

BEFORE THE RADNOR TOWNSHIP
BOARD OF COMMISSIONERS
DELAWARE COUNTY, PENNSYLVANIA

- - -

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 Monday, January 29,
2024, at the Radnor Township Municipal Building,
301 Iven Avenue, Wayne, Pennsylvania, commencing
at 6:32 p.m., before Norma Gerrity, Professional
Court Reporter.

- - -

BEFORE: MOIRA MULRONEY, Vice President
JAKE ABEL, Member
CATHERINE AGNEW, Member
JAMES COATES, Member
JACK LARKIN, Member
JIM RILEY, Member

JOHN RICE, ESQUIRE, Solicitor

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

NOAH MARLIER, ESQUIRE,
Special Counsel for Radnor Township

ALSO PRESENT: PEGGY HAGAN, Executive Assistant
to Township Manager

- - -

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

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CHARLES HOUDER

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1 MS. MULRONEY: Good evening. Hi.
2 Welcome. Thank you everyone for being here
3 tonight. I will open this meeting.

4 It is the conditional use application
5 of the Trustees of Dorrance Hamilton
6 3/15/1996 Revocable Agreement of Trust.

7 As we all know, they are seeking
8 approval to develop the properties at 208
9 and 228 Strafford Avenue and 18 Forrest
10 Lane in Wayne.

11 At this point, I'm going to turn it
12 over to John Rice, he's our township
13 solicitor, and he will help run the hearing
14 for us, the commissioners, tonight.

15 We sit sort of as judges, so we'll be
16 listening to the evidence as it's presented
17 and ultimately make a decision. Our
18 solicitor will be guiding us through the
19 process.

20 John?

21 MR. RICE: Thank you. So just a
22 little bit of procedural background and how
23 this is going to take place.

24 Some of you, I think, have been here

1 at some of the other hearings.

2 This is a conditional use hearing.
3 It's like a zoning hearing board hearing.

4 A zoning application has been filed by
5 the applicant. They're seeking to build I
6 believe it's 38 townhomes on the property.

7 We met in August, and we met on
8 December 7th. No testimony has occurred
9 yet.

10 We're going to start the testimony
11 tonight. There will be sworn witnesses
12 that will be sworn in.

13 Mr. Broseman is representing the
14 applicant. Mr. Marlier is representing the
15 township's interest in this application.

16 Conditional use is like a special
17 exception. It goes to a zoning hearing
18 board.

19 If that would be approved, then
20 there's still a whole land development
21 process that would have to occur.

22 So I anticipate we're going to have at
23 least three or four nights of testimony,
24 maybe less, but we are scheduled tonight to

1 go, I would suggest we would go tonight, if
2 the board is okay with that, till
3 9:00 o'clock. That's two and a half hours.
4 And then we are back here again Wednesday
5 night at the same time at 6:30.

6 So the first thing I want to do is go
7 through all of the resident parties,
8 because we had some discussion about that
9 on December 9th. Several of the parties
10 were not here.

11 If you want to become a party to the
12 application, that means you have the right
13 to ask questions of all the witnesses that
14 the applicant calls or the township will
15 call. You can cross-examine witnesses.

16 So as the witnesses are sworn in and
17 testify, I'm going to call on each party,
18 do you have any questions for this witness.
19 You don't have to have questions. You can
20 just pass.

21 But it's questions. It's not
22 statements. It's not, you know, I hate
23 this, this is horrible, or this is the
24 greatest thing I've ever seen. You're

1 going to have to ask questions of the
2 witness.

3 He's going to call an engineer. He's
4 going to call a planner, I guess. I don't
5 know who all Mr. Broseman will call, but
6 that's the typical process.

7 You don't have to ask questions if
8 you're a party. If you're just here
9 because you live there and you have an
10 interest, there will be public comment on
11 this before the board makes a decision.

12 Once all the sworn testimony comes in,
13 there will be a public comment period, so
14 you can wait till then, which will not be
15 tonight, it probably won't be Wednesday
16 night, but whenever all the sworn testimony
17 comes in, there will be public comment.

18 So any questions about party status at
19 this point? Let me go through the list --
20 yes, sir? You're going to have to come up
21 to the microphone.

22 And, please, anybody that's coming up
23 to the microphone, pull it toward you, and
24 you have to speak into it.

1 MR. CURLEY: Thank you, Mr. Rice. I
2 am Brian Curley, 136 Fairfield Lane in
3 Wayne.

4 MR. RICE: Mr. Curley, let me stop you
5 right there. I have your e-mail. I'm
6 going to call on you shortly.

7 MR. CURLEY: Thank you.

8 MR. RICE: Okay. Okay. I'm going to
9 go through the list, the residents that
10 were here either in August or December are
11 on a list, which I sent a letter to all of
12 you telling you that there is no objection
13 from the applicant to your party status,
14 but there is either an objection or a
15 reservation from the applicant as to
16 certain individuals.

17 So I'm going to go through the whole
18 list and see who is here and who is not
19 here tonight, and then anybody that Mr.
20 Broseman wants to ask a question of, you're
21 going to need to come up, and he has the
22 right to question your party status.

23 If you don't live within close
24 proximity to the property, you're not

1 automatically a party.

2 Just being a township resident doesn't
3 make you automatically a party. You have
4 to be within some proximity, and the court
5 cases aren't all that clear as to how close
6 you have to be, but generally it's five,
7 six, 700 feet within or close to the
8 property.

9 And they are rules that we didn't make
10 up. The township didn't make them up.
11 They are the rules that the courts have
12 established over the years in terms of
13 party status in a zoning hearing.

14 If you live in Tredyffrin, you have no
15 shot. You're not a party. We've had a few
16 Tredyffrin residents come to these.

17 But anyway, let's just go through
18 that, and I'll start with the list that I
19 have, and I have at least two additional
20 individuals, including Mr. Curley, that
21 we'll get to at the end of this list.

22 So Jennifer Pechet, is she here?

23 P-A-C-H-E-T?

24 UNIDENTIFIED SPEAKER: She's sick.

1 MR. RICE: She is here or she isn't
2 here?

3 UNIDENTIFIED SPEAKER: She is sick.

4 MR. RICE: She is not here. Okay.
5 Well, there's no objection from Mr.
6 Broseman.

7 Gregg Hess? Mr. Broseman has an
8 objection to your party status. Are you
9 here? Gregg Hess, 66 Crestline Road?

10 - - -

11 (No response.)

12 - - -

13 MR. RICE: Mr. Broseman, I assume you
14 still have an objection?

15 MR. BROSEMAN: Yes.

16 MR. RICE: And what's the basis of the
17 objection?

18 MR. BROSEMAN: I would want him to
19 explain his interest in the matter.

20 Offhand, his property seems quite far
21 away from the subject property.

22 MR. RICE: Okay. Well, let's hold Mr.
23 Hess in abeyance, and if he doesn't come on
24 Wednesday night, I think he's out at this

1 point.

2 You have to show up. First rule of
3 anything. Showing up. Hopefully on time.

4 Mary Ann Mahoney? Is she here?

5 MS. MAHONEY: Yes, present.

6 MR. RICE: Okay. Thank you. There's
7 no objection.

8 Brian Curley. Mr. Curley, you're
9 already on my list, and there's no
10 objection to you. Okay?

11 MR. CURLEY: Okay.

12 MR. RICE: Robby Wierman, 101 Lantoga
13 Road. Are you here?

14 - - -

15 (No response.)

16 - - -

17 MR. RICE: Mr. Broseman, I assume you
18 have the same objection?

19 MR. BROSEMAN: Yes.

20 MR. RICE: Proximity? And she is not
21 here.

22 Amber Levy on behalf of the Radnor
23 Conservancy?

24 MS. LEVY: Here.

1 MR. RICE: I know she is here. So,
2 Ms. Levy, if you could come up, Mr.
3 Broseman has an objection, and he may have
4 some questions for you.

5 MR. BROSEMAN: I may not have an
6 objection after I ask some questions.

7 MR. RICE: Okay.

8 MS. LEVY: Shoot.

9 MR. BROSEMAN: Did you want to say
10 something first?

11 MS. LEVY: Yes. I am Amber Atwood
12 Levy, L-E-V-Y. I am the executive director
13 for Radnor Conservancy.

14 We are a local nonprofit. We preserve
15 and enhance open space and natural assets
16 within the township and have been doing so
17 for 20 years.

18 The organization was, has a foundation
19 in response to development, so
20 participating in the conversations is kind
21 of what we do.

22 So, Mr. Broseman, I'm happy to answer
23 any questions.

24 MR. BROSEMAN: As I recall from a

1 prior proceeding, is this -- am I
2 remembering correctly that the Radnor
3 Conservancy has offices basically right
4 across Eagle Road from the property?

5 MS. LEVY: We do, yes.

6 MR. BROSEMAN: Okay. I don't have an
7 objection to the Radnor Conservancy.

8 MR. RICE: So the conservancy is in as
9 a party.

10 MS. LEVY: Thank you.

11 MR. RICE: Louisa Hanshew, 219
12 Sugartown Road. Are you here?

13 - - -

14 (No response.)

15 - - -

16 MR. RICE: Mr. Broseman, I assume you
17 still have an objection then; is that
18 correct?

19 MR. BROSEMAN: Yes, I do.

20 MR. RICE: Okay. Joe Schuda? I see
21 Mr. Schuda here.

22 Gregory Szary?

23 MR. SZARY: Here.

24 MR. RICE: Steven Rocci, R-O-C-C-I,

1 201 Bloomingdale Avenue. Are you here?
2 Steven? Okay.

3 - - -

4 (No response.)

5 - - -

6 MR. RICE: Mr. Broseman, still the
7 same objection? Proximity, I take it?

8 MR. BROSEMAN: Yes.

9 MR. RICE: Peter Clark?

10 - - -

11 (No response.)

12 - - -

13 MR. RICE: Not here. Do you still
14 have an objection to him? Peter Clark?

15 MR. BROSEMAN: Yes. I'm not even sure
16 I know where he lives or anything.

17 MR. RICE: I don't have an address on
18 Peter Clark. So, Peter Clark, if you're
19 listening, you are not a party unless
20 you're here on Wednesday night and we can
21 clear that up.

22 All we have -- I believe all we ever
23 got from Mr. Clark was an e-mail address,
24 and that's not good enough.

1 Sharon and David Willis, 335 Strafford
2 Avenue. Are you here?

3 - - -

4 (Raised hands.)

5 - - -

6 MR. RICE: Okay. Mr. Broseman, do you
7 still have an objection to the Willises?
8 Or you had reserved an objection on
9 December 9th.

10 MR. BROSEMAN: I object. I believe
11 they're in Tredyffrin Township.

12 MR. RICE: Is that correct?

13 MS. WILLIS: Yes.

14 MR. RICE: Okay. All right. And
15 that's the objection. How far are they
16 from the property?

17 Could we have either Mr. or Mrs.
18 Willis come up?

19 MS. WILLIS: Sharon Willis,
20 W-I-L-L-I-S.

21 MR. RICE: Okay. And, Ms. Willis, how
22 far do you live from the property?

23 MS. WILLIS: We're about a block down
24 on the way towards the train station, and

1 we were, well, we're six houses down from
2 the intersection of Grant Lane and Hedgerow
3 Lane, and we were parties to the last
4 application.

5 MR. RICE: Okay. Okay. Mr. Broseman,
6 do you still object on the basis that
7 they're Tredyffrin residents?

8 And I realize what I said earlier
9 tonight, if you live in Tredyffrin, it
10 might be a problem, but --

11 MR. BROSEMAN: I understand, but, yes.
12 I think it's a little too remote. I'm not
13 sure, I haven't heard any direct --

14 MS. WILLIS: We have rivers of mud in
15 front of our house and lakes.

16 MR. RICE: Ms. Willis, hold on a
17 minute.

18 MS. WILLIS: Okay.

19 MR. RICE: Mr. Broseman, you still
20 have a proximity objection; is that right?

21 MR. BROSEMAN: Yes, and I'm not sure
22 of the direct, substantial, or immediate
23 interest that they would have as opposed to
24 other residents of Tredyffrin.

1 MR. RICE: Okay. So I'm going to
2 recommend, I'm going to just recommend that
3 till I map this out, because just being in
4 another township isn't enough to disqualify
5 somebody.

