evidence suggested that it could not always anticipate such emergencies, since this type of facility is "brand new". (*See N.O.T. Marple Township Zoning Hearing Board Hearing, 10/ 21/ 2020, p. 50,11. 7-10*).

20. At the conclusion of the presentation, Applicant welcomed questions by the Board. (*N.O.T. Marple Township Zoning Hearing Board Hearing, 10/ 21/ 2020, p. 36, H. 23-24*).

21. Tim Flanigan testified that no other facilities similar to the Proposed Use exist and this would be the first such facility that Applicant has created. (*N.O.T. Marple Township Zoning Hearing Board Hearing, 10/ 21/ 2020, p. 44, ii. 16-19*).

22. Applicant submitted evidence that this would be the first time it moved a reliability station anywhere. (*N.O.T. Marple Township Zoning Hearing Board Hearing, 10/ 21/ 2020, p. 44, H. 22-23*).

23. Tim Flanigan testified that prior to the design of the Proposed Use, the Applicant used Gate Stations as transfer points between pipelines. (*N.O.T. Marple Township Zoning Hearing Board Hearing, 10/ 21/ 2020, p. 44-45, H. 24-4*).

24. Applicant stated that the proposed fence was designed to absorb sound, but admitted that some sound would be made as controls are opened and closed, gas goes through the system, and the natural gas heaters are turned on and off. (*N.O.T. Marple Township Zoning Hearing Board Hearing, 10/ 21/ 2020, p. 38, ii. 19-21*).

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25.In discussing the issue of the expected noise levels associated with the development, Applicant agreed with the Board that retail properties exist on two

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EXHIBIT MM-S-1

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sides of the Property, and residential properties exist on the other two sides. (*N. O. T. Marple Township Zoning Hearing Board Hearing, 10/ 21/ 2020, p. 39, ii. 20-22*).

26. Applicant stated it was confident that the Proposed Use would not produce sounds in excess of the local noise ordinance levels, but could not guarantee it. (*N.O.T. Marple Township Zoning Hearing Board Hearing, 10/ 21/ 2020, p. 54-55, 23-5*).

27. Aaron Szczesny testified that if a generator turns on, the Proposed Use might exceed the limits of the Township's noise ordinance. (*N.O.T. Marple Township Zoning Hearing Board Hearing, 10/ 21/ 2020, p. 55-56, 11. 12-10*).

28. Applicant stated that, in the event of an emergency, first responders would not have access to the Proposed Use, but that the station would be monitored "24/7", and that a responder employed by the Applicant would be on-site in "60 minutes or less". (*N.O.T. Marple Township Zoning Hearing Board Hearing, 10/ 21/ 2020, p. 49, 11-15*).

29. Regarding the possibility of a vehicle hitting the building at a high rate of speed, Tim Flannigan testified that Applicant would expect an odorized gas leak rather than an explosion and they would be able to remotely shut it down. (*N.O.T. Marple Township Zoning Hearing Board Hearing, 10/ 21/ 2020, p. 71, ii. 11-16*).

30. In addition to a collision, Applicant provided testimony about gas leaks. Specifically, because "you can never say never", Applicant has protocols in place in

the event of a venting (e.g., a gas leak) to handle the situation and filter the odors.

(N.O.T. Marple Township Zoning Hearing Board Hearing, 10/ 21/ 2020, p. 31-32, 21-1).

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31. Aaron Szczesny testified the Property would be equipped with external lights at the main station building ten to twelve feet high with downcast luminescence. (*N.O.T. Marple Township Zoning Hearing Board Hearing, 10/ 21/ 2020, p. 57, ll. 911*).

32. Aaron Szczesny testified that the only other lights would be single lights right above the door on the telecommunications building. (*N.O.T. Marple Township Zoning Hearing Board Hearing, 10/ 21/ 2020, p. 57, ll. 12-15*).

33. After the Board finished asking questions of Applicant, members of the public were given the opportunity to ask questions and offer comments.

34. Eleven members of the public asked questions and offered comments against the Zoning Application.

35. On November 18, 2020, the Board voted to deny the Zoning Application and issued and order confirming that decision.

36. On December 18, 2020, Applicant filed the present appeal. CONCLUSIONS OF LAW

1. The Board has jurisdiction in this matter.
2. Applicant has standing.

3. The Board, as a fact-finder, is the sole judge of the credibility and weight of the evidence presented. *Taliaferro v. Darby Township Zoning Hearing Board*, 873 A.2d 807 (Pa. Cmwlth. 2005).

4. Accordingly, the Board is free to reject even uncontradicted evidence that it finds lacking in credibility. *Nettleton v. Valley View Civil Association*, 828 A.2d 1033

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(Pa.2003). This includes testimony of an expert witness. *Taliaferro v. Darby Township Zoning Hearing Board*, 873 A.2d 807 (Pa. Cmwlth. 2005).

5. A zoning hearing board's own interpretation of its own zoning ordinance is entitled to great weight and deference from a reviewing court. *Smith v. Zoning Hearing Board of Huntingdon Borough*, 734 A.2d 55 (1999).

I. APPLICANT FAILED TO PRESENT SUBSTANTIAL EVIDENCE TO SATISFY THE REQUIREMENTS FOR A SPECIAL EXCEPTION.

6. A special exception is a use to which an applicant is entitled if it is able to demonstrate its compliance with all the specific requirements contained in a zoning ordinance. *Northeast Pennsylvania SMSA Limited Partnership v. Throop Borough Zoning Hearing Board*, 165 A.3d 1056 (Pa. Cmwlth. 2017).

V.

7. An applicant must present substantial credible evidence that it complies with—and meets—the specific requirements and standards of the zoning code for a proposed use as a special exception. *Danwell Corp. v. Zoning Hearing Board of Plymouth Township*, 540 A.2d 588 (Pa. Cmwlth. 1988).

8. A zoning hearing board's function on an application for special exception is to determine that such specific facts, circumstances, and conditions exist that satisfy the standards of the zoning ordinance and merit the granting of a special exception. *Greth Development Group, Inc. v. Zoning Hearing Board of Lower Heidelberg Township*, 918 A.2d 1818 (Pa. Cmwlth. 2007).

9. Chapter 300, Article V of the Marple Township Zoning Code provides:

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[1264032/2]

10

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(a).§300-39: Uses are permitted in "N" Neighborhood Center districts in accordance with §300-37. Specified uses are allowed as special exceptions in accordance with § 300-36(b) only when authorized by the Board.

(b). § 300-37: The Board is authorized to grant special exceptions for uses for applications that meet the following criteria:

(1) The use shall not generate high levels of vehicular traffic, nor noise, noxious odors, air pollution or glare.

(2) The manner, location and hours of operations and of deliveries to the premises shall be compatible with the daily cycle of active and quiet periods associated with any adjacent residential uses.

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(3) The use shall complement other uses in the district, creating a mixed-use character that contributes towards an increased rate of pedestrian access to local services, minimized auto-trip generation and additional security for district businesses.

I c o r

(4) Mixed-use structures containing residences shall have nonresidential uses only on a level or floor below residential uses.

(5) Additional special exception criteria specified in §§ 300-39-30043 of should also be met, when appropriate.

10. Applicant's application falls within the provisions of the Code which requires the Applicant to seek a special exception for the Proposed Use.

[1264032/2]

11

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11. Applicant has not satisfied all objective requirements §300-37 of the Marple Township Zoning Code to allow the Board to grant the special exception relief requested.

12. Authorization of the Proposed Use in this matter is contrary to the public interest.

13. Though professionally and thoroughly presented by the Applicant's attorney and its witnesses, the Board found Applicant's Zoning Application self-serving, in that the Applicant expended little effort exploring other sites for the Proposed Use, and seemingly settled on the first available property it explored.¹ As such, the Board believed this Application represents the proverbial "round peg in a square hole" scenario.

A. Applicant failed to present substantial, credible evidence that the proposed use will not generate high levels of noise, noxious odors or air pollution.

14. Applicant has failed to show that the Proposed Use will not generate high levels of noise.

15. Currently, there is no noise coming from the property.

16. Applicant provided evidence that the proposed structure was the first of

its kind; as such, the Applicant has no determinative proof or evidence of the noise levels that can be expected by such a development anywhere, let alone in a zoning district such as this.

'Although not necessarily germane to the issue of zoning relief, the Board was left without explanation as to the reasoning the Applicant abandoned gate stations in lieu of such a reliability station.



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[1264032/2]

12

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17.The Board does not agree with, nor does it accept, Applicant's testimony that the Proposed Use would not produce sounds in excess of local noise levels.

18.Applicant did not produce any supporting evidence of the alleged noise study that was conducted for the site.

19.Applicant freely admitted that the proposed fence was designed to be eight feet tall (which also requires zoning relief) in order to absorb sound from the opening and closing of controls, as gas goes through the system, and from the gas heaters.

20.Applicant further admitted that the generator going on and off may exceed the limits of the noise ordinance.

21.The Board does not agree
with—nor does it accept—that
the Proposed Use will not generate a high level of "odorized" gas.

22.In fact, Applicant discussed an issue whereby if someone smelled gas, its representative would then respond (in no longer than 60 minutes).²

23.Applicant offered no testimony or evidence on how frequently such an event could, or might, be expected to occur.

24.Applicant offered no testimony or evidence on how pungent or severe the smell of any odorized gas emanating from the Proposed Use could, or might, be expected.

25.Applicant offered no testimony regarding the presence or absence of any visible smoke that may be generated from the multiple heaters and generators on

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²Though perhaps tangentially related to the zoning application at issue, the Board did express concern that local first responders would be unable to bypass the fence in the event of an emergency.

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site at the Proposed Use, particularly in light of the fact that Applicant's stated intent would be to operate the facility 24 hours per day, every day.

26.Compared with the uses permitted in the "N" Neighborhood Center Zoning District (i.e., real estate offices, travel agencies, etc.), the level of noise, noxious odors, and air pollution from the Proposed Use may be considered unacceptably high.

B. Applicant failed to present substantial, credible evidence that the manner, location, and hours of operation of the Proposed Use is compatible with the daily cycle of active and quiet periods associated with adjacent residential uses.

27.The Proposed Use would be running (and allegedly monitored) 24 hours a day, seven days a week.

28.This 24 hour per day operation is incompatible with the retail neighbors abutting the premises.

29.Applicant's intention to erect and install noise-deadening measures suggests

a

substantial increase in sound levels at the Property attributable to the Proposed Use.^{a..}

30.Applicant offered no credible testimony or evidence to establishing (or suggesting) that sound levels at the Property would not substantially increase because of the Proposed Use.

31. Given the testimony and evidence presented by Applicant regarding venting (e.g., gas leaks), the Board believes there will be an increase in noxious gases

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emanating from the Proposed Use that both the residential and retail neighbors will be forced to smell.

[1264032/2]

14

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32. Applicant's intended twenty-four hour per day operation of the Proposed Use is incompatible with the residential properties that abut the Property.

C. Applicant failed to present substantial, credible evidence to that the Proposed Use will complement the other uses in the district, will create a mixed-use character that contributes toward an increased rate of pedestrian access to local services, or that it will provide additional security for the other businesses.

33. Applicant presented no credible evidence that the Proposed Use will contribute in any meaningful way to an increased rate of pedestrian access to local services.

• - I

34. Applicant presented no credible evidence that the Proposed Use will provide additional security for other businesses; in fact, the Proposed Use is not manned and would not be regularly (or easily) accessible to first responders.

II. APPLICANT FAILED TO PRESENT SUBSTANTIAL EVIDENCE TO SATISFY THE REQUIREMENTS FOR A VARIANCE.

35. Chapter 300, Article 13 of the Marple Township Code governs applications for variances for fences, and provides, in pertinent part: "[t]he maximum height for a fence or wall shall be six feet, measured from finished grade." *Marple Twp. Code, Chapter 300, Art. 13, 300-111(B)*.

36. The Pennsylvania Municipalities Planning Code ("MPC") provides that requests for variances may be heard by a local zoning board where the provisions of the governing zoning ordinance "inflict unnecessary hardships upon the applicant." *53 P.S. 10910.2*.

37. An owner of land is entitled to a variance, however, only where the property is subjected to an unnecessary hardship, unique or peculiar to itself, and where the

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grant thereof will not be contrary to the public interest. *H.A. Steeri, Industries v.*

Zoning Hearing Board of Bensalem Township, 396 A.2d 66 (Pa. Cmwlth. 1978).

38.The party seeking a variance bears the burden of proving that an unnecessary hardship will result if the variance is not granted and also that the variance will not be contrary to the public interest. *Valley View Civic Association v. Zoning Board of Adjustment*, 462 A.2d 637 (Pa. 1983).

39.Applicant failed to produce sufficient evidence to demonstrate that the eight-foot-high fence is necessary to remediate an unnecessary hardship.

40.The "unnecessary hardship" complained of by Applicant is, in fact, a self-created one, as Applicant's proposed fence is designed not just for better security, but also—according to Applicant's own evidence—to help deaden the sounds from the Proposed Use.

41.Authorization of a variance from the permitted six-foot fence to an eight-foot fence is contrary to the public interest.

42.Marple Township has never permitted an eight-foot-high fence to be lawfully erected.

MARPLE TOWNSHIP ZONING HEARING BOARD



JOSEPH PATTI, Chairperson

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1
BOARD
2

TOWNSHIP OF MARPLE ZONING HEARING

3
4

APPLICATION 2020-13 OF PECO ENERGY COMPANY FOR PROPERTY 6 LOCATED AT 2090
SPROUL ROAD, BROOMALL, PENNSYLVANIA

7
8
9

1 0
1 1 OCTOBER 21, 2020

1 2 .tt

virtual Marple 13
Zoning Hearing held via Zoom before the
14 Township Zoning Hearing Board in the above-referenced matter at 7:00
p.m. before Lori A. DiFabio, Professional Court Reporter-Notary Public.

16
17

18 LORI A. DIFABIO
19 PROFESSIONAL COURT REPORTER-NOTARY PUBLIC
MEDIA, PA 19063 P.O. BOX 292
20 610-544-5454

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1 MEMBERS OF THE ZONING BOARD

2

3 JOSEPH PATTI, CHAIRMAN k, of .10

3 JULES SPIGONARDO, MEMBER

6 ANTHONY VECHERCOFSKI,

S N MEMBER

7 STEVE REYNOLDS, MEMBER

8 A.D. BAKER, MEMBER

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5 JULES SPIGONARDO, MEMBER

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12 MATTHEW BILKER, ESQUIRE, SOLICITOR FOR ZONING HEARING BOARD

13 LARRY GENTILE, TOWNSHIP MANAGER

14 JOSEPH C. ROMANO, DIRECTOR OF CODE ENFORCEMENT

15 EDNA COOK, ASSISTANT TO CODE ENFORCEMENT DIRECTOR

16

17

18 NEIL SKLAROFF, ESQUIRE,

19 COUNSEL FOR APPLICANT

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21	IB
22	IT
M	
23	M
24	-

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2 P A G E S

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1 EXHIBITS

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3 B-1 Applicant's Application

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Daily Times 36

4

5 B-2 Notice in the Delaware County

6 ►

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B-4
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Photograph of List of Residents who
Received Notice of Hearing

11

12 B-5 Map of Surrounding Properties

13

14 Applicant's Rendered Site Plan

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5 GIOVANA IACONA 14

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7 AARON CHESNEY 14

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9 HENRY SCHLECK 14

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11 MEHUL GANDHI 14

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13 MICHELE GARRITY

16

14

15 ALICIA GLEN

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Co &

1 MR. PATTI: Larry, thank you very

4

2 much.

³welcome, everyone, to the October board meeting for the
⁴zoning hearing board for Marple Township, and I see the
⁵full panel members.

⁶So if we can please say the Pledge of Allegiance.

⁷

⁸

⁹

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10 (Whereupon, the Pledge of Allegiance To
11 The Flag was recited at this time.)

12

13 MR. SPIGONARDO: God bless America.

14

15 seated.

16

17 do have a full board this evening.

18

19 commissioner liaison, John Lucas, and our

20

²¹ variance to Chapter 300, Article XII,

22 Section 300-91.7, 98.A and 99.A, B and C of

23 the Marple Township Code as amended.

I 1 The location is 489 Parkway Drive,

Lod

1

Broomall, PA, and is currently zoned I

2

(Light Industry).

3

The petitioner wishes to replace an

EXHIBIT MM-S-1

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4 existing non-conforming sign with an LED

5 message board sign which is over the size

EXHIBIT MM-S-1

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6 and height limit for a free-standing sign.

7 The message board will be on one side
8 only.

9 Do I have someone
representing the

10 applicant this evening?

11 Larry, you are muted.

12 MR. GENTILE: I'm sorry. I apologize.

13 For anyone representing that applicant
14 in the attendees, I would ask you to please
15 raise your digital hand, and I will move you
16 over to a panelist.

Ar--NIL immr-

17 And I'm looking for -- You said it was
18 Mr. Feld?

19 MR. COOK: Gregory Feld.

20 MR. PATTI: Yes. F-e-1-d is the

22
23

He is the applicant. Is he not in
attendance?

hand, and 24 MR. GENTILE: I see no digital

1

I do not see any Mr. Feld on the attendee

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2

list.

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Again, anyone calling in from a number or a different name, please raise your digital hand so I can see it and move it over if you are representing Mr. Feld in this case. MR. PATTI: If he is not here, Matt, Matt Bilker, do we have the ability to continue this until the next month?

MR. BILKER: Well, the answer is yes, but he is going to have to pay to get the matter readvertised because the public is going to have to have notice. So I will leave it up to Larry and how they want to do that, but typically if you have to readvertise to allow the public the receive notice of when they can come out to hear the matter, my feeling is you have to readvertise.

That he would have to pay the fees again for the application.

But yeah. Other than that, he can certainly get the matter continued.

2 4

22

2 3

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1 MS. COOK: Should I try to call him?

2 MR. ROMANO: No. We will just continue
3 it till next month.

4 MS. COOK: Okay.

5 MR. PATTI: He should have known that he
6 should have been here to present his
7 application.

8 MS. COOK: I talked with him yesterday.

9 MR. PATTI: We don't generally hear an
10 application unless somebody is in
11 attendance, do we?

12 MR. ROMANO: If he comes on later, we
13 • will let him speak. We will start hearing
14 the next case.

15 If he comes in

F 16 MR. GENTILE: All right. Just give me
17 one second.

18 Just in case, again, I see no Mr. Feld
19 on the attendee list, and I will give you a
20 very brief explanation again for those who
21 don't know how to raise their hand. It's

22 very simple.

23 You can actually just go right next to

252 PAGES

24

it and just click on "raise your hand", but

8

1 I don't see it.

2 So we are going to go onto the next
3 case.

4 Okay, Mr. Patti?

5 MR. PATTI: Okay. All right. Let's do
6 that. 1.1

7 The other case we have for this evening
8 is 2020-13.

9 PECO Energy Company for a Special

10 111\.¹¹¹N

Exception to Chapter 300, Article V, Section 300-37 and
39 of the Township Code as

amended.

1 The location is 2090 Sproul Road which
14 is at the corner of Sproul Road and Cedar
15 Grove Road and is in the "N" Zoning
16 District.

17 A public utility facility is permitted
18 in the "N" District if it meets the standard

19 for a Special Exception.

20 The applicant is also asking for a

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21 variance to Chapter 300, Article XIII,
22 Section 300-111 of the Township Code as
23 amended.
24 The applicant is also asking for a

9

1 variance to Chapter 300, Article XIII,
2 Section 300-111 of the Township Code as
3 amended. \\\
4 They are asking to surround the
5 facility with an eight foot fence/wall.

a 6 And I assume we do have people,
Larry,
in attendance, to present for this evening? MR. GENTILE: There should
be at least seven, if not eight.

10 8 So I would ask at this time
11 9 representatives, Mr. Sklaroff, if you can
12 raise your hand, and I'll start moving you
13 over. Okay.

14 MR. VECHERCOFSKI: Mr. Chairman, should
15 we swear them in one at a time or should we
16 do a group swearing in?

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17 MR. PATTI: Yes. I would recommend a
18 group swearing.

19 Let's get all their names and their
20 addresses, and then, we will swear them all
21 in together.

22 And if they have an attorney or a point
23 person that is running the presentation,

j or

24 then, we will let that person speak and make
g

4 1 17 1 #

1 the identities.

2 MR. BILKER: They do. They should
have
•
3 a lawyer here.

4
5
6 MR. GENTILE: They are starting to come

7 up. Just give me one second. I have a few
8 more.

9 okay. Neil, I believe we have everyone
10 from PECO moved over to a panelist.

11 MR. SKLAROFF: Yes. Somehow I'm listed
12 as Joe Kessler.

MR. PATTI: We can call you Neil.

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are the point person, I guess, for the

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14 presentation.

15 MR. SKLAROFF: Yes.

16 MR. PATTI: You would have everyone who
17 is going to speak, who they are, where they
18 are employed and their address.

19 We will do that all together, and then,
20 everyone will be sworn in by Anthony.

21 MR. SKLAROFF: All right. Why don't I
22 begin?

23 My name is Neil Sklaroff. I am an
24 attorney with Dilworth Paxton in

11

3
Energy

1 Philadelphia, 1500 Market Street,
2 3500-E, and I'm here to represent

Company.

4 I believe Aaron Chesney should be
5 here? Aaron.

6 AARON CHESNEY: Yes. Good evening. I
7 am Aaron Chesney. I am the Project Manager
8 with EN Engineering. 28100 Torch Parkway,

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9 Suite 400, Warrenville, Illinois, 60555.

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10 MR. SKLAROFF: Giovana Iacona.

11 GIOVANA IA CONA: I am here, Neil. I am
12 Giovana Iacona with Stantec Consulting.

13 Civil Engineer on the project.

14 Address is 1060 Andrew Drive, Suite
15 140, West Chester, Pennsylvania.

16 MR. SKLAROFF: Tim Flanagan.

17 TIM FLANAGAN: Hello, Neil. My name is
18 Tim Flanagan. I am employed by PECO
19 Energy.

20 My address is 102 Gerstley Road,
21 G-e-r-s-t-1-e-y, Road in Hatboro, PA.

22 MR. SKLAROFF: Mehul Gandhi.

23 MEHUL GANDHI: Hi, Neil. My name is
24 0 Mehul Gandhi. I am also employed by PECO.

C0⁹¹

12

1 I am a Project Manager, and I'm currently
2 residing at 462 Croasdale Drive in
3 Langhorne, PA.

4 MR. SKLAROFF: Henry Scheck. Henry

5

joining us?

6
evening.

HENRY SCHECK: I am here. Good

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7 Henry Scheck. I am a contract Project Manager for
8 Lafata working on this project for PECO.

9

10 I am at 1466 Link Drive, Garnet Valley,
11 PA.

12 MR. SKLAROFF: Michele Garrity.

13 MICHELE GARRITY: Good evening. I am
14 Michele Garrity. I'm an External Affairs
15 Manager for Delaware County for PECO, and Iii

1? :01° 61 1

16 reside at 2024 Julia Drive, Conshohocken,.
17 PA.

18 MR. SKLAROFF: And if I have this name
19 correctly, is it Alicia Glen? Is she
20 joining us this evening?

•

21 144111' MR. PATTI: I do not see her.

22 MR. SKLAROFF: Very well. we will

23 continue at this point. we would be pleased
24 to be sworn.

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1 MR. PATTI: Tony, if you would you swear
2 everybody in?

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3 MR. VECHERCOFSKI: Good evening,
4 everybody. Could you please raise your
5 right hand?
6 - -

7 (Cwhereupon, Tim Flanagan, Aaron
8 Chesney, Giovana Iacona, Mehul Gandhi,
Henry
9 Scheck and Michel Garrity were sworn in at
10 this time.)

11 -

12 MR. VECHERCOFSKI: Thank you very much.

13 MR. PATTI: Thank you very much for
14 that. MN '

15 I guess at this point, why don't you
16 tell us a little bit about the reason for
17 O choosing this site or what the project is
18 1about and feel free to introduce
20 and have

people speak to the project.

I'm sure the board will have some
21 questions, and then, we will turn to the
22 audience for any questions.

23 MR. SKLAROFF: We would be pleased to
24 answer questions.

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4.

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1 I thought for efficiency I would --

2 MR. GENTILE: Excuse me, Neil, I'm
3 sorry to interrupt. You said you have one
4 other person. A hand just popped up.

5 And who is that person?

6 MR. SKLAROFF: Alicia Glen?

7 MR. GENTILE: Yeah. There is not a name
8 her over, this here, but I am going to move 1.4

9 11her. person over.

10 I think it may be

12 14 If she identifies herself and that
13 on. 15 is Alicia, then, we can keep her

16 17 we will move her over. She will get
sworn in as well.

Alicia, are you here?

ALICIA GLEN: Yes. I'm here.

MR. PATTI: Alicia, if you would state

18 your name and address and the company you
19 work for for the court reporter and then be
20 sworn in?

21

ALICIA GLEN: Okay. My name is Alicia

22

Glen. I work for PECO Security. My address

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23 is 12841 Cliff Drive, Philadelphia, PA,

24 19154.

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the need for the Special Exception and

MR. PATTI: Okay. Tony, if the fencing. you
would

swear her in.

MR. SKLAROFF: Certainly. May I share my

screen?

MR. VECHERCOFSKI: Thank you.

21101; MR. PATTI: Sure.

would you please raise right hand? your
please, to get the right document.

ALICIA GLEN, after having
been first

duly sworn to tell the truth, was examined

and testified as follows:

MR.

VECHERCOFSKI:

Thank you very

much. MR. PATTI:

okay. Thank you.

All right, Neil,

why don't you

feel free to get

started and we

will listen to

the project and
the reasons for

EXHIBIT MM-S-1

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21 I'm sorry.

22 I'm sorry. I'm having difficulty
23 making this work.

24 Good evening, Mr. Chairman, members of

16

1 A2
1 the₃ board, I'm going to present this case as

a₄ narrative.

we have₅ all the necessary experts here to answer any
6 questions and to confirm, if necessary, my statements about

the₇ project. Again, we are here as PECO Energy

I₈ Company.

Our₈ project is a gas reliability station to be installed at 2090
9 Sproul₉ Road in Marple Township.
10

There are two things we are asking from
11

12 the zoning board this evening.

13 we are asking for the grant of a

14 Special Exception to allow the operation and
15 installation of a public utility facility
16 and a variance to allow our security fence
17 to rise to eight feet in height where six

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18 feet is the permitted height.

19 PECO Energy is a public utility
20 company.

21 On the right of this screen, you will
22 see the definition in Pennsylvania's
23 Consolidated Statutes about what is the
24 definition of a public utility, and it

T

\ C r .

C) < # 1 . 1 C e s 6 4

1 includes a company that transmits and
2 4 distributes natural gas.
3 5 *

it 3 MR. BILKER: Neil, excuse me. Are you
trying to share your screen?

4 4 MR. SKLAROFF: Yes. I thought I was. MR. BILKER:
Larry, does he have the

7 ability to share his screen?

8 MR. GENTILE: Yes. I allowed him.

9 Actually all panelists can share their
10 screen, but Neil, if you are having a hard
11 time, I think I have your presentation on my

12 screen.

13 Do you want me to put it up?

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14 MR. BILKER: I only ask because it is

15 not on mine.

16 MR. SKLAROFF: I thought I had asked to
17 do that.

18 MR. GENTILE: Yes. You have permission.

19 MR. SKLAROFF: I don't see the -- There
20 was a little square figure with an arrow,
21 and I pressed that and I thought I got it.

