

BEFORE THE RADNOR TOWNSHIP
BOARD OF COMMISSIONERS
DELAWARE COUNTY, PENNSYLVANIA

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IN RE: Conditional Use Hearing of the Trustees
of Dorrance Hamilton 3/15/1996 Revocable
Agreement of Trust to Develop Properties at 208
and 228 Strafford Avenue and 18 Forrest Lane

- - -

Public hearing in the above matter
held pursuant to notice on Thursday, August 10,
2023, at the Radnor Township Municipal Building,
301 Iven Avenue, Wayne, Pennsylvania, commencing
at 7:03 p.m., before Norma Gerrity, Professional
Court Reporter.

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BEFORE: MOIRA MULRONEY, President
MAGGY MYERS, Vice President
ANNAMARIE JONES, Member
JACK LARKIN, Member
JIM RILEY, Member

JOHN RICE, ESQUIRE, Solicitor

APPEARANCES: GEORGE W. BROSEMAN, ESQUIRE,
for the Applicant

ALSO PRESENT: PEGGY HAGAN, Executive Assistant
to Township Manager

- - -

NORMA GERRITY
Professional Court Reporter
14 Feters Boulevard
Downingtown, PA 19335
610-246-2362

I N D E XEXHIBITS

| <u>BOARD</u> | | <u>MARKED</u> |
|--------------|--|---------------|
| B-1 | Gannett Fleming Review Letter Dated 8-1-23 | 7 |
| B-2 | Gilmore & Associates Review Letter dated 8-1-23 | 7 |
| B-3 | Rockwell Associates Letter dated 7-29-23 | 7 |
| B-4 | Continuance Request of George Broseman, Esq. dated 8-9-23 | 7 |

1 hearing.

2 So the procedure, I want to just
3 describe the procedure going forward and
4 what's going to happen tonight, because
5 there has been a request to continue this
6 hearing, so there won't be any testimony
7 taken tonight.

8 I'm going to mark some documents and
9 some exhibits. Mr. Broseman is here on
10 behalf of the applicant. The applicant's
11 here.

12 And then if there's questions during
13 public comment, we can answer those, but
14 tonight is just to meet the requirements
15 that we start the hearing within 60 days.

16 That's a requirement of state law, so
17 we're doing that tonight. And then if this
18 goes forward, it will be re-advertised
19 again. It will be noticed again.

20 But we don't have any other date
21 certain beyond tonight. So we're just
22 getting the preliminaries out of the way.

23 A conditional use hearing is sort of
24 like a zoning hearing board proceeding

1 except the elected body, the board of
2 commissioners, act as the judges.

3 Going forward at this hearing there
4 will be sworn testimony, and ultimately the
5 board of commissioners makes the decision,
6 much like a zoning hearing board will make
7 a decision for a special exception.

8 It's almost identical to that
9 procedure. It's a procedure we followed
10 last time. There was a decision rendered
11 by the board, which is currently on appeal.

12 The one thing I would like to just
13 announce tonight for anyone who is here or
14 listening or is interested, that we do ask
15 if anybody wants to become a party, that
16 they tell us. It doesn't have to be
17 tonight.

18 I've asked Peggy Hagan, the manager's
19 assistant, to give a pad of paper for
20 names, addresses, and contact info, so if
21 this hearing progresses or proceeds in the
22 future, we know who is here tonight that
23 wants to become a party.

24 People that aren't here tonight, if

1 they want to become a party, they can
2 e-mail me.

3 We're not going to address any
4 questions about party status, where you
5 live, do you live close to the property, do
6 you live in Radnor Township, do you live
7 somewhere else, but we're just going to get
8 names and addresses so we have some sense
9 going forward how many people are
10 interested.

11 So you don't have to do that now. But
12 when we conclude this, I would ask anybody
13 that's interested to just see Peggy and get
14 the names on the list. Okay?

15 So for tonight, my intention is to
16 just make a couple announcements and then
17 to mark three or four documents.

18 First of all, this hearing tonight was
19 advertised twice, on July 27th and
20 August 3rd, in the Delco Times, and anyone
21 that wants to see that or the proof of
22 publication, that's on file at the township
23 building.

24 The application was reviewed by the

1 township's consultants, so I'm going to
2 mark those review letters as board
3 exhibits.