6 If you're right across the street or
7 within a block, that's a different issue.
8 So let's just hold you in reservation. I
9 remember you from Hamilton-1.

10 MS. WILLIS: Yep. Okay.

11 MR. RICE: And, Mr. Broseman, we'll
12 come back Wednesday night. I want to map
13 out the address and see how close it is to
14 the property.

15 MR. BROSEMAN: I'll check that as
16 well. I don't have it on my map here.

17 MR. RICE: I mean, the Willises might
18 be closer than some of the other folks that
19 live in Radnor, as far as that goes.

20 MR. ABEL: Can I ask a question?

21 MR. RICE: Sure.

22 MR. ABEL: So how was she able to be a
23 party to the last, the previous
24 commissioners hearing, but we're

1 questioning whether she can or can't be
2 tonight?

3 MR. RICE: I suspect that there was no
4 objection last time.

5 If the applicant doesn't object, then
6 a person is in, as long as they are within
7 close proximity. So tonight there's an
8 objection.

9 MR. ABEL: Would that be in her favor,
10 that they were part of a previous party?

11 MR. RICE: It would be, but it still
12 becomes a question of how close do they
13 live to the site.

14 I mean, the courts say if you live
15 within a certain distance of a property,
16 it's almost -- it's assumed that you're
17 impacted differently than somebody that
18 lives on the other side of the township.

19 So I think I want to clarify it before
20 there's any final decision on that. Mr.
21 Broseman can look at it.

22 Mr. Marlier, if you want to look at
23 that. The address is 335 Strafford Avenue
24 that we're dealing with.

1 Steve and Megan Scheri? Are you here?

2 MR. SCHERI: Here.

3 MR. RICE: Okay. There's no
4 objection.

5 And Cindy Hansen, there was a
6 reservation by Mr. Broseman. And, Ms.
7 Hansen, you live at 6 Hedgerow?

8 MS. HANSEN: Correct.

9 MR. RICE: Could you come up, please?
10 Mr. Broseman may have questions for you
11 about where you live.

12 MR. BROSEMAN: Hi. Good evening. Are
13 you in Tredyffrin Township also?

14 MS. HANSEN: I am. I'm right on the
15 border.

16 MR. BROSEMAN: I'm sorry. What was
17 the address again?

18 MS. HANSEN: Six Hedgerow Lane. I'm
19 approximately .08 miles, less than 500
20 feet.

21 MR. BROSEMAN: Mr. Rice, would you
22 mind if, like we did with the other, that I
23 check the map and you would as well?

24 MR. RICE: Okay.

1 MR. BROSEMAN: I just don't have that
2 on my map. I'm having a hard time seeing
3 it.

4 MR. RICE: Okay. All right. You're
5 in so far. We're going to come back on
6 Wednesday and map out the address.

7 I have one other person that sent me
8 an e-mail, I think, over the weekend, Mr.
9 and Mrs. -- forgive me -- Chawla?

10 MR. CHAWLA: Yes.

11 MR. RICE: And you live at 21 Grant?

12 MR. CHAWLA: Correct.

13 MR. RICE: Okay. Mr. Broseman, Mr.
14 Chawla has requested party status. Any
15 objection?

16 MR. BROSEMAN: No objection.

17 MR. RICE: Okay. Mr. Marlier, do you
18 object?

19 MR. MARLIER: No objection. Can you
20 spell it?

21 MR. RICE: C-H-A-W-L-A.

22 MR. MARLIER: Is there a first name?

23 MR. CHAWLA: Gagan, G-A-G-A-N, 21
24 Grant Lane.

1 MR. RICE: Okay. Now, is there
2 anybody else that I missed?

3 Yes? Please come on up to the
4 microphone.

5 MS. LAFARGE: Catherine Lafarge,
6 L-A-F-A-R-G-E. I live on 9 Forrest Lane,
7 so I am in Tredyffrin.

8 But I have also lived there for
9 42 years, so I have a pretty good idea of
10 what's happening.

11 MR. RICE: And you're on Forrest Lane?

12 MS. LAFARGE: Yes.

13 MR. RICE: Mr. Broseman, any
14 objection?

15 MR. BROSEMAN: I'd like to map that
16 one out, too, if that's okay. I could let
17 you know on Wednesday.

18 MR. RICE: Okay. So we have three
19 Tredyffrin residents who appear to live
20 close by, but we're going to confirm that
21 between now and Wednesday night.

22 So, sir?

23 MR. SAREEN: Anujeet Sareen, the last
24 name is S-A-R-E-E-N, the first name is

1 A-N-U-J-E-E-T. I'm at 205 Strafford in
2 Wayne.

3 MR. RICE: Okay. I need you to say
4 that again, the last name.

5 MR. SAREEN: Sareen, S-A-R-E-E-N.

6 MR. RICE: Okay. And you're
7 requesting to become a party?

8 MR. SAREEN: Yes.

9 MR. RICE: Mr. Broseman?

10 MR. BROSEMAN: No objection.

11 MR. RICE: Thank you, sir.

12 Yes, sir?

13 MR. HYMEL: Ted Hymel, H-Y-M-E-L, 11
14 Forrest Lane. We are in Tredyffrin. We're
15 within a few hundred yards probably of the
16 site.

17 MR. RICE: Mr. Broseman?

18 MR. BROSEMAN: As with Ms. Lafarge, I
19 assume she lives at nine. Mr. Hymel's at
20 11. I'll check that out and let you know
21 on Wednesday, if that's okay.

22 MR. RICE: Okay. All right. So come
23 back Wednesday.

24 MR. MARLIER: Mr. Rice, if I may,

1 whoever is being added to party status, if
2 we could collect e-mails, I'm sure Mr.
3 Broseman and I, the attorneys for the
4 township and the applicant respectively,
5 will be sending out an e-mail at some
6 point, and I wouldn't want to miss any
7 party.

8 MR. RICE: Okay.

9 MR. MARLIER: Thank you.

10 MS. RUSCHMANN: Hi. I tried to send
11 an e-mail but it got kicked back.

12 I am Margaret Ruschmann,
13 R-U-S-C-H-M-A-N-N, and I am also a
14 Tredyffrin resident at 14 Grant Lane, and I
15 am just kitty-corner, less than 500 feet
16 from the corner of the property, but I'm on
17 Grant Lane.

18 MR. RICE: You're in Tredyffrin also?

19 MS. RUSCHMANN: Tredyffrin.

20 MR. RICE: Mr. Broseman, any
21 objection? Do you want to deal with all
22 the Tredyffrin residents --

23 MR. BROSEMAN: I'm going to check on
24 my map, if that's okay. I don't have that.

1 You're at 14 Grant Lane?

2 MS. RUSCHMANN: 14 Grant Lane.

3 MR. BROSEMAN: Okay.

4 MS. RUSCHMANN: I was party to the
5 other one. I live right in that little
6 area. Okay?

7 MR. SATTERFIELD: My name is Dave
8 Satterfield, S-A-T-T-E-R-F-I-E-L-D. I'm at
9 207 Strafford.

10 MR. RICE: Mr. Satterfield, is that in
11 Tredyffrin also?

12 MR. SATTERFIELD: Radnor.

13 MR. RICE: Radnor?

14 MR. SATTERFIELD: Directly across from
15 the development.

16 MR. RICE: Mr. Broseman, any
17 objection?

18 MR. BROSEMAN: I have no objection.

19 MR. RICE: Okay.

20 MS. NUTTALL: I'm Becky Nuttall,
21 N-U-T-T-A-L-L. I live at 427 West
22 Beechtree.

23 It's on the corner of Eagle Road and
24 West Beechtree which is, I don't know, how

1 big is a block?

2 It might be a block and a half. I'm
3 right at the corner. So right down the
4 road is where it is from me.

5 MR. RICE: Your address again, please?

6 MS. NUTTALL: 427 West Beechtree Lane,
7 on the corner Beechtree and Eagle.

8 MR. BROSEMAN: I would object to that
9 last one, although I'll confirm on the map,
10 but it looks quite far.

11 MR. RICE: Okay.

12 MR. BROSEMAN: It looks like it's on
13 the other side of the railroad tracks, more
14 than a block, by what I can see.

15 MR. RICE: Okay.

16 MR. HOLLOWAY: Good evening. Cas
17 Holloway. I'm the general partner for C.
18 F. Holloway, III - St. Honore, LLC, general
19 partner for St. Honore Holding Company,
20 LLC.

21 We own the properties at 215, 219,
22 223, and 227 Strafford Avenue, directly
23 across the street from the property.

24 From what I heard Mr. Rice say this

1 evening, if we have any questions during
2 the proceedings, we have to be a party. Is
3 that --

4 MR. RICE: No, no. You can ask
5 questions any time.

6 If you want to question the witnesses,
7 you have to become a party.

8 MR. HOLLOWAY: And I'm not sure. I
9 might have no questions. I just wanted to
10 clarify that if we need to be a party, if
11 we do have questions during the proceeding.

12 MR. RICE: About the procedures and
13 questions about the application and the
14 plan, you need to become a party.

15 MR. HOLLOWAY: Okay. So I would like
16 to become a party, if the owner has no
17 objection.

18 MR. BROSEMAN: There's no objection.

19 MR. RICE: No objection?

20 MR. BROSEMAN: No objection.

21 MR. HOLLOWAY: Thank you.

22 MS. SILVER: Kaitlin, K-A-I-T-L-I-N,
23 last name Silver, S-I-L-V-E-R, and I'm a
24 homeowner at 201 Strafford Ave in Radnor,

1 right across from the property.

2 MR. RICE: Mr. Broseman?

3 MR. BROSEMAN: No objection.

4 MR. GAETO: Hello, everyone. I'm Mark
5 Gaeto.

6 I'm at 4 Hedgerow Lane in Strafford
7 19087, from Tredyffrin, but I'm about a
8 couple hundred yards from the property,
9 G-A-E-T-O. I'd like to be able to ask
10 questions as well.

11 MR. RICE: Mr. Broseman, a Tredyffrin
12 resident. I assume you have the same
13 objection?

14 MR. BROSEMAN: Yes.

15 MR. MARLIER: Can we state the address
16 again, please?

17 MR. GAETO: Four Hedgerow Lane.

18 MR. MARLIER: Thank you.

19 MR. GAETO: So that's a no?

20 MR. RICE: You're in so far. There's
21 going to be a final decision on Wednesday
22 on that.

23 MR. CLEMENTE: John Clemente,
24 C-L-E-M-E-N-T-E. I'm at 12 Forrest Lane,

1 right down the block.

2 MR. RICE: Mr. Broseman?

3 MR. BROSEMAN: Is that Tredyffrin
4 Township, Mr. Clemente?

5 MR. CLEMENTE: I'm afraid it is, yes.

6 MR. BROSEMAN: Is it in Tredyffrin?

7 MR. CLEMENTE: Yes, it is. It's in
8 Tredyffrin, right on the border. I think
9 I'm the last house on the border.

10 MR. RICE: Mr. Broseman?

11 MR. BROSEMAN: Just for consistency,
12 I'll object, but I was going to check the
13 map on all of these, as I had mentioned.

14 MR. RICE: We have about half a dozen
15 mainly Tredyffrin residents.

16 MR. CLEMENTE: I'm on the border, the
17 last house.

18 MR. RICE: Sir, what is your last name
19 again?

20 MR. CLEMENTE: Clemente.

21 MR. RICE: Thank you.

22 MR. CLEMENTE: Thank you.

23 MR. RICE: So for purposes of tonight,
24 we'll treat everybody as if they're a party

1 as we go through witnesses.

2 As I said, you don't have to ask
3 questions, and if someone has asked your
4 question already, there's no reason to ask
5 it again.

6 We now have 25 resident parties in
7 addition to the township and the applicant,
8 so I'm trying to be as efficient as
9 possible. I'm going to be the referee to
10 some extent as we go through this.

11 Everybody that came tonight and signed
12 up, I would like you to visit Peggy Hagan,
13 who is sitting over here.

14 Give them your full name, your
15 address, and your e-mail address, because
16 that's the way we've been communicating
17 with hearings and any other types of
18 notices.

19 So before you leave tonight, please do
20 that. There will probably be a break at
21 some point, but we're going to need that.