22 MR. GENTILE: why don't we do this? why
23 don't I bring my screen up?

24 MR. SKLAROFF: All right.

T

18

1
2
C M R .
GENTLE: And we

GENTILE: And we will go from my

s c r e e n

h e r e ?

3 MR. SKLAROFF: Do you need to separate

5 MR. GENTILE: There you go.

6 Yes. Now, you just talk me through

from slide to slide, and you can tell me

8 when you want me to stop. okay, sir?

9 MR. SKLAROFF: Are you showing just
one

EXHIBIT MM-S-1

252 PAGES

10

slide now?

EXHIBIT MM-S-1

252 PAGES

11
definition

Again, this slide shows the

12

of public utility.

13
PECO

By this, we are establishing that

14

is a public utility.

15

It transmits natural gas in this

16

instance.

17
original

To the left, you will see the

18

Certificate of Public Convenience that was

19
of

issued by the Public Service Commission

20

the Commonwealth of Pennsylvania in 1929.

21

The natural gas reliability --

22

MR. PATTI: I can't see it.

23
second

MR. GENTILE: Are you seeing the

24

\ I C \ C . 9

C 0 9 1

19

1

MR. SPIGONARDO: No. You have to

2

advance. Go to the next.

3

MR. SKLAROFF: All right. I'm on one

4

that says Natural Gas Reliability Project.

5

MR. SPIGONARDO: Neil, if you could just

EXHIBIT MM-S-1

252 PAGES

6 tell him what page you're on.

EXHIBIT MM-S-1

252 PAGES

7 MR. SKLAROFF: I'm on page three.

here 8 MR. GENTILE: Page three? This one

9 (indicating)?

10 MR. SKLAROFF: We want to supply
11 reliable and sufficient gas service to,
12 Marple Township and the rest of Delaware
13 County.

14 The first prong is the modernization
15 and upgrade of the West Conshohocken
16 gas main.

17 Among other things, the West
18 Conshohocken facility is home to the
19 24/7 around the clock monitoring of
20 everything that is going to go on at the
21 Marple Township station.

22 • The second prong is the
23 installation of
24 eleven-and-a-half miles of new twelve inch
gas mains from the West Conshohocken

1

facility to Marple Township.

2

Two miles of that new gas main will be

EXHIBIT MM-S-1

3

in Marple Township.

252 PAGES

EXHIBIT MM-S-1

The third prong is the Marple Township reliability insures gas of

gas reliability station.

In this instance, the gas station takes the gas from the main, the constant pressure and adjusts the temperature in order to send the natural gas to an existing but ever expanding network of gas lines throughout Delaware County and ultimately to the consumer.

Without this major project, within a scope of about ten years, our ability to deliver natural gas adequately, safely and in sufficient supply would come into question.

19 \1\c Could we go back to the prior slide? This is the Zoning Site Plan for the

CO_I 2;1 project.

The property is subject to a

Subdivision Plan now before Marple

23

Township.

24
four

what you see here is about twenty-

EX HI BIT M MS-1 25 2 PA G E S

21

EXHIBIT MM-S-1

252 PAGES

1 thousand square feet.

2 The property was last used as a
3 gasoline filling station and an automobile
4 repair facility.

5 It was, we believe, a hundred percent
6 impervious with macadam and concrete
7 covering all or certainly most of the lot.

8 Those uses have been abandoned for ~~1~~
9 sometime. •

10 However, the property is well-suited
11 by location for the gas reliability station.

12 It happens to be just by topography
13 just an excellent candidate to serve this
14 purpose.
1

15 PECO engaged civil and environmental
16 engineers to conduct both a Phase 1 and a
17 Phase 2 environmental study.

18 Because it was last a gas station, the
19 Phase 1 discovered that, in fact, and
20 confirmed that it had been a gas station and
21 an automobile repair facility and also
22 discovered that the property had been
23 subject to an Act 2 land recycling program,

EXHIBIT MM-S-1
252 PAGES

22

1 remediation and mitigation of the soils,
2 removal of tanks known as USTs, and that
3 resulted in having the conditions improved
4 to the satisfaction of PA DEP and the
5 Environmental Protection Agency.

6 It was satisfied to be used for
7 non-residential uses. **yvki,**

8 The property, however, remained
9 subject to an environmental covenant, and
10 the covenant outlined steps to be taken if
11 additional petroleum impacts are found.
12
13

14 We know from our own testing that we may encounter some areas
15 that have been showing petroleum residue, and we will follow the
procedures in that covenant.

16 We will make this site much cleaner than it was when we started the
17 project.

18 In fact, we are going to include landscaping that will reduce the amount
19 of impervious surface by thirty-four percent. Unfortunately, I was unable
20 to put my
21

EXHIBIT MM-S-1

252 PAGES

22 Power Point up, but in the areas surrounding
23 and toward the sidewalk, there will be a
24 large amount of grass area that has not been

2 3

1 there before. It will be on all four
2 trees 3 planted, one evergreen and four deciduous
2 sides.
trees, 4 likely maples, as well as more than thirty
In addition to that, there will be four
shrubbs 5 to enhance the
• 6 beauty of the lot.

7 And there will also be a fence that will
9 surround the mechanical equipment that is
0 inside.

1 Larry, do you happen to have the rendered
11 landscaped plan that I sent you? MR. GENTILE:
12 Yes, Neil. I should have that up. Does
13 everyone else see it?

MR. SKLAROFF: I'm only seeing the Site Plan
in black and white.

MS. COOK: The Site Plan.
14

15

16

17

252 PAGES

18 MR. SPIGONARDO: It's page five.

19 MR. GENTILE: Hold on one second.

20 MR. SKLAROFF: Well, that is a rendering

21 of --

22 GIOVANA IACONA: I have it. If
you

23 could would like me to share the screen, I

24 landscaping share my screen. I do have the

24

1 rendering. 117 0\cc

2 MR. SKLAROFF: Yes. That would be

3 wonderful.

4 Is that MR.Giovana? GENTILE: Yes. I'm

going to stop

GIOVANA IACONA: Yes.

8

MR. GENTILE: Yes. I'm going to stop

9

sharing, Giovana. You should be able to

10

bring that up.

EXHIBIT MM-S-1

252 PAGES

11

GIOVANA IACONA: Okay. Can you see it?

12

MR. SKLAROFF: Yes. If you will notice,

13

the areas in the light green will be grassy

14

areas.

EXHIBIT MM-S-1

252 PAGES

15 You will see the trees alongside Cedar
16 Grove Road and along the driveway that goes
17 back to the shopping center.

18 The large brown building in the center
19 is the primary principal building that will
20 have the important equipment that includes
21 gas measurement and pressure regulation
22 equipment.

Oia?k ! 5 :

23 There will be a
24 second room in that
building, you will see at the bottom
there,

25

1 room
2 will be dedicated for data
3 on and controls, and that will
 the power controls and battery
4 back-up.

5 All of these pipes, we will be go back
6 and look at again, are monitored for safety.
7 They are regulated all remotely.
8 There will be nobody that will be
9 coming to work at this facility.

10

Also, towards the upper part of the

252 PAGES

11 drawings, you will see a small tan
12 building. That's a telecommunications
13 building.

14 PECO has a rather extensive
15 telecommunications network that is private,
16 and that is the facility that will house
17 that equipment.

18 Could we go back to the Site Plan
19 again?

20 GIOVANA IACONA: I stopped sharing.

21 Larry, do you want to pull the presentation
22 back up? Th'

• 23 MR. SKLAROFF: That's fine. Let's start
24 with this one here (indicating).

V INO*

C O C

we

1 This is an early rendering. Again,

26

lower 2 are showing the landscaping.

of 3 The parking you see toward the

4 left is towards the neighbor. It's part

5 his property.

6 Those shrubs you see are about to

EXHIBIT MM-S-1

252 PAGES

7

approximate the property line.

EXHIBIT MM-S-1 252 PAGES

8

we had 9 put some landscaping in here, but that was only for the purpose of
an 10 early rendering.

The 11 rendering we just saw better illustrates the landscaping that we put
in. 12

what 13 you are seeing in that tan building is the primary station
14 building that will have the equipment that I mentioned before in
it. 15

The 16 gray devices that are outside that are line heaters, and I think we
have a 17 drawing of that, but I wanted to point this out to show you the
context 18 to make sure you are

aware 19 of where everything is.

Most of 20 the gas lines, for instance,
coming 21 in or leaving are
ground. 22

Behind 23 this building, there is a small

U 24
2 7

1

2

redundant pipe that will send the gas around the building to these heaters.

3

EXHIBIT MM-S-1 252 PAGES
Could I see the next slide, please?

EXHIBIT MM-S-1

252 PAGES

4 This again is another rendering from
5 the intersection of Sproul Road and Cedar
6 Grove Road illustrating what you might see
7 from across the street, and you will see
the
8 fourteen feet high principal station
9 building.

feet 10 That will be measuring twenty-

11 feet by seventy-two feet, fourteen
12 high.

13 You will also see the fiber building.

14 Again, that is our telecommunications. That
15 will be ten feet by sixteen feet by twelve

16 feet in height.

17 20 May I see the next slide, please?

18 21 • These are the typical gas pre-
19 theaters.

Depending upon the temperature when the gas
comes in, the temperature outside, it

22 may have to be heated in order for it to be
23 regulated and processed to a lower pressure
24 amount and exited to the network of

EXHIBIT MM-S-1

252 PAGES

1 distribution pipes.

2 May I see the next slide?

3 This is an illustration of the fence.

4 As was pointed out earlier, the
5 township code allows a fence of six feet in
6 height.

7 Here we are asking for an additional
8 two feet in height, and there are many
9 reasons for that.

10 Let me, first of all, go to the next
11 slide which is a cut of the fence material.

12 You will notice it's thicker than most
• 13 fence material, and it is insulated. That
14 insulation is for sound.

15 So having established that PECO is a
16 public utility and this station is a public
A 17 utility facility, I'd like to comment on
18 what the advantages to this particular' use
19 are at this property and demonstrate that
20 there is no unusual or unanticipated adverse
21 affect to the community.

22 Again, PECO is looking for a safe,
23 reliable and adequate natural gas

EX
HI
BIT
M
M-
S-1
25
2
PA
GE
S

29

T

1 Safety. Safety is first and foremost
2 in the minds of all PECO employees, not
3 because there are incidents, but because
4 they want to prevent instances.

5 I think I attend about three project
6 meetings a week, and every one of those
13 7 begins with the discussion of safety and
14 8 the precaution, and I need to applaud

9 project managers for that.
10 Again, the facility is constantly
11 * monitored

12 %There is redundancy throughout with operating valves, automatic bypass valves. The station has been designed to meet

or exceed all federal and industry code

EXHIBIT MM-S-1

252 PAGES

16 requirements.

17 The security is monitored on a 24/7
18 basis remotely, and the point of the fence
19 being eight feet high is so we don't get
20 people climbing over the fence.

21 It's solid so that nobody sees anything

252 PAGES

22 attractive inside and also helps with
23 deadening the sound which I will talk about
24 in just a moment.

T 30

Again, security. There is no visitors. There
is no salespersons. There is no trash to be
picked up. There are no deliveries.
All that appears here is once a month a
technician will go about making sure that
there is nothing that was missed remotely.
The energy numbers will be posted on the
fence so that if somebody thinks there is
a difficulty, they can call directly to
PECO. In this county, the 911 calls will
automatically be forwarded to PECO, and we
have a commitment that it will take no
longer than sixty minutes for a technician
to arrive after a complaint has been
logged about a physical condition at
the property.

252 PAGES

19 training school to first responders.

20 Now, let me point out that first
21 responders who get here will not be able to
22 get into the building.

23 That's the point of the fence and the
24 locks and all the securities.

4'

31

1 could

So the important people for PECO

2 get there, but we do train on an annual
3 basis first responders at the PECO Fire
4 • School, and we can
5 arrange special training
6 should first responders who were unable
7 to attend the annual event to have a
special training at their site.

8 is

Because there is no traffic, there

9 not any material pedestrian or vehicular
10 traffic that will be experienced during
11 construction, the contractors and

12 subcontractors are obligated by their
13 agreements with PECO to follow PECO's

EXHIBIT MM-S-1

252 PAGES

14

construction rules that include keeping mud

252 PAGES

15 off the streets and maintaining a safe
16 work place.

17 No odor. While federal regulations
18 require that gas be odorized, the system
19 here is designed to prevent any venting into
20 the atmosphere.

21 Because you can never say never, PECO
22 has in place a standard protocol and
23 procedures in the event that there is a
24 venting to safely handle the situation and

1

32

to filter the odors.

EXHIBIT MM-S-1

252 PAGES

Noise. This is not an electric

transmission station.

You are not likely to hear the buzz

that you might at a transformer or standing

6 at the train station during a rainstorm.

7 efforts, The design includes mitigation

8 equipment designed to enhance the noise

9 performance, characteristics.

There are pipe silencers. The building

11 type is block walls. There is acoustical

EXHIBIT MM-S-1

252 PAGES

12 insulation, and we have the perimeter walls
13 among other devices.

14 And so, we need a fence wall.

15 Let me also point out that there are
no
16 trees right at that fence so that nobody can
17 climb that fence and then get over.

18 That's why the trees in the plan you
19 saw are located toward the sidewalk.

20 we think we qualify for the special
21 Exception.

22 we also ask for our variance.

23 This is a very unique property.
24 It's environmentally challenged.

3 3

2 We understand it has been vacant
3 perhaps for decades.

4 We now have an owner that is capable of
5 and willing to ameliorate any of the
existing site conditions that rise above the

6 standards that are set.

7 This is unlikely to be used by one of

EXHIBIT MM-S-1

252 PAGES

8 the other permitted uses in the district
9 because of its unique character, but this
10 use can accommodate for that, and we have a
11 willing owner who wants to install this gas
12 system.

13 I have asked that the Power Point be
14 made an exhibit to this hearing; and if
15 necessary, I would be glad to have the folks
16 who have joined us affirm my testimony and
17 be glad to answer any questions.

18 MR. BILKER: No objection on my part to
19 the inclusion of the Power Point as an
20 exhibit for the applicant.

21 MR. SKLAROFF: Thank you.

22 MR. PATTI: Okay. Matt, has everything
23 %else been posted and all
 the submissions
 been done in accordance with our

2

MR. BILKER: If you would like, I can

3
don't

get into that real quickly now, if you

EXHIBIT MM-S-1

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4

mind, Neil.

EXHIBIT MM-S-1

252 PAGES

5 MR. SKLAROFF: No. Not at all.

6 MR. BILKER: Sorry for the interruption.

7 MR. BILKER: Yes. The answer is yes,
8 and to that, I would request a number of
9 exhibits on the board's part be made a part
10 of the record.

11 The first, which I would request be
12 marked as B-1, is the applicant's
13 application for zoning relief.

14 The second document that I am going to
15 ask be marked as B-2 is the notice of
16 tonight's hearing which was posted in the
17 Delaware County Daily Times twice in the
18 last month.
•

19 The third document, which I am going
to 21 ask be marked B-3, is a list of the residences
20 that received notice of tonight's
22 hearing.

23 The fourth document, which I'm going to
24 request be marked B-4, is a photograph of

1 EXHIBIT MM-S-1

2 252 PAGES

3
4 the notice of the requested variance relief that
5 was posted conspicuously at the
6 property and which has been there for
7 several weeks.

8 And with that, I would request, there is a
9 final one which I will request be marked B-5. It is
10 a map of the surrounding properties with dots on
11 the properties which

12 received a notice of tonight's hearing.

13 So I request that B-1 through B-5 all be admitted
14 into evidence, Joe, and be made
15 a part of the record. 1k

16 - - -
17 (whereupon, Exhibits 6-1 through B-5
18 were marked for the record at this time.)

19 - - -
20 MR. PATTI: Matt, was one of those exhibits
21 to the landscaping plan that they had
22 submitted separately?

23 MR. BILKER: It's not. I would defer to Neil if he
24 would like to make that a part which I assume he
would.

I don't see that as necessary for the board to admit that into our evidence
or the

EXHIBIT MM-S-1

36

T

1 evidence that we are submitting, but I
2 suspect he will have something to say about
3 that.

4
MR. SKLAROFF: Yes. Of course. To the
5 extent that it is required, we ask that
6 that rendered Site Plan that was shown be
7 made part of the record.

8 MR. BILKER: And I would have no objection
9 to that, Joe.

10

cd9

MR. PATTI: All right. All right.

16 Matt, and be it so moved that these will be
17 admitted as exhibits into this hearing or
18 into this meeting.

19 Now, Neil, did you want to ask your
20 specific people questions or do you want to
21 just throw it out to the board now for any

EXHIBIT MM-S-1

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23 MR. SKLAROFF: I think we will welcome
24 questions from the board.

37

1 MR. PATTI: Okay. All right. Seeing
2 that, I am going to ask Jules to start.
3 Jules, do you have any questions' for
4 this applicant?

5 MR. SPIGONARDO: Yes, Mr. Patti, I do.
6 Mr. Chairman.

7 The fence is required to be eight foot
8 as a sound barrier also.

(7,4₁₁⁸ 0 MR. SKLAROFF: Also -- I'm sorry?
9
n₁₁

MR. SPIGONARDO: Besides you're saying
for safety purposes for eight foot high
12 because you are showing in the schematic
13 that you presented, there is two fences.

there 14 One is the low chain link fence which
15 which 15 has barbed wire on the top, and then,

16 is the solid fence which is eight foot
17 is more interior surrounding the perimeter
18 of the developed area.

EXHIBIT MM-S-1

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19 with that, you're saying that it's also
20 a sound barrier.

21 Is there sound? What is the sound that
22 is being precipitated from the equipment
23 at the station here?

24 MR. SKLAROFF: Let me first point out

38

1 that the photograph that we showed of the
2 sample fence was not of this location.

3 It's only an example of what fence will
4 be installed.

• 16i
5 There will not be a chain link fence
6 7
7 with, the barbed wire on top of it. There
8 will just be the one fence.

MR. SPIGONARDO: The one single fence.

9MR. SKLAROFF: Right. And there will
10 be some sounds that might be made as
11 controls are open and closed, as gas goes
12 through the system, the gas heater, the

13 natural gas heaters on and off.

14 And so, there will be some sounds

15 there.

EXHIBIT MM-S-1 252 PAGES

16
In order to assure our neighbors and the township, we are putting
17
up, we have especially designed equipment to be of low sound
18 production, and we have designed equipment to absorb the sound
19 including this fence.

20
And so, let me point out that it's PECO's security and their
21 policies and protocols that a fence needs to be eight
22

23
24

39

1 foot tall.
2

n i \ n

We have not asked for a variance from section, I think it's
185.6 of the municipal
code which sets the sound limitations.

5 So, we will need to be within that.

6 MR. SPIGONARDO: That was my next
7 question.

8 What is the decibel range for this
9 transfer station?

10 Where does that fall within the
11 requirements of the codes, not just the

EXHIBIT MM-S-1

252 PAGES

12 township codes, but also the federal codes
13 and state utility codes?

14 MR. SKLAROFF: We are within all the PUC
15 requirements.

16 IF I believed that the -- if I recall
17 correctly, the sound limits in decibels is
18 fifty and sixty depending upon what the
19 neighboring property is.

20 I think we are mostly on two sides, the
21 retail, and then, we have, I guess we have
22 residential across the Cedar Grove street.

23 MR. SPIGONARDO: There is also
24 residential right behind it on the other

r.

40

CO1

0141111C1\V111#S:de of the driveway along the back way

3 MR. SKLAROFF: Right. So the code
4 somewhere, I have it here, but you folks
5 probably do -- whatever those are -- and I
6 think it's fifty and sixty decibels, we will
7 be required to meet those or we will have

to come back **for some relief.**

252 PAGES

MR. BILKER: Jules and Joe, if I could

10 interrupt briefly for a minute because I
11 think you are about thirty individuals who
12 have, members of the public who are tuning
13 in, and I thought it might be helpful right
14 now, and I know the board already knows the
15 standard they need to apply when evaluating
16 this request for relief, but I thought it
17 might be helpful for the people who are here
18 listening to know what it is that the board
19 is evaluating tonight when the applicant is
20 making this request for zoning relief.

21 They have requested two separate forms
22 of zoning relief.

One is a variance on the fence height,
and they have to show a hardship for that.

1 The other is a little bit more nuanced,

EXHIBIT MM-S-1

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2 and that comes down to the Special Exception
3 which is for using this property as a public
4 utility space, and that, the evaluation that

252 PAGES

5 this board performs can be found in our
6 Zoning Code under, I think it's Article 5,
7 Section 37 and 36, and what that says is
8 that a Special Exception may be granted
9 under the circumstances for an application
10 such as that if it meets the following
11 criteria.

12 The first criteria is that the use
13 shall not generate high levels of vehicular
14 traffic, nor noise, noxious odors, air
15 pollution or glare.

16 So, if you are listening, those are
17 some of the questions that Mr. Spigonardo
18 was trying to get to with his line of

21 19 • questions to the attorney for the
22 applicant.

be

24 23 deliveries to the premises that need to
 compatible with the daily cycle of active

1

and quiet periods associated with any

252 PAGES

2 adjacent residential uses.
3 The third is that the use shall
4 compliment other uses in the district
5 creating a mixed use character that
6 contributes towards an increased rate of
7 pedestrian access to local services,
8 minimized auto trip generation and
9 additional security for district
businesses.

10 The fourth is mixed use structures
11 containing residences shall have non-
12 residential uses only on a level or floor
13 below residential uses, and the fifth is
14 the additional special Exception criteria
15 could be specified in other areas of the
16 Zoning Code.

17 If you are interested, the code is

O

20 easily accessible. All you have to do, is
organized.

21 It's an e code that you can find online,
22 and you can find it pretty simply by just
23 looking at first Section 37 and 36 under

24 ilif f11

1 along.
2 So I know the board knows the
things
3 that they need to be considering when
they
4 are making the decisions that they need
to
5 make tonight and in the future on this
6 issue.
7 I just wanted the public, because
people
8 there's so many people, so many more
what
9 than usual attending tonight's hearing
10 considerations the board is making.
11 MR. PATTI: All right. Matt, thank you
12 • for that clarification and explanation.
13 So those are the two items that our
14 zoning board will be listening to, and the
15 will ultimately be ruling on the Special
16 Exception and the variance to go from a
17 permitted six feet to eight feet in height.
18 Jules, would you like to continue?

19

MR. SPIGONARDO: Yes. Yes.

20

The other question I have is you were

21

showing that the drawing with the fenced-in

22

area and also with the station, the transfer

EXHIBIT MM-
S-1
252 PAGES

23 station itself, that was of another
24 location.

T 44

1 where else do you have a similar
2 transfer station that PECO has put in place
3 and is in operation at this time?

4 MR. SKLAROFF: There won't be one very
5 nearby, but Henry, are you able to respond
6 to that question?

7 HENRY SCHECK: I mean it's probably
8 better for Tim.

9 TIM FLANAGAN: Yes. This is Tim
10 Flanagan.

11 So I manage the gas system for PECO, and this will be
12 falling under my domain in
13 terms of work.

14 We do not have any other reliability
15 stations.

16 This is the first such animal that we
17 have created; and just to give you some
18 background, and I know Neil did a really

EXHIBIT MM-S-1

19

good job with it.

252 PAGES

252 PAGES

20 And if I'm going too long, shut me

21 down. It's okay.

22 This will be the first time that we are

23 moving a reliability station anywhere.

24 We typically have gate stations which

4 5

bti

rn

10 coming in.

11 it's all gas mains, and it's really a
12 backbone that we are running from West
13 Conshohocken from the pipelines, right, the
14 pipelines, we have TRANSCO and TETCO up

15 there
our along
and 1 with
1 L&G
1 plant,
1 are a transfer point between the pipeline 1 it's a
2 such as Texas Eastern and TRANSCO into our
3 system, into the PECO system, and that's a
4 custody transfer point.

5 This is not that, but that's the
6 similar thing that this reliability
7 station would mimic.

8 The reason we are calling it a
9 reliability station, there is no
pipelines

EXHIBIT MM-S-1

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16 backbone to feed Delaware County to augment
17 the existing gas infrastructure in Delaware
18 County to make sure we have safe, reliable
19 gas be delivered to the customers.

20 So this would be the first of its kind
21 on the PECO system to answer your question.

22 MR. SPIGONARDO: Okay. How does this
23 compare to those other transfer stations?

24 Is this a comparable, a smaller, larger

v'N

46

1 2 or what?

since 3 it's the first of its kind and also everything
4 appears to be first of itself kind of here.

TIM 5 FLANAGAN: So it's very comparable to what a gate
6 station is.

The 7 difference, the main difference -as I say, we don't
have 8 any pipelines such as TRANSCO high pressure
9 pipelines coming

10 in.

11 It really is only a PECO-to-PECO

12

transfer down there.

252 PAGES

13 we have pre-heaters at gate stations

14 just like Neil had shown you on that.

15 we have buildings. we had the fiber

16 building for communications. we have

17 fencing around it. It's all very, very

18 similar to what our gate stations assets

19 look like.

20 MR. SPIGONARDO: Okay.

21 TIM FLANAGAN: Size wise it's actually a

22 little smaller than the actual gate station

23 that we have.

24 MR. SPIGONARDO: Okay. I have two

4 7

co9Nr i t p

atquestions.

2 One. On the fence that is being

3 proposed, what is the life span of this

4 fence?

5 MR. SKLAROFF: Giovana, do you know the

6 answer to that?

7

MEHUL GANDHI: I believe Aaron could

8

probably answer that.

EXHIBIT MM-S-1

252 PAGES

9 AARON SZCZESNY: I don't have a
10 definitive year and age of the fence, but
11 those materials being plastic on the
outside
12 and the insulation on the interior, thdse
13 are the panels of the fence.
spacing
14 The posts of the fence and the
15 are steel and will sit down on a concrete
16 foundation.
17 So I would have to go back to the
18 vendor for a more accurate answer to that
19 question.
20 MR. SPIGONARDO: Okay. I would
21 appreciate if you can provide that.
22 And one final question.

23 Neil, in your opening statements and
1004 \I\IC all, you mentioned the first responders.

48

c o

1 That PECO, if there was any emergency
2 that would occur here, that PECO promised
3 confirmed or stated that within sixty

EXHIBIT MM-S-1

252 PAGES

4 minutes, a PECO representative would be

5 on-site to remedy any issues or occurrence

EXHIBIT MM-S-1

252 PAGES

6 that might happen.

7 You said that first responders would
8 not be able to access the property,
correct?

9 MR. SKLAROFF: They won't be able to get
10 in through this fence.

11 MR. SPIGONARDO: Right, through the
12 fence.

13 MR. SKLAROFF: Right.

14 MR. SPIGONARDO: I know you mentioned
15 that there will be training made available
16 to first responders that are in Marple
17 Township and surrounding -- at least Marple
18 Township.

19 So in making my statement, I'm trying
•
20 22 to interpret how long if something were to,
21 23 God forbid were to happen, we would have to
wait for a PECO representative or our first responders would be
able to access that?

24 MR. SKLAROFF: It would be our PECO

1

people; and as I said, it would not be

EXHIBIT MM-S-1

252 PAGES

2 longer than an hour.

3 Our folks are trained, and they will
4 know about it from our remote monitoring
5 of the facility most likely well before
6 anybody would call.

7 Now, I cannot anticipate, because you
8 just heard this will be brand new, what

9

10 extreme case.
that might be, but we are looking at the
11

12 1016#

400\That if there was a problem or
somebody said they were smelling gas or they

13 called us or 911, somebody would be out
14 there as quickly as possible, and our policy
15 is no longer than sixty minutes.