4 So B-1, Board Exhibit 1, would be the
5 Gannett Fleming review letter of
6 August 1st, 2023.

7 B-2 would be the Gilmore & Associates
8 review letter dated August 1st, 2023.

9 B-3 would be the Rockwell Associates
10 letter dated July 29th, 2023.

11 The only other exhibit for tonight is
12 we did receive a written continuance
13 request from Mr. Broseman on behalf of the
14 applicant.

15 And I think I'll mark that, George, if
16 you're okay with that, as B-4, and that
17 would be Board Exhibit B-4.

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19 (Board Exhibits B-1 through B-4 were
20 marked for identification.)

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22 MR. RICE: I guess at this point, Mr.
23 Broseman, do you have anything you want to
24 add to this? You've asked for a general

1 continuance?

2 MR. BROSEMAN: Good evening. For the
3 record, George Broseman, representing the
4 applicant.

5 I will confirm that the letter that
6 Mr. Rice introduced from me, August 9th,
7 2023, is our written continuance request,
8 and we are asking for a continuance.

9 I discussed with Mr. Rice that it's
10 hard to get everybody's schedules together
11 to pick a date, so we thought it would be
12 best to continue it indefinitely and that I
13 would send a confirmatory letter, if the
14 board is so inclined, that we would grant
15 an extension to the township to hold the
16 next hearing within 60 days of the date
17 that the applicant would provide notice to
18 the township that it would like to proceed
19 with another hearing.

20 MR. RICE: So if you want to proceed
21 with the hearing and testimony, you'll send
22 a written request, and then the township
23 will have 60 days to advertise and hold the
24 next hearing?

1 MR. BROSEMAN: Yes.

2 MR. RICE: Otherwise, it's open-ended
3 at this point. So if the township gets
4 such a request to have a hearing, that will
5 be published, residents will be notified,
6 it will have to be advertised again, just
7 like this one does.

8 And the reason for that is the state
9 law requirement that you have so many
10 hearings every 45 days when you start a
11 hearing.

12 So you're waiving that requirement;
13 correct?

14 MR. BROSEMAN: Yes, along the lines
15 that I mentioned.

16 MR. RICE: Okay. All right. So in
17 terms of the continuance request, I would
18 suggest the board make a motion to approve
19 that at this point.

20 THE PRESIDENT: I would make a motion
21 to approve the continuance request.

22 Do I have a second?

23 MR. LARKIN: Second.

24 THE PRESIDENT: All in favor, say aye.

1 - - -

2 (The Board unanimously responds aye.)

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4 MR. RICE: Mr. Broseman, anything
5 else?

6 MR. BROSEMAN: I just wanted to note,
7 I think it was clear from what you said,
8 but for the record, with regard to the
9 people requesting party status, I
10 understand that if the hearing goes
11 forward, we'd have an opportunity to make
12 any objections, and that would be dealt
13 with at that time.

14 MR. RICE: Correct.

15 MR. BROSEMAN: And that there is no
16 waiver of anything in that regard. You're
17 just gathering names at this point.

18 MR. RICE: We will keep a written
19 record of people that want to become
20 parties either tonight or, if we get
21 e-mails this week, we'll keep a record.

22 All that means is that you may become
23 a party to a hearing if it goes forward.

24 It's going to be subject to Mr. Broseman's

1 objections.

2 If you live in Berks County, you
3 really can't become a party to a zoning
4 hearing in Delaware County, so there's some
5 rules regarding proximity to the site.

6 So any objections are preserved for
7 the applicant, and that would be dealt with
8 if there's another hearing, whenever that
9 would happen.

10 Anything else?

11 MR. BROSEMAN: No.

12 MR. RICE: Okay. So I think with
13 that, for tonight, the hearing portion of
14 this is closed, and the agenda, I think,
15 has additional public comments or
16 questions. We could close the hearing at
17 this point.

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19 (Proceedings concluded at 7:12 p.m.)

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CERTIFICATE OF REPORTER

I, Norma Gerrity, a Professional Court Reporter, do hereby certify that the foregoing record is a true and accurate transcript of my stenographic notes in the above-captioned matter.

Norma Gerrity
Professional Court Reporter