22 Okay. Mr. Broseman, Mr. Marlier, any
23 questions at this point?

24 MR. BROSEMAN: None from me.

1 MR. RICE: Mr. Broseman, you're ready
2 to call your first witness?

3 MR. BROSEMAN: Yes.

4 MR. RICE: Okay. Well, let's have
5 that person sworn in. You're going to have
6 your witness where, Mr. Broseman? Right
7 next to you?

8 MR. BROSEMAN: Is that okay?

9 MR. RICE: That's fine.

10 - - -

11 (Discussion off the record.)

12 - - -

13 MR. RICE: Are there any questions
14 from the board on where we're going? We're
15 going to start with witnesses now. Okay?

16 MS. MULRONEY: I do have one question
17 about your timeline, Mr. Broseman, for
18 mapping these parties.

19 So is that something that you could do
20 on a break tonight, or are you going to
21 come back on Wednesday?

22 What are your plans for checking on
23 those parties? Right now we're treating
24 them as parties until we hear otherwise, so

1 when do we expect that?

2 MR. RICE: I think for tonight,
3 they're in as parties, subject to looking
4 at the map and seeing how close they are to
5 the actual site.

6 If somebody is a half a mile away,
7 you'll be able to ask questions tonight,
8 but that will not qualify you to become a
9 party.

10 The addresses, I think most addresses
11 I recognize from the last time, and even
12 though they're in Tredyffrin, that by
13 itself doesn't disqualify somebody.

14 So I don't know that I can map it out
15 tonight, but you're in conditionally on not
16 being in, subject to the mapping of where
17 you actually live.

18 Okay?

19 - - -

20 APPLICANT'S EVIDENCE

21 - - -

22 CHARLES HOUDER,

23 having been first duly sworn, was examined and
24 testified as follows:

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THE WITNESS: Charles Houder, Charlie,
H-O-U-D-E-R.

MR. BROSEMAN: Can everyone hear?

- - -

(Discussion off the record.)

- - -

DIRECT EXAMINATION

- - -

BY MR. BROSEMAN:

Q. Charlie, could you state your business address for the record?

A. It's 40 Morris Avenue in Bryn Mawr, Pennsylvania.

Q. And are you also a resident of Radnor Township?

A. Yes, I am.

Q. And could you briefly describe for the board your background?

A. I am a real estate investor and developer. I've been that for about 25 years. We invest in all sorts of real estate but have a particular specialty, I guess, in taking on substantial projects in many cases which have had

1 difficult approval processes because of their
2 complexity or, in some cases, they were, for want
3 of a better word, kind of messed up.

4 So we got involved, and we were able
5 to engage in a process and get it figured out and
6 resolved and ultimately developed.

7 We're based in Bryn Mawr. I'm
8 stalling now so that George can get to his next
9 question, but based in Bryn Mawr, and most of our
10 activity is in the region, as it were.

11 Q. Charlie, I've handed out a document.
12 Did you prepare this? It's marked A-2.

13 A. Yes, I did.

14 - - -

15 (Applicant's Exhibit A-2 was marked
16 for identification.)

17 - - -

18 BY MR. BROSEMAN:

19 Q. This just summarizes some of your
20 background?

21 A. Yes, it does.

22 Q. And do you have any community
23 connections that you wanted to highlight?

24 A. I live in Radnor. I have children

1 that go to Radnor schools. I've been coaching in
2 Radnor youth basketball for many years.

3 And when I'm not doing those things, I
4 have a significant and ongoing involvement with
5 Children's Hospital of Philadelphia.

6 Q. What is your role regarding --

7 A. Oh, and also the Wayne Music Festival.
8 I forgot about that. I'm co-organizer of the
9 Wayne Music Festival, mostly a money raiser.

10 Mr. Kearns, as you may know, is on the
11 forefront of the planning.

12 Q. And, Charlie, what is your role
13 regarding the property that is the subject of
14 this conditional use application?

15 A. Yeah. By way of background, and this
16 may be as good a time as any to mention to the
17 board and to the people that are here, but a
18 rather extraordinary thing occurred to me this
19 week.

20 This project has been, and this is
21 germane to Mr. Broseman's question about how we
22 got involved. So this project has been a topic
23 since about 2018.

24 Tonight is the first time since then

1 that everyone, township, applicant, and
2 neighbors, have been in the same room in person,
3 which is incredible.

4 We were going through a series of
5 informal meetings at the end of '19 and into '20,
6 and then March 13th, the world shut down and
7 everything went virtual.

8 So we went through the last process
9 online, which was, you know, in my professional
10 estimation is terrible, because you don't get a
11 chance to talk to people.

12 You don't get a chance to -- everyone
13 is, you know, a cube on a screen and they're
14 raising their hand and they're asking questions,
15 and you don't know if they like the answer or
16 were satisfied with the answer.

17 But as incredible as that is, this is
18 the first time that we've all been here talking
19 substantively, okay. We've had other procedural
20 meetings.

21 But in any case, Mrs. Hamilton, as you
22 all know, well, there's a trust that owns this
23 property. Mrs. Hamilton was a part of the trust,
24 and she lived on this property. She died in

1 2017.

2 And so of all the assets that she had,
3 this is the one that the trust that owns it was
4 charged with taking it through a process.

5 As you know, it's a somewhat unusual
6 property. It's got her house on, it's got some
7 other buildings on, and it's got a bunch of other
8 buildings spread all over.

9 It's very unique, and it's very unique
10 to her. I think it was hard for the family and
11 the trust to think about somebody else stepping
12 into this housing and using it the way she used
13 it.

14 So they determined, as in their
15 fiduciary capacity, that this should be taken
16 through a process to find its highest and best
17 use.

18 And so having a relationship with the
19 family and knowing, they asked us would we be
20 interested, and we said yes. So that's a
21 longwinded way of answering your question.

22 Q. So you personally and your company,
23 you're not a developer in this matter. You're
24 working directly for the trust that owns the

1 property?

2 A. Yeah. We're just, we were essentially
3 hired by the trust, and ultimately, if there are
4 homes built here, those will be presumably built
5 by a builder, a home builder.

6 Q. And many people may know this, but
7 generally for those who might not be familiar,
8 you mentioned Mrs. Hamilton, but could you tell
9 us a little bit about her and her connection to
10 this property?

11 A. Yes. Well, she lived here since the
12 '50s, raised her kids here, lived here for
13 decades. She, I'm no authority on Mrs. Hamilton,
14 but I think she's relatively well-known in the
15 community.

16 She had significant means, and she was
17 known to be very philanthropic. She supported a
18 whole laundry list of causes in the suburbs and
19 around Philadelphia, from Jefferson Hospital to
20 University of the Arts to everything in between.

21 So when she passed, she had, I guess,
22 put the property into a trust form of ownership
23 prior to her passing, and when she passed and no
24 longer lived here, then it was, fell to the

1 trustees to do something with the land and
2 essentially find its highest and best use, which
3 is what brings us here today.

4 Q. Did she have a connection with the
5 next-door Eagle Village Shops?

6 A. Yes. She -- yeah. I'm speaking
7 somewhat loosely, because I'm not speaking in
8 terms of the legal forms of ownership, but she
9 was, had an ownership interest in the Eagle
10 Village Shopping Center, which is adjacent to her
11 house, and was also involved in some of the
12 businesses there, Valley Forge Flowers and
13 others, which she helped to build out and make
14 them look the way they do today.

15 Q. And over the years since the 1950s,
16 was there development near and around Mrs.
17 Hamilton's property?

18 A. Yeah, definitely. I mean, yeah. I
19 think that starting from when she moved there, it
20 probably looked extraordinarily different than it
21 does today, and most of, I think, the surrounding
22 neighborhoods have filled in significantly
23 certainly since the time she started living
24 there, as well as the commercial corridor of

1 Lancaster Avenue.

2 Q. And there was a subdivision across the
3 street. I think some of the people who became
4 parties, I think a parent tract address was 205
5 Strafford Avenue that was subdivided in more
6 recent years; is that correct?

7 A. Yep, yeah. There's a decent amount of
8 new construction along Strafford and in the
9 neighborhood.

10 Q. And there was a redevelopment of a
11 former Villa Strafford restaurant property about
12 a block away on Strafford Avenue?

13 A. Yes.

14 Q. To your knowledge, did Mrs. Hamilton
15 object to those developments?

16 A. I don't believe she did.

17 Q. What is your understanding of the
18 purpose of the trust regarding the property
19 that's the subject of this application?

20 A. So I'm not a trustee, but as we've
21 been advised, it's a trust with a charitable
22 purpose. So the trust has assets.

23 And in accordance with the dictates of
24 the trust, it donates a portion of those assets

1 and the income to charitable causes.

2 The causes that it has elected to
3 pursue are educational causes in the greater
4 Philadelphia area, in the five-county region, as
5 well as, of course, the University of the Arts.

6 So in addition to any other assets
7 that it has, when this property ultimately gets
8 sold, those proceeds will go into the coffers and
9 they will continue to amplify those efforts.

10 Q. And how did you go about advising the
11 trust regarding this property?

12 A. Yeah. Well, that's important. I
13 mean, one of the things that I was hoping to do
14 per my statement earlier about us all being sort
15 of in the same room together, and also noting
16 that some of the board members weren't here the
17 last time that this was submitted, is just sort
18 of talk about, I guess, a little bit of the
19 history here, which is, when we were asked to
20 look at the property, you know, unlike other
21 developments in the area where sometimes
22 developers look at a future property and say, I
23 really think it should be this, so how do I
24 figure out how to fit that into the rules, here

1 it was, what is the highest and best use of the
2 property?

3 We advised getting a group of
4 professionals who were very familiar with Radnor,
5 and so we identified Mr. Broseman principally, as
6 well as Bern Panzak and Rob Lambert, engineers,
7 landscape architects, land use attorney, and
8 said, look at the code and draw what comes out of
9 your analysis of the code with no necessarily
10 instruction other than that.

11 And so they did that, and what
12 resulted was them recognizing that the
13 conditional use is an option in the R-4 zone.

14 You can go single family. You can go
15 conditional use. If you go conditional use, you
16 have to meet certain rules.

17 They drew the plan to meet those
18 rules, and that was the plan that came through
19 the last time, and it was denied, and it was
20 denied based on the fact that -- two reasons.

21 It was, one, that there were
22 stormwater facilities under what was considered
23 open space. We thought that was okay, because it
24 was true open space.

1 It wasn't a swale or a stormwater
2 retention basin that we were trying to count as
3 open space. It was a lawn that was going to have
4 an underground system.

5 And then the other objection was that
6 because we had open space spread around the
7 property, it wasn't quality open space. So those
8 are both things that we didn't necessarily agree
9 with.

10 We actually thought that it was okay
11 to put the stormwater facilities under the open
12 space as long as it was still usable open space
13 on top. So in response to that denial, we went
14 back and said, okay, fix it.

15 Now, in the meantime, the township
16 changed its rules and said that you have to have
17 25 percent open space instead of 15 percent open
18 space.

19 And so the guys went back and they
20 redrew the plan, and it resulted in the plan that
21 you see today, which is 38 units, not 41.

22 It has all the stormwater management
23 separate from the open space, other than the
24 small amount that is allowed to overlap, that the

1 new rule says that you're allowed to have a
2 certain amount of overlap, and the 25 percent
3 threshold, which is the new open space threshold,
4 is met.

5 So we submitted that plan, and that's
6 the plan that's before you. But if I may, and
7 I'll ask for, I guess, I don't know if I can talk
8 about this, but --

9 Q. Charlie, before do you that, you
10 mentioned the ordinance changes.

11 Was there something added also that
12 said that the open space, the required common
13 open space has to be contiguous unless otherwise
14 approved by the board of commissioners?

15 A. Yes, yeah. So that was the other
16 change. So essentially we interpreted that to
17 mean that to count anything as open space, it had
18 to be meshed together, so you couldn't have open
19 space here and open space there. You had to have
20 it all concentrated.

21 So all that resulted in the plan that
22 is now submitted and before you. But the other
23 thing, and this is why I think it's so important
24 of everybody being here together.

1 So while we were getting ready to
2 submit that revised, what we hoped would be a
3 responsive plan, we continued to have dialogue
4 with the neighbors.