16 S 1C) TIM FLANAGAN: And Neil, and Mr.
17 Spigonardo, if I could just jump in there

676 for a second

(111 19 It's Tim Flanagan again. So there is
20 two issues I wanted to just kind of raise to
21 that.

22 To your point, emergency response is

23 within an hour.

24 we are committed to having somebody on

50

EXHIBIT MM-S-1

252 PAGES

1 location, a body, on location within an
2 hour.

3 I think the other piece that Neil had
4 talked about which probably needs a little
5 bit more highlighting and emphasis, this
is

monitored 6 completely remotely operated and
7 out of a 24 x 7 control room, no different
8 than the 911 center in DelCo.

9 And so, we are monitoring every piece
10 of equipment that is in there.

12 operators work for me.

•
13 And so, they have ability not only to
14 monitor but to operate that facility. 11
That comes underneath my -- the

COY So if there is some type of emergency,
 we have the ability to remotely shut that
17 down well before the hour that somebody

18

would respond there.

19

So even though it may take an hour for

EXHIBIT MM-S-1

20 somebody to get there, we are consistently
21 watching it.

22 There is also going to be cameras in
23 there, but we have the ability through our

252 PAGES

24 gas data to get alarms, both visual and

51

1 audible alarms, nothing locally.

2 of You would never hear anything. None

3 the neighbors will hear anything.

4 It will all be going into the control
5 room, and again, it is staffed 24/7.

6 And they have the ability to mitigate
7 that emergency and/or shut the entire
8 station down remotely.

9 • **k** MR. SPIGONARDO: And full tolerances
10 for electrical flow in there and also all
the transmission, all the video, all the monitoring systems.

11 **11** TIM FLANAGAN: I'm sorry. I missed the
12 first part of that question.

13 **11** TIM FLANAGAN: I'm sorry. I missed the
14 first part of that question.
15 **12** MR. SPIGONARDO: These are full
16 tolerances for the transmission, the
17 monitoring of it all, the powering of the
18 station, everything.

EXHIBIT MM-S-1

252 PAGES

19

Like you said, you monitor from a 24/7

252 PAGES

20 location, central location. I understand.

21 TIM FLANAGAN: Yes.

22 MR. SPIGONARDO: I understand that, but

23 there are full tolerances that would, God

24 forbid, as always storms happen, things

52

1

2 happen.

3 So that will kick in and back-up the systems that are

4 there and also for the monitoring of the video and

5 also diagnostic that goes along with it.

6 MR. SKLAROFF: There is both a generator and battery
back-ups. Abundance is here in almost every system.

7 MR. SPIGONARDO: Okay. I am finished with my
questions at this time.

10 Thank you.

11 MR. SKLAROFF: Thank you, sir.

12 MR. PATTI: Okay. A.J.

13 MR. BAKER: Thank you, Mr. Chairman. I have a few
questions here. So please bear with me.

15

16

EXHIBIT MM-S-1

252 PAGES

17 First I want to go off of that last
18 question that Mr. Spigonardo asked which is
19 the alarm situation.

20 I know you said you are going to be
21 monitoring it 24/7 through, I believe, a
22 fiber optic or some sort of fiber optic
23 system.

24 Is that correct?

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252 PAGES

MR. SKLAROFF: Tim?

TIM FLANAGAN: Yes.

That is correct. It's
going to be monitored
through the fiber
system.

MR. BAKER: And this
is the full diversity
on that fiber optic
system, correct? You
will have full
diversity.

TIM FLANAGAN: That's
correct, and the
back up for that
will be cellular as
a matter of fact.

MR. BAKER:

Excellent.

Excellent. Thank
you.

252 PAGES

13 That being said, you said that there is
14 similar or actually will be smaller than a
15 gate station.

16 Is that correct?

17 TIM FLANAGAN: Yes. That is a correct
18 statement footprint wise. Yes.

19 MR. BAKER: Okay. So in terms of the
20 noise level, we are saying that we are not
21 asking or you are not asking for an
22 exception to the noise variance or asking
23 for a variance for the noise pollution that
24 could be caused by this substation.

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2

Do we know what the specifications are for these
heaters and all the equipment that

3 is being placed?

4 Is there a possibility of it exceeding
5 that fifty decibel limit or, you know, is
6 there a chance that it will spike to a limit
7 and for how long?

8

Is the noise pollution going to be

9

consistent like 24/7 or is it just as units

EXHIBIT MM-S-1
252 PAGES

10 generator, kick on and kick off such as the
11 noise do we have to worry about a consistent
12 situation?
13 MR. SKLAROFF: Aaron or Giovana?
14 was AARON SZCZESNY: So a noise study
15 conducted for the site.
16 process It took into account all the
17 equipment including the heater that is
18 pressure outside of the building and the
19 building, regulators which are inside the
20 meaning sources of noise. NVI'
21 the under normal operating conditions,
22 line. analysis was performed at the property
23 we That's where we are confident that
• are not in excess of the local noise

O C

1 ordinance levels, but things like our
2 generator we consider an abnormal
3 condition because it's part of the
4 layers to the utility power much like
the

EXHIBIT MM-S-1
252 PAGES

5 battery back-up.

252 PAGES

6 MR. BAKER: And that will exceed the
7 noise ordinance? Is that what you're
8 saying?

9 AARON SZCZESNY: The generators always
10 produce levels, and they are now part of the
11 study.

12 The other equipment that is outside the
13 building which is the live heater was
14 included, and that's the only other
15 component that is outside of the building
16 that will be producing noise under normal
17 operating conditions ...¹⁾A

18 MR. BAKER: So what you are saying is we
19 don't know if the equipment outside of the
20 study will create a problem for the
21 ordinance.

Is that correct?

having

22
23
24 MR. SKLAROFF: We are saying in the
 unusual circumstance of the generator

1 to go on, it may exceed temporarily the
2 limits of the noise ordinance.

EXHIBIT MM-S-1
252 3 PAGES

MR. 4 BAKER: Okay. will temporarily exceed the limits
of the 5 ordinance.

Is that 6 what I heard? I'm sorry. I only heard part of
that. 7

MR. 8 SKLAROFF: It could. I mean the generator
is there 9 for those very unusual circumstances that we have
tried in 10 our red
make 11 sure don't occur.

MR. 12 BAKER: Correct.

MR. 13 SKLAROFF: That's
why we 14 have a
15 generator.

MR. 16 BAKER: That's correct. No, no, no. I wanted to make
sure I 17 heard it right because I only heard part of it.
3 So again, it's only an exceptional
case, you know, which, you know, obviously can happen. So
that solves that.

20 So moving forward, my other question is
21 the lighting of the location.
22 You know, obviously we want to minimize
23 the contribution to the light pollution in
24 that area, even though it's pretty well lit

1 as it is now, but what type of lighting are
2 we looking at for that location?

3 TIM FLANAGAN: That's best for Aaron.

4 AARON SZCZESNY: Yes. I can take that
5 one, too.

6 So there are external lights at the
7 main station building within the station
8 building.

9 I think they are about ten feet,
twelve
10 feet high above each door with downcast
11 luminescence.

12 The only other lights that would be
13 affixed to the buildings are that secondary
14 building, the telecommunications building,
15 and again it's right above the door.

(111) 16 A single yard light is on the
southside

17 of the property with downwash to the
18 pre-heater.

19 That is to be used again during
20 maintenance activities during nighttime.

21 None of those lights are timed to come

on. They are all manually operated.

EXHIBIT MM-S-1

252 PAGES

23

So a technician would have to be on

EXHIBIT MM-S-1

252 PAGES

24

site to turn those on.

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4

MR. BAKER: Okay. And you said that, my

5

MR. BAKER: Yes. Okay. And so, is

2

next question is that you are offering

3

agufitponders.

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6

7

that a one time offer or will you continue

8

the training as time moves on if they need

~~mess~~
Ishaorect?

yocok'

9

that? •

to be recertified? Will you offer

EXHIBIT MM-S-1

252 PAGES

10 And if you are recertifying, is that cost
that the township has to pay or is that something that you are
willing to take on in terms of costs?

14 MR. SKLAROFF: We have an annual PECO
15 Fire School. And so, first responders are
16 welcome to attend.

17 Somebody correct me if I'm wrong, but I
18 don't think there is any charge for that.

19 TIM FLANAGAN: That is free of charge.
20 That is part of the services for the

11
12
13

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EXHIBIT MM-S-1

252 PAGES

21 emergency responders to come. It does not
22 cost them any money.
23 MR. BAKER: Great. Great.
24 And the last question I have is the

5 9

4 :

1 ground cover, the landscaping, from what I
4m0 3

saw 4 from the renderings, for me it seems a
little 5 light. 11,

It 6 could be a little more adequate honestly.

The 7 aesthetics of that area, seeing a large wall put up like that

could 8 be a little jarring for a lot of people.

A 9

uld 9 hope that maybe we could add

10 somemore vegetation or landscaping
to that

11 so that we could sort of minimize the shock

12 of the wall itself especially for a busy

13 corner like that.

14 Would that be possible? Would you be

15 sort of willing to meet us half way on

16 that?

EXHIBIT MM-S-1

252 PAGES

17 MR. SKLAROFF: Why don't I make this
18 suggestion?

19 Once the landscaping has survived one
20 season, that we commit to meeting with you
21 and discussing it at that time.

22 Is that fair enough?

23 MR. BAKER: I think as long as we are

$\text{O} < \text{O}_6$

24 willing to increase it a little more than

what it ³ is now, I would say that
that's ⁴
MR. ⁵ SKLAROFF: Can we increase
r of ⁶

NA IACONA: So there is a ten foot
qured perimeter around that wall that

7 needs to be maintained free and clear of any
8 landscaping for security reasons.

9 So that limits us to exactly where we
10 can put landscaping, and we have met the

11 ordinance requirements as far as the street

12 trees on Cedar Grove Road.

EXHIBIT MM-S-1

252 PAGES

We could probably increase the shrubs

EXHIBIT MM-S-1

252 PAGES

14 both in the rear and in the front along
15 Sproul Road and do some staggered shrubs,
16 but again, trying to not have anything that
17 would be a security issue within ten feet
18 of that wall.
19 So that would include any tree canopy
20 cover extending over that wall. So that's
21 why the plan is as proposed.
22 We are, you know, reducing impervious

23

61

Everything will be grass the wall short of the three

area by thirty-four percent which is a
24 pretty great amount of coverage.
3 can look into adding a few more shrubs and
4 maybe one more tree.
5 MR. BAKER: Right. I'm not looking to
6 create a height or security issue.

7

Obviously there is a minimum height

8

issue or maximum height issue that you have

EXHIBIT MM-S-1

252 PAGES

9

in terms of landscaping.

252 PAGES

10 I guess my suggestion is that can we
11 get to that minimum or maximum, excuse me,
12 and sort of stagger the look of the wall on
13 Sproul Road specifically or on Cedar Grove
14 Road just so that we are not, it does not
15 sort of look like, you know, a large prison
16 almost sitting right on the corner there,
17 you know?

18 And I would like to see it the, you
19 know, obviously, you are limited in terms of
20 the security issues, but I would like to see
21 somemore aesthetics in terms of keeping with
22 the area so that people are not necessarily
23 jarred by the visage, you know, the look of
24 it.

6 2

1 GIOVANA IACONA: We can certainly look
2 into seeing if we can add some additional
3 landscaping along Sproul Road.

4 I think Cedar Grove at this point, we

5 are pretty planted out between four trees,

6 and I think we have fifteen shrubs.

EXHIBIT MM-S-1

252 PAGES

7 I don't think that we can squeeze
8 anything else there, but we could more
than
9 likely add a little bit more landscaping
to
10 the Sproul Road side.

11 MR. BAKER: Great. Thank you.

12 And I do appreciate the fact that you
13 are eliminating a lot of the impervious
14 coverage. Thank you. That's all the
15 questions I have.

16 MR. SKLAROFF: This will be a topic for
17 land development. 1,
-dn.. 11.

18 MR. ROMANO: That will be a topic for

22
23
24

19 land development, right, Neil.

A.
20 We will address landscaping at that
O
21 time, but that's a good
question, A.J.

MR. BAKER; Right.

MR. ROMANO: I'll make sure that is
brought up at the Planning Commission your

T

1

concerns about a full landscape plan.

EXHIBIT MM-S-1

252 PAGES

2

MR. BAKER: Thank you. That's all the

EXHIBIT MM-S-1

252 PAGES

3 questions I have.

4 MR. PATTI: All right. Tony? Tony?

5 MR. VECHERCOFSKI: Thank you, Mr.

6 Chairman.

7 Thank you, everybody, for joining
8 tonight, and we appreciate you hoping on.

9 A couple questions. Can we talk
about

10 the path of the pipeline?

Conshohocken 11 So it's starting in West

12 and where is the destination?

13 MR. SKLAROFF: This facility.

14 MR. VECHERCOFSKI: It's ending here?

15 MR. NEILL: I'm sorry?

at 16 MR. VECHERCOFSKI: It's ending here
Ap

17 Cedar Grove and Marple Roads?

18 MR. NEILL: Yes.

f|m

19 MR. VECHERCOFSKI: So it's coming from

20 West Conshohocken to this point?

21 MR. SKLAROFF: Yes.

up 22 MR. VECHERCOFSKI: And it's picking
23 an existing pipe?

24 MR. NEILL: No. No. It has nothing to

6 4

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EXHIBIT MM-S-1

252 PAGES

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2

do -- 3 there will be no "T" to this that goes
elsewhere.

4

The gas 5 will go directly from West
Conshohocken to Sproul Road.

6

MR. 7 VECHERCOFSKI: And then, when it leaves

Sproul 8 Road, our site here on Cedar Grove and

Sproul, 9 where does it go to from

10

11

12

13

14

15

MR. 16 SKLAROFF: It goes through our system
to be 17 regulated and treated, excuse me,
regulated 18 and monitored, and it goes back out on
the other 19 side of Sproul Road.

I think there is a fifteen inch main
there that will carry the gas throughout the
distribution system.

MR. VECHERCOFSKI: So you're placing a
new pipeline, correct?

MR. NEILL: I'm sorry?

MR. VECHERCOFSKI: You're placing a new
pipeline, correct?

MR. SKLAROFF: Yes. It's being done

22 now.

23 MR. VECHERCOFSKI: It's already

24 complete? The pipeline is already

18

19

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41

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1 complete.

2 SKLAROFF: It's in the process. MR.

3 process. 9 It's a long

4 MR. VECHEROFSKI: So, where are the two
5 11 miles in Marple?

6 12 where did you dig up from
and so you 13
7 edar are ending there at the corner

8 Grove, correct?

So where does it start in and where it ending, the new
pipeline?

HENRY SCHECK: It starts, for purposes of Marple, at Sproul and
Darby roughly. Marple starts a little bit down from

14 Darby Road, and it just goes along Sproul

252 PAGES

16 Are you following me?
17 we will be coming down Darby in
18 Havertown and meeting Sproul Road which is
19 -- a little bit of that first bit of Sproul
20 Road, I believe, is Haverford Township, and

EXHIBIT MM-S-1

252 PAGES

21 then, it's Marple Township from there on,
22 cross West Chester Pike, pass your township
23 building, take the left and, you know, down
24 Sproul Road to Cedar Grove Road.

66

T

1 MR. VECHERCOFSKI: So why did you
choose

2 that location to place a building for your

3 first time available? /rvk

4 You have never used this application

5 before.

6 why did you choose that corner, that •
7 i t specific corner?

8 HENRY SCHECK. I III, you could jump in,
coY but the need

11

is in this area.

This area is where there is a need to
have gas available, especially at the peak

12

times in the winter or the system runs the
risk, you know, of not being able to support
new growth and that sort of thing.

13

14

EXHIBIT MM-S-1

15

252 PAGES

The need is not in Kennett Square or

16

Media. It's here.

17

MICHELE GARRITY: This is a system

252 PAGES

18 upgrade as we mentioned, Neil mentioned at
19 the beginning of the presentation, and the
20 reason for this project is for us to keep up
21 with the growing needs of natural gas in
22 Delaware County, specifically Marple
23 Township.

24 MR. VECHERCOFSKI: I appreciate that.

#

1 We do have an older community, but my
2 question is not why you're placing -- I'm
asking why did you choose that specific
1
location?

That was my question.

HENRY SCHECK: I mean I can take that.

You know it was, it felt appropriate from a
8 usage standpoint. It was available, and it
9 was not being used.
10 So it certainly is preferable to
11 locations that are already being occupied
12 with growing businesses or what have you,

13

but it needs to be near that sixteen inch

EXHIBIT MM-S-1

252 PAGES

14 gas main on Sproul Road in essentially this

15 area.

16 TIM FLANAGAN: Yes. If I can just jump

17 in there, Henry.

18 The availability of it being able to

19 get to the rest of our distribution center

20 was key.

21 We actually took a model and looked at

22 the whole Delaware County area where the gas

23 was, and we also looked at the

24 infrastructure that is existing, the

4,

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\ infrastructure that was i n existence; and being able to tie i n
there, that was an

3 ideal location.

4 we looked at a number of areas in

5 Delaware County, and to Henry's point, it

6 was an available location as well.

7 That became the reason why we chose

8 that particular site.

9

So the ability to get it out of West

10

Conshy and move it down into the Delaware

EXHIBIT MM-S-1

252 PAGES

11 County area to augment with the gases that
12 are already out there and be able to tie
13 into the existing infrastructure.

14 I'm not sure if that answers your
15 question or not.

16 MR. VECHECROFSKI: Well, it does. Thank
17 you.

18 But, so as I'm scrolling through my
19 brain and I'm following the path of your
20 pipeline, and I feel like there is more
21 suitable areas where you could place your
22 building for your first time available
23 rather than at a busy intersection right

24 there
at the corner of
Cedar Grove Road.
0

' ,0191

69

1 Could we talk about the safety of your
2 building?

3 So the fence that you're requesting is
4 made of plastic.

EXHIBIT MM-S-1

252 PAGES

6

AARON SZCZESNY: Plastic panels and

EXHIBIT MM-S-1

7 252 PAGES
8

steel 9 piers in between.

MR. VECHERCOFSKI: And then, the building
10 itself is constructed of what?
11

AARON SZCZESNY: The building will also be a
12 steel construction.
13

MR. VECHERCOFSKI: It's a hundred
14

percent steel did you say? I'm sorry.

AARON SZCZESNY: Yes. Steel construction
16 with insulation on the interior.

17
MR. VECHERCOFSKI: The building is? AARON
18

SZCZESNY: That's correct.

15 MR. VECHERCOFSKI: Not the fence.

okay

21 0
okay. So have you tested this building against say like a moving
22 object at a of speed and if it would sustain that of accident or
23 damage?
24

70

T

1 AARON SZCZESNY: I would say no, we have

2 not.

3 MR. VECHEROFSKI: If there was say, you

252 PAGES

4 know, an automobile or a tractor trailer or
5 something travelling at a high rate of speed
6 and it smashed into this new building that
7 has never been installed anywhere else, what
8 could we expect to happen in our community?

9 MR. SKLAROFF: First of all, it has to
10 go over the setbacks. It has to go through
11 the wall and the distance --

been 12 MR. VECHERCOFSKI: Well, it has not
13 tested against the rate of speed. Exactly.
14 So what happens if a vehicle is
15 travelling at a high rate of speed and
16 crashes into the building. What do we
17 expect?

0 18 And there is a house being built right
19 right 20 behind that, and there is a restaurant
21 next to it that is always packed with people.

runs 22 So I want to know if something
23 into that building, what will happen?

24 7 1 MR. SKLAROFF: It is being monitored

252 PAGES

1 24/7 and the building --

2 MR. VECHERCOFSKI: No. I want to know
3 will it explode? Will it just be a gas
4 leak? What will happen?

5 TIM FLANAGAN: Oh, oh, oh, I got you.
6 Neil, do you want me to step in on
7 this?

8 MR. SKLAROFF: Yes, please.

9 TIM FLANAGAN: Okay. So a couple
10 things.

11 More direct to your answer, if there
12 was a vehicle that careened off the road and
13 ran through the building and hit the piping
14 ^O is where you are going with this, if I'm not
15 mistaken, we expect that there would be no
 explosion.

16 ¹⁷ F It would more than likely
be a leak.

18 The reason there would be no
19 explosion is because it's too rich for it.
20 Right?

21 You have to have a gas and an air
22 mixture, a proper air mixture.

23

Because it's a hundred percent gas, it

24

can't ignite.

T

1 It's no different than in the gas mains
2 anywhere, right?

3 So I think you understand all that.

4 So we would expect there will be a gas
5 leak, and certainly it would be odorized.

6 So the neighbors would certainly smell

9 it
10 The fire department would probably be
11 notified, et cetera, and we would also see
12 that in our control room, and they would shut
 that down before it got out-of-control.

13 The second point I just want to emphasize, although
14 this is the first reliability station that we are
15 building on the PECO system, we have gate stations
16 and buildings all over the system just like this
17 that have less fencing around it in busier areas
18 that we have not had anybody careen off the side of
19 the road or drive through because it does not
20 happen, right,

21

EXHIBIT MM-S-1
252 PAGES

22 but to your point, it's a possibility, and I
23 don't want to minimize the possibility of
24 that.

73

, tA

1 But more than likely, you would have
2 nothing more than a gas leak, and we would
3 be able to remotely shut that down to
4 minimize any impact on your neighbors, the
5 restaurant and the community.

6 MR. VECHERCOFSKI: Okay. Tim, I
7 appreciate that. Thank you very much.

The reason I bring it up is because of

last night, I'm sure you're not aware of the

bad car 10 fact that there was a very, very

accident about a mile-and-a-half away from
that location.

13 The car had to get cut in half. Flying
14 over a guardrail, you know.

15 So West Chester Pike, Sproul Road, in

16

the middle of the night, people fly up and

17

down, and I am just concerned about our

252 PAGES

18 community.

19 That's the point that I am just trying
20 to make.

21 That if this does get approved and this
22 is constructed, that as you stated, all your
23 PMs start off with safety first, that we
24 negative would 74
 want assurance that nothing

1

2 ... i Mar 4 111

3 happen to any of our community members.

4 TIM FLANAGAN: Yes. I certainly respect
5 that and trust me, you know, you don't
6 know much about me, but I am a fire chief
7 where I live.

8 So I certainly understand the emergency
9 response side of things and understand where
10 you are coming from with these questions and
11 accidents have tendencies to happen at odd
12 places.

13 I certainly understand that. So I hope I
14 answered your question.

MR. VECERCOFSKI: Yes. You did. I know
from that stretch of Darby Road to

252 PAGES

15 there where vehicles are travelling at a
16 high rate of speed, they are not there,
17 right?

18 So that's why I was just curious why it
19 would go on that corner.

20 But then, I guess to wrap up my last
21 issue that I have is I know we talked about
22 the noise about with the heaters and
23 whatnot, but what is the estimated age of
24 those heaters?

T

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1
2
nderstand once they are first
3
ed, they may run smoothly, but, you
ith all the fans I have had in my
ouse, after a year they screech.

5 So what type of guaranty do we have
6 that once that happens, that, you know, PECO
7 will come and replace those?

8 MR. SKLAROFF: We certainly don't want
9 to have any inefficiency.

Um, and Aaron, do you have any

MM-S-1

11

252 PAGES

12 experience with these heaters or Tim
13 developing noise after they have been
14 in use that's greater than they were
15 initially?

16 AARON SZCZESNY: Tim, maybe I'll go
17 first, and you can add on top.

18
19 heater employs a technology that is one of
20
22 application. J"

23

TIM FLANAGAN: Yep.

24 AARON SZCZESNY: So this type of line
 with respect to changing conditions, I
 assume that PECO will be going out there for
 regular maintenance and can make sure that

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we will not, we will maintain the heat

2 efficiency so the overall gas process is
3 maintained.
4 If there were anything abnormal such

EXHIBIT MM-S-1

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6

there was something wrong with the fan or

7

something like that, that it will be

EXHIBIT MM-S-1

252 PAGES

8 maintained with that piece of equipment';
and

9 service as soon as possible.

10 TIMOTHY FLANAGAN: Yes.

11 Aaron, if I could just chime in there
12 for a few seconds.

13 So this is not new to our system,;

right, the pre-heaters that we have.

15 So there is a maintenance that we have
16 to go on, and Neil talked about occasionally
17 our technician probably monthly will be out
18 there taking a look and checking everything
19 out.

20 we have a long history, although this

to get some noise, right? 21 is a new one, right and to your point,' that

22 1:7

after a while it breaks in
and maybe

4'

service

So we have had these things in

EXHIBIT MM-S-1

252 PAGES

1 for about twenty years without any problems,
2 and again, provided we are doing the routine
3 maintenance no different than the onein

252 PAGES

4 your house.

5 As long as you're doing the routine
6 maintenance, things kind of work out.

7 we have a whole preventative
8 maintenance program that we adhere to that
9 is regulatory, right? We are regulated to
10 do that,¹¹ and we maintain that.

11 And¹² then, once it gets past their life of about twenty
12 years,¹³ we do a replacement of these things.

13 We have¹⁴ this particular heater in two
14 locations, one in Hershey's Mill, which is out in
15 Chester¹⁶ County, West Chester area, right in that whole
16 development, and one up in Buckingham in Bucks
17 County,¹⁸ and I know¹

1 9 \ s c

that's not real close to you.

711 If you're familiar with Hershey's Mill,
21 that is a whole residential area, and there
22 are no complaints about the noise with that
23 particular heater, and that's been out there
24 about five or six years to be honest with

EXHIBIT MM-S-1

252 PAGES

1 you.

2 MR. VECHERCOFSKI: Thank you. I

3 appreciate all your answers.

4 I have no further questions, Mr.

5 Chairman.

6 MR. PATTI: Okay. Barbara?

7 MS. HARVEY: Thank you, Mr. Chairman.

8 when you have the annual PECO Fire

9 School, what if this site is being opened

10 and the school is not for another six

11 months?

12 Can we be assured that before this site

13 is opened that, you know, our fire companies

14 and the fire companies in the surrounding

15 area will be invited to our Broomall Fire

16
17 Company for a presentation?

TIM FLANAGAN: Um, Neil, do you want me

18 to take that question? I can do that.

19 So there is an annual, as everybody has

20 talked about, there is an annual fire

21 school.

22 It's a gas and annual fire school that

23 everybody is invited to that handles gas and

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79

1 I am more than willing to come down
and

2 have a one-on-one session, open up the
gates

3 once it's opened to show everybody what is
4 there.

5 I have no issues with that.

6 I really want to emphasize, Neil hit
7 this pretty hard, even if there is an
8 emergency there after refunctioning, we
9 don't want anybody in there for their own
10 safety for a variety of reasons.

11 We can remotely control that, but I am
12 more than willing to bring people down and

1011 we can go right to the firehouse or we can
14 go right to the site and open it up and
show

15 people what's in there because it's not a
16 mystery. Right?

17 MS. HARVEY: Because a lot of times,
18 especially during the day, we have fire
19 companies from other areas that come as
far

20 away as Ridley.

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21

So, you know, I want to make sure that

EXHIBIT MM-S-1

252 PAGES

22 everybody in Delaware County is aware of
23 this station and, you know, what could
24 happen or, you know, how they could help to

4'

8 0

1 maintain some warning before PECO comes.
2 TIM FLANAGAN: I certainly appreciate
3 that.
4 MS. HARVEY: Also, will the lighting on
5 the property be contained inside of the
6 fence?