5 And our focus, well, was on the folks
6 on Grant Lane and the folks on Forrest and making
7 sure that those water conditions, the adjacent
8 properties, were as great as they could be.

9 So we called for two broadcast, you
10 know, sent out e-mails to as big of a list as we
11 could come up with last summer, and one was on a
12 Tuesday night, and then we had one on a Saturday
13 in the morning just to try to create some
14 different possibilities for people.

15 So the interesting thing that happened
16 was that the folks that came out were the Grant
17 Lane residents and Mr. Schuda, who's behind me,
18 on Forrest.

19 So the purpose of the meeting was to
20 go through the plan that's before you and explain
21 the 38 units and why it changed from the last
22 one.

23 And I went through the whole
24 dog-and-pony show of explaining the new plan and

1 all of the changes, and the neighbors politely
2 listened.

3 And then one of the neighbors, who
4 shall remain nameless, but he's in the audience,
5 sort of raised his hand and said, can I have your
6 pen for a second?

7 And he walked up to the 38-unit plan
8 that's before you today and he said, what if you
9 changed this, this, and this, and he basically
10 moved some buffering around and cleaned out some
11 of the units, created a bigger buffer so that we
12 could do more stormwater on the Forrest Lane
13 side.

14 He said, what --

15 MR. MARLIER: I'm just going to object
16 to hearsay at this point.

17 MR. RICE: Can I just ask a question
18 because, I mean, this is a recitation of
19 what has gone on, starting with the prior
20 application. It's not factual testimony on
21 this specific application.

22 I mean, I understand it's background,
23 and there is hearsay. We've heard about a
24 trust, but that's not been marked or

1 admitted in this record.

2 So, you know, I know what you want to
3 do with this, but let's get to testimony on
4 this particular application. I think that
5 that's important.

6 He's not an expert witness; correct,
7 Mr. Broseman? You're not offering him up
8 as an expert?

9 MR. BROSEMAN: That's right. I do
10 believe we're entitled to present our case
11 and should be given some latitude in how we
12 do that.

13 Mr. Marlier did make relevant, in my
14 view, the old decision when we were here in
15 December.

16 He raised an issue regarding whether
17 that decision is affected by the doctrine
18 of res judicata, and I think we are
19 entitled to talk about the old plan, the
20 old decision, because we're going to be
21 talking about how this plan is different
22 from that and why that is.

23 It is an issue that was brought into
24 this, so we would like to cover those

1 things.

2 And the board, in all of my years of
3 experience here, has always been eager to
4 hear about community outreach, and that's
5 what Mr. Houder is talking about now, so --

6 MR. RICE: Understood.

7 MR. BROSEMAN: I don't think we have a
8 lot of time to go on this.

9 THE WITNESS: And, Mr. Rice, if I may,
10 in a couple of sentences, I can bring this
11 in for a landing.

12 MR. RICE: Well, let's deal with the
13 objection, first of all.

14 THE WITNESS: Okay.

15 MR. RICE: The objection --

16 MR. MARLIER: And I was giving wide
17 latitude to a number of things, but when he
18 starts talking about what other people said
19 at a meeting, that's obviously hearsay.

20 MR. RICE: Right. And he has to
21 object to that. But this is a zoning
22 hearing, so we all know that the rules of
23 evidence don't apply in zoning cases in
24 Pennsylvania.

1 So there is wide latitude, but I think
2 we need to talk about this specific
3 application at some point. That's all.

4 THE WITNESS: And just with a couple
5 of sentences, and then we can move on.

6 My point in bringing all of that up is
7 that it was really great, because the
8 neighbors who were most focused on,
9 especially that condition, came up with
10 points, all of which we agreed to.

11 I mean, that's what I said, I would
12 agree on all of those, but we can't without
13 leave from the township, because we have to
14 follow the rules. We can't break up the
15 open space, and we can't move things around
16 in this way.

17 So my only point in going into that
18 was, that all happened outside the view of
19 this group by design. It was an informal
20 meeting right out in the hallway.

21 But I think it's important, even in a
22 zoning context, to know that there's been
23 significant dialogue and real input that I
24 think, if explored, frankly, makes the plan

1 better.

2 So I just wanted to make the board
3 aware of that. It's just, it was a very
4 organic and healthy process that I thought
5 was, you know, we're glad that it happened.

6 BY MR. BROSEMAN:

7 Q. Now, Charlie, I have as Exhibit A-3
8 the prior decision of the board.

9 - - -

10 (Applicant's Exhibit A-3 was marked
11 for identification.)

12 - - -

13 MR. BROSEMAN: Do you need a copy of
14 that, Mr. Rice? I would just like to put
15 that in the record.

16 MR. RICE: How many copies do you
17 have?

18 MR. BROSEMAN: I have several.

19 MR. RICE: I would -- yes. If you're
20 going to refer to it, I mean, I would like
21 to obviously have a copy of it.

22 MR. BROSEMAN: I'm not going to refer
23 to it right now, but I have copies. I
24 would just like to make it A-3.

1 MR. RICE: Let's bring one up, and
2 we'll make it Exhibit A-3. I have to keep
3 them in some order.

4 And just in terms of the other
5 parties, whatever extra copies Mr. Broseman
6 has I'm going to ask him to leave over here
7 for anybody that wants to take a look at
8 the table, because you all have a right to
9 look at the exhibits also. Okay?

10 MR. BROSEMAN: And I would say, if we
11 do get the e-mail list and people want to
12 get copies, we can figure out a way to make
13 that happen if they don't get them tonight.

14 MR. RICE: Mr. Broseman, do you have
15 any more copies you can bring up here?

16 MR. BROSEMAN: Yes.

17 - - -

18 (Discussion off the record.)

19 - - -

20 MR. BROSEMAN: I was going to say, I
21 was aware there were old things on the
22 website, and the last time arrangements
23 were made to put the things on, so we could
24 work with the township to do that.

1 BY MR. BROSEMAN:

2 Q. Charlie, could we put up Exhibit A-4?
3 Before you put it up, to give Mr. Marlier an
4 opportunity, this is what we're calling the
5 neighbor plan.

6 MS. MULRONEY: Mr. Broseman, can you
7 use the mic so everybody can hear?

8 MR. BROSEMAN: To give fair warning
9 before we flash it up there, it's what
10 we're calling the neighbor plan, which is
11 basically what arose out of the meeting
12 that Mr. Houder mentioned, and we're not
13 going to go over it in great detail, but we
14 wanted to provide it.

15 We also wanted some of the neighbors
16 on Grant Lane that were involved in this to
17 know that we hadn't forgotten about that.

18 So is that okay, if I move to A-4?

19 MR. RICE: Sure. So this is the,
20 we're calling this A-4, the neighbor plan.
21 This is not the same conditional use plan
22 that's in front of the board?

23 THE WITNESS: That's correct.

24 MR. RICE: Right? Okay.

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(Applicant's Exhibit A-4 was marked
for identification.)

BY MR. BROSEMAN:

Q. So, Charlie, taking Mr. Rice's
direction into account that we're going to talk
about the plan we have on file, is this the plan
that your engineer drew after those meetings that
you mentioned?

A. Yes.

Q. So this is not the plan that's on
file?

A. Correct.

Q. But this is what's your understanding
of what the neighbors on Grant Lane were looking
for?

A. Yes. There's a couple, there's one
thing here that's not shown, and it's only
because again we would need leave from the
township, which is a third entrance onto Eagle
Road.

Q. It is at the bottom.

A. Oh, I'm sorry. You're right. So good

1 point.

2 For everyone looking for
3 clarification, we show it as an alternate down
4 below, but all of the changes we were in
5 agreement with.

6 And most notably, you know, what it
7 does on the Grant Lane side, which is that side,
8 it creates an 85-foot buffer which allows us to
9 do enhanced, even more enhanced stormwater
10 management facilities underground in that
11 location.

12 Q. Now, Mr. Lambert is going to go over
13 the -- we're just going to take a break while --

14 MR. RILEY: I have a question. I can
15 see on the screen, the one that's up there
16 now, it's from September of 2023, and the
17 one that's on file that I looked at prior
18 is from May of 2023.

19 The one that you just handed out in
20 the lower right corner is from September,
21 which is the one you're calling A-4.

22 So just so we have it like in order, I
23 think it would help to say the dates on
24 them.

1 MR. RICE: Let me clarify, because
2 plans get changed over time. So the
3 application for this conditional use was
4 filed in May 2023. That's the plan that's
5 in front of the board.

6 During the course of the conditional
7 use hearing, the applicant can come forward
8 with other plans that may be better than
9 what was filed or they think is better or
10 you think is better than was filed in 2023,
11 and that's what we're looking at now;
12 correct?

13 THE WITNESS: That's correct, and it's
14 mostly a result, and again, I think in
15 every land development I've ever been
16 involved in, plans get better when you take
17 input, and this, to me, was, really the
18 hallmarks of it are, all came from that
19 meeting in July of last summer with the
20 Grant Lane and Mr. Schuda neighbors.

21 MR. RICE: So in the board's
22 consideration, I mean, ultimately the board
23 has to make a decision, that decision you
24 can consider this new plan or any aspects

1 of this new plan that you think are better
2 or worse than what was originally filed.

3 Sometimes this becomes a moving target
4 with applicants that submit things in
5 response to, but that's what we're dealing
6 with.

7 This is in the record now. The
8 original application, as you know, what you
9 looked at and what I think everybody has is
10 probably what's posted on the township's
11 website from May of 2023.

12 THE WITNESS: Thank you.

13 MR. RICE: This is a modification, an
14 idea, something that the board can consider
15 in coming to some resolution or decision.

16 MS. MULRONEY: Will you be going into
17 specificity around what the changes are
18 between what was submitted and what we're
19 looking at?

20 THE WITNESS: I can. It's --

21 MS. MULRONEY: It might be helpful to
22 understand what changed.

23 THE WITNESS: Absolutely. So without
24 this being, so this is what we drew in

1 response to what we heard.

2 So what we heard was these folks,
3 Grant Lane neighbors, all in Radnor, and
4 Mr. Schuda --

5 BY MR. BROSEMAN:

6 Q. For the record, you're referring to
7 the Grant Lane residents to the north of the
8 property immediately adjoining?

9 A. That's correct, share a border. And
10 with the way that the land falls, they feel
11 impacts from water.

12 And so right now this property has no
13 stormwater management and is an empty property.
14 So the idea is, how do we get as much stormwater
15 management as possible in this corridor.

16 So what we did was took the buffer
17 from here, which is, and I'm approximating, but
18 the buffer that is in the submitted plan
19 following the dictates of the code would have the
20 buffer right around here.

21 Q. You're saying "here." For the record,
22 can you be more --

23 A. I'm sorry. On this side. Is it
24 30 feet, Rob?

1 Q. Twenty-five feet.

2 A. Twenty-five feet. So this takes it
3 out to 85 feet. Also, instead of having five,
4 one, two, three, four, five on this, we'll call
5 northern Grant Lane border, it takes away this
6 middle unit and makes it less dense here.

7 The other thing it does is it gets to
8 that amplified buffer by making this common green
9 smaller.

10 On the submitted plan, because of the
11 contiguousness requirement, all of the open space
12 is in this center green.

13 Open space is great. Center greens
14 are great. But the one on the submitted plan is
15 so enormous that it sort of like loses its
16 function. It's almost too much of a good thing.

17 It's almost 1.8 acres of square open
18 space, which, just to frame that, that's roughly
19 the size of the Radnor Middle School playing
20 field. What this plan did is to distribute it.

21 And what, I guess, maybe to
22 paraphrase, quality open space might be in the
23 eye of the beholder, and this center green, I
24 think, still works great as a center green.

1 These buffers are still great on the
2 Stafford Avenue side. But this buffer becomes a
3 mega buffer on the Grant Lane north side.

4 The other specific thing, obviously it
5 adds this entrance onto Eagle, which again we
6 can't do without leave of the township. But the
7 other thing it does, and this is a significant
8 point.

9 The current filed plan does not
10 include this parcel here, which is 22 Forrest
11 Lane -- I'm sorry, 18 Forrest Lane, my
12 apologies -- 18 Forrest Lane.

13 This is a house right now that a woman
14 lived in that worked for Mrs. Hamilton. The
15 current plan doesn't include that lot.

16 One of the stipulations that we made
17 as part of the desire to speak to these neighbors
18 is basically take this house away and make this
19 forever an open lot.

20 It will be a landscaped lawn. It will
21 be landscaped and taken care of by the HOA. It
22 will have stormwater, additional stormwater
23 management underneath it.

24 And it just, in the totality of, you

1 know, honestly good faith and good ideas put
2 forward by these neighbors, it is putting this
3 into the mix as something that would just create,
4 and again, I'll try to describe this.

5 Going west, so the land falls this
6 way, sort of the direction Ms. Kircher lives, so
7 towards the west.

8 And so all of this amplified catchment
9 area all underground feels like good steps in the
10 right direction for stormwater. So anyway, those
11 were the essential features.

12 Frankly, that lot has great value, but
13 in the grand scheme of these changes, I'm hard
14 pressed to say why they're not all good ideas.
15 So that -- those were the ideas that we
16 incorporated.

17 MR. BROSEMAN: Let me just see if I
18 have anything else for Mr. Houder at this
19 time.

20 THE WITNESS: One other thought that's
21 related to these changes and the filed plan
22 versus this plan.

23 The first one we started way back
24 when. Most of it, all of the formal part

1 of the process was online.

2 And now here we are, is that this
3 property, I was having a conversation
4 earlier today with someone from the Radnor
5 Conservancy.

6 And the point I wanted to make is that
7 this property will be developed. It will
8 be developed.

9 If it has to be developed as
10 single-family homes, small lot, single-
11 family homes, it will get developed as
12 small lot, single-family homes.

13 I believe that a plan like this using
14 the conditional use section of the code
15 provides much greater opportunities for
16 better planning, which is to say that the
17 direction here is to, whether it's this
18 plan or the filed plan, the stormwater
19 management system meets a very high
20 standard.

21 It's a hundred year stormwater
22 management system in both plans. And that,
23 and all of this open space, this plan still
24 meets the 25 percent open space.

1 It's, I guess it's debatably
2 noncontiguous, which again we would need
3 the leave of the township, but I still
4 think when we look at this plan, it looks
5 like there's a lot of open space.

6 Anyway, all of those opportunities for
7 open space, an amped-up stormwater
8 management system, all of the buffering,
9 and all of the professional landscaping and
10 preservation that will come in that
11 buffering all can happen with this plan.

12 If it becomes small lot, single-family
13 homes, yes, you're going to have
14 landscaping and you're going to have
15 stormwater management of a kind, but that's
16 going to be up to 25 homeowners to decide,
17 you know, how they're going to handle that
18 with respect to landscaping.

19 And with respect to stormwater
20 management, I would argue that most
21 significantly these buffer areas give the
22 opportunity for the greatest relief.

23 BY MR. BROSEMAN:

24 Q. And, Mr. Houder, do you remain willing

1 to work with the adjacent neighbors and the
2 township to address concerns and come up with a
3 good plan?

4 A. Of course.

5 MR. BROSEMAN: That's all I have for
6 Mr. Houder at this time.

7 MR. RICE: Okay. Mr. Marlier, do you
8 have any questions?

9 MR. MARLIER: I do.

10 - - -

11 CROSS EXAMINATION

12 - - -

13 BY MR. MARLIER:

14 Q. You mentioned the trust, sir. Can you
15 go through all the individuals that make up the
16 trust?

17 A. I don't know, I can't say -- I'm not
18 sure if this is on? Sorry. I can't say --

19 MR. BROSEMAN: Charlie, use this.

20 THE WITNESS: I can't say definitively
21 that I have an exhaustive list of the
22 trustees, but just to characterize it, it's
23 the children of Mrs. Hamilton and the
24 estate and trust attorney.

1 BY MR. MARLIER:

2 Q. And you don't know how many children
3 Mrs. Hamilton has that are in the trust?

4 A. She has three children, had three
5 children.

6 Q. Are you able to give their names for
7 the record, so the board knows who's in the
8 trust, who the applicant actually is?

9 A. Well, it's the trust.

10 Q. Understood. And who are the three
11 children that make up the trust?

12 A. I don't know that, if I'm under oath,
13 I don't know that I can say that with a thousand
14 percent certainty.

15 Q. Understood. So you're not sure what
16 their names are?

17 A. I know what her three children's names
18 are. I just don't know -- I can't say under oath
19 that they are all trustees.

20 Q. So you're not sure if the three
21 children -- you know their names, but you're not
22 sure that all three children make up the trust?

23 A. Correct.

24 MR. RICE: So we're probably talking

1 about beneficiaries to the trust?

2 THE WITNESS: No. The trustees, I
3 think, is what --

4 MR. RICE: Well, okay.

5 MR. MARLIER: That was my next
6 question, Mr. Rice.

7 MR. RICE: You have trustees, you have
8 a trust, and you have beneficiaries of the
9 trust. But go ahead, Mr. Marlier.

10 MR. MARLIER: That was my next
11 question.

12 BY MR. MARLIER:

13 Q. So the trustees, you had mentioned
14 that it was the children, that it was the estate
15 and trust attorney, but you're not sure if the
16 children do make up the trust?

17 A. I believe that they do, but I wouldn't
18 want to say that under oath, because I'm not a
19 hundred percent certain that all three are
20 trustees.

21 Q. Understood. And who are the
22 beneficiaries of the trust?

23 A. I don't know, other than charities
24 that are designated by the trustees. The ones

1 that have been reported to me are University of
2 the Arts, and without specific names, some
3 educational institutions that are in the
4 five-county area.

5 Q. You mentioned that if the homes would
6 be built, that they would be built by a home
7 builder. Who would that developer be?

8 A. To be determined.

9 Q. You mentioned during your testimony
10 the homes that are being built on 205 Strafford
11 Road across from this proposed development. How
12 many homes are being built?

13 MR. BROSEMAN: I would object. 205
14 Strafford is an existing residence. The
15 gentleman who lives there is here. You
16 might be speaking of the other development.

17 MR. MARLIER: I might be.

18 THE WITNESS: St. Honore? The St.
19 Honore development?

20 BY MR. MARLIER:

21 Q. How many homes are there?

22 A. I think it's 12?

23 UNIDENTIFIED SPEAKER: Fourteen.

24 THE WITNESS: Fourteen.

1 BY MR. MARLIER:

2 Q. Fourteen homes? Is that what you
3 believe?

4 A. I'm going to take advisement from the
5 public that it's 14, not 12, yeah. I'll go with
6 that.

7 Q. And I apologize. I'm not from Radnor,
8 I'm not from Delaware County, so help me out.

9 You mentioned during your testimony
10 something about Villa properties?

11 A. Oh, yes. So down Stafford Avenue to
12 the east is a development that is known as Villa
13 Strafford, because I think that was the name of
14 the restaurant that was there, and I think that's
15 the name of the driveway that is used for the
16 residents.

17 Q. And how many homes are at the Villa
18 Strafford?

19 UNIDENTIFIED SPEAKER: It's 11. I
20 reside there.

21 THE WITNESS: Oh, there you go. I'll
22 take it on a friend it's 11.

23 BY MR. MARLIER:

24 Q. You're hearing from a resident, for

1 the record, stating that he lives near that?

2 A. Yeah. I'm assuming he is correct,
3 yes.

4 Q. That sounds correct to you?

5 A. That seems correct, yeah.

6 Q. And roughly how many acres would the
7 Villa Strafford be, do you know?

8 A. I don't know off the top of my head,
9 but --

10 UNIDENTIFIED SPEAKER: I do. 2.51.

11 MR. MARLIER: Hold on. We can't hear
12 from, yelling out from the crowd is --

13 THE WITNESS: The answer is, the
14 answer is I don't know. It may be around
15 2.51. But -- sorry.

16 MR. BROSEMAN: Charlie, please don't
17 guess if you don't know an answer.

18 THE WITNESS: I really don't know.

19 BY MR. MARLIER:

20 Q. I guess we could do it this way. Is
21 it larger or smaller than the proposed
22 development?

23 A. It's smaller in acreage, I know that
24 for a fact, and it's higher in density.

1 Q. And what about the development that we
2 were referring to, St. Honore?

3 A. Yes, St. Honore.

4 Q. St. Honore, thank you. Is that
5 smaller or larger in acreage?

6 A. You know what? I don't know what the
7 acreage is, 'cause I know there's been a little
8 bit of assemblage there, so I don't know what the
9 acreage is.

10 It was an assemblage of some other
11 parcels, so I don't know what the acreage is.

12 Q. Mr. Houder, you referenced the
13 opinions from the last, from Hamilton-1, we'll
14 call it, the last conditional use hearing
15 regarding this property, and you mentioned the,
16 some of the legal positions as you thought.

17 I see on your resume that you did
18 receive a Juris Doctor; correct?

19 A. I did, yes.

20 Q. Syracuse?

21 A. Yes.

22 Q. Are you a practicing attorney, sir?

23 A. No.

24 Q. Have you ever been a practicing

1 attorney?

2 A. Yes.

3 Q. When did you last practice law?

4 A. Um, 2001?

5 Q. At that time, did you do municipal
6 law, sir?

7 A. Real estate transactions.

8 Q. I see on A-4 where it typically would
9 go over, state whether this is a revision or not,
10 and it would have a number and date, there is no,
11 nothing there that this is a revision of any
12 plan.

13 So this is an entirely new proposed
14 plan relative to the proposed plan in question
15 with the May application that's before this
16 board?

17 A. Yeah. I'm not sure what you mean by
18 "proposed." It's just a proffered illustration
19 of some ideas of different things you could do.

20 Q. And you mentioned a number of changes
21 that, between this A-4 and the application in
22 question or the plans with the application in
23 question. Are you an engineer, sir?

24 A. No.

1 Q. Specific to this plan, did you reduce
2 the number of townhomes?

3 A. No.

4 Q. Did you reduce the size of the
5 townhomes?

6 A. Yeah. I believe that four were
7 reduced in footprint size.

8 Q. I assume, and I hope, I'm guessing
9 everyone hopes, that we'll have some testimony
10 from an expert regarding this proffered plan,
11 because you did reference the open space and
12 changes you made to that.

13 Will you be having a witness testify
14 to some of the changes that were made?

15 A. Yes, and those things that I referred
16 to, calculations and so forth, yes. We have Mr.
17 Lambert, who will be able to address that and/or
18 answer questions.

19 Q. Great. Thank you. And you mentioned
20 the 18 Forrest Lane. That's the probably --
21 correct me if I'm wrong -- towards the bottom
22 left of the development? I think it would be
23 northwest?

24 A. Yes. Yes, sir.

1 Q. Okay. Hopefully we'll hear this from
2 an engineer, but is that where the stormwater
3 easement would be as well?

4 A. There will be -- well, yes, there will
5 be stormwater facilities running, in this
6 proffered plan, there will be stormwater
7 facilities running into that space, and it would
8 make use of that space as part of the overall
9 system.

10 As to whether there will be easements
11 or not, it would all be one property at that
12 point. We would presumably attach that lot to
13 the overall, so the HOA would sort of own it and
14 control it all.

15 Q. And on the original plan, I'm not
16 looking at the original plan. I don't think any
17 of us are.

18 So just to be clear, the stormwater,
19 as well as the sewer, were coming off onto a
20 different property.

21 Is that to the right of 18 Forrest as
22 you're looking at this plan, to the right of it
23 originally? Is that gone now?

24 MR. BROSEMAN: Could I suggest, Mr.

1 Marlier, we do have our engineer who could
2 answer these questions.

3 THE WITNESS: I'm happy to give you --

4 BY MR. MARLIER:

5 Q. If you know the answer.

6 A. I would defer to Mr. Lambert, too,
7 only because his answers on these topics are
8 going to be more satisfactory because they're
9 going to be more precise.

10 Q. But just to be clear, the 18 Forrest
11 Lane is part of the Hamilton estate? It's all
12 part of that?

13 A. It is common ownership, yes, but as I
14 said, in the submitted plan, 18 Forrest is not
15 part of the land mass that was submitted.

16 It's shown here again as part of a set
17 of ideas that came out of neighbor meetings.

18 Q. Is it part of the Hamilton estate?

19 A. When you say the "estate," are you
20 referring to the land or the legal, the legal
21 estate?

22 Q. The legal parties that draw up the --

23 A. Yes. I believe it's common ownership,
24 yes, like the same entity on the deed, if you

1 will.