9 7 And it will not bother the
10 neighbors or
11 8 the businesses.
12 And will it be off at eleven o'clock at
 night?

13 MR. SKLAROFF: Aaron, I think I heard that
14 these are all manually turned on or when you
15 approach a building it turns on?

16 AARON SZCZESNY: Yes.

17

18

MR. SKLAROFF: Are any lights on 24/7 or is it just when the technician is there? AARON SZCZESNY: The current plan is that all the lights are manually turned on,

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19 so nothing will come on automatic.

20 A light study was conducted, and we are
21 adjusting the light as needed.

22 When that south yard light is on, there
23 is some that extend farther south.

24 Again, that yard light is only coming

1 on for maintenance activities for that
2 pre-heater.

3 MS. HARVEY: Will the lighting disturb
the residents in that area?

MR. SKLAROFF: It's not going to be on for more than it takes the
technician once a month to take a look at what's going on if

8 he has to come out at night. So it should
9 not be disturbing anybody.

10 MS. HARVEY: What I'm saying is will it
11 be on the entire night?

12 MR. SKLAROFF: It's not going to be on
13 an entire night.

14 MS. HARVEY: We don't want the lighting

252 PAGES

15 to go into the neighbors' yards.

16 MR. SKLAROFF: Right. We understand
17 that. The flood will be within the fence.

18 MS. HARVEY: Okay. Thank you.

19 MR. PATTI: All right. Steve, any
20 questions?

21 MR. REYNOLDS: Yes, Mr. Chairman.

22 So in terms of the other two locations

23

1r

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1

the noise barrier?

2

TIM FLANAGAN: Actually, no.

3

chain link fence that is out

4 there. So there is no noise barrier at
in Hershey's Mill and Bucks County, the same
type of fencing you guys put out there for
to be candid with you.

24

5 No. There is no noise complaints.

6
7 MR. REYNOLDS: Okay. Also, I know it's
8 a completely different type of station,
but

9 we have something similar, a PECO ran
10 station, a chain link fence right on Ann
11 Road and West Chester Pike.

EXHIBIT MM-S-1

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12
similarity

I'm just trying to get the

13
what
14

or what we can except from something like
that to this new location if you know

15 I'm talking about.

16 MR. SKLAROFF: Tim?

17 TIM FLANAGAN: I have no idea. I'm
18 sorry.

19 Mr. Reynolds, I am not familiar with
20 that place.

21 Michele, would you know what that
is?

22 Is that a substation? I'm not even sure
° . ' 23 what it is. 10¹

24 4 MR. REYNOLDS: I think it is. Yeah.

83

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MICHELE GARRITY:.I'm not sure, but it

sounds like it's probably electric.

MR. REYNOLDS: Yes. It's electric.

4 You know, you don't really notice it
5 driving by, but going back to Mr. Baker's

EXHIBIT MM-S-1

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6
we

point of -- and I know this is something

the

7

will cover in a different meeting, just

EXHIBIT MM-S-1

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8 curb appeal, it would be nice to have a nice
9 curb appeal, especially at that busy
10 intersection.

11 Now, in terms of the fence, how far
12 back is that set back from the street?

13 It's a busy intersection. People are
14 pulling in and out of that restaurant right
15 next door, just to have a clear right-of-way
16 to get out of there, in and out of there.

17 MR. SKLAROFF: Giovana, do you want to
18 take this?

19 GIOVANA IACONA: So from Sproul Road,
20 the closest point is thirty-one feet.

21 From Cedar Grove, we have a little,
22 ²⁴ probably like twenty-four, I'm having a
 hard
23 ^{time} pulling up my plan here. I'm
 sorry.
 I show twenty-six to the building. So

1 it would be a little less than twenty-six to
2 the wall.

3

on the backside in the alleyway, twelve

4

feet, and that's to the fence enclosure

EXHIBIT 5 MM-S-1 252 PAGES

around 6 the fiber building, and then, on
the west 7 side where the Freddie's is is a
ten foot 8 setback to the wall.

MR. 9 REYNOLDS: And then, the last thing is, if
I heard 10 this correctly, if something like
this is 11 not brought into Marple
that we 12 need in this area.

13 111?0°?15"

14 Township, I think a few people said we are
at a 15
risk of 16 maybe losing the natural gas
Is that 17 correct?

MR. SKLAROFF: The question is the usage
and 18 number of customers in Delaware County
Should 19 that continue and we are not
is increasing.

ti able to put this facility in, our ability to
20 f give adequate service comes into question,

1A14111111 1;
1
23
24 it truly got to that point, there would be a
and the first thing that would happen is if
moratorium on new connections just like you
would have with the sewer system.

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EXHIBIT MM-S-1

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1 Mehul, would you agree with it?

2 MEHUL GANDHI: Yes. That is correct.

3 It's a long look-ahead plan ten years
4 out, looking at capacity and meeting the
5 needs of customers.

6 MR. REYNOLDS: Thank you.

7 And the last thing, the other
locations

8 you looked at for this, were they at busy
9 intersections?

10 MR. SKLAROFF: Does anybody know the
11 answer to that? I don't know the answer to
12 that. 11,

13 MR. REYNOLDS: I know somebody said
14 there was other locations you looked at, and
15 this one looks best.
16 0 17
17 18

4 . TIM FLANAGAN: Yes. Henry, you
16 were
m closer to the locations, right?

19 HENRY SCHECK: Right, and we needed to
be near the existing gas main, the existing
20 gas main on Sproul Road.

21 So a lot of what we looked at were on
22 Sproul Road.

23

So it's a similar, they were of

EXHIBIT MM-S-1

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24

similar, they were of similar, I guess,

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1 congestion or whatever as Sproul Road and
2 Cedar Grove Road.

3 The advantage here was it was vacant.
4 It had been a gas station for a long time.

5 MR. REYNOLDS: Thank you. No further
6 questions.

7 MR. PATTI: All right. Thank you,

8 Steve.

airx IJ

I have one question, and it ties
these other

11 Do you foresee other needs in the
12 future for other locations in Delaware

13 f County beyond this in your forecast?

14 MR. SKLAROFF: Tim? Do you know? TIM
15 FLANAGAN: Yes. So as

we model

16 things, we do expect that we are going to be
17 growing the system, and it's a customer

EXHIBIT MM-S-1

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18 demand issue as well as, you know, big
19 customers are coming on like Kimberly-Clark,
20 et cetera, down in the lower end of Delaware
21 County in the Chester area.

22 Yes. So yeah. we do expect as we

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23 expand the system, there is the potential
24 that we are going to have to put up more of

87

1 these stations.

2 MR. PATTI: Okay. Fair enough.

3 I do have a letter from somebody who
4 could not attend in public comment, and I'll
5 read that before we go to the public
6 audience.

7 I want to -- our liaison, Commissioner
8 •tin John Lucas, is not in attendance this
9 evening.
10
11

will ask Edna and Joe Romano if
guys have any questions for the

12 applicant.

13 MR. ROMANO: Not at this point. No.

14 MR. PATTI: Edna?

15 MS. COOK: No. I'm fine.

16 MR. PATTI: Matt, anything else before

17 we turn it over to the public?

18 MR. BILKER: No, sir.

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19 MR. PATTI: Okay. We received a letter
20 from a Greg Fat. He had four questions. I
21 think three of them had been answered.

22 The purpose of the eight foot fence.
23 Is this a security concern or an
24 attempt to reduce noise coming out of the

1 •
2 facility? \C'\c It sounds like it's for security
3 reasons.
4 And correct me if I'm wrong in any of 11
5 !I\es.
6 The second question, what is the current noise ordinance
7 requirement restriction? And I know that you said you are
8 going to at least meet that except maybe in those unusual
9 circumstances when a generator has to run due to a power
10 failure.
11 Do high pressure natural gas pumping
12 stations pose risk to nearby residents, schools and
13 businesses?
14
15

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16 Would you care to touch on that I mean
17 other than Tony bringing up a crash into the
18 site?

19 How would you assess that?

20 MR. SKLAROFF: I think we have discussed
21 a lot of different points. That it does
22 not.

23 It's a very benign use, and it does not
24 have a threat to the safety, health and

41' 89

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welfare of nearby or the general community. MR. PATTI: Okay. All right. Neil, I appreciate that.

And the last question, has the property site been purchased from our town by PECO and what's the price paid?

I don't care whether you answer that or not other than do you have equitable ownership of the property at this point? MR. SKLAROFF: Yes.

MR. PATTI: So that means for the

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252 PAGES

12 audience that the property is currently
13 under contract.

14 I assume it's contingent on getting all
15 of your approvals through the county and the
16 township.

17 Is that correct?

18 MR. SKLAROFF: We are on a time
19 sensitive schedule.

20 MR. PATTI: Right. Okay. All right.
21 Very good.

22 with that, Larry, I would say that and
23 we do reserve the right to ask other
24 questions from the board, but at this point,

90

co9 ving
we can go to the public for comment, and I
would just ask the public who is listening,
3 are they listening right now then, Larry?

4 MR. GENTILE: Yes, they are.

5 MR. PATTI: We are here, as was already
6 stated by Matt Bilker, we are ruling on two
7 items, an increase of height of the fence

from six feet that is permitted to eight

EXHIBIT MM-S-1 252 PAGES

9 feet, and then, secondly a Special Exception which basically is
10 involving the use of this property as they plan it in the
11 neighborhood zone which it is a permitted use as a public utility
12 but the Special Exception being required, does this kind of fit, you
13 know, with this and the surrounding area?

14 So with that, Larry, I would ask you to open it up.
15

MR. GENTILE: Okay. I'm going to keep obviously the PECO members on and
16 bring, and I will bring in one resident or interested party at a time.
17 Once the questions have been answered, I will move them back to an attendee
18 list. I remind everyone that they must
19

20
9 1
21

22
23

24 identify themselves and their name and
2 address.

I will start with my first one.

okay. The first resident I moved over,

1

3

4

EXHIBIT MM-S-1

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the
5 I can't tell you their name. It's B.W.
6 You need to unmute yourself and ask
7 questions, sir or madam.
8 BRIDGET WENDELL: Good evening, Mr.
9 Gentile. Good evening, attendees.
10 My name is Bridget Wendell. My address
11 is 117 Academy Lane.
12 I had a quick question about the noise
13 ordinance.
14 I posted in the where you ask
15 questions a link to the noise ordinance, and
16 I was just curious, A, to know what this
17 property would be zoned.
18 It does not seem it would be zoned
19 residential, but whatever it would be zoned,
20 what's the recourse for neighbors of that
21 property if they are in violation of the
C 0 2 2
23 noise ordinance?
 MR. PATTI: Joe Romano, can you handle
24 that?

1

MR. ROMANO: That property is zoned in

EXHIBIT MM-S-1

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2 the "N" Zoning District. I can't answer

3 whether the --

4 BRIDGET WENDELL: I don't know what that

MR. ROMANO: It's a permitted use in

5 means.

6

7 Zoning that district. It's in the "N"

8 District.

9 Just like you live in the R-1, some

10 people live in R-2. You have the B-1.

11 That's the "N" Zoning District which

12 allows a public utility to be there.

13 As far as your concern about what do

14 the residents have for recourse if the Noise

take 15 Ordinance is too high, we will have to

• at ' that into consideration.

m That's why they are putting up an eight foot wall to

knock down some of the sounds, and the only sounds coming from that

20 property would probably be like the

21 generator which runs once a week like the

22 generator at the township building.

EXHIBIT MM-S-1

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23

BRIDGET WENDELL: Sure. Sure.

24

MR. ROMANO: But if it goes over the

252 PAGES

1 sound limits, we will address it again, and
2 PECO will have to make the proper
3 adjustments.

4 BRIDGET WENDELL: Okay. The only
5 concern is that the noise abatement seems to
6 be an eight foot fence to abate noise, and 1.
7 I'm wondering about that property and the
8 neighboring properties that have two

9 stories. _re r", 11
10 The second story would be higher than
11 eight feet, and the shortest distance
12 between two points would be the noise making
13 object at that PECO making property and the
14 second floor windows of that property.

15 would that be taken into account when
16 the person applies for relief under the
17 noise ordinance?

18 Because sure, you could sit on their
19 lawn and hook up a noise meter and measure
20 the DBA and register that under a certified
21 decibel meter, but if you are on the second

floor of that house, it is probably going to

EXHIBIT MM-S-1

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23 be a lot louder because the shortest

24 distance between two points, between the

94

1 generator and floor number two of the house,

2 is going to go above that eight foot fence, e

3 and the noise perceived by individuals on

410. 4 the second floor of that house is likely to

5 be louder than the noise perceived at ground

6 level of that individual's property.

7 MR. ROMANO: We would have to take that

8 into consideration from when it's built.

0 9 From my expertise, I don't think the

10 4 sound is going to be an issue there at all.

EXHIBIT MM-S-1

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MR. SKLAROFF: I would just like to

12 follow-up by saying the fence is not the
13 only sound mitigation effort.

14 The mechanicals have been designed to
15 suppress the sound. To not be as loud as
16 they might be elsewhere. They are just
17 precautions in the design.

18 Plus there is a building that is
19 insulated with the roof that will also be a

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11

EXHIBIT MM-S-1

252 PAGES

20 sound inhibitor.

21 It's not like there is something that's
22 aimed at the second floor, but I understand
23 your concern.

24 BRIDGET WENDELL: That's good to know.

9 5

1 I live near a property that is borderline
2 am just 4 MR. PATTI: Thank you. nuisance, and I
3 ir 5 property. feeling for the
neighbors of this

• 6 MR. GENTILE: Is that it? Anymore
7 questions, Mrs. Wendell?

8 BRIDGET WENDELL: None more.

9
MR. GENTILE: Okay. Thank you, Ma'am. I'm
going to move you back to an attendee.

10 Okay. Mr. Patti, I next have Mr.
11 Dorazio, and I'll be moving him over.
12 Okay. Mr. Dorazio, are you with us
13 yet? Mr. Dorazio? Mr. Dorazio?

14

okay. I've moved Mr. Dorazio over. He

15

is unmuted from some reason.

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16 Everyone else does hear me, correct?

17 MR. ROMANO: Yes.

18 MR. PATTI: Yes.

19 MR. GENTILE: Mr. Dorazio, could you try
20 it one more time?

21 Unfortunately, Mr. Dorazio, you are not
22 communicating.

23 So what I think you might have to do
24 I am going to have to move you back over as

96

1 an attendee, and what you can do, sir, if •
2 4 ' you want to go ahead and email me if you
m have my email which is lgentile -- in fact,
4 again, send it to Mrs. Cook.

5 [ecook@marpletownship.com.](mailto:ecook@marpletownship.com)

6 If you want to send her an email, if we
7 can get it quick enough, she may be able to
8 read your question over the air, and
9 hopefully we can get you answered.

10 And other than that, sir, unfortunately
11 I'm going to have to move you over to an

12

attendee.

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13 I'll give you one more shot. Mr.

14 Dorazio, do you hear me?

15 MS. COOK: Larry, that would be

16 ecook@marpletwp.com.

17 MR. GENTILE: Okay. Thank you.

18 okay. I'm going to be moving over at

19 this point Mr. and Mrs. DiTomo.

20 Debbie or Paul, are you on? Debbie?

21 Paul? If you hear us, you have your mic

22 muted.

23 How about now, do you hear us?

24 PAUL DiTOMO: Okay. Hi. My name is

V V

9 7

•

v

Paul DiTomo. My wife is Debbie DiTomo.

2 we live at 2114 Boxwood Drive, right

3 behind the site.

4 Now, I notice all the guys from PECO,

5 nobody lives around here, and I just wanted

6 to know is my property value going to go

down?

EXHIBIT MM-S-1

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8

I doubt if it's going to go up because

EXHIBIT MM-S-1

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9 I've got a pumping station.

10 So Tim, you seem like the man to
answer

11 all the questions. Why don't you handle

12 this?

13 TIMOTHY FLANAGAN: I don't have an

14 answer for you, sir.

15 I understand your question.

16 I'm not sure I know how to answer
that

17 question.

18 I can assure you, although this is
the

19 first reliability station we are putting
in,

20 we have thirty other gate stations
across

I 21 the PECO station; and rest assured while

22 do not live in Marple, I live in Hatboro

23 • which is up in Montgomery County.

24 I don't live far from a gate
station,

1 and my property value has not gone down
as a

2 result of that.

3 However, I cannot guarantee what the
particular 4 real estate values can be in that

5 area.

EXHIBIT MM-S-1 252 PAGES

6 I don't know how to better answer that question.
7
8 I understand you are concerned with that, but we have
9 not seen any type of an impact anywhere else on our
10 system as well with respect to that.

11 PAUL DiTOMO: Okay. All right.

12 Now, they have a fire squad down in South
13 Philly at the refinery, and we just had a fire
14 over the summer.

15 That burnt down. It's out-of-business
16 now. 00'

17 So what makes your fire company that much better?

18 TIM FLANAGAN: Well, if I can, that was -- PES is what
19 that was. That was an actual refinery. That was
20 gasoline that was burning in there.

21 So it's a little bit different than

22
23

99

24

1 what the nature of our product is.

EXHIBIT MM-S-1

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2 We are natural gas, and so certainly
3 natural gas catches fire. That's how you
4 heat your house, right, or your water or
5 your food.

6 So it certainly catches fire.

7 going However, the extent of it is not
8 to be as bad.

9 down. And two, we can remotely shut it

10 The difference down in PES which is
11 where that fire was down in South
12 Philadelphia is that was all stored tanks
13 gasoline and flammable liquids.

16 here. 14 That's not going to be going on
17 15 This is natural gas that is
18 coming in and
19 going right out. There is no storage at
20 that location.

21 PAUL DiTOMO: Okay. Now, how about smells, not
22 smells, but gases like nitrous oxide, VOCs,
23 SO₂s?

 Is there any gases that escape that we
would breathe in?

TIM FLANAGAN: So no. There is not.

24

No.

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S
ot,

EXHIBIT MM-S-1

252 PAGES

1 It's natural gas that is coming in. Everything is

2 natural gas fired.

3 The heaters are natural gas fired. The controls are all
4 pneumatically operated, right?

5 Air and/or nitrogen are the only things

6 that we will be using in there.

7 The only thing that we add to natural gas is an odorant,

8 and I think somebody said that in the beginning.

9 But if you smell that, that's good that's a good thing, but

10 we want to know

11 that.

12

0

13

So no. There is no other gases that

are in there. There is no other chemicals

18 that are in there.

19 No. There is nothing else that would
20 be hazardous to the community's health.

21 PAUL DiTOMO: So nothing to hurt
22 respiratory?

EXHIBIT MM-S-1

252 PAGES

believe 24

Even natural gas is not a toxic

101

1 it or not.

2 PAUL DITOMO: Now, there is a location
3 down by the Home Depot. It's a big set of
4 woods right on Sproul Road where the
5 pipeline runs.

6 why wouldn't you -- maybe it ain't
7 available.

I 8 k n o w y o u s a i d t h i s
9 111' - That's what made it so tempting.
But wy not own tere out oa

111 7 11 residential area?

12 You got houses on all sides over there
13 on Cedar Grove Road.

14 why wouldn't you go down in the woods
15 there?

16 You know what I mean?
17 Is there like a spotted owl that we are

worried about down there and you're not

EXHIBIT MM-S-1
252 PAGES

19 worried about us?

252 PAGES

20 TIM FLANAGAN: Unfortunately, I'm not
21 familiar with where the Home Depot is, and I
22 would say that --

23 PAUL DiTOMO: Reed Road. A half a mile
24 from this site is a big old thing down

102

EXHIBIT MM-S-1

252 PAGES

17 it.

18 MR. PATTI: Hey, Paul, this is the
19 Chairman, Joe Patti.

20 I think what they have told us is this
21 is the best they have identified.

22 whether that's true or not, that's them
23 saying that.

24 That's

not necessarily whether we know 470(!!!).
1
2
3
4
5

103

that's the case or not.

I hear what you're saying.

PAUL DiTOMO: So this deal is done.

EXHIBIT MM-S-1 252 PAGES
Something is going there from PECO on that

site?

6 MR. PATTI: They have to get through the
7 Special Exception as well as the variance
8 for the height, and then, they will move to
9 land development. So nothing is a done deal
10 yet.

11 PAUL DiTOMO: Okay. He said it's on a
12 time limit, Neil, Neil, the lawyer? I think

EXHIBIT MM-S-1

252 PAGES

13 he is on a time limit.

14 MR. PATTI: That's his Agreement of
15 Sale with the current owner.

16 PAUL DITOMO: I didn't get that. what
17 did you say?

18 MR. PATTI: That's the Agreement of
Sale
19 with the current owner. He has some time
20 constraints in that agreement.

21 PAUL DITOMO: Okay. All right. wait a
22 minute.

23 And what does the generator run on?

+

104

24

U

1

TIM FLANAGAN: Nope. It's natural gas.

2 Everything in there is natural gas
Is that a diesel generator, Tim?

3 PAUL DITOMO: So if you shut the plant
down, how does it get its natural gas?

4 TIM FLANAGAN: It's coming off the
distribution system as well.

7

There will be taps coming off the
distribution system to run that.

8

PAUL DiTOMO: All right. One more

9

252 PAGES

10 thing. I just want to say hi to Larry, Joe
11 and Julio. Okay?

12 MR. ROMANO: Thanks, Paul.

13 PAUL DiTOMO: And thank you for
14 everything.

15 MR. GENTILE: Okay. Mr. and Mrs.
16 DiTomo, thank you very much.

17 I am going to send them back over to
18 the panelists.

19 Mr. Patti, before I go on and move
20 anyone over, we have a few more attendees,
21 but in the beginning of this meeting, I made
22 it clear that we were shutting off the chat,
23 but I am continuing to get
24 computer generated questions.

105

1 Again, I am not part of this board. I
2 am only hosting the meeting.
3 We made it perfectly clear that we

4 would give every resident or interested
5 party an opportunity to ask their

EXHIBIT MM-S-1

252 PAGES

6 questions.

7 I will not be answering questions via
8 the computer question-answer.

9 So anyone who is interested, please
10 raise your hand. We will move you over.
11 Please stop sending questions over to the
12 computer.

13 Next one I will be moving over is Mr.
14 Gillin.

15 Okay. Mr. Gillin you are over. If you
16 can please unmute yourself, you can go ahead
17 and ask your questions, Silk ■

18 And please identify your name and
19 address as well.

20 1h BRIAN GILLIN: Yes. 2149 Mary Lane.

177)1 project.

21 It is within easy sight of the proposed
24 windows of the house.

1

So recently much or all of the township

2

was reappraised and several residences

EXHIBIT MM-S-1

252 PAGES

3 increased in value including my family's
4 property.

5 If this project does indeed lower
6 peoples' property values for nearby
7 properties, does that mean that people will
8 experience a proportionate reduction in
9 property taxes?

10 MR. ROMANO: No.
11 MR. SKLAROFF: It won't be automatic.

●

is, IL An. lk

12 If you really believe that you have a
13 decrease in property values, you have the
14 ability to appeal that assessment to the
15 DelCo Board of Assessment.

16 BRIAN GILLIN: Okay. So my other
17 question was it was mentioned that sometimes
18 : 4

19 like the odorant is added to detect when
 there is a leak, they will know there is a
20 leak.

21 Do you know about how frequent these
22 leaks are expected?

23 MR. SKLAROFF: We don't expect any
24 leaks.

EXHIBIT MM-S-1
252 PAGES

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EXHIBIT MM-S-1

252 PAGES

1 The odor is introduced because that's
2 required by federal law, and also we think
3 it's a safety precaution.

4 Tim, do you want to add anything to
5 that?

6 TIM FLANAGAN: No. That's right.

7 we don't expect you ever to smell
8 natural gas.

9 It is there. We add it up in West
10 Conshohocken. We add it at various sites.

11 It will not be added in this location.

12 It will be added up in West
13 Conshohocken; and if you smell it, we would

14 NI*(
17¹⁴¹ just ask you to call just like if you
smelled it on your street.

16 We would ask you to call and notify
17 PECO that you smell natural gas.

18 BRIAN GILLIN: Okay. And are there any
19 other odors that are typically inherent in
20 facilities such as this?

21 TIM FLANAGAN: No. As I previously

22 stated, there is no other chemicals.

23 There is no other gases that we are

252 PAGES

24 introducing in that particular area. It's

108

1 all going to be natural gas.

2 BRIAN GILLIN: We still have some
3 concerns about aesthetics, but I'm sure
4 others will bring those up as well.

5 MR. PATTI: All right. Thank you, Mr.
6 Gillin.

7 MR. GENTILE: Okay. I will be bringing
8 in the next resident.

10 9 Tom Avedisian, I believe. I am

11 4111\VN
12 probably misspelling it.
it. Mispronouncing

Here comes Tom. Okay. Sir, do you
hear us? Are you
on?

14 TOM AVEDISIAN: Okay. Can you hear me
15 now?

16 MR. GENTILE: we do, sir. If you can
17 again state your name and address.

18 TOM AVEDISIAN: Yeah. Tom Avedisian.

I am actually right across the street,

EXHIBIT MM-S-1

252 PAGES

20

2150 Sproul Road.

252 PAGES

21 So we have seen this gas station go up
22 and then disappear over the last few years.

23 So many of the questions that I had
24 regarding sound, safety and other questions,

109

1 they have been part of this discussion.

2 I would just like to make a couple of
3 comments and then get some reaction to it.

4 Regarding sound and to some extent

5 safety, there has been speculation, but

6 0 frankly I don't think we really
7 know the

8 answer to any of these questions until the
9 facility is actually built.

10 In design practice, this is really not
11 a good way to design.

12 Build it, then we will see.

13 And I think Mr. Flanagan said that
14 there is no other facility of its kind.

15 So residents cannot drive out to

15 Chester or some other place to kind of see

16 firsthand what these facilities will look

252 PAGES

17 like.

18 So this is a first-time operation, and

19 I think it's risky for that reason.

20 I had a question about the generator
21 operation.

22 It was stated, I think, that it could

23 exceed the DB levels of OSHA or wh

24 but I think we all know, it's not the sounds

110

•

0111110k wow

1 „dot\

2 that exceed regulations that really drive us crazy.

3 It's usually the low level sounds from humming
4 noises, from air flowing through pipes and so
5 forth.

6 There could be acoustic resident effects
7 associated with air flow, and that could be
maddening over time.

9 I also heard the question he asked about leaks.

10 I think it was Mr. Flanagan that said that there is
11 really, in answer to a question that if a tractor
12 trailer drove

13

EXHIBIT MM-S-1

252 PAGES

one 14 right through this facility and breached
be 15 of the fences, that there is not going to
contained. 16 any explosion because the gas is
there 17 well, that's quite true except if
the 18 is a leak as a result of the impact of
that 19 truck or whatever into one of the tubes
 20 are flowing with gas, that gas is going to
 21 flow out into the atmosphere, mix with the
 22 oxygen; and if it exceeds the lean
you 23 flammability limit, what will happen is
knows 24 will get an explosion, and he probably

111

\ p * O i a ° r)

C O I ?
say, there is no possibility for an explosion if there is some
catastrophic

5 plowing through this facility.
that
6 So I think that, and I also heard
7 there is not really much in the way of
8 alternative sites, but I'm not sure if
you
9 really considered in any detail what

EXHIBIT MM-S-1

252 PAGES

10

alternative sites might work.

11

It just it seems to me that a busy

12

commercial

intersection in a residential and

13

area with this type of facility is probably

14

a difficult one to sell to some extent, but

15

I appreciate the efforts that everybody has

16

made here.

17

Thank you. I'm all done. Thank you

18

very much.

19

MR. GENTILE: Thank you, sir.

20

Okay. I'll be bringing in Miss

21

Nelson. Bruce Nelson. 501 Rosehill Road.

22

account.

BRUCE NELSON: I'm on my wife's

23

So this is Bruce Nelson. I am at 501

24

Rosehill Road. Not far from the proposed

1

site.

2

and

I actually have a couple concerns,

3
some

I have one general question similar to

4

of the concerns that have been brought up.

5

Aesthetics.

6

The aesthetics are not so much as far

252 PAGES

7 as my concern as visibility is on that

8 corner.

9 It's a very highly travelled road,

10 intersection as many people have brought up

11 to -- I'm just trying to envision putting

an

12 eight foot fence surrounding this facility

13 on that corner with all the traffic that is

14 going to the right in particular if you are

15 coming down Cedar Grove Road and making a

16 right on Sproul Road.

17 without actually seeing it, it seems

18 potentially dangerous. I don't know. So

19 that's my concern there.

20 Obviously the noise.

21

22

\c I thought the one woman brought up

a
really good point about the elevation with

233 going above the fence. I thought that was
2% really good.

1

That house being built right there, I

EXHIBIT MM-S-1

252 PAGES

2

feel bad for them.

EXHIBIT MM-S-1
252 PAGES

3 But my actual question, I have lived in
4 this neighborhood probably for fifteen,
5 eighteen years now, and one of the things
6 I have always been interested in is becoming
7 a natural gas customer, and I don't have
8 that ability outside of spending an
9 exorbitant amount of money to have a line
10 run from the main to my area.

11 So I guess my question is if this
12 facility is to go forward, does it open up
13 an opportunity for neighborhoods like mine
14 that don't have the ability to have natural
15 gas?

16 Is that at least a pro that I can look
17 ! at for something like this?

18 MR. SKLAROFF: Tim?

TIM FLANAGAN: So um, I don't know that
I have a clear answer for you there, Mr.
21 Nelson, to be candid with you, absent
22 knowing exactly where you are located at and
23 where the mains are.
24 It's hard for me to answer that

19
20

EXHIBIT MM-S-1

252 PAGES

1 question.

2 But I can tell you this. One of the
3 reasons we are building this is because of
4 reasons like yours, for customers who want
5 gas, and we don't have the ability to serve
6 them or we are running out of the ability to
7 serve them.

8 So while I can't specifically answer
9 your question, what I can say is that there
10 will be more gas in that area; and as more
11 customers and as the demand goes up in that
12 area, the potential is greater that you
13 would be able to get served.
•

14 ■ Absent knowing exactly where you are
15 ■ having the maps in front of me, it's
16 difficult to answer that question.

111 BRUCE NELSON: I understand that. It
18 raises the chance that that's a possibility.

19 So that's one thing I can say is a
20 positive.

21 My other question is about the -- I
22 guess I am a little confused about the whole

23 first responders thing.

24 I thought I heard that first responders

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1 5

would not have access to
the building in the event
of an emergency, and I
understand it's all
automated, and you have
the ability to shut all
this stuff down, but I
guess I'm confused as to
what you're talking about
this great training and
we have this annual
thing, but if they can't
access the building, I'm
confused on what they
need to be trained for. I
guess I don't understand
that. It seems odd to me.
If they would not have
the ability to actually
serve their purpose
during an emergency,
why are we talking
about that as a plus?

I guess I'm just
confused about that

EXHIBIT MM-S-1

252 PAGES

17 part.

18 TIM FLANAGAN: So I'll try to address
19 that. There is a couple things with that.

20 One is that we encourage all the

252 PAGES

21 emergency responders to get natural gas and
22 electric training, right?

23 So, we are the electric utility and the
24 natural utility in the suburbs of

T

116

1 Philadelphia as you know.

2 So there is a general responding to
3 natural gas emergencies which this fits this
4 criteria.

5 what would they do?

6 As far as whether they can get into
0 that building or not, I'm certainly willing
7 to go down and open the doors up and show
8
9
10 them what is in there.

It's no different than any of the

11 substations.

12 we just don't want anybody going in
13 there to operate any type of valves or
14 getting themselves hurt.

15 So we don't allow anybody from the

16 outside going in. It's a security issue.

17 It's a DHS, Department of Homeland

252 PAGES

18 Security issue, about letting unescorted
19 people into our facilities, but more or less
20 it's more of an awareness type of training
21 on what can be done, what can't be done,
22 what kind of information
they would be able
23 to relay back to PECO
while we are not
24 there.

117

1 So what kind of
specific³ information
2 4 can you give us, and we give them that type
3 5 • of information along with generic, responding to gas
4 6 emergencies for people's
gas in 7 the house or a service leak or a main on any other
street. So it would be just that.

8 BRUCE NELSON: All right. That's all I have.

9 Thank you very much.

1 0 MR. GENTILE: Thank you, Mr. Nelson.

1 1 Okay. It looks like we have Mrs. Wendell who
1 2 has another question, and then, we have one

1 3

more resident after that.

EXHIBIT MM-S-1

252 PAGES

14

BRIDGET WENDELL: Good evening,

15

everybody.

16

I just wanted to second the comments

17

from Mr. DiTomo who had commented on his own

18

behalf and his wife's behalf regarding the

19

feasibility of using a section of the Don

20

Guanella tract for this same purpose,

21

the purpose of establishing the

PECO gas

on

22

safety monitoring station.

24 the feasibility of such 23
a tract? ^{low}

118

1

And I did hear comments PECO personnel on

2

this call regarding not knowing where this

3

was

May we please have some information

located. Not

4

knowing where Home Depot was located.

5

I would invite them to pull up Google

6

Maps and type into the search field "Home

7

Depot, Broomall, PA," and hit enter, and

8

they would be treated to results informing

EXHIBIT MM-S-1

252 PAGES

9

them where Home Depot in Broomall is

10

located, and they would also be able to see

EXHIBIT MM-S-1

252 PAGES

11 if they hit the land view, you know, where
12 it shows you the topography of the land as
13 far as here is the buildings, here's the
14 road, here's the undeveloped land which is
15 the humongous Don Guanella tract which is
16 currently owned by the Archdiocese of
17 Philadelphia.

18 where It would be easy for them to see
19 that was located. I would invite them to do
20 so.

21 It would take them less than one
22 minute, and then, I would invite them to
23 comment into the feasibility of them looking
24 into them using part of the Don Guanella
•
Nair 1.

119

1 tract.

2 MR. ROMANO: I could answer that
3 question.

4 TIM FLANAGAN: If I could go back to
5 the --

MR. ROMANO: I could answer that

EXHIBIT MM-S-1

252 PAGES

7 question.

8 That property is under contract. That
9 property is not available. That's under
10 contract with another developer.

11 We are in the process of talking about
12 a land development deal going on there for a
13 hundred and thirty-five houses, and that's
14 three tracts.

15 That's under contract with another
16 developer.

17 I don't think --

18 BRIDGET WENDELL: It's not that
19 unreasonable to imagine that PECO could

20 speak with that developer and ask please
21 could you subdivide that property.

22 i MR. ROMANO: At this time,

Bridget, I

don't think they would be interested in
it. Those plans went to our Planning

23
24

Copy

1 Commission.

2 That whole two back acres are already

EXHIBIT MM-S-1

252 PAGES

3

planned with recreational space.

EXHIBIT MM-S-1

252 PAGES

4 Nothing was approved on that site yet,

5 but all the plans have been finalized.

6 They are just going through more
7 meetings with the Board of Commissioners.

8 There is no room to put --

9 BRIDGET WENDELL: With all due respect,
10 with all due respect, PECO can enter into a
11 conversation with the individuals who have

4 * e a 1 1
12 have si ili Ow& ii purchased the tract and please ask to
13 part of the tract subdivided and look into
14 feasibility for this property that they are
15 proposing for this monitoring station.

16 It's really in PECO's hands. It's
17 ¹⁹ really in PECO's hands to do that or not, is
• ²⁰
18 it not?

MR. ROMANO: Well, it's PECO's task, but the developer is going
to build a hundred and

forty-two houses, and they are going to

22 build out the front eventually.

23 BRIDGET WENDELL: Are you married to the
24 developer?

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1 MR. ROMANO: That property has been
2 under agreement with two different
3 developers for ten years.

4 BRIDGET WENDELL: Sure. That's no
5 joke.

6 We are all aware of that in Delaware
7 County. We follow this very closely.

8 My question is does PECO have the
guts
9 to step up to one of these developers and
10 say, hey, subdivide this. Give me a
little
11 piece. eIN
12 Let me put this monitoring station on
13 your property.

16 14 • I am echoing the concerns of Mr.
17 and
18 15 Mrs. DiTomo regarding their lack of
19 enthusiasm for the PECO development at the
20 320 and cedar Grove Road -- you can roll your
21 eyes all you want -- for the development at
22 the proposed location. MR. ROMANO: I didn't
23 roll my eyes. BRIDGET WENDELL: For the
24 development at the proposed location.

MR. PATTI: Excuse me. Let me step in here.

EXHIBIT MM-S-1

252 PAGES

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1 Miss Wendell, I appreciate what you are
2 saying, and I think the applicant has
3 already told us this was the easiest route
4 for them.

5 whether they did their homework and
6 tried other areas, it does not sound like
7 they really did.

8 BRIDGET WENDELL: Easy ain't always the
9 best.

Am&
10 Is easy always the
best? •

11 MR. PATTI: And I'm taking that under
12 consideration.

13
14 I'm sure our board will as well, but to
go back and forth as to what they could do
15 and could not do, I think we know they have
16 chosen this site because they had a willing
17 and able buyer willing to sell them a
18 location to work with.

19 BRIDGET WENDELL: Easy is duck tape and

20 bubble gum.

21 The smart way to do things is often

252 PAGES

22 a little bit more difficult. It requires
23 more effort, but there is a better pay off
24 in the end for the residents of Marple

123

1 Township, and I don't think I am the only
2 one who feels this way.

3 MR. PATTI: All right. We appreciate
4 your comment and completely understand.

5 BRIDGET WENDELL: I would love to hear
6 from somebody from PECO regarding this.

HENRY SCHECK: I mean if it's all right, I'll comment.
we look at that site when we were evaluating sites.

11 than I You guys know more about that

12 do, but it was like you said, under
13 development and in litigation at the time
14 we looked at it.

15 So it was pretty much a non-starter.
16 Completely not available to us.

17 BRIDGET WENDELL: But you're PECO.

EXHIBIT MM-S-1

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18 I mean let's be honest.

19 what monetary limitation is behind
20 your ability to litigate an interest in this
21 property?

22 You have unlimited -- honestly, let me
23 reiterate. You're PECO.

24 You are not going to run out of money

T

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A K
houses
are in

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6
7
hiring lawyers to talk to people who are in
contract with the Don Guanella tract into
acquiring a small piece of that tract, a small
piece of that tract, to establish a monitoring
property that is not a
neighbor to hundreds of residential properties.
That is not a neighbor to an elementary school.

9
10 through 5 school. A K through 5 school which
11 special education services for individuals who
12 wheelchairs.

13
14

who cannot get themselves out of the building in the event of a catastrophic event at this natural gas station.

252 PAGES

15 You are talking about looking at the
16 Don Guanella tract which is honestly
17 currently in the middle of nowhere; and even
18 after it is developed is going to be quite
19 frankly far away from housing and from
20 schooling.

21 I'm looking for a good faith effort on
22 PECO's behalf to try to acquire a piece of
23 that Don Guanella tract.

24 To try to utilize a piece of that Don

125

CO¹
 ²
Guanella tract as opposed to trying to plunk
down this natural gas monitoring facility with the physical footprint that has
never been tested against real life situations as

5 has been explained in comments to
prior
6 public commenters.

7 So the safety of it is again untested
8 as representatives from PECO have commented
9 on this public phone call.

I'm asking that they put their natural

252 PAGES

11 gas monitoring gas station a little further
12 out of harm's way or that they at least look
13 into doing so.

14 Is that not an unreasonable request?

15 MR. SKLAROFF: Let me respond to that
16 with the following.

17 This use, which is really a benign use,
18 is permitted on this piece of property.

19 Um, there has not been anything but
20 speculation to say it would harm anybody.

21 We have taken efforts to make sure that
22 there are enhanced safety precautions.

23 The point is that the Board of
Commissioners has long ago decided that this

126

kind of facility is permitted on this

2 property.

3 So the decision as to the
4 appropriateness has already been made.

5 Obviously we looked at properties that

6 have that characteristic, that it's

7 permitted, and we are here to say that the

EXHIBIT MM-S-1 252 PAGES

8 location is only a Special Exception. It's a permitted use, and I
9
think we have proved our entitlement to a Special Exception. BRIDGET
10
WENDELL: But is that obvious, Mr. Kessler, is it obvious that you
11
have looked into other properties which may also be subject to your
12
special request for a Special Exception or whatever we are
13
calling it, excuse me, I am not a lawyer, but subject to the
14
Special Exception?
15

Have 16 you done your due diligence?

That's 17 what I want to know and what other residents want to
hear.
18

MR. SKLAROFF: Thank you. I think

we have got enough on the record.

Thank 21 you very much. I have listened

O 127

22
23
24

+
C to you. I understand your concern. BRIDGET WENDELL: Let's hear it, Mr.
Kessler.

252 PAGES

4 Have you done your due diligence into
5 other properties within fair proximity to
6 this gas pipeline, other properties that
7 could be acquired by PECO, PECO with bounds
8 and bounds of monetary resources, tons and
9 tons of lawyers could who could litigate the
10 acquisition of property?

11 We heard from PECO that they hav
12 their due diligence in trying to
acquire

13 area another property that again is
not
Aionek ilk
14 proximity 11
hundreds of established to

15 dwelling.

16 That is not in proximity to a K through
20 5 elementary school.
21 18 ! That is not in proximity to
an 19 elementary school that has special
education students who would have to be
wheeled out of the building one by one if there were a
22 catastrophic event involving this natural
23 gas monitoring facility.

EXHIBIT MM-S-1

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24

I have not heard that from PECO on this

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EXHIBIT MM-S-1

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1 call.

2 I do not agree that it is all on the
3 record.

4 I see you sitting back in your chair.

5 You feel satisfied. I do not feel
6 satisfied.

7 MR. SKLAROFF: I'm sorry. Do not
8 characterize what my feelings may or may not
9 10 be.

I 11 pointed out that we have looked at a situation
where 12 this is a permitted use. I don't understand. You
would 13 rather have a gas station there and a filling
station, 14 and you think that would be safer
than 15 this?

That's a 16 rhetorical question. Mr. Chairman, I -
- ti

.17 BRIDGET WENDELL: I certainly have not
18 expressed, I certainly have not expressed
19 that I would like for that to be used as a
20 gas station.

21 I understand that it used to be used as a gas
22 station.

23 I don't care what it used to be used

T

1 as.

2 what I care about is the present and
3 the future.

4 At present it is empty. In the future
5 I would --

6 MR. PATTI: Miss Wendell, this is

Joe

7 Patti, the chairman.

8 They have obviously said what they

1 5

9 going to say, and you clearly expressed

1 6

10 your request for them to present other

1 7

11 • alternatives that they looked at.

1 8 anything 12 t we are not going to hear

1 9 further than what they are saying now.

2 0

2 1

EXHIBIT

MM-S-1
252 PAGES

So I think we are just going back and forth right now, and you certainly made your opinion clear.

I don't know what else to say, but I mean we do want to hear from somebody else, I think, who also had a question.

BRIDGET WENDELL: Once again, I would like to reiterate that I agree with Mr. and

252 PAGES

22 Mrs. DiTomo regarding their concerns and the
23 expression that they would prefer that PECO
24 looks at acquiring part of the Don Guanella

+

130

1 tract for use of this natural gas monitoring
2 station.

3 MR. PATTI: Okay.

4 MR. GENTILE: Thank you.

5 MR. PATTI: Larry?

ITR

6 MR. GENTILE: Yes. We have about six

7 more residents at this time.

8 Mr. Chairman, and I would ask if, maybe
9 Mr. Bilker, you want to chime in.

10 Maybe it's time to remind the residents
11 that the purpose of this meeting is to

12 discuss zoning.

13 It is not a public meeting. This still

14 has to go through land development, and it

15 still has to go through the Board of

16 Commissioners.

17

Correct me if I'm wrong.

EXHIBIT MM-S-1

252 PAGES

18

Maybe Matt, do you want to make any

EXHIBIT MM-S-1

252 PAGES

19 statements before I had let any other
20 residents in? The list is growing.
21 MR. BILKER: Yes. I mean I am not
22 going to tell individuals how to comment.
23 what I would say is if they are
24 focusing on something, you're right, Larry,

131

1 focus on the request for zoning relief. That's
2 the request for a variance.
3 That's the request for a Special
4 0 Exception and specifically the most
5 substance that we got on issues that may or
6 may not qualify or disqualify the applicant
7 from a Special Exception.
8 It seems to come down to noise and
9 appearance.
10 Comment on whatever you want to
11 comment on certainly.
12 The board is not trying to restrict
400*

13 you, but that's what is at issue here for
14 this board to decide, the request for zoning

252 PAGES

15 relief.

16 MR. GENTILE: Correct, and it still has
17 to go to land development and the board of
18 commissioners.

19 Is that correct?

20 MR. BILKER: Right. This is not the
21 end game.

22 If it gets approved or disapproved,
23 there is always a number of other paths both
24 the applicant, and other areas, the township

cY(o\-

132

•
1 ² j i may go or may have to go I
should say.
³

So this is just zoning relief. MR.

GENTILE: Okay. Thank you.

I will be moving over Mrs., Miss.

5 Butterfield.

6 PAMELA BUTTERFIELD: Hello. This is
7 Pamela Butterfield at 4 Arbordale Lane.
8 Can you hear me?

9

MR. GENTILE: Yes, Ma'am. Can you say

10

your address again?

11

PAMELA BUTTERFIELD: 4 Arbordale Lane.

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12 MR. GENTILE: All right. Thank you,

13 Ma'am.

14 PAMELA BUTTERFIELD: I appreciate that
15 this is just a zoning relief meeting.

16 of course, I think that people that are
17 opposed to this project all together will be
18 interested in not having that relief allowed
19 so as to stale the project until some other
20 better reason to stop it happens.

21 I wish I was as eloquent as the lady
22 before because everything she said I felt
23 was spot on, and I think a lot of the
24 residents of the area would agree on

1 everything she said.

2 Now, my question is quite short.

3 My understanding from what I heard
4 this evening was that this station is being
5 put in there to address potential growth if

it continues at the current rate over the

EXHIBIT MM-S-1

252 PAGES

7

next ten years.

252 PAGES

8 If that growth rate does continue in
9 that ten year period, at some point in time,
10 what sounded like in ten years from now
11 additional connections to the gas could not
12 continue.

13 why is this being considered now
14 versus if and when it is needed and if and
15 when the growth continues in ten years from
16 now?

17 That's my question. I have one more
18 question later, but yes.

19 MR. SKLAROFF: PECO is being proactive
20 to make sure that when the time comes and

21 it's needed, it could be two years, it
could

22 0 be ten years, that they will be
prepared,

23 and people at that time will say what
you

should have done, could have done five years

1 ago.

2 PAMELA BUTTERFIELD: Is there a
3 potential that you would need even a larger

EXHIBIT MM-S-1

252 PAGES

4

site if the growth rate accelerates?

EXHIBIT MM-S-1

252 PAGES

5 MR. SKLAROFF: I certainly can't answer that
6 question, but they have a
7 responsibility as a public utility and they
8 have a responsibility to not spend
9 unnecessarily, and they are trying to
10 install this facility for the public
11 benefit, and that's what public utilities
12 do.

13 PAMELA BUTTERFIELD: I understand that.

was

14 My understanding from what was said
15 that this was based on an expectation of
16 something that would happen in ten years.

17 Maybe I misunderstood.

Ap
0

18 MR. SKLAROFF: Well, perhaps I did not
19 j express it as correctly as I could have.
20 ■ The idea is that this ever expanding

COY

23
which

demand is there; and if we don't address it at this time, there will come a time,
perhaps ten years, perhaps shorter, in

24

we will be unprepared to meet that demand.

+

EXHIBIT MM-S-1

252 PAGES

1 PAMELA BUTTERFIELD I understand, but
of

2 course --

3 MR. SKLAROFF: The planners look
ahead.

4 PAMELA BUTTERFIELD: Yes. I understand
5 that, and one of the big development areas
6 is the Don Guanella development.

7 so it would certainly make sense for
8 development this to be incorporated in that

9 because that's where the greatest growth
is
10 happening.

11 Anyway that's just my point on that.

12 And on a lighter note, if this facility
13 goes into that spot, where will we buy our
14 Christmas trees?

15 MR. SKLAROFF: We have come to an
16 agreement with the seller of Christmas

17)11
18 trees. They will be able to do that next
year

19 And so, you will at least for this
year
20 be able to do that.

21 PAMELA BUTTERFIELD: Okay. That's all
I

EXHIBIT MM-S-1

252 PAGES

22

have.

23

Thank you all, and I appreciate all the

24

comments and questions that the others have

EXHIBIT MM-S-1

252 PAGES

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1 put forth and good night.

2 MR. PATTI: Thank you.

3 MR. BILKER: Thank you, Pam, and while
4 Larry is bringing on the next individual to
5 speak, I feel the need to reiterate based on
6 some of the comments you made.

7 Like I said, the comments are whatever
8 you want to make.

9 That's why they can offer this during
10 the public comment section and during the
11 comments from the panelists or from the
12 audience.

13 But the board is going to make a
14 decision tonight. It's not going to be based on
15 decision delaying anything.

16 The board is going to make a
17 based on the facts that were presented and
18 the ordinances that are in question and the
19 regulations and the case laws that interpret
20 those ordinances, and that's it.

21

The board is going to be advised and

22

always does make decisions based on the

EXHIBIT MM-S-1

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23 right reasons.

24 we I know sometimes we freelance when

137

the

1 speak, and that's okay, but that's what

the
2 decision is going to be made on tonight
3 and/or in the next couple of weeks when

4 board decides.

5 you bringing MR. GENTILE: Okay. I will be
6 on Mr. Butler at this time.

7 Mr. Butler, if you can hear me, if

8 9 can unmute yourself.
You're ready to go, sir, if you

can just state your address.

CO<1>ic

12 JOHN BUTLER: John Butler. Laurel Lane
in Broomall.

13 system? 14 Is there going to be any venting if
there is a pressure problem in this

15 Is there vents there? I know we have

16 them in our homes.

EXHIBIT MM-S-1

252 PAGES

17

MR. SKLAROFF: Tim, do you know the

18

answer to that question or Aaron?

EXHIBIT MM-S-1

252 PAGES

19 TIM FLANAGAN: Yeah. Um, go ahead,

20 Aaron, if you want to jump in?

21 AARON SZCZESNY: There are vent

22 provisions provided in order to isolate the

23 station and boil it down for maintenance

24 activities.

138

. #0.6

1 2

Tim, I 3 don't know if I can comment
beyond 4 that. TIM FLANAGAN: Yeah. No.

So, 5 Mr. Butler, yeah. So Aaron is the
 6 engineer on that.

 7 is relief devices in there for
 8 pressurization and/or if we have to

9he system down for maintenance.

If we 10 have to shut that down and remove all the gas so they can
perform 11 their maintenance.

So 12 answer to that question is yes. There is relief devices in
there 13 that would vent out into the atmosphere.

For any 14 planned maintenance

252 PAGES

16 activities, and I don't know whether this
17 was discussed prior to this or not, we do,
18 we would run that gas through charcoal
19 filters, and we would put a masking agent in
20 so you would not be smelling any type of
21 natural gas for planned maintenance
22 activities.

23 JOHN BUTLER: So that is going to go out
24 in the atmosphere though.

139

R

1 TIM FLANAGAN: I'm sorry. I missed the
2 beginning of that?

JOHN BUTLER: I'm sorry. It's not going
to be captured?

It's going to be cleared of the smell

6 but released into the atmosphere?

7 TIM FLANAGAN: That is correct.

8 JOHN BUTLER: So, you know, we have
9 global warming.

10 I know on air conditioning, the product

11

air has to be captured.

EXHIBIT MM-S-1

252 PAGES

12 So why wouldn't you capture the gas
13 when you do planned maintenance and how
14 often does the relief valve go off at your
15 other facilities?

16 TIM FLANAGAN: Um, let me answer your
17 second question first. The latter question
18 first.

19 we do have relief valves at our other
20 facilities, and I've got to be honest with
21 you, it's hard for me to quantify how often
22 it goes off because it does not happen that
23 often.

Joon& ilk 11

24 That does not answer your question.

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140

2 So I can't even quantify how many times
3 that would occur at the other thirty
facilities.

4 Less than once a year maybe, and that's
5 just a guess. It just does not happen that

much, right?

EXHIBIT MM-S-1

252 PAGES

7

So that's the good news story out of

8

that; and as far as capturing the gas, we do

EXHIBIT MM-S-1

252 PAGES

9 not capture the gas.

10 It does get released into the
11 atmosphere, and that is industrial standard
12 for relieving that gas. Not just within
13 PECO. within the industry.

14 JOHN BUTLER: We do have a restaurant
15 next door that has open flame.

16 So that's my concern there, the safety
17 issue.

18 oh, the other thing is you have gas
19 fire heaters there. VV%

20 How is that impacting the air quality
21 because it looks like they are fairly big
22 heaters?

23 So you are burning a fair amount of
24 natural gas.

141

1 I know that was an issue down in
2 Nicetown where you have a co-gen facility
3 down there.

The residents are very upset about the

EXHIBIT MM-S-1

252 PAGES

5 air quality coming from the burning of the
6 gas.

7 TIM FLANAGAN: Um, so the restaurant
8 with the open flames, when we relieve, the
9 relief devices are piped up high; and as you
10 are probably aware, I'm probably telling you
11 something you already know, natural ga
12 lighter than air, and it is going to
rise
13 into the atmosphere.

14 So we are not worried about the open
15 flames at the restaurant because it will be
16 above their flames. 641k 11k lit

17 So I think that should address that
18 particular question.

19 I don't know off the top of my head
21 11 ""
20 what the heaters, what they produce,
what
the combustion rate is on that off the top of
my head.

23 I don't know if Aaron knows that, but
+ 24 this was an emissions standpoint issue, it

EXHIBIT MM-S-1

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1

was an emissions issue that you were

252 PAGES

2 referring to in Nicetown, Mr. Butler?

3 Is that what you were saying?

4 JOHN BUTLER: Yes. The residents are

5 very concerned about the natural gas

6 facility down there, and you have five

7 burners there that apparently are going to

8 be running a long time.

9 So how much is going to impact the air
10 quality in that area because the residents
11 are there 24/7?

12 TIM FLANAGAN: I don't have -- I'm not
13 familiar with the Nicetown facility.

14 Is that Philadelphia Gas Works or is
15 that something else?

16 ¹⁷ t j MR. BUTLER: Yes.
That's Philadelphia
Gas works.

TIM FLANAGAN: Oh, okay. I don't have

19 any answers to that particular question
20 specifically on that, but emissions from the
21 heater, from our pre-heaters, I don't know
22 if Giovana or Aaron has the answer to that
23 on what the emissions are on that.

24 AARON SZCZESNY: I don't. No. I don't

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252
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1 have that information either.

2 JOHN BUTLER: I think that you should
3 give us an answer on that before this board
4 renders a decision because that's a health
5 issue.