2 Q. You mentioned that there was numerous
3 differences between this plan and the plan that
4 was submitted in May.

5 You went through some of those
6 differences. Just to be clear, Mr. Lambert is
7 going to go through all the differences?

8 A. He can address the differences in any
9 level that would be requested.

10 MR. MARLIER: I believe that's all the
11 questions I have, Mr. Rice, for now.

12 MR. RICE: Thank you. Okay. So I'm
13 going to go through the parties that are
14 here, and if you heard what Mr. Marlier
15 did, he just asked Mr. Houder about what he
16 testified to, not some other topic.

17 So that's what you're limited to, what
18 he said, and ask him questions about what
19 he just said. So that's your cross-
20 examination that you're entitled to as
21 parties.

22 - - -

23 EXAMINATION

24 - - -

1 MR. RICE: So let me start with Mary
2 Ann Mahoney. Any questions of Mr. Houder?

3 Please, you're going to have to come
4 up to the microphone.

5 MS. MAHONEY: I live at 5 Grant Lane,
6 the first house. I have huge problems with
7 water. I'm hoping that this will help the
8 property that I have right now.

9 Will this be additional stormwater?
10 Will it help my house, Mr. Houder?

11 THE WITNESS: Mr. Lambert can go into
12 the math on the stormwater system, but I
13 think I can say, I will say that compared
14 to what's there now, it's an objective fact
15 that what will be here from the stormwater
16 management system will be a great
17 improvement.

18 MS. MAHONEY: But from what I can see
19 on the map, there's a perimeter at the top.
20 It doesn't look like there's going to be
21 any stormwater that will be affected there.

22 So I'm still going to have water
23 coming down Strafford Avenue.

24 MR. RICE: Is that correct, Mr.

1 Houder? There's no stormwater at the top?

2 THE WITNESS: I'm going to let Mr.
3 Lambert go through.

4 When we look at these kinds of images,
5 they don't always show everything that's
6 happening in the layers underneath, if you
7 will.

8 So Mr. Lambert will go through an
9 extensive run-through of how the stormwater
10 systems work across the whole property.

11 So if the water falls in the upper
12 right corner, what happens to it if it's,
13 or anywhere else, because what you don't
14 see also on this plan is how the land
15 flows.

16 And so I'll defer to him, because he
17 can go through it in whatever amount of
18 detail. But again, and I don't say this
19 lightly, because I know it's important.

20 The system here, you know, when I say
21 it's above and beyond, it's a very robust
22 underground stormwater management system
23 that will certainly help the conditions in
24 this area.

1 MS. MAHONEY: Um-hum. Okay. Again,
2 my questions are, do they come halfway
3 through to my house?

4 Like it looks to me right now like it
5 would help my house halfway through, or
6 would it --

7 MR. RICE: Can you answer that, Mr.
8 Houder?

9 THE WITNESS: Mr. Lambert will be the
10 one that can talk to you about that in
11 detail, exactly how these systems function.

12 MS. MAHONEY: Okay. Thank you.

13 MR. RICE: Thank you. Mr. Curley?
14 And everybody bear in mind that the
15 engineer will testify about stormwater.
16 He's the expert. He may be next.

17 MR. CURLEY: Mr. Houder, can you
18 confirm that you said that the 18 Forrest
19 Lane was just added to the neighbor plan?
20 Is that what you said to us?

21 THE WITNESS: Yes.

22 MR. CURLEY: Okay. Because all along,
23 my understanding has been that the original
24 plan was having the stormwater run through

1 18 Forrest Lane to connect to the sewers
2 that are at the intersection of Forrest
3 Lane and Fairfield Lane.

4 How, if you just added it, were they
5 going to get rid of the stormwater prior to
6 that?

7 THE WITNESS: Well, the trust has
8 always owned it, so it had the ability to
9 run facilities through there.

10 Maybe the difference is, it was always
11 being used for facilities, and I'm looking
12 at Rob, because he can probably speak more
13 precisely. The difference is is that in
14 this plan, nothing will be built on it.

15 So instead of having an easement
16 along the side of it and you still have a
17 house built, it would be flattened, turned
18 into a lawn, and nothing would be built
19 there.

20 MR. CURLEY: But 18 Forrest Lane has
21 always been in the picture; am I correct?

22 Because to say it was new, to me, is
23 disingenuous, because I believe you're
24 going to have to run stormwater through

1 there.

2 It's always been part of the plan.
3 It's just now it's been changed. For you
4 to say it's new, to me, is disingenuous.

5 THE WITNESS: Well, I wish you
6 wouldn't take it that way. It wasn't meant
7 to be that.

8 It was, it was -- the difference is a
9 house with easements running alongside of
10 it versus an open lot.

11 That's the difference. So I just
12 probably wasn't clear in distinguishing
13 that.

14 MR. CURLEY: Okay. Thank you.

15 THE WITNESS: Thanks.

16 MR. RICE: Ms. Levy from the Radnor
17 Conservancy? Any questions?

18 MS. LEVY: Yes. Is this the only page
19 for the neighbor plan that exists at this
20 moment?

21 THE WITNESS: Yes.

22 MS. LEVY: Okay. So will there be a
23 updated tree removal plan coming along with
24 this new neighbor plan?

1 THE WITNESS: Yes. This was done just
2 for -- which one of the exhibits is the
3 submitted plan? A-12?

4 MR. BROSEMAN: We haven't gotten to
5 that yet.

6 THE WITNESS: What I was going to say
7 is just for purposes of being able to see
8 it rather than describe it.

9 But the fully landscaped plan with
10 Bern, Bern Panzak, our landscape architect,
11 his overall plan for tree conservation and
12 replacement would be put onto this plan if
13 it were to go forward.

14 MS. LEVY: Got it. And do we know
15 that there is an increase in conservation
16 for trees with this increased 60-foot
17 buffer that is happening along this side?

18 And also, I'm going to go ahead and
19 note concerns about leveling and creating a
20 grass lawn on this one property as well as
21 far as an improvement, hoping that maybe
22 more preservation can be done there, but I
23 know that there's a house standing there.

24 But is there increased conservation

1 that happens along that space?

2 THE WITNESS: Bern would be able to
3 perhaps speak to some of that. To be fair,
4 I don't know that he -- because again, this
5 is just an illustration of some ideas.

6 I don't know that he has done an
7 exhaustive plan of what would happen if
8 this was now the plan.

9 But he did note, and he can speak to
10 it, that just with an 85-foot buffer now
11 instead of 25 on the Grant Lane side, you
12 just have more opportunity.

13 And also, I just wanted to address
14 your point about 18 Forrest.

15 When I say that it will be kept a
16 lawn, that doesn't mean just a rectangle
17 patch of grass.

18 MS. LEVY: Okay.

19 THE WITNESS: If it, I want to be
20 mindful of its function.

21 But to landscape that and make it look
22 like it's sort of a landscaped, finished
23 area is certainly something we would be
24 willing to do.

1 MS. LEVY: And my last question is
2 when the updated work is done, is that
3 going to work off of the current tree
4 assessment, or is that going to work off of
5 a tree assessment from four years ago or
6 whenever that tree assessment was done,
7 just so we can make sure that we are
8 working with current and real numbers.

9 THE WITNESS: It's all up to date.

10 MS. LEVY: Okay. Thank you.

11 THE WITNESS: And I will offer that
12 we would love the idea of working with
13 the Radnor Conservancy on the details of
14 street trees and, you know, appropriate
15 plantings.

16 Bern Panzak is great, and he certainly
17 won an award in Montgomery County for
18 preservation.

19 But anyway, we would welcome that
20 opportunity to work on the details of this
21 plan with the conservancy.

22 MR. RICE: Mr. Schuda, any questions?

23 MR. SCHUDA: Yes. Joe Schuda, 14
24 Forrest. You had mentioned during your

1 testimony that this plan, the neighbor
2 plan, as you call it, was directly a result
3 of a meeting with neighbors in the
4 community, specifically, the Forrest Lane
5 and the Grant Lane neighbors.

6 Was there any urging from anyone to
7 facilitate those meetings, Mr. Houder, do
8 your recollect?

9 THE WITNESS: Yeah, I'm trying to
10 recollect. I mean, I think this board,
11 present and past board, have sort of a
12 standing request, I feel, to engage with
13 neighbors as much as possible.

14 Mr. Larkin mentioned in the past, as
15 a passive, passive observer, just to
16 facilitate some kind of room or access.

17 So I think, actually, I see that as
18 a standing thing. So -- but it was urging
19 or just sort of a natural part of the
20 process.

21 MR. SCHUDA: Thank you. Also, in
22 terms of the plans and the evolution of the
23 plan that was dated in May, would it be in
24 your interest, not interest, I should say,

1 but would it be advantageous to amend that
2 May plan, or would that require a new
3 submission to incorporate the neighbor
4 plan?

5 THE WITNESS: It could require a new
6 submission, and again, I can't speak for
7 the township obviously.

8 It could require, it could give a new
9 submission, although I think just out of a
10 sense of practicality, we wouldn't want to
11 submit this plan, knowing that it runs
12 afoul of township requirements because of
13 some of the things that it features.

14 But if the township said they were in
15 favor of it, we would submit it, or we
16 would amend the current submitted plan to
17 reflect these features.

18 So, procedurally, I don't know exactly
19 how that would shake out, but if I think of
20 the original 41-unit plan, then the
21 currently submitted 38-unit plan, and then
22 this plan, it's sort of like I think the
23 41-unit plan was good and it got better and
24 this is better still.

1 MR. SCHUDA: So basically if the
2 neighbors that are most affected, being
3 Grant Lane and the proximity to the parcel,
4 Forrest Lane, that, I don't want to say
5 report, but the fact that that would be
6 something that was generated out of the
7 conversations that you held with those
8 individuals, would your opinion be that the
9 township would be serving in its community
10 interest by supporting that?

11 THE WITNESS: That's -- I'm biased,
12 obviously, and this board will make its own
13 determination as to what it thinks is the
14 right thing.

15 But as a general matter, I just think
16 when you sit down and talk with people and
17 they say, can you change this or change
18 that and it still, makes it better, it
19 seems like a good thing, yeah.

20 MR. SCHUDA: Thank you. It's a good
21 plan. Thank you.

22 MR. RICE: Mr. Szary here, Gregory?

23 MR. SZARY: Yes. Good evening,
24 Gregory Szary, S-Z-A-R-Y, 6 Forrest Lane.

1 Mr. Houder, thank you very much for
2 your opening statements. I'd like to
3 clarify a couple of things.

4 One, you said all the neighbors
5 contributed to what you're calling the
6 neighborhood plan.

7 I'm assuming you're only talking
8 about the six people on Forrest and the
9 Schuda residence that abut your piece of
10 property and not the 25 or so people that
11 are potentially a party to this; correct?

12 THE WITNESS: Excuse me, correct.
13 Those are the people that showed up to the
14 meeting.

15 MR. SZARY: All right. So you had
16 indicated that you invited people.

17 I called several people after that
18 statement, and none of us had received --
19 and we all live adjacent to Mr. Schuda.

20 So I'm curious why certain people were
21 invited and certain weren't.

22 THE WITNESS: Well, I invite -- I
23 don't have a master list of, I mean,
24 obviously, I didn't invite the whole world.

1 So I invited the residents that, you
2 know, can be identified on this map who
3 were Radnor residents.

4 MR. SZARY: I assume you have a list
5 of the people who were a party to the
6 previous submissions?

7 THE WITNESS: Yes.

8 MR. SZARY: Okay. But they weren't
9 included in that?

10 THE WITNESS: If they were not
11 objected to and they were Radnor residents,
12 I'm pretty certain they were.

13 MR. SZARY: So you limited it to
14 Radnor residents, and thank you for that.

15 I'd like, you used the phrase "highest
16 and best use" in the planning of that piece
17 of property. That's subjective.

18 I'd like to find out what your
19 definition of "highest and best use" is.

20 THE WITNESS: My definition, which has
21 been the mandate of the owner, has been,
22 look at the code, come up with a plan that
23 maximizes the value of the property based
24 on what the code offers, and pursue those

1 approvals.