6 MR.
SKLAROFF: Well, we will abide
by

7 regulations and the Department of

8 Environmental Protection, and let me
point

9 out that Philadelphia Gas Works is not part

10 of PECO..¹⁶⁴⁰,

11 JOHN BUTLER: I know that.

natural
gas

12 0 Hey, they are trying to get
out of the city as part of the
sustainability.

Now, does PECO have a sustainability

16 plan?

EXHIBIT MM-S-1

252 PAGES

18 natural gas usage, and we are trying to
19 eliminate natural gas and putting in maybe
20 high efficiency heat pumps for climate.

21 In New Jersey, they are trying in
22 2050, they are supposed to decarbonize

252 PAGES

23 everything, be carbon neutral, and you are

24 talking about expanding burning of natural

144

T

1 gas.

2 So you don't seem to be with the trend.

3 what's the pressure in the twelve inch

4 main?

5 MR. SKLAROFF: Tim, do you know that

6 offhand or Aaron?

7 AARON SZCZESNY: The total is, Henry

8 correct me if I'm wrong, five hundred and

• 1 twenty-five PSI MAOP standing for maximum

10 allowable operating pressure.

HENRY SCHECK: Yeah, that's correct.

11

12 JOHN BUTLER: And the fifteen inch
main,

what's the pressure in that?

14 AARON SZCZESNY: That's the existing

15 distribution system, and that's ninety-nine

16 pound PSI MAOP on the existing sixteen inch

17 distribution system.

18 JOHN BUTLER: Now, where is the gas

19 coming from that is feeding that now?

COPY

EXHIBIT MM-S-1

252 PAGES

20 TIM FLANAGAN: There is a number of
21 locations where that is coming from, but
22 primarily it's coming out of lower Delaware
23 County out of Brookhaven.

24 MR. BUTLER: So there is a problem down

4'

145

1 there not having enough gas because there is
2 main gas lines going down there.

We share laterals that go up the northeast coast, and we have certain amounts

10 take from them.

11 We purchase from the pipeline

12 companies as does PGW and all the other

13 utilities along the coast right there going

up the northeast corridor.

EXHIBIT MM-S-1

252 PAGES

15

So we have allowable amounts that we

EXHIBIT MM-S-1

252 PAGES

16 are allowed to do contracted. Allowable
17 amounts that we are allowed to take out of
18 that pipeline.

19 JOHN BUTLER: So where is the West
20 Conshohocken gas coming from?

21 TIM FLANAGAN: That is coming from
22 various locations throughout the system.

23 There is pipeline systems. Texas and
24 TRANSCO running throughout the whole PECO

146

T

1 service territory.
2 t i So we have two pipelines feeding in
there, TRANSCO and TETCO feeding into that area.

3
5 MR. BILKER: Hi, guys. I'm hearing privately
4 from some of the other directors

7 that we really do need to start limiting.
8 we are getting a little long with some of
9 these comments.

10 A general guideline is three minutes.
11 we have been, I think, pretty good with
12 allowing the public to go beyond three

252 PAGES

13 minutes.

14 But Mr. Butler, if you don't mind, if
15 you can wrap up your point so we can go on.

16 There are still a few people that would
17 like to comment on this.

18 MR. BUTLER: Okay. The back-up
19 generator, why?

20 You talk about battery back-up. Why
21 wouldn't you have lithium batteries
there II ,art. II 16.
22 that would do basically all of your back-up
23 and just use the generator for an
24 emergency if they would fail because I know

N e l i

\IC\CI

147

SAP, the generators up there

Pi

are always

2 running, and there is a lot of neighborhood
3 problems.

4 I don't know if it's a PECO power
5 shortage up there or whatever, but you
6 admitted that if natural gas generators are

7

running, it's going to be very noisy, but a

8

Lithium battery back-up would eliminate that

252 PAGES

9 problem.

firemen 10 And you also talked about the

 11 going in there.

if 12 Is there any special fire equipment

 13 they would go in there and are you going

to 14 supply that equipment to our fire

company 15 for free?

 16 TIM FLANAGAN: Um --

special 17 MR. SKLAROFF: There is not any

 18 equipment required, and again, we don't

 19 expect the fire companies to go in there.

 20 They will be trained as to what other

 21 things they can do.

 22 Almi Um, we have gone through the safety

 24 you, sir. I understand your comments.

C

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23 i issues several times this evening, but thank

C

O

1

JOHN BUTLER: Okay. By the
2 sustainability and reducing gas usage, is

EXHIBIT MM-S-1

252 PAGES

3
going

there a demand because the industry is

4

away from natural gas, and we are talking

5
for

about half of the PECO area is signed up

6 252 PAGES

7 a hundred percent renewable energy by 2050.

8 So this seems to be going contrary to what

9 the

10 for --

11

12 give you?

13 would you increase the ability to supply

14 hihih

15 is there a number?

16 residents want.

17

18 So I don't understand why you are building

19 MR. BILKER: Guys, these are questions that are

20 not for the zoning board to hear. I'm sorry.

21 This is for a later board, Mr. Butler.

They are important questions. I appreciate

you asking them, but this is not -- it does

not have anything to do with the Special

Exception or variance.

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,t, You soucertany rng t up agan

1

if it gets beyond this point, but right now

EXHIBIT MM-S-1

252 PAGES

2 I really want to make sure that we are
3 focusing on the requests for zoning
relief
4 that are before these board members.

5 JOHN BUTLER: Okay.

6 MR. GENTILE: Okay. Thank you, Mr.
7 Butler.

8 I would be bringing on Mr. Mark
Pagano.

9 And just so this board is aware,

10 including Mr. Pagano, there is a  total
of
11 four more
residents.

12 MARK PAGANO: Hi. How you doing? Can
13 you hear me?

14 MR. GENTILE: Yes, sir. If you can
15 state your name and address.

16 •

17 MARK PAGANO: Yes. Mark Pagano, and I
Grove. am the famous one who owns 605 Cedar

18 So I'm the one that owns the house
next door who is building it next to this
plant.

affected 21 So, you know, I am primarily
22 by the aesthetics of it.

the 23 So I just had a few questions about
24 surrounding area.

EXHIBIT MM-S-1
252 PAGES

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EXHIBIT MM-S-1

252 PAGES

1 Is PECO doing all the concrete
2 surrounding the property and are they
3 repaving the driveway and the shared
4 alleyway that goes behind Freddie's?

5 any
6 MR. SKLAROFF: We do not have
 interest in the shared driveway

7 the gentleman who owns
8 m ...
9 center.

That is owned by
the rest of the shopping

10 we will be redoing the concrete
 sidewalks and curbs.

11 MARK PAGANO: Okay. But as far as the
12 going into that shared curb cuts and stuff
 .
13 1 driveway --
■ You will have an entrance behind your

COY. alleyway going into your property. Is

that
correct?

17 MR. SKLAROFF: I believe so. We are

18 closing down two of the curb cuts as I
19 recall.

EXHIBIT MM-S-1

252 PAGES

to 20 MARK PAGANO: Is that alleyway going
21 turn into a one-way or is that going to
22 change there?
change 23 MR. SKLAROFF: It's not going to

252 PAGES

24

because we don't own it if you are talking

151

1
to

about the shared driveway that goes back

2

the retail shopping center.

3

MARKPAGANO:Okay .Soyoudon't .have

4

nothing to do with that paving there?'

5

MR. SKLAROFF: Not that I know of.

6

MARK PAGANO: Okay. And as far as

7
like

construction on the street or anything

8

that, it's not going to be affecting the
neighbors' sidewalks as well.

9

11

I know there are going to be some
digging them up or whatever, but you don't anticipate any
neighbors are being affected

13

by digging up sidewalks or anything like
that?

14

MR. SKLAROFF: I do not, but if we

15

disturb sidewalks or anything else, we will
be responsible for replacing it.

16

17

252 PAGES

19

down roads or, um, affect the neighbors.

EXHIBIT MM-S-1

252 PAGES

20 MARK PAGANO: Okay.
21 MR. SKLAROFF: And you will be provided
22 with numbers to call if there is something
23 going on during construction that you think
24 is wrong, and we will respond to you.

ptA

152

1 MARK PAGANO: What is the anticipated
2 completion date for this project?

3 MR. SKLAROFF: We expect it to begin
4 this spring, and it will take six months.

5 MARK PAGANO: Okay. So it's not going
6 to start till 2021.
7
8

MR. SKLAROFF: That's correct.

9 MARK PAGANO: I'll be long gone before
then.

10 For the neighbors that are concerned
11 about property value in Broomall, I don't
12 think you have to worry.

13 I am already under contract at that
14 property for a crazy number.

15

So I think the people on Boxwood, Mary

16

Lane, McClarie, you don't got nothing to

EXHIBIT MM-S-1

252 PAGES

17 worry about in Broomall.

18 It's definitely not an ideal scenario,
19 but the zoning is the zoning. There is
20 nothing we can do about it.

21 So as long as the taxes don't get too
22 high in Broomall, I don't think that you
23 will have to worry about your properties,
24 you know?

153

Um, you know, I am raising the property value over there for all you guys
with the house I'm building.

1
2 So I am directly affected by it because
3 4 I am directly next door, and I already have
4 5 it under contract.

5
6 about your
7 So I wouldn't worry too much
8 property values in Broomall.

9 As long as we pop the top on somemore
10 of them ranchers, you will have nothing to
11 worry about.

12 Thanks, PECO, for answering everything,

252 PAGES

13 and thanks to the zoning board. You guys

14 are great.

15 That's all I got.

16 MR. SKLAROFF: Thank you, Mr. Pagano.

17 MR. GENTILE: Thank you, Mr. Pagano.

18 Okay. I will be bringing on Mr. Greg

19 Fat.

20 GREG FAT: Can you hear me?

21 MR. GENTILE: Yes, sir.
*

2a⁶

22 GREG FAT: Greg Fat. 2201 Saint Paul L •

23 Drive. About a thousand feet from the

24 proposed site.

. 4111WOF

154

1 I just had a few
2 questions. I

don't know if it was skipped over,

3 but I think it's a relevant one.

4 who will be responsible for maintaining
5 the property?

6 You guys are going to have lawns there
7 and shrubs and trees and all that.

who is going to be responsible for

EXHIBIT MM-S-1

252 PAGES

9

maintaining that?

EXHIBIT MM-S-1 252 PAGES

10
11 MR. SKLAROFF: PECO will. PECO ha's
12 contracted with landscapers to take care of
13 all of their properties.
14 And so this will be taken care of. It
15 will be managed.
16 GREG FAT: Okay. What exact
17 measurements will be taken remotely from
18 this site?
19 will it be pressures?
20 will it be sound?
21 will it be outside natural gas
22 percentages?
23 what exactly will be measured remotely
24 from the site?

1 Flanagan. Yes. That's a good question.
2 Pressures. Regulator size openings,
3 valve openings, you know, to the degree
4 which they are all opened.
5 We will have gas detection in there for

15 5

252 PAGES

6 any type of gas that escapes and is in the
7 building itself.

8 So gas detection in the building, not
9 necessarily in the pipes type of a deal.

10 Yes. We are not going to be measuring
11 noise. That is not part of what SCADA
12 does.

13 So, you know, just valve operations,
14 regulators, how far they are open, you know,
15 and pressures.

16 That type of stuff will all be
17 monitored in there. S ■

18 recommendation GREG FAT: It would be my
19 for the board, and thank you all for
20 participating, but for noise to be measured
21 ²² and even I would say made public.

There is plenty of websites and tools
that could be made available for
transparency for the community around it and

1 allow some of those measurements that may be
2 relevant for the surrounding community to

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3 become available for the residents of the
4 community.

5 The last quick comment that I have, and
6 I certainly don't want to beat a dead horse
7 here, but my concern I think regarding
8 repeating, you know, Mr. Nelson, Ms. Wendell
9 is the Don Guanella site is being
10 developed.

11 My assumption is or it's proposed to be
12 developed at least.

13 My assumption is those homes will have
14 access to natural gas.

15 They are, you know, a few miles away.

16 My property is a thousand feet away
17 from this proposed station.

18 It's basically the entrance to my
ti ow"
19 neighborhood.

20 I will have to look at it every time I
21 come home, and I don't have access to
22 natural gas.

23 So, you know, the older residents, the
24 older neighborhood back here, we are going

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1 to be suffering with the burden of seeing
2 this big facility every day, and we are not
3 even being offered access to the natural gas
4 that is going to be pumped directly from
5 this station.

6 So the new residents that are being
7 built will have access, and it's going to
8 built into their prices, right, to have
9 access to natural gas.

10 But for the residents that are, you
11 know a thousand feet away, we are not given
12 any concessions.

13 ! ¹⁵ Nimo We are not being provided any access to
14 the natural gas that will be pumped through, and we will
15 have the burden of carrying it.

That's my only comment. Thank you all

17 for your comments and your understanding.

18 MR. GENTILE: Okay. Thank you, Mr. Fat.

19 We have two more. Miss Baker and Mrs.
20 Wendell.

21 Let me do Miss Baker.

22 JULIE BAKER: Hello. Am I audible?

MR. GENTILE: Yes, you are, Ma'am.

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24

JULIE BAKER: I actually have Bob

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1 Dorazio here with a brief statement. He was
2 not able to activate his audio, but I would
3 like to let him speak first.

4 Thank you.

5 MR. GENTILE: Okay. If you could again,
6 both of you, state your full names and
7 addresses as well.

8 JULIE BAKER: Okay.

9 BOB DORAZIO: All right. I am Bob
If
10 Dorazio.

I live at ¹¹2148 Mary Lane which is at the
corner of ¹²Cedar Grove Road and Mary Lane, a hundred and fifty feet from
the ¹³

14 project.

15 MR. GENTILE: Okay. Proceed with
your

16 question, sir.

17 BOB DORAZIO: All right. I'll try to
18 make it quick because I know you guys are
19 here just for the zoning relief.

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21 locations available because I spent a lot of
22 time driving through Marple Township and
23 looking at other sites.
24 And one of the sites that you missed

159

1 walked was Saint Peter and Paul Cemetery. I
2 off. 3 it You have two to three hundred yards of
4 land just off of the side of Sproul Road
5 from the monuments that can be constructed,
6 the Saint Peter ! and all around
7 and Paul
8 Cemetery there are hundreds of yards of land,
9 open space that this thing can be erected on.
10 I'm not an expert at some of the areas
11 that I looked at, but I can name a few more
12 real quickly, and the other locations that I
13 saw was Langford Road from Sproul Road is
14 8/10's of a mile from the site.
15 Excuse me. It's 6/10's of a mile from

EXHIBIT MM-S-1

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16

the site on Langford Road which is a wooded

17 EXHIBIT MM-S-1 252 PAGES

area. 18

I did 19 not walk the wooded area off, but I did
notice 20 that is a wooded area.

The 21 other area that I saw was Route 320, Sproul Road, to
the 22 left of Marple Road which travels all the way down to
400 23 North Sproul Road which would be at the bottom of

that²⁴ grade.

160

All that 1 land to the right is a
wooded

0 2 area which this can be erected on. I'm sure there
3 are some 3 other sites, and I don't want to bore you with them ut
4 I did scope them out, and I can tell at we have a beautiful
5 neighborhood

6 where 6 you're going to put a reliability
7 station 7 or a natural gas pumping station
8 smack 8 in a beautiful neighborhood.

9 You 9 can't do that.

10 There 10 are too many other spots that
11 this 11 can be put in, and again, I'm not an
12 expert, 12 but I can tell you that it's huge
13

252 PAGES

14 amounts of wooded and open space areas that
15 this can be put in.

16 So we are relying on Marple Township
17 just to keep it safe and beautiful as its
18 been for a hundred years and do not allow
19 this structure to be put on this property
20 in a residential, beautiful neighborhood
21 that we have.

22 JULIE BAKER: Thank you, Bob.

23 Sir, I did email a statement to Mrs.
24 Cook according to the instructions.

B P M

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Is that to be read into the public record or would you like
me to read it?

MR. PATTI: Edna?

4 JULIE BAKER: If you would like me to
5 read it, I did pull it up in front of me.
6 It's up to you.

7 MR. PATTI: Yes. Sure. You can read
8 it.

MR. ROMANO: Let her read it. It's four

EXHIBIT MM-S-1

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10 pages long, Mr. Patti, and I felt better
11 that when she comes on, she could read it.

12 It's four pages long.

13 about JULIE BAKER: Okay. I'll be quick

14 it.

15 MR. ROMANO: You can read it, Julie.

16 That's fine.

17 JULIE BAKER: Thank you so much.

18 Special So this is respectfully submitted to
19 the Zoning Board with respect to the

20 all Exception, and I believe my comments are

21 germane to the concept of this Special
22 Exception.

23 use Just hearing Mr. Kessler saying that
24 New this is an approved, this is a permitted

use
New

COC

162

1 and that they are entitled to the Special
2 Exception really does puzzle me.

3 So let me please go through my
points

4 as briefly as I can.

5 This is a neighborhood center for a

6 reason. That's what District "N" means.

EXHIBIT MM-S-1

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7 The township has no main street; and
8 except for a few shopping centers such as
9 Marple Crossroads and Lawrence Park, the
10 modest commercial strip along West Chester
11 Pike and the area under current
12 consideration are the closest things we
13 have.

14 Children of all ages walk, jog, ride
15 bicycles along Sproul Road.

16 They attend elementary school and two
17 churches within a quarter mile of Cedar
18 Grove Road and the traditional life ways
19 here are vibrant.

20 The increasingly multi-cultural
•
21 community is threatened by this project
22 which is completely out-of-bounds to the

coN3?

safety, health and welfare, appearance and

character of this neighborhood.

1

so let me just go through points that

EXHIBIT MM-S-1

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2

I think relate to the Special Exception for

EXHIBIT MM-S-1

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3 District "N" one by one.

4 Public Safety. There has been some
5 talk of communication with the fire
6 department.

7 about The township also needs to know

8 all collision mitigation and fire
9 about preparedness and response, especially
10 pending legislation in the Commonwealth
11 requiring utilities and industries to share
12 such plans with local authorities.

13 Do please note that there is a gas and
14 mechanic station directly across the street
15 and that an earlier fast food purveyor on
16 the site of Freddie's was lost in a major

17 18 0 1C
fire which occurred less than fifteen yards from the proposed location
for the six

20 Several neighbors are within fifty feet
21 and an elementary school within five hundred
22 feet.

23 Here's something that really -- well,
24 it was addressed a little bit.

1(71)\/
heaters and the back-up generators.

EXHI BIT MM -S-1

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MM-S-1

1 252 PAGES

2 The structural integrity impact and
3 shock wave resistance of the wall.

4 Nobody has mentioned terrorism.

5 I know Homeland Security even requires that
6 you don't tell what the other stations are,
7 although I do thank profusely Mehul Gandhi and
8 Michele Garrity for letting me

9 know the location of one which I actually
10 inspected and photographed pretty thoroughly

164

11 today. A r m a k r v

12 One thing about the sound barrier is that
13 I looked up the sound fighter
14 SonaGuard, and it does say that it's for a non-
15 reflective environment.

16 I'm assuming that means when noisy things go by
17 it, the sound is going to bounce right off the
18 outside of the wall and reflect back to whatever
19 angle of incidents it will be carried.

20 So health and welfare.

21 Code states the standard for the zoning

22

23

24

stipulates no harm to neighbors, and preliminary research of the harmful effects of long-term noise.

1 One authoritative study was published
2 in the Lancet in October of 2013, and I
3 could put a link on the township website if
4 you want.

5 It was pretty authoritative and done
6 by an international team of physicians and
7 talked about long-term healthcare affects.

8 There was also the famous case of a
9 school in Upper Manhattan which was right
10 next to a regional rail line, I think this

11 was in the early 70s, and a teacher noticed that the children
whose classrooms were on
1 2

13 that side of the school did that much
14 poorly.

15 So they did go through a major case and
16 it was a real landmark case, so any lawyers
17 will know I'm sure better than I, that they

18 did quite a bit of sound barrier proofing

19 and other things. So I bring that up out of

EXHIBIT MM-S-1
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20

interest.

252 PAGES

21 PECO was kind enough to say they would
22 send me the noise study, but it's based on
23 assimilation, and it was said to sound like
24 a passing car.

+

166

1 So I can't help but wonder if this
2 one of refers to my modest little hybrid or
3 the motorcycles, muscle cars and trucks
4 that pass by.
5
6 The existing codes might be
7 obsolescent, and they might not address time
8 frames that are long-term as Mr. Butler and other
9 people did already mention.
10
11 we are living in close proximity to residents who
12 are elderly, disabled, seriously ill and otherwise
13 imbued with a great sense of comfort and security
14 thanks to the convenience, safety, access to health
15 services and overall affordability and friendliness

rn

11

12

13

14

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16

17

of this area. These are peoples' over-arching reasons for living here, and we depend upon our

252 PAGES

18 zoning board and commissioners to represent
19 our best interests.

20 As far as vehicular traffic and
21 pedestrian safety are concerned, many
22 accidents already occur at this
23 intersection.

24 Motorists colliding with

167

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b X g
face a 2 high level risk of severe injury. In a recent
3 occurrence such as the Jeep full of drunks who
4 careened through the northwest corner of the same
intersection and whose lives were spared by the vegetation they plowed
through before encountering the front wall of the residence, this would have
resulted in their certain demise if they had been travelling in
the 8 opposite direction and confronted
11 9 PECO's wall instead.
12 10 Intent of the zoning District "N"
13 find for neighborhood center as low

EXHIBIT MM-S-1 252 PAGES

14 intensity retail and office.
15 PECO's supplement to their appeal to this
16 zoning board states that no extraordinary adverse
17 effects will occur, but the code actually states
18 that no averse effects occur.
19 The goal of sustaining an area that is pleasant to
20 live and work in is not benefitted by as an intense
21 of industrial use as the gas reliability station
22 portends.'im,
23 Appropriateness for location.
24

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1

State code says

2

3

that each township
has to find a place for each type of usage,
but PECO up until tonight has been refusing

4 to inform us of other possible locations;
5 and as you have heard, we know of several.
6 The Brookhaven example at 3501
7 Williamson Road is far less densely
8 developed.

EXHIBIT MM-S-1

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9

The Marple location is residential all

10

on three sides, Mr. Kessler, for your

EXHIBIT MM-S-1

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11 information, with small retail and service
12 establishments along both sides of 320.

13 The footprint of the structures and
14 equipment are substantially proportional
15 relative to the lot size.

16 Other locations along near Route 320
17 provide much more surrounding space.

18 Let's see. Homeowners have invested in
19 their properties.

20 with this property being zoned
21 Commercial District "N", they should not
22 have to deal with a Special Exception for
23 high intensity at that location.

24 There is not a need to warrant this

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(*)

1 Special Exception for this property.

2 This property has potential for
3 aesthetic considerations that are unique,
4 and in fact, I might add that, you know,
5 anything that is single story that does not

EXHIBIT MM-S-1

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7 single story, but one that does not require
8 excavation, you know, will not be
9 over-ridden by, you know, the convenience
10 for PECO being able to clean-up this site
11 for themselves and for the township.

12 As far as environmental impact is
13 concerned, this is a relatively small lot
14 surrounded by residents.

15 Because of the type of operations, the
16 actuator and heaters are capable of
17 generating harmful levels of noise which
18 will be continuous at times.

19 21 • Vehicles may be coming and going
20 22 at odd
hours.

I know this has been addressed, but let's

Ualso mention the extraordinary degree of disruption during excavation and construction, far more than the installation

4,

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1 of gas lines along roadways and to
2 individual properties.

EXHIBIT MM-S-1 252 PAGES

4 address more definitely the issues of impervious
5 surface percentages, the MS4 requirements for
6 stormwater management, the disposition of
7 excavated soils which are likely to include
8 HAZMATS given the prior uses, and I know some
9 questions have been raised here, but I raise the
10 point for everyone to hear.

11 In addition to the health and safety and welfare
12 of human residents, those of animalian, avian and
13 invertebrate denizens need to be considered.

14 Whitetail deer can easily leap an eight foot
15 wall, and the consequences are certainly a
16 nuisance and potentially dreadful.

17 Moreover, our quality of life is interdependent on
18 the continued well-being of songbirds, pollinators,
19 even predators such as praying mantises which are a
20 sign of a very healthy ecosystem and at present are

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22

23

EXHIBIT MM-S-1

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1 prevalent in the vicinity.

2 Aesthetics. I know this is a big issue
3 for some, honestly less so for me than the
4 other issues.

5 By pretending that this matter is about
6 the appearance of the wall, I think this
7 demonstrates stunning disingenuousness on
8 the part of PECO.

9 As any thoughtful person can see, it is
10 the zoning Special Exception that is really
 the issue.

11

12 This is visually a gateway property for
13 those travelling north and south on Sproul
16 17
14 ■Road as well as east and west on Cedar

15 Grove
18 Road.

19 It's not what people expect for a
neighborhood center.

20 The walls and structures are not
21 aesthetically pleasing.
22 They are not appropriate for this location.
23

EXHIBIT MM-S-1 252 PAGES

This is really an important issue because of a unique location situation of
this
property.

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HI
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1 while landscaping can help, for safety
2 and visibility, it generally softens but
3 does not screen the unattractive visual
4 impact of a gas reliability station.

5 Furthermore, it will take many years
6 for plantings to attain sufficient size to
7 create an effective screen especially if one
8 views it from higher ground such as from
9 Freddie's.

10 Also, there may be a safety issue as •
11 ' far as PennDOT is concerned. That eight
12 foot wall will decrease the, further limit ti
13 the site distance of vehicles passing and
14 turning to and from Cedar Grove Road.

15 So in the public interest, a utility,
16 a public utility clearly, this is their

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18 In this case, a preponderance of
19 evidence is to the contrary.

20 Limited information had been made
21 available, and its been unearthed only

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22 through prodigious investigation and
23 organization on the part of a few concerned
24 citizens with little, if any, assistance

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1 from taxpayers' supported staff of our local
2 agencies.

3 Sadly all this points quite clearly to
4 sheer expedience, savings and profit for a
5 few entities and individuals driven solely
6 by self-interest. Not what we expect and
7 deserve from a public utility.

8
NI" So to conclude briefly, there is no
outstanding need for this type of business
in this neighborhood.

11 There is quite a few alternatives for
12 such a facility nearby, and there is no
13 compelling reason for this proposal to be
14 granted a Special Exception.

15 The local property owners and renters
16 deserve the protection of the current

EXHIBIT MM-S-1

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18 And I followed with a list of concerned
19 citizens with vested interests in Marple
20 properties who have asked to be considered,
21 and I did not count the number of people on
22 the list, but it runs in excess of
23 thirty-five or forty.

24 Thank you very much for your time,

fa

1 gentlemen and ladies. I very much
2 4 appreciate it. Good night.

3 5 MR. GENTILE: Thank you. I will be
4 6 1 moving her back over, and we have Bridget
Wendell.

I'm sorry. I actually moved Miss

7 Blake over. Let me remove you.

8 Mrs. Wendell.

9 BRIDGET WENDELL: Good evening, ladies
10 and gentlemen.

11 I just wanted to pause and thank the
12 previous commenter for her eloquence, her

13 thoroughness and her consideration of the

14 number of issues that stand before us as a

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15 township and the number of opportunities
16 that stand before PECO.

17 I just want to maybe give PECO an
18 opportunity to respond.

19 I noticed that things were a little bit
20 silent on PECO's end?

21 Mr. Kessler?

22 MR. SKLAROFF: I'm sorry, but the name
23 is incorrect on the screen.

24 However, I have listened to your

175

19

•
1 comments, and we are fine with what we have
presented this evening.

BRIDGET WENDELL: So as to the presenter
4 who commented previously, the citizen who
5 commented previously to me, I noticed that
6 no one responded to her.

7 Did anyone want a chance to respond to
8 her comprehensive and eloquent statements?

9 MR. SKLAROFF: I have no comment.

BRIDGET WENDELL: Didn't think so.

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11 Quick question.

12 will neighbors be notified of any
13 venting that occurs?

14 MR. SKLAROFF: Any what?

15 BRIDGET WENDELL: Venting.

16 V-e-n-t-i-n-g.

17 MR. SKLAROFF: We will comply with all
18 regulations.

19 BRIDGET WENDELL: Could you please
20 supply us with any studies from medical
21 journals on par with the Lancet or the New
22 England Journal of Medicine regarding the
23 health affects of such venting that might
24 occur in neighborhoods of similar density to

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1 the neighborhood where you are proposing to
2 install this gas monitoring station?

3 I believe that the prior commenter,
4 while she did not particularly cite it as a
5 reference concerning air quality, she did

6 cite a Lancet study.

7 I had have the opportunity to look that

EXHIBIT MM-S-1 252 PAGES

8
Lancet 9 study up real quick.
Peer 10 journal, I mean an internationally renowned journal, peer reviewed article. Extremely legit.
Dust 11 wondering if you have similar references to the safety of the
venting 12 that might occur at this proposed facility?
13
MR. 14 PATTI: Do you have any such
studies, 15 Neil?
MR. 16 SKLAROFF: I'm not aware of such studies.
AIM! 11, 17 11 A 1 1 1 1 .
I 18 imagine they exist. I'm not sure what
this 19 Lancet article says.
I 20 thought someone said it had to do sound if you are next to a
21 railroad. regard to the venting, we have said n't be in the
• atmosphere.
22
23
24
1
2 It will rise above the atmosphere if
3 and when there will be venting.

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And because we never rule out anything

252 PAGES

4 can happen, we have addressed it, but if
5 there is any venting, it will be
of natural
It will rise in the atmosphere, and we have already heard Mr. Flanagan talk
about the lack of any danger from venting.

BRIDGET WENDELL: I'm having a weird thing happen on my Zoom. What's
going on? MR. GENTILE: I'm not sure, Ms. Wendell. We seem normal on
our end.

BRIDGET WENDELL: Okay. All of a sudden, Mr. Kessler seemed to cut off, and
there was a weird moment where Mr. Romano
popped up on my screen, and then, I did not

6 gas.

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EXHIBIT MM-S-1

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17

18 hear anything.

i \ * c \

MR. GENTILE: Again, we are not sure why Neil's name is Mr. Kessler, but his appropriate name is Neil, Mr. Neil Sklaroff.

22 Am I pronouncing that right, Neil?

23 MR. SKLAROFF: That's okay. I go by

24 Neil and a lot of other things that I have

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19

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1 been called.

2 BRIDGET WENDELL: All right, Mr. Neil.

4 Anyway, whatever we want to call you
5 tonight.

6 Medical journals, publicly available. If you Google
7 PubMed, you will pop up a national library of
8 health.

9 It's a government sponsored search engine publicly
10 available where any individual can look up studies
11 regarding, um, honestly all kinds of things
12 including whether the venting of natural gas that
13 might occur at this facility might or might not be
14 safe to the neighbors who live within X number of
15 yards from the facility.

16 What due diligence has PECO done regarding this
17 level of safety?

18 I bring this up because by trade, I am a
19 healthcare professional.

20 I am really familiar with looking up studies,
21 and I want to know that PECO has
22 at least on a consultancy basis somebody who is
23 looking into the health of the residents who are
24 going to, because they already own

2

3

the house, some of the residents that are going to have to neighbor this facility. Anyone? Anyone?

MR. PATTI: It does not sound like, Ms. Wendell,
that 4 there is an answer for you. BRIDGET WENDELL:
Can we 5 get one?
MR. SKLAROFF: It's not relevant in this
7 of residents? discussion and in the matter
before 8 the zoning hearing board.
BRIDGET 9 WENDELL: The safety and health
1 1 10

12 MR. SKLAROFF: I'm sorry. We have

i \lic ill\
1 3 presented our case on the safety and health
C 0
4 There has not been any reliable of the rsidents.
16 information that you folks have brought

EXHIBIT MM-S-1

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17 forward.

18 It seems that you have asked a lot of
19 questions.

20 I'm not saying that they are not good
21 questions and you have comments, but they

EXHIBIT MM-S-1

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22 are not necessarily relevant here as I'm

23 sure the solicitor will inform the board.

24 BRIDGET WENDELL: With all due respect

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1 to you and to the solicitor, be that the

4 2 4 e 6
A1'-'k "1 solicitor of PECO or the solicitor of the
3 township. Forgive me. I am a lowly 14

A

4 4 .4ioneckV li
5 I don't know who the solicitor works
6 6 for, but it's my impression that appointed
7 7 officials or elected officials of Marple
8 8 Township operate in the interest of the
9 9 health and safety of the township's
10 10 residents, of the township's taxpayers, the
11 11 township's homeowners, members of the

12 12 neighbors who rent homes within the
13 13 township.

14 14 Maybe I'm naive, and you just tell me,
15 15 but that was my impression.

16

MR. SKLAROFF: I understand your

17

impression.

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18

BRIDGET WENDELL: Can I hear something

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19 from the township?

20 I agree strongly with Mr. Fat and with

21 Mr. Dorazio that there are other sites in

22 the township such as Don Guanella, Saints

23 Peter & Paul, Langford Road and Marple

24 Road as discussed that would also be really

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1 suitable for this PECO monitoring station,

2 and PECO has not presented information that

3 they have even evaluated any other sites in

4 the township even if the --

1 w

1 (N 4 1

5

1 /

 MR. PATTI: All right. Ms. Wendell, we
 really appreciate your comments.

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7

This is the third time that you have

8 had a chance to present. I know you have

9 not gotten the answers that you want.

10 We may or may not have gotten the

11 answers we want as well, but I think at this

12 point, we know how you and many of the other

13 residents feel about this project.

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15 our safety trumps PECO's wish to have the
16 property at the intersection of 320 and
17 Cedar Grove.

18 MR. PATTI: That is completely
19 understood.

20 We thank you for your time.

21 And Larry, is there anybody else?

22 MR. GENTILE: Yes. We have Mrs. Baker
23 who would like to speak again.

24 MR. PATTI: We have to stop these

1

2

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additional speakings. Everybody has had
a chance.

We will take her, but then no one else

s on that has already spoken.

we are running up against time right
5
now.

6

MR. GENTILE: Okay. We will cut it off

8 at Mrs. Baker.

9 Do you want me to promote her to --

10 MR. PATTI: Sure.

11 JULIE BAKER: Hello again and thank you.

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12 I just briefly wanted to know, and I don't
13 have the printout of the code right in front
14 of me, but I remember quite clearly for the
15 Special Exception to meet a standard, there
16 have to be no harmful effects and no adverse
17 effects to the neighborhood.

18 So I think Ms. Wendell's comments are
19 extremely cogent, and again, I thank you.

20 MR. PATTI: And we will take that into
21 consideration.

22 Okay. Larry, anybody else that has not
23 spoken? You're on mute.

24 MR. GENTILE: Sorry about that. That is

\11(11\C

it at this time.

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2 MR. PATTI: Okay. I'm going to go back
3 to our board.

4 Does anybody have any follow-up
5 questions for the applicant?

6 Okay. Seeing none. Oh, go ahead,

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8 MR. BAKER: I did have one question.

9 Obviously if there were any sort of
10 health violations that you were aware of,
11 obviously, you would be obligated to tell
12 us, correct?

13 MR. SKLAROFF: Yes. I mean we don't
14 think there are any health consequences of
15 the operation of this, and I may address
16 that again if I'm given the opportunity to
17 just make a final comment, but we are here
18 as citizens of the township, and we want to
19 be good neighbors.

20 we have addressed that.

21 we have had public meetings.

22 In advance, we have people who have
23 been accessible to the neighbors. Have
24 answered questions.

rum 0.

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1 The characterization that this
2 facility will have all of these speculated

3

negative affects is just unfounded.

4

There is nothing in this record that we

EXHIBIT MM-S-1

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5 need to respond to, but I would like a
6 moment to summarize.

7 MR. BAKER: Sure. Thank you.

8 MR. SKLAROFF: If there are other
9 questions from the board members, we would
10 be happy to entertain those.

11 MR. PATTI: Anything else? All right.

12 Mr. Kessler, I'm sorry.

13 Neil, feel free to summarize.

14 MR. SKLAROFF: Yes. I'm trying to
15 figure out how that got there.

16 I will be very brief.

17 A Special Exception, as you probably
18 know as well as I, means that the use that
19 is permitted, that the board of
20 commissioners have anticipated, all the

400 400^{1%}.¹21 regular adverse affects that this use might
22 cause.

23 Now we don't believe there are any
24 adverse affects.

EXHIBIT MM-S-1
252 PAGES

1 we think this is a positive
2 introduction to an otherwise challenged
3 site, but that's why I put in my
application
4 that for there to be an adverse affect, it
5 has to be unanticipated, and we have given
6 you nothing that there is any
unanticipated
7 adverse affect for putting in a public
8 utility facility which we are, and the
9 burden, as you well know, is not
upon us
10 prove that there is an adverse affect.

11 It is upon those who would object to
12 us, and I think that there has been a lot of
13 speculation.

14 You people have been very patient, and

16 \1\1' we think they are misplaced with the
15 • we appreciate the opportunity to be able to
respond, and we understand the concerns, but
community, and we think we are entitled to
the Special Exception.

20 As to whether we earned the variance,
21 remember that we could put this up with a

EXHIBIT MM-S-1

252 PAGES

22

six foot fence, but we are asking for an

23

eight foot fence because we think that is

24

better for us and better for the neighbors

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186

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2

3

and the overall community.

But that's all we are talking about as

4 to the two feet.

kk,e⁶

Thank you for your patience, for hearing me out.

10 we do ask if there is a possibility, we
11 would like you to vote this evening.

12 Discuss amongst yourselves

13 We would like to proceed with land
14 development, and I think we have a community
meeting scheduled for next week sometime or
the week after.

16 So we are part of this, and we will
17 stay with the community as we develop this
18 site for the public benefit.

Thank you very much.

EXHIBIT MM-S-1 252 PAGES

MR. PATTI: Okay. Well, Neil, while I
appreciate you wanting us to vote on it
tonight, that's not going to happen. okay?
We have forty-five days within which to

252 PAGES

23 render a decision.

24 We are going to want to talk about it

+

187

1 amongst each other, and we will do so at
2 some point between now and that time period.

3 Most likely we will have a decision
4 before our next board meeting next month.

5 I doubt we might have something sooner
6 than that. You can check with the township,
7 but I can tell you right now, I have no
8 0⁹ interest in voting on this tonight.

There is ¹⁰ too many things that we need
11 to talk about as a board.

MR. SKLAROFF: I understand. Thank

12 you.

13 MR. PATTI: With that, we have
14 forty-five days with which to render that
15 decision, and certainly we will do our best
16 to get a decision as soon as we can.

17 Joe Romano, did the other case ever

18

present for the sign?

252 PAGES

19 MR. ROMANO: No. The other case never
20 texted us or sent us an email or nothing.
21 We will continue that until next month.

22 MR. PATTI: Okay. All right. Larry, I
23 think that we are done with this case at
24 this point, and that would probably be the

tti

188

• 1X : :
1 end of your meeting. 1V⁴⁴⁰ •
2 If you could just keep all the board
3 members on and everybody associated with
the
4 board and the township.
•
5

\1\c
6and be well.

O TIM F L A N A G A N : Thank you, everybody.

8 Thank you, guys. Ladies.

9 - - -

10 concluded (wherupon, the meeting was
11 at 10:13 p.m.)

12

13

EXHIBIT MM-S-1

252 PAGES

14

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EXHIBIT MM-S-1
252 ¹⁶ PAGES

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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 and
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

EXHIBIT MM-S-1
252 PAGES

11

LORI A. DIFABIO

EXHIBIT MM-S-1

252 PAGES

12 Professional Court Reporter - Notary

13 Public

14

15

16

17 (The foregoing certification of this

18 transcript does not apply to any reproduction of the same

19 by any means unless under the direct control and/or

20 supervision of the certifying reporter.)

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EXHIBIT ¹⁹⁰ MM-S-1

252 PAGES

EXHIBIT MM-S-1
252 PAGES

PECO ENERGY COMPANY

GAS RELIABILITY STATION a,
2090 Sproul Road, Broomall
Marple Township, Chester County

**Marple Township Zoning Hearing Board
Special Exception for Public Utility Facility
Variance to Allow Security Fence at 8 Feet**

EXHIBIT MM-S-1

252 PAGES

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Or Tnr.
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rANY. lF.7,1C10,1:•LN
TowNSHip Gas

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Tow:csInv G.'s COMPANY. under, of
Section 3 (r) Ae isle 111, and Sec- Public Convenience
tior, IS and 19, Article V. of the
Public Service Company Law,
for the approval of the
consolidation and merger of
said companies, forming a new
corporation to be known as
PIIIL1DF.L1•111A EIZCTRIC
COMPANY.,,

SF.XVIC4 COMMISSION OF TIM COMMON-1Y7At.71: or
P.7..NNSyLVANIA hereby certifies that after an
investigation and :Taring hail on the above entitled
appli-CatiOn, it has, by its report and order made and
entered. a copy of vhirh is Itrzcto attached and made a
part hereof, fcunil and determined that the granting of
said application is necessary and provir for the .f.crvicc,
accormr.cdaton, converriicou and safety of die public,
and this certificate is issued evidencing its approval of
the said application as set forth in said re orb and order.

resrintony 11/hereof. Tun Puritan Sento c Commis-
mot; Ott TUE COM?.toNWI:At.T11 or PENNSYLVANIA
has

caused presents to be signed and scaled, and duly
attested by its Secretary at its mike in the city of Harris- 0
burg this 29th day of Oztobcr, 1929.

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JNo. G. Hnt'w000,
[su.Nt..] Scirrtory

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P E C O ENERGY
COMPANY
A PUBLIC UTILITY

66 Pa. C.S. §102
provides a definition for

"Public utility."

(1) Any person or
corporations now or
hereafter owning or
operating in this

(i) Producing,
generating,
transmitting,
distributing or furnishing
natural

or artificial gas, electricity, or steam for the
d t i f l i h t h t t f

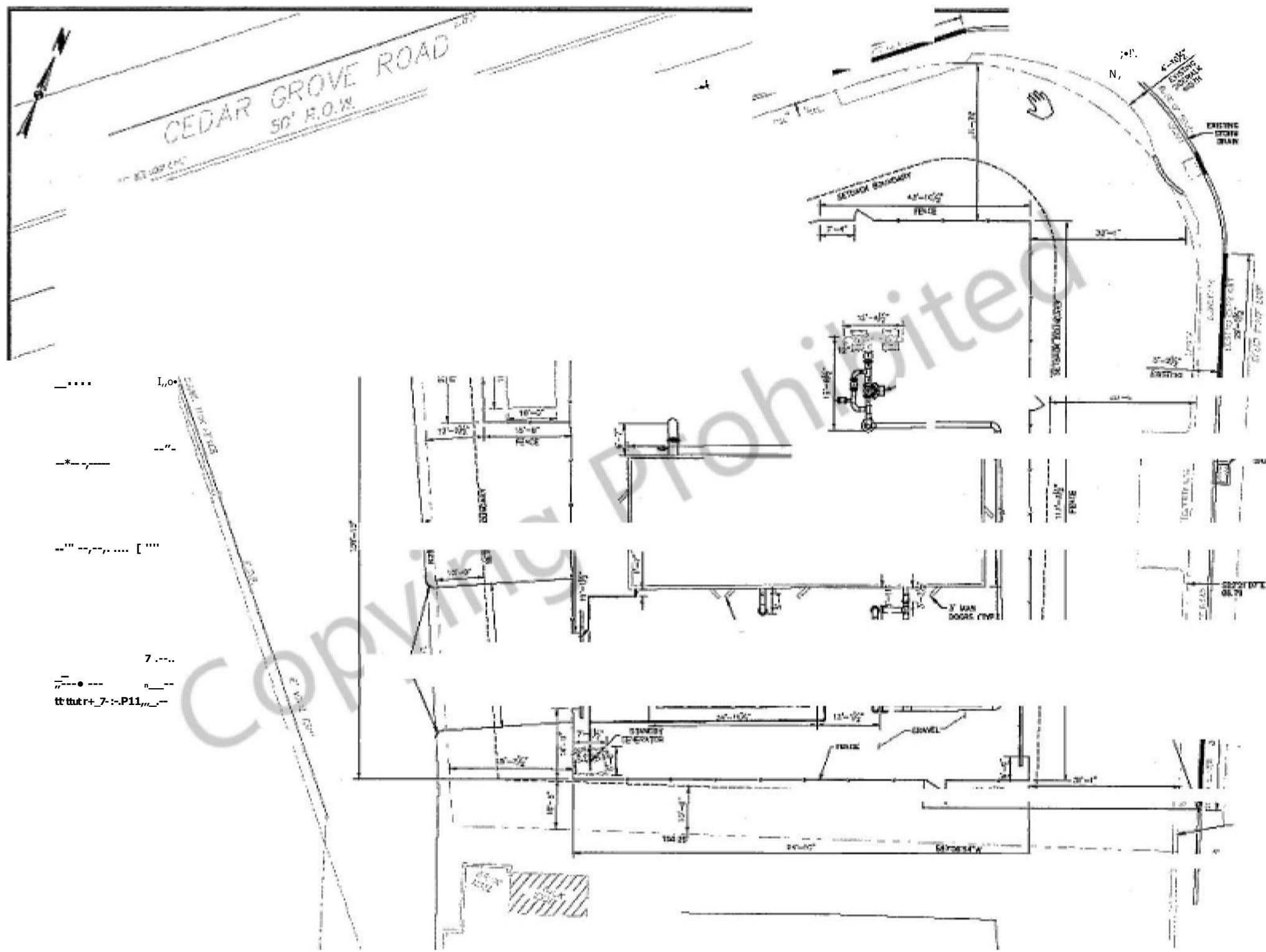


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Actual Setback

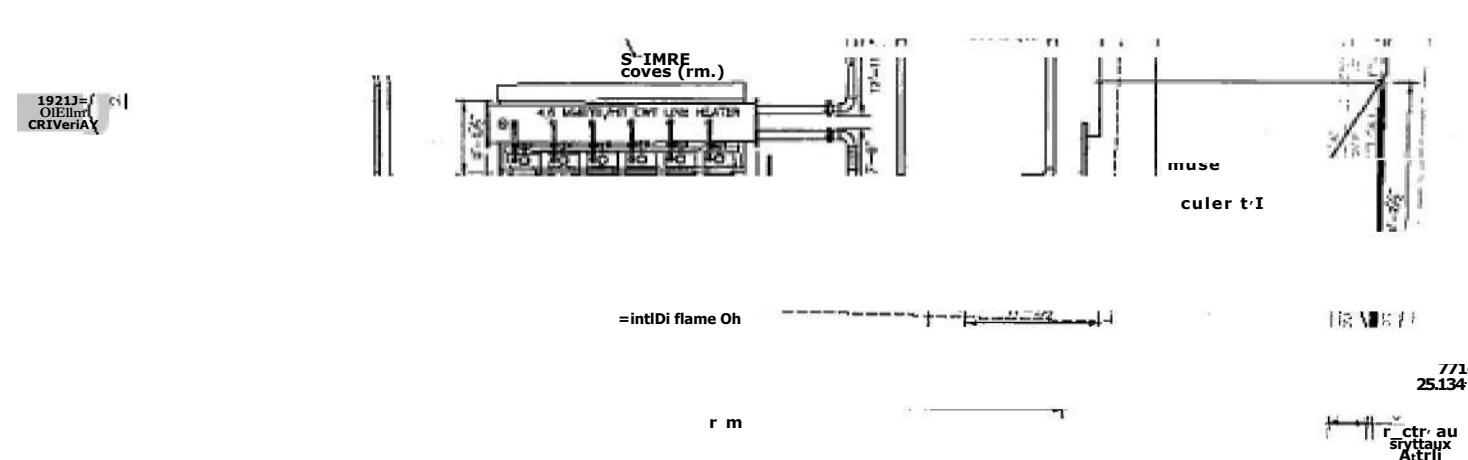


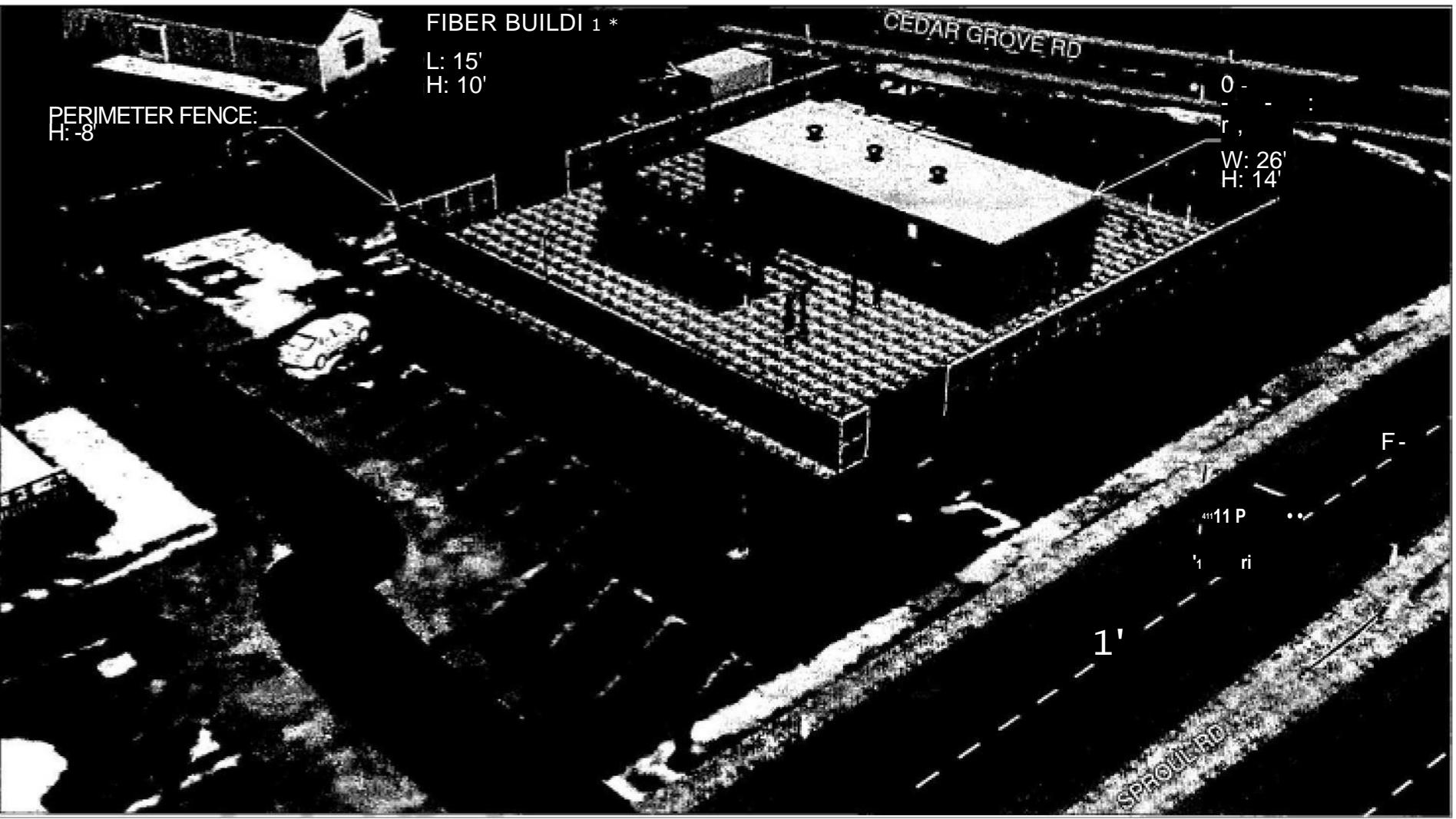
EXHIBIT MM-S-1
252 PAGES

- Natural Gas Reliability Project**
PECO authorized under the Pennsylvania Public Utility
Commission as a public utility to complete and operate the
following: coo LA
- - 11.5 miles of new gas main — 2 miles in Marple Township
 - Upgrade West Conshohocken natural gas plant
 - New Marple Township Public Utility Facility — Gas Reliability Station
 - Assures safe, efficient delivery of natural gas to Delaware County

- Complies of regulatory requirement of Pennsylvania

EXHIBIT MM-S-1
252 PAGES

Department of Environmental Protection, Montgomery County
Conservation District and Delaware County Conservation
District