2 MR. SZARY: And that was with the
3 intent of building or developing
4 residential properties for sale?

5 THE WITNESS: Yes.

6 MR. SZARY: As opposed to any other
7 higher and better use for that property,
8 like donating it to the township as open
9 space or something along that line?

10 THE WITNESS: Well, yeah. I don't
11 think they'd perceive that to be, you know,
12 in their mandate.

13 MR. SZARY: So it is subjective,
14 "higher and best use."

15 THE WITNESS: Um, yes, you might be
16 able to -- yes, I guess it is.

17 MR. SZARY: Okay. Thank you. That's
18 all I have. Thank you.

19 MR. RICE: Sharon Willis?

20 MS. WILLIS: No questions.

21 MR. RICE: Steven and Megan Scheri?

22 MR. SCHERI: Yes. Steve Scheri,
23 S-C-H-E-R-I, 9 Grant Lane.

24 Just for clarification, Mr. Houder,

1 what is presented to the board for official
2 consideration right now is a plan that is
3 just to the 25 percent change in the code
4 for open space that is contiguous?

5 THE WITNESS: Correct.

6 MR. SCHERI: And in your estimation
7 of redesigning your plan, you feel fairly
8 confident that that plan meets all of the
9 code requirements set forth?

10 THE WITNESS: We do.

11 MR. SCHERI: Okay. So then that plan,
12 which we're not looking at, we're looking
13 at a, that's a different plan.

14 So all of these improvements, so the
15 plan that's actually before the board in
16 itself has less stormwater, less open space
17 around the affected neighborhood, and lot
18 18; is that correct?

19 THE WITNESS: Yeah, with a couple
20 clarifications. It has, and again, Mr.
21 Lambert can speak to this.

22 It certainly has less buffer on the
23 Grant Lane side, the submitted plan does.

24 It has less stormwater -- the

1 submitted plan has less stormwater
2 facilities in that area of the enhanced
3 buffer.

4 And to Mr. Curley's comments, while
5 facilities were going through 18 Forrest,
6 this plan suggests that 18 Forrest become
7 open space, landscaped open space.

8 MR. SCHERI: Since we have not seen
9 the actual proposed plan, would it be fair
10 to characterize that whatever you call it,
11 the southwestern corner where it meets the
12 turn there with less buffer before when we
13 come around the corner, and I don't know if
14 that's southwest. To me, it's southwest.

15 THE WITNESS: Where the triangle is?

16 MR. SCHERI: Yes. That's what we're
17 going to talk about.

18 THE WITNESS: Yes.

19 MR. SCHERI: That, under the proposed
20 plan, that is pushed back closer to that
21 triangle?

22 THE WITNESS: Correct.

23 MR. SCHERI: Okay. Thank you.

24 THE WITNESS: Yes.

1 MR. RICE: Ms. Hansen, any questions?

2 MS. HANSEN: No questions.

3 MR. RICE: Mr. Chawla, any questions?

4 MR. CHAWLA: No.

5 MR. RICE: Ms. Lafarge?

6 MR. LAFARGE: No.

7 MR. RICE: Mr. Sareen?

8 MR. SAREEN: No questions.

9 MR. RICE: I'm having a hard time
10 reading my print. Mr. Hymel, 11 Forrest
11 Lane.

12 MR. HYMEL: So, Ted Hymel, 11 Forrest
13 Lane. Just a couple questions. So you
14 referenced the neighbor meeting.

15 Is there a reason why you did not
16 invite any of the, I mean, I understand the
17 boundaries, but is there, you know that
18 there's concerns from Tredyffrin residents.

19 Why did you exclude those from this
20 neighbor meeting?

21 THE WITNESS: Well, we're developing
22 in Radnor Township in accordance with
23 Radnor Township rules, and so, you know, we
24 made the decision to appeal to Radnor

1 residents.

2 MR. HYMEL: And that was when roughly
3 that you met? July?

4 THE WITNESS: Those meetings were both
5 in July of last year.

6 MR. HYMEL: So during your testimony,
7 you referenced something from years ago, so
8 clearly you were aware from a lot of TE
9 residents that there's a lot of concern.

10 But I'm just curious, are there any
11 other future neighbor meetings, because it
12 seems like there's a lot of ideas that
13 you're incorporating.

14 Are you having any other neighbor
15 meetings with only Radnor Township members,
16 or can we be invited to those?

17 THE WITNESS: No meetings are planned.
18 And, yeah, I mean, I wouldn't -- I
19 certainly wouldn't object if you came.

20 MR. HYMEL: Yes.

21 THE WITNESS: But again, our focus
22 has really been on the Grant Lane folks
23 specifically and part of Forrest with
24 respect to Radnor.

1 MR. HYMEL: Okay. I keep going to
2 that meeting.

3 Were some of those neighbors like, I
4 don't know who was there, but were they
5 engineers or land attorneys or do you know?

6 THE WITNESS: I don't, I don't know.

7 MR. HYMEL: I'm just curious why
8 neighbors are giving you ideas which, to
9 me, they sound good, but how are they
10 coming up with better ideas than the
11 experts are generating?

12 THE WITNESS: Yeah.

13 MR. HYMEL: Isn't it that you've been
14 doing it for 25, 30 years?

15 I've heard Mr. Lambert. He's very
16 credible. I remember him from four or
17 five years ago.

18 So how are neighbors coming up with
19 ideas that you are saying to us are better
20 if they're not even engineers or land
21 attorneys or developers?

22 THE WITNESS: That's a great point,
23 because it may not have been clear, because
24 I know that with some of the neighbors,

1 it's like, well, if this is better, submit
2 it.

3 And the reason -- so we could have
4 come up with, or I'll defer to Rob, 'cause
5 he's the engineer. It's not that Rob
6 couldn't have thought of it.

7 It's that we, under the township
8 rules, we can't submit this without the
9 township saying okay, because the minute we
10 submit it, it runs afoul of requirements
11 that only the township can give us relief
12 from.

13 MR. HYMEL: Could I just ask a general
14 question kind of thing, the obvious?

15 Are we just assuming, I mean, again,
16 it sounds like it's better.

17 Are we assuming that you guys have
18 run this by the board and they're like,
19 well, if the neighbors are okay with it.

20 Or like, why are we here talking about
21 something? I mean, I know I'm thinking it.

22 THE WITNESS: That doesn't exist or
23 it's an idea?

24 MR. HYMEL: Yeah.

1 THE WITNESS: Yeah. So I'll give you
2 my opinion. I think that for the reasons
3 that I said earlier, this has been a
4 protracted process where a lot of it
5 happened during a very difficult time where
6 people couldn't get together and it got
7 sort of stretched out and protracted.

8 So again, this is only me talking.
9 We, we could have sort of said to the
10 township, hey, can we come talk about this
11 even though, you know, it's not filed.

12 But if I was the township, I think
13 what I would say is, let's talk about it in
14 the open and like in this forum exactly as
15 we are, and then if there's ideas that come
16 out of this and the township wanted to then
17 give direction and say, hey, look, we heard
18 what people have to say, this seems like
19 it's got things in it that are of merit,
20 they can then give us that direction.

21 But to give us that direction in a
22 conference room somewhere and then everyone
23 is like, well, what happened? You know, we
24 went from this plan to this plan, how did

1 this all happen?

2 If we're doing it in this context,
3 it's much more transparent.

4 And that's why I appreciate the leave
5 that everyone is allowed to sort of go
6 through sort of the how we got here,
7 because, you know, and again, I apologize
8 for you feeling excluded.

9 MR. HYMEL: You deal with this every
10 day. It's just very confusing to people
11 who see this once every five years.

12 MR. RICE: Let me try to clarify.
13 This is a conditional use hearing, so they
14 have an application for a specific plan.

15 THE AUDIENCE: We can't hear you.

16 MR. RICE: Okay. Here we go. So
17 during a conditional use process, the
18 original plan is the original plan, but the
19 board doesn't have to accept the original
20 plan.

21 The board could in a decision take
22 some elements out of this plan, because now
23 we've seen it, it's in the record of this
24 hearing, and pick and choose that, you

1 know, a condition may be that this
2 particular property that has a house on it
3 will be part of the plan.

4 So it's not a fixed plan when it
5 comes in. I mean, if they put on testimony
6 that supports some condition or not, then
7 the board, in its ultimate decision,
8 doesn't have to take one plan or the other
9 plan.

10 It can be a general concept subject to
11 25 conditions. So at this point, we'll
12 move on.

13 MR. HYMEL: I understand. I
14 understand. Last question for me. So
15 we're on the TE side. We're on Forrest
16 Lane.

17 And when I say stuff rolls downhill,
18 clearly there's a lot of residents down
19 there that are dealing with just the scope
20 or the slant, slope, I guess you could call
21 it, of where stormwater is an issue.

22 But can Mr. Lambert describe, even
23 though we're adjacent to the property, can
24 he go through like what happens downstream,

1 so to speak?

2 And to give you some context, several
3 years ago we learned that it's not just not
4 having the right intentions or the right
5 technology or whatever.

6 It's, there's a lot of issues with
7 township jurisdiction going down to Old
8 Eagle, which is, I believe, part of
9 PennDOT. It's been several years, so --

10 MR. RICE: Okay. We're going to have
11 him testify.

12 MR. HYMEL: Can he clarify that?

13 MR. RICE: Just, just questions. And
14 when he comes up on the witness stand, you
15 can ask him those questions.

16 MR. HYMEL: Fair enough. Thank you.

17 MR. RICE: Okay. Ms. Ruschmann?

18 MS. RUSCHMANN. Hi. Thank you. I was
19 one of the small group that -- and I do
20 appreciate this effort.

21 I just want to ask you, because we
22 discussed putting that road out onto Eagle,
23 I just want to reiterate with everyone, if
24 you live in our little community, having

1 the ability to get an extra road out to
2 deflect some of the traffic could be very
3 beneficial and, in particular, because just
4 down the road is the train station, and
5 there's a tough left turn and there's no
6 light.

7 And so I just think that's a very
8 important point. And otherwise, thank you.
9 I think this is much better than the
10 original plan.

11 THE WITNESS: Thanks.

12 MR. RICE: Mr. Satterfield?

13 MR. SATTERFIELD: No questions.

14 MR. RICE: Ms. Nuttall? Questions?

15 MS. NUTTALL: Thank you for letting me
16 ask my questions.

17 With regard to what she was talking
18 about, so I think the reason that I feel
19 particularly affected by this, this isn't
20 an island.

21 So there's a lot going on around this,
22 including new stuff with Villa Strafford
23 and the stuff above this, and you're kind
24 of limited to -- I assume that's Eagle

1 Village down there?

2 THE WITNESS: Yes, um-hum.

3 MS. NUTTALL: So the thing that
4 concerns me is the traffic, and I think
5 this is lots of small residential areas,
6 and it's already harder going up and down
7 Eagle Road.

8 MR. RICE: Madam? Questions.

9 MS. NUTTALL: The question is --

10 MR. RICE: On his testimony only. He
11 didn't testify about traffic; right?

12 MS. NUTTALL: Right, but that's the
13 question I'm bringing up. It's a new
14 additional thing coming out to the side of
15 Eagle Road.

16 MR. RICE: Ask him if he's willing to
17 do that.

18 MS. NUTTALL: Did you guys look at
19 traffic?

20 THE WITNESS: We did, and we have a
21 traffic study and traffic engineer who will
22 testify.

23 MS. NUTTALL: Okay.

24 THE WITNESS: And just to answer maybe

1 what you didn't ask, which is that that
2 entrance onto Eagle Road, again we would
3 need the leave of the township to say it's
4 okay, but we would be more than willing to
5 do that.

6 MS. NUTTALL: Okay. Thanks.

7 MR. RICE: Thank you. Mr. Holloway?
8 Any questions?

9 MR. HOLLOWAY: No questions. Thank
10 you.

11 MR. RICE: Ms. Silver?

12 MS. SILVER: No questions.

13 MR. RICE: And Mr. Gaeto? Any
14 questions? Is he here?

15 - - -

16 (No response.)

17 - - -

18 UNIDENTIFIED SPEAKER: I think he
19 left.

20 MR. RICE: Okay. Mr. Broseman --

21 MR. MARLIER: I do have a few more
22 questions.

23 MR. RICE: Go ahead, but Mr. Broseman
24 will have a chance to redirect the

1 witnesses.