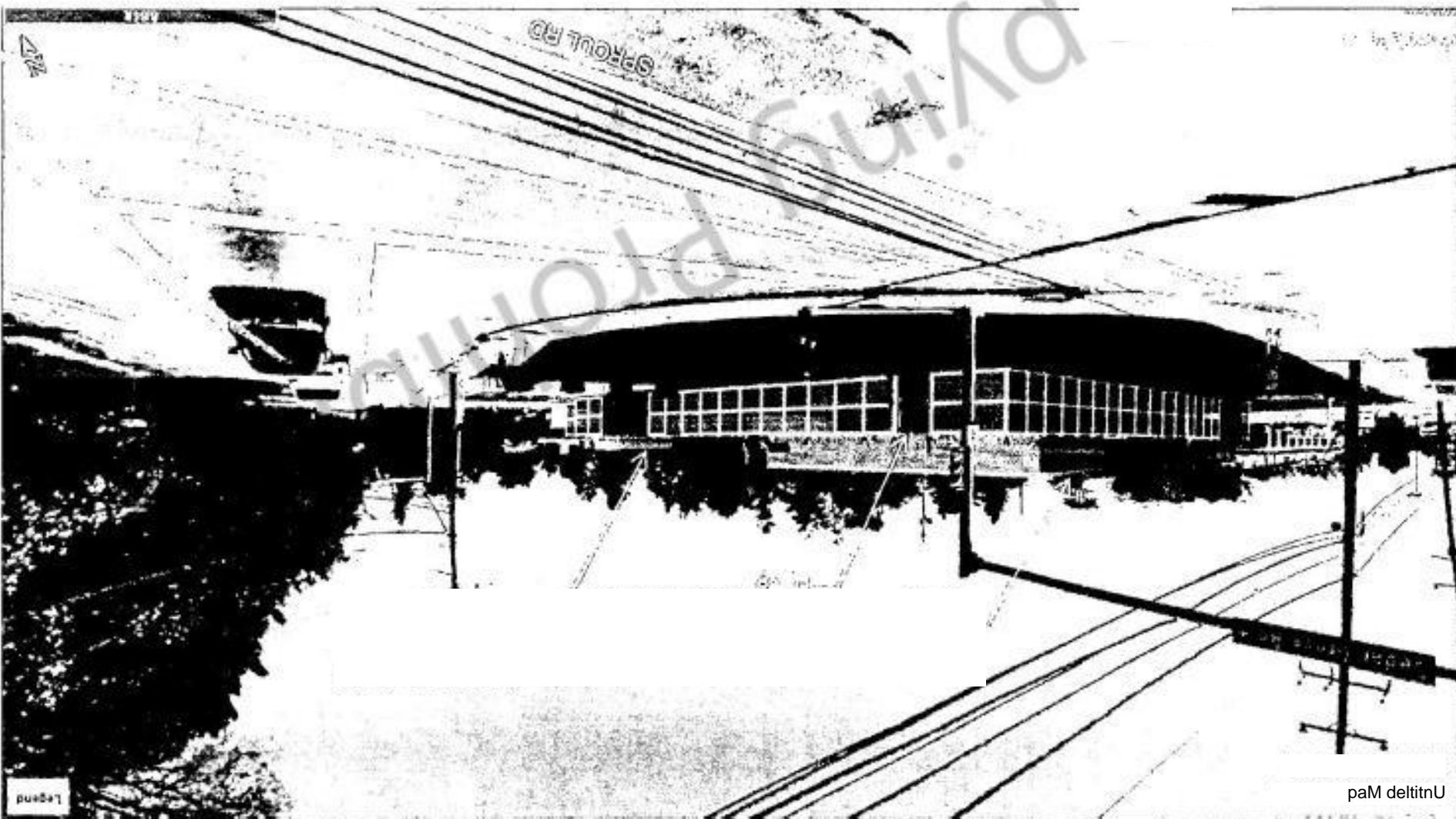
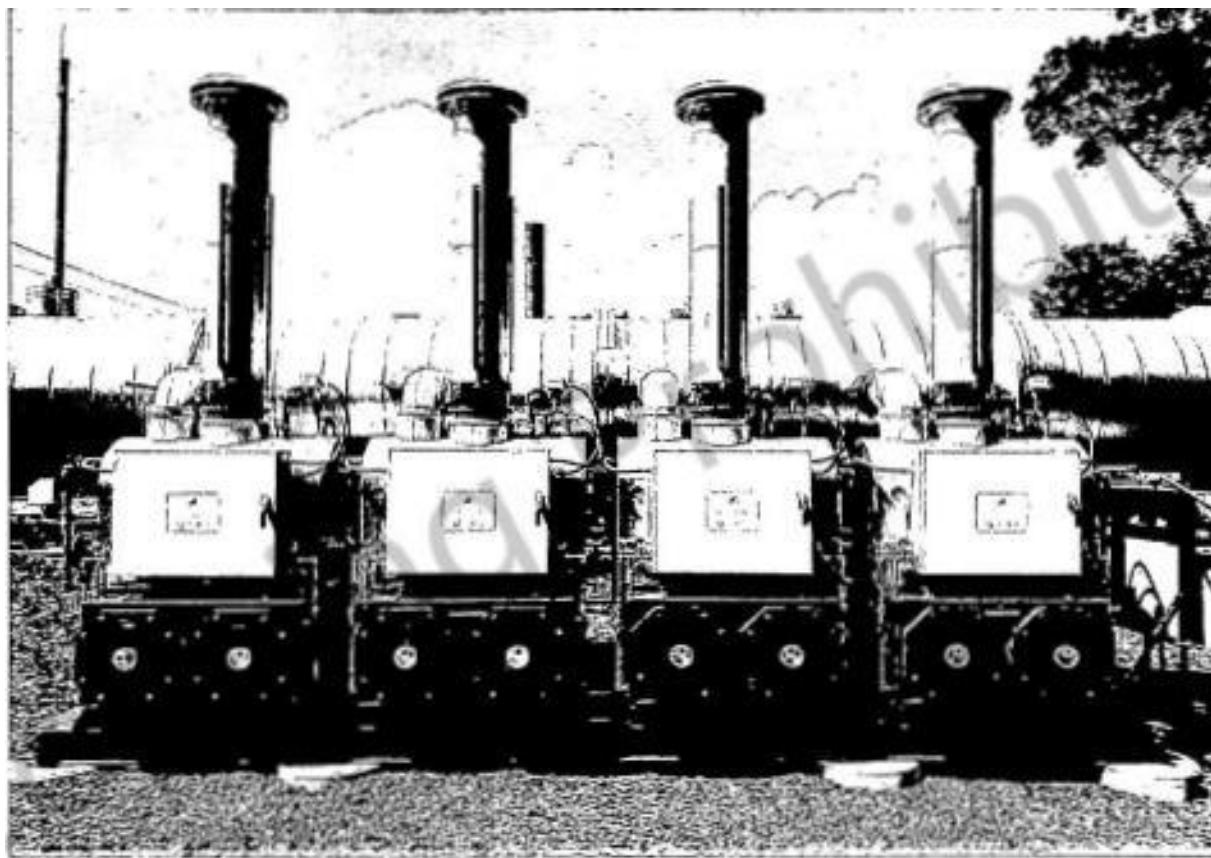


EXHIBIT MMS-1

252 PAGES



Typical CWT Line Gas Pre-Heaters

EXHIBIT MM-S-1 252 PAGES



PECO ENERGY COMPANY

**Safety and Security Standards
require perimeter fence to
have a height 8 feet or greater**

**Marple Township Code,
Section 300-111(b) allows a
fence of 6 feet in height**

**PECO seeks a variance to
extend fence to 8 feet in height
— a variance of 2 feet**

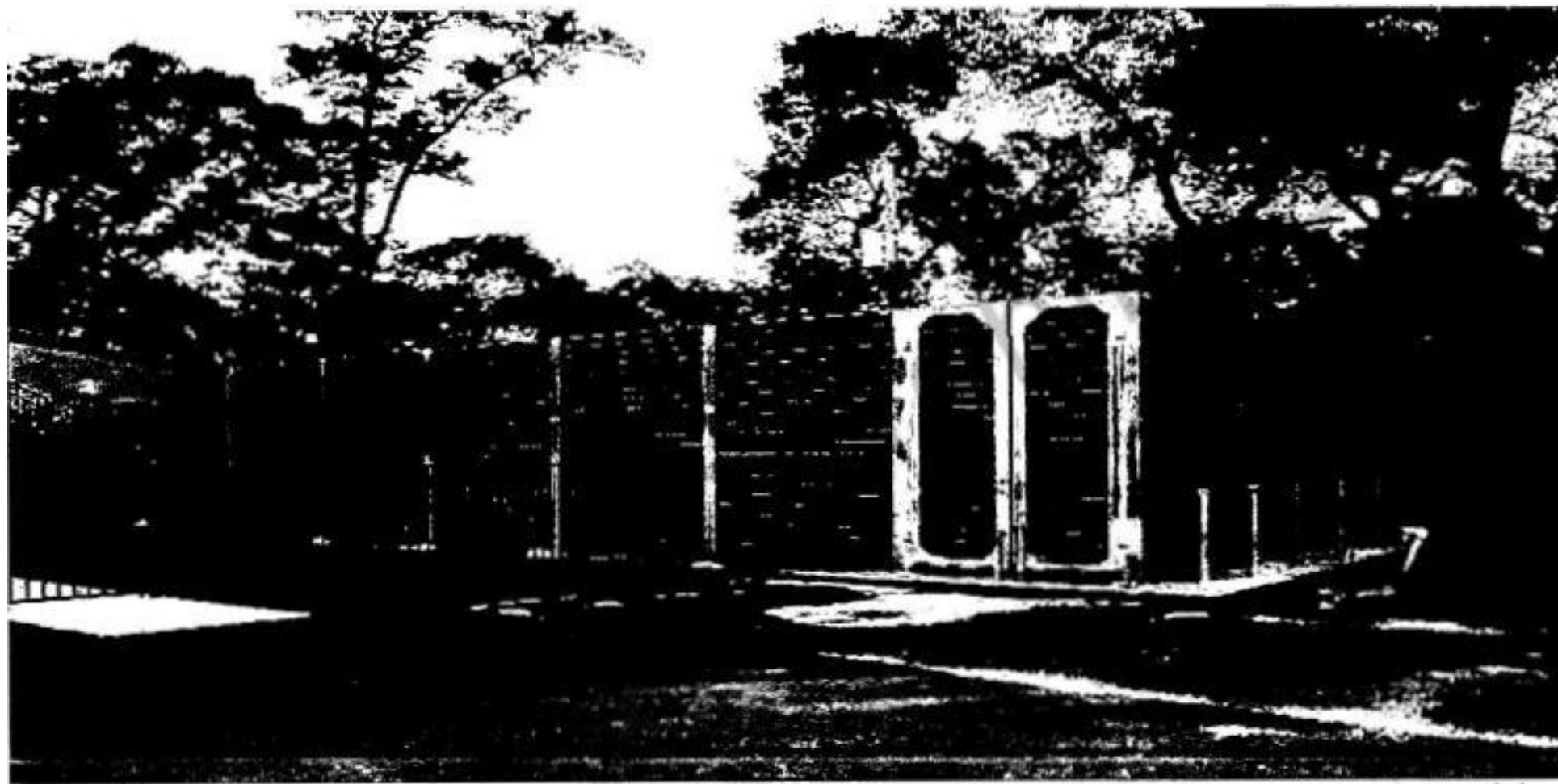


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2 5 2 P A G E S



Typical Fence/Wall
Sound Fighter SonaGuard

EXHIBIT MM-S-1
252 PAGES

NOTICE OF APPEAL

Do not write in this	For office use only.
Date hearing Advertised: <u>10/1/40</u>	d° Appeal No. <u>0.0? 0 3</u>
Fee Paid:-----	Receipt No.: <u>do - 906/i</u>

**ZONING HEARING BOARD
TOWNSHIP OF MAPLE**

Phone: 1.7.-6(.61 I Email address: ifyz-klokYt) Date: e
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I/We Pea, EiNiLLratM et>, bc.c of GOV ekNoA.W.1:4" Srai Sre ·15t;e'

Name Ns 11.....4144vszzO, --tat,,, Mailing Address P⁴ PA (4²4 s 0116X,..

Request that a determination be made by the Zoning Hearing Board on the following appeal, which was denied by the Building Inspector on KVAt, 20 .

(state, if request is for purpose other than those enumerated)

EI An Interpretation^{s-1}E A Special Exception A Variance relating to the

0 Area 0 Frontage

Yard --l@ Height --,In Use or

Is requested to

13

Article _____ Section 34::3&.

Paragraph

Article t Section ae::Z) -JO Paragraph

Article _____ Section _____ Paragraph

The description of the property involved in this appeal is as follows:

L o c a t i o n : 2 o q t)
----- G . p P o \ , .)

SEE ATTACHED

Present Use: Vila--0,14w,--
Zone District:

i4

Proposed Use: _____ t765 1-4 -LA 1-

1 1 - ----- 2 1
fit : 4 0 1 , 1 1 n

I/We believe that the Board should approve

_____ this request

because: (include the grounds for appeal or reasons both with respect to law and fact for granting the appeal or special exception or variance, and if hardship is claimed, state the specific hardship)

Notary Public

My Commission Expires 2-24-2024

is--"7

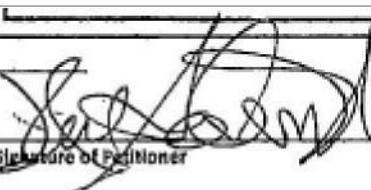
Sworn to and subscribed before me this MO

EXHIBIT MM-5-1

252 PAGES

Day of August 2020

Sheila Stone
Notary Public


Signature of Petitioner


Signature of Petitioner

EXHIBIT MM-S-1
252 PAGES

**SUPPLEMENT TO PECO'S ENERGY COMPANY'S APPLICATION FOR
SPECIAL EXCEPTION AND VARIANCE**

PECO Energy Company (PECO") proposes to build and operate a gas reliability station (the "Station") at 2090 Sproul Road in Marple Township, Delaware County, Pennsylvania (the "Property"). The Station is a critical component of a major infrastructure improvement project that includes 11.5 miles of new natural gas main (the "Project"). As PECO meets its goal to deliver a source of reliable natural gas to satisfy the growing demand in Chester County, PECO has chosen this site for its Station.

The Project proposes to occupy the Property, which measures a little more than $\frac{1}{2}$ acre (23,371 square feet). While most of the gas main lines will be underground or inside the Station building that measures 28 feet by 74 feet, a few pipes will extend above ground as well as equipment designed to heat the gas when necessary. A small building will house the fiber optic equipment that is part of PECO's vast wireless network that monitors the site. The entire working area will be secured by a fence. Outside of the fence will be a grass and landscaped area that occupies about 40% of the site.

Accordingly, PECO ask the Zoning Hearing Board to grant the following:

(1) Special Exception. The Station is proposed for the Property which is located in an N Neighborhood Center District (the "N District"). A public utility facility is permitted by special exception in the N District. Marple Twp. Zoning Code, § 300-39(B) and § 300-37. Operation and placement of the Station is regulated by the Pennsylvania Public Utility Commission ("PUC") as a public utility facility. PECO's highest priority in the construction and operation of the Station is safety — to the public and to its employees and contractors. The on-site equipment and layout of structures is designed to ensure safety and result in no harm to the surrounding community. The operation of the facility will result in no

extraordinary adverse effect to the neighborhood. Indeed, the Station will enable PECO to provide a continued reliable gas service to Chester County.

PECO therefore respectfully request that the Zoning Hearing Board grant a special exception to PECO in order to operate this public utility facility.

EXHIBIT MM-S-1

252 PAGES

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EXHIBIT MM-S-1
252 PAGES

(2) Variance. PECO's security and safety standards require that this unmanned facility be surrounded by a fence/wall measuring no less than 8 feet in height. The height is designed to prevent trespassers from climbing over the fence/wall and into the facility. The fence/wall itself is of advanced design. It is constructed of a solid sheeting sandwiching several inches of an insulating material, specifically designed not only to shield the view to the equipment but also to provide an extra layer of sound absorption to the already specially designed equipment. A public utility facility is customarily enclosed by a fence and so the basic design is consistent with the ordinary design of any like facility. A shorter fence of the same construction would be permitted as-of-right in the N District. The additional two feet that exceed the N District limits as found in the Marple Twp. Code, § 300-111 (B) will not result in any adverse effect to the community. Because the Station is an unmanned facility housing highly technical equipment, security and safety create a unique adaptation of a permitted use of the land. This application for an additional two feet in fence/wall height meets all of the Zoning Code's hardship

requirements.

ra

PECO, therefore, respectfully requests that the Zoning Hearing Board grant a variance from the limitation of § 300-111(B) in order to operate a public utility facility enclosed by a fence/wall measuring 8 feet in height.

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NO. EXHIBIT M-50

10/10-13

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ING HEARING BOARD for consideration of

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THE ZONING HEARING BOARD under its authority, invites all interested parties to appear and be heard at a PUBLIC HEARING to be held in the TOWNSHIP MUNICIPAL BUILDING, 227 South Sproul Road

on Ceito Osi o 7:6⁰ o'clock. *piti*

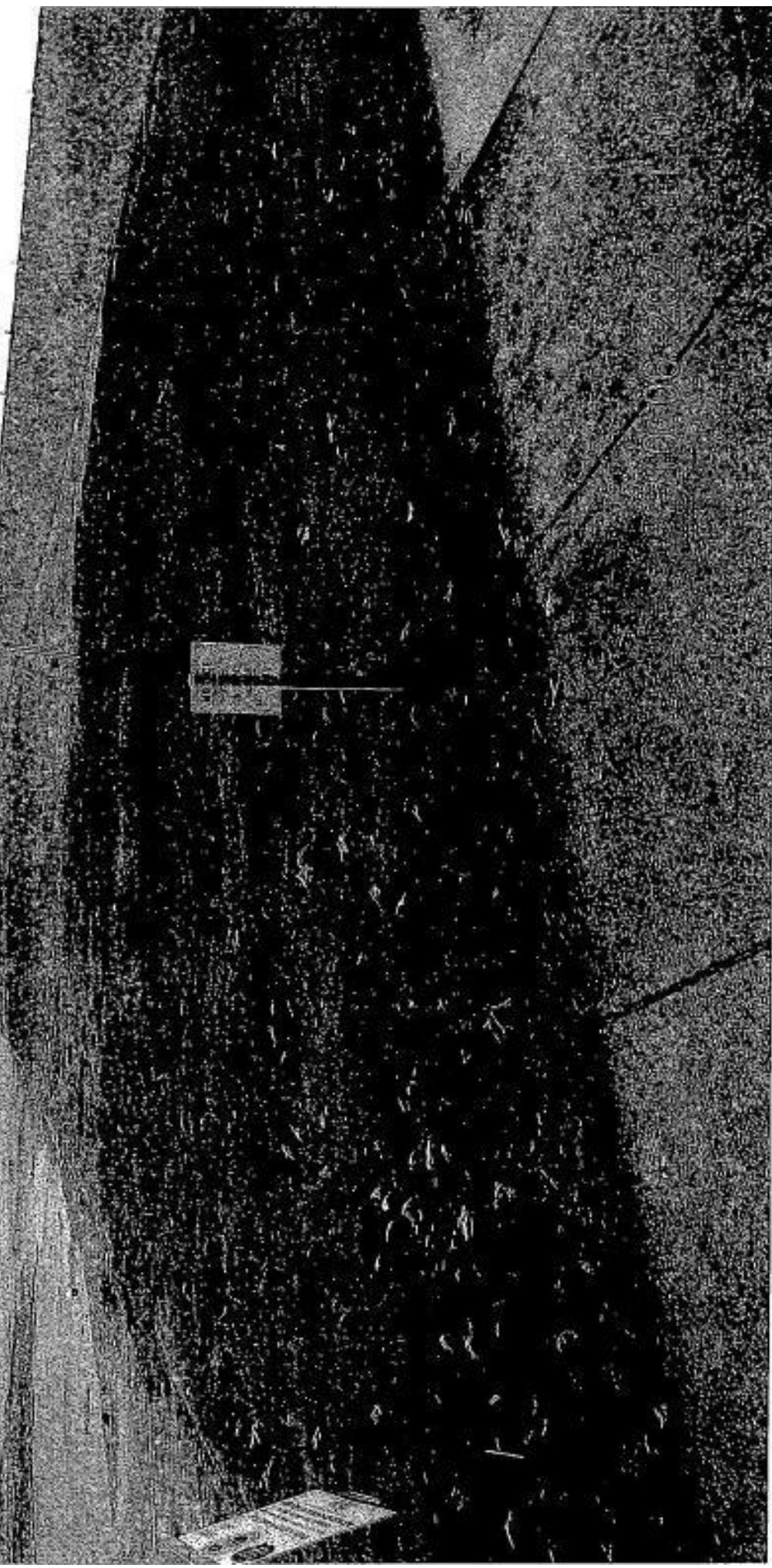
THIS ZONING NOTICE must be posted in a conspicuous place on each street frontage and in such place where it can be easily read and identified from sidewalk or street and must remain posted for Fourteen days immediately preceding the PUBLIC HEARING.

The applicant is responsible for the maintenance of this notice. Should it be destroyed or removed, another copy must be obtained immediately and unauthorized removal will result in criminal prosecution.

Zoning Office: Township
610-356-4040 •

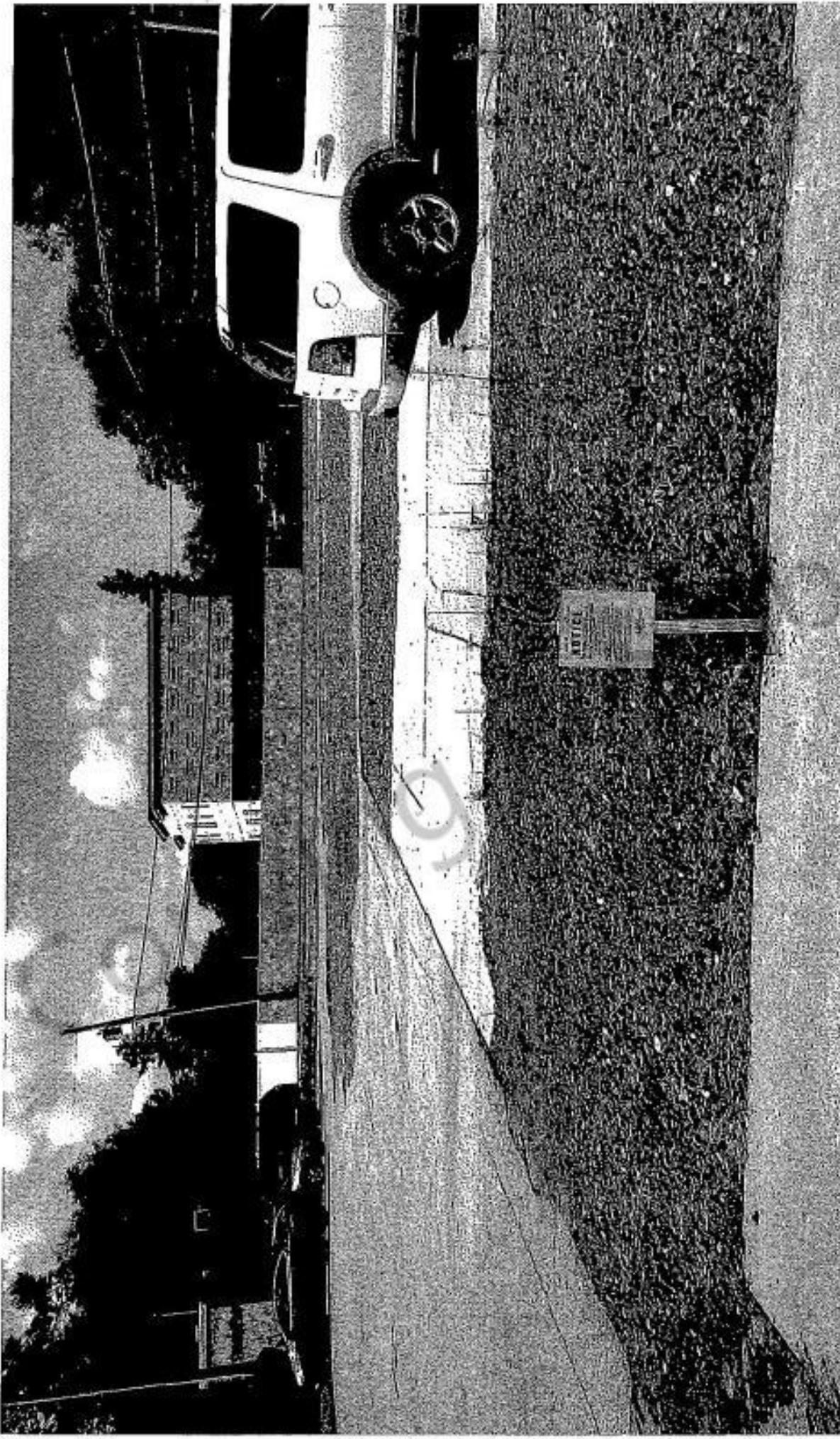




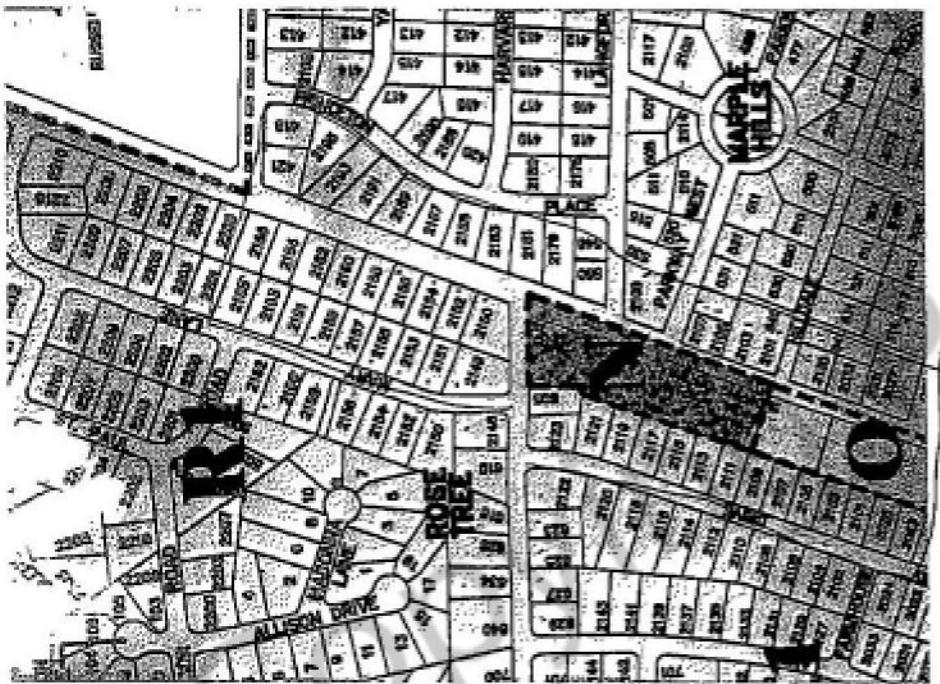


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"APT".



**EXHIBIT MM-S-1
252 PAGES**



FILED

03-19-2021 02:46 PM

OFFICE OF JUDICIAL SUPPORT
DELAWARE [COUNTY, PA](#)

My home appraisal as of 4/2021

Under Neighborhood Characteristics session:

Over 75% Built up

Growth – Stable

NO SIGNS OF NEIGHBORHOOD GROWTH IN BROOMALL

Uniform Residential Appraisal Report

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Pictures Taken on 5/12/2021
Residential Area



Pictures Taken on 5/12/2021
Residential Area



P-2021-3024328 - PETITION OF PECO ENERGY COMPANY FOR A FINDING OF
NECESSITY PURSUANT TO 53 P.S. § 10619 THAT THE SITUATION OF TWO
BUILDINGS ASSOCIATED WITH A GAS RELIABILITY STATION IN MARPLE
TOWNSHIP, DELAWARE COUNTY IS REASONABLY NECESSARY FOR THE
CONVENIENCE AND WELFARE OF THE PUBLIC.

FULL-SERVICE LIST:

Revised 4/29/21

CHRISTOPHER A. LEWIS ESQUIRE
FRANK L. TAMULONIS ESQUIRE
STEPHEN C. ZUMBRUN ESQUIRE
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ftamulonis@blankrome.com
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Representing PECO Energy Company

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PECO ENERGY COMPANY
2301 MARKET STREET
PO BOX 8699
PHILADELPHIA PA 19101-8699
215.841.6863
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Representing Marple Township

ROBERT W. SCOTT ESQUIRE
CARL EWALD ESQUIRE
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carlewald@gmail.com

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Representing County of Delaware

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2152 SPROUL RD
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uhlmantr@yahoo.com

Accepts eService

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jbakeroca@msn.com

Accepts eService

**P-2021-3024328 - PETITION OF PECO ENERGY COMPANY FOR A FINDING OF
NECESSITY PURSUANT TO 53 P.S. § 10619 THAT THE SITUATION OF TWO
BUILDINGS ASSOCIATED WITH A GAS RELIABILITY STATION IN MARPLE
TOWNSHIP, DELAWARE COUNTY IS REASONABLY NECESSARY FOR THE
CONVENIENCE AND WELFARE OF THE PUBLIC**

LIMITED SERVICE LIST:

Revised 4/29/21

MICHAEL & JESSICA PAGLIARA
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BROOMALL PA 19008
javino0524@gmail.com
mikepags11@yahoo.com
Accepts eService

SARAH KUCHAN*
114 MARTIS RUN
MEDIA PA 19063
610.883.1089
sarahkuchan@gmail.com

*"Via electronic service only due to
Emergency Order at M-2020-3019262"*

STEPHEN COLEMAN
100 N SPROUL RD
BROOMALL PA 19008
717.586.4291
scc5153@psu.edu
Accepts eService

CAROLINA FAVAZZA
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ashokkailath@yahoo.com
Accepts eService

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