2 Go ahead, Mr. Marlier.

3 MR. MARLIER: It's a little unorthodox
4 at this stage. Thank you for letting me
5 ask a few more questions.

6 - - -

7 CROSS EXAMINATION (Continued)

8 - - -

9 BY MR. MARLIER:

10 Q. You mentioned, sir, that what's there
11 now, this plan will be an improvement regarding
12 the stormwater.

13 Is that what your testimony was?

14 A. Yes.

15 Q. But just to be clear, you are removing
16 mature trees from the property for the
17 development; correct?

18 A. Yes.

19 Q. Can you tell us how many mature trees
20 you would remove under this plan that's on A-4?

21 A. No.

22 Q. Thank you.

23 A. And I don't mean to be snarky, but
24 Bern Panzak, so as I said before, this iteration

1 we put forward is just a capturing of ideas.

2 I think intuitively I can look at that
3 enhanced buffer area and just know that there's
4 going to be more preservation opportunities,
5 because now we have more space.

6 But what the overall plan calculations
7 are with respect to preservation, I don't know.

8 Bern may be able to speak
9 intelligently to it, but he may not have done the
10 full-blown tree calculations and landscape plan
11 for this plan, only because it's not official.
12 We're not officially submitting it yet.

13 Q. You don't mean to be snarky, and I
14 don't mean to be cute, but I've got to ask the
15 question because you brought it up.

16 A. Yes.

17 Q. You're saying there's going to be more
18 preservation on, we'll call it, the left side,
19 the Grant side under A-4; correct?

20 A. Yes.

21 Q. But you would agree with me there's
22 going to be less, because in the middle and
23 potentially on the right side, or let's just call
24 it the rest of the property, because you're

1 moving the townhomes to the right; correct?

2 A. Yes, but overall the same amount of
3 open space. So if you were to be able to
4 superimpose onto this property where the existing
5 trees are, you may pick up benefits, because
6 certain trees may be in the enhanced buffer, and
7 so that's a pick-up, as opposed to the submitted
8 plan, which has the sort of giant center green,
9 you know, whether they're -- again, Bern will be
10 the one to speak to it, but my sense is that
11 there are better quality trees that are probably
12 more worth saving along the perimeter than the
13 interior of the property, just by the way the
14 property currently is laid out. The interior of
15 the property is kind of open.

16 Q. And you brought up that large, open
17 green space on the plan that's before the board,
18 the May plan, the May application?

19 A. Yes.

20 Q. I think you mentioned this, but just
21 to be clear, this open space on A-4 is not nearly
22 as contiguous as the plan that's before the
23 board; correct?

24 A. No, it is definitely not as

1 contiguous.

2 Q. It's spread out more throughout the
3 property, the open space?

4 A. Correct. Again, to finish the
5 thought, because the impetus for that was to put
6 open space in the places where it meant the most
7 to the people that were adjacent to that open
8 space, and putting it all in the center green,
9 there are some Strafford Avenue neighbors that
10 are, that benefit from that.

11 But again, with the buffering that's
12 already on Strafford, it seems like diminishing
13 returns versus spreading it out in the way that
14 this plan shows.

15 Q. And you would agree with me though
16 that the people that would benefit the most would
17 be on the Grant Avenue side; correct?

18 A. The enhanced buffering on the Grant
19 Lane side?

20 Q. Correct, Grant Lane.

21 A. Grant Lane. Yes, yes. Certainly
22 there is -- well, yes and no. There's more than
23 one answer to that.

24 Yes, certainly, as a practical matter,

1 more buffering up against Grant Lane is good for
2 the Grant Lane folks, but I think also the chance
3 to just magnify the stormwater facilities on that
4 whole side of the property in that corner and at
5 18 Forrest are overall helpful because of the way
6 that water flows and the lay of the land.

7 So the more that we can concentrate
8 in that corner where that triangle is in the
9 northwestern corner, I think it's better, based
10 on my understanding, is the way that the
11 stormwater works.

12 Q. Continuing with the stormwater and
13 that concept, and I'd like to kind of piggyback
14 off of Mr. Hymel's testimony.

15 He is in Tredyffrin. That's a
16 different township; correct?

17 A. His question, yes. Yes, he's in
18 Tredyffrin, yes.

19 Q. But Tredyffrin is within, how far from
20 the property that's shown on A-4?

21 A. Well, the property line is right along
22 the other side of Grant Lane.

23 Q. Eighth of a mile?

24 A. I'm sure in some cases it's far less.

1 Q. And the water does run, and again, I'm
2 not from the area. Help me. The water runs
3 toward the Grant Lane side; is that correct?

4 A. Yeah. And again, I'll defer to Mr.
5 Lambert, because he's the expert. But the --

6 MR. BROSEMAN: Just defer to Mr.
7 Lambert.

8 THE WITNESS: Yes, I'll defer to Mr.
9 Lambert.

10 MR. BROSEMAN: Don't, don't, Mr.
11 Houder --

12 MR. MARLIER: You're actually jumping
13 in to answer the question.

14 MR. BROSEMAN: I'm objecting, I've
15 been trying to be, as you said, a wide
16 latitude, as you have been, which I
17 appreciate, but I'm trying to make the
18 point that we have a stormwater expert. We
19 have a landscape expert.

20 I don't think it's fair to keep asking
21 Mr. Houder, and I would ask Mr. Houder not
22 to speculate.

23 MR. RICE: Mr. Houder needs to say I
24 don't know, and he's trying to answer the

1 question.

2 THE WITNESS: I'm trying to have a
3 dialogue as opposed to --

4 MR. BROSEMAN: And I don't mean to be
5 argumentative. I just don't want to --

6 MR. MARLIER: I would just make the
7 point that the witness has testified to
8 stormwater, and pretty significantly, in
9 the last hour and a half.

10 MR. RICE: But he's not the expert
11 and --

12 THE WITNESS: Yeah. And Mr. Lambert
13 can speak to all of this. And again,
14 frankly, I don't want to not answer your
15 question, because that seems rude.

16 But I do think Mr. Lambert will just
17 be able to give you way more detail on the
18 function of stormwater, not just in that
19 corner but across the whole site.

20 MR. MARLIER: Thank you.

21 BY MR. MARLIER:

22 Q. And you did mention that, again you
23 said it's a great improvement regarding
24 stormwater because there's no stormwater facility

1 there now; right?

2 A. Correct.

3 Q. Okay. But again, I've already asked
4 about removing mature trees. There is going to
5 be significant earth disturbance with this
6 development; correct?

7 A. Temporarily during construction, but
8 then it will all be restored and landscaped, and
9 there will be trees preserved and trees replaced
10 'cause, you know, the township has extensive
11 landscaping requirements, and we'll comply with
12 all of them.

13 Q. You mentioned, speaking of complying
14 with the township code, you mentioned that A-4 is
15 not, I think you said it runs afoul of the
16 township code; correct?

17 A. I wouldn't use that word.

18 Q. I think you did use that word.

19 A. I believe it's in the spirit of the
20 township code, but that's my opinion.

21 Q. So is it your, I just want to
22 understand it, and Mr. Rice kind of touched on
23 this a little bit. I want to understand what the
24 goal is here.

1 There's an application before the
2 board, and it's a conditional use hearing.

3 So are you hoping that the board
4 approves the conditional use, the use with
5 conditions that reflect the plan on A-4?

6 A. If you're asking me what my hope is?
7 I'm going to answer that in full.

8 And my hope is that after a very long,
9 protracted process of plan one versus plan two
10 and these ideas, that with every passing day that
11 stormwater management systems are not here, the
12 people that live near here are affected by it,
13 this will make it better.

14 And my hope is that the board will
15 look at this whole process and say, you have a
16 plan. You changed the plan. Now as a result of
17 meeting with key constituents, the plan has these
18 changes.

19 We think they're good and better, and
20 we would approve it based on the stipulation that
21 you make these changes and then take us into land
22 development where we would work with neighbors,
23 the conservancy to continue to perfect this plan
24 and, you know, just since you brought it up, my

1 hope also is that we get to plan development
2 because, as I've promised the neighbors on Grant
3 Lane, as well as the neighbors on Strafford
4 Avenue, they would have a seat at the table to
5 sit with our landscape architect and help
6 configure what is across the street from them in
7 terms of the way it looks and the way it's
8 landscaped.

9 Q. So you'll be talking to neighbors
10 moving forward, but for the purpose of this
11 presentation, this hearing, you're hoping to have
12 conditional uses tacked on relative to A-4 and
13 incorporate A-4?

14 A. If procedurally the township could,
15 through the conditional use process, approve the
16 submitted plan with the stipulation that it have
17 changes made that make it look like this, that
18 would be, that would be my humble request or
19 hope.

20 Q. You mentioned the new buffering that's
21 created on A-4.

22 Is any of the what's considered open
23 space, and keep in mind, I just got this plan an
24 hour and a half ago.

1 Is any of that considered open space
2 in that new buffer?

3 A. No.

4 MR. MARLIER: I have no further
5 questions of this witness.

6 MR. RICE: Mr. Broseman, any redirect
7 of this witness?

8 MR. BROSEMAN: Nothing at this time.

9 MR. RICE: Okay. We're going to take
10 about a ten-minute break, and when we come
11 back, the board is going to have some
12 questions for Mr. Houder, so he's still on
13 the witness stand. Okay?

14 - - -

15 (Recess taken.)

16 - - -

17 MS. MULRONEY: Good evening. Everyone
18 come in and take a seat and we will get
19 started. Good evening. Hi.

20 Break's over. Please take your seat.
21 We'll get wrapped up for the evening. And
22 again, I will ask our solicitor to take us
23 through.

24 MR. RICE: Okay. Mr. Houder is still

1 on the witness stand, and we're going to
2 have any board questions for Mr. Houder,
3 and then I think we're going to call it a
4 night. We'll be back here on Wednesday.

5 I've been told that Mr. Lambert, the
6 expert in stormwater management, the civil
7 engineer, will be testifying, so have your
8 questions ready for him, questions, and
9 we'll deal with that on Wednesday night.

10 So with that, Mr. Houder, I guess why
11 don't we start, and we'll work our way this
12 way, with commissioner questions.

13 Any questions?

14 MS. AGNEW: No questions.

15 MR. RILEY: No questions.

16 MS. MULRONEY: No questions, not for
17 me.

18 - - -

19 EXAMINATION

20 - - -

21 MR. LARKIN: So this is entirely
22 procedural, and perhaps hopefully
23 unnecessary.

24 But if I were to ask you all the same

1 questions that you were asked by all the
2 presently being treated as parties but may
3 ultimately not be party residents, would
4 your answers be the same?

5 THE WITNESS: Say that last part
6 again.

7 MR. LARKIN: If I were to ask you the
8 same questions now that were asked of you
9 by all of the residents who are presently
10 being treated as parties but may, subject
11 to your counsel's objections, eventually be
12 disqualified and may no longer be parties,
13 if I were to ask you all the same questions
14 that they asked you today, would your
15 answers be the same?

16 THE WITNESS: Yes.

17 MR. LARKIN: Thank you.

18 MR. RICE: Any other board questions?

19 MR. COATES: I have a couple of
20 questions.

21 MR. RICE: Go ahead.

22 MR. COATES: I promise mine will be
23 easy, because I'm not going to ask you
24 about stormwater, and I'm not an attorney,

1 so it will go fast.

2 THE WITNESS: Okay.

3 MR. COATES: A couple questions to
4 clarify here. I'm seeing these plans all
5 for the first time.

6 The green space in the middle of A-4,
7 and I saw on the original exhibit, I think
8 it was 28 percent or roughly 9,000 square
9 feet, two acres, right, a little less?

10 THE WITNESS: Roughly, a little less,
11 yes.

12 MR. COATES: I'm in marketing. We
13 only need to be close.

14 But the middle here now with this new
15 plan, the one that you're hoping we will
16 substitute or create conditions around,
17 what would you say that roughly is now,
18 knowing it doesn't meet the 25 percent?

19 THE WITNESS: Well, overall we still
20 meet the 25 percent.

21 MR. COATES: Sure. This makes sense.
22 We're not considering that stormwater area.

23 THE WITNESS: I may walk over and
24 consult -- do we have that? Obviously, I

1 don't know if that's a number on that
2 middle section of the green, the square
3 footage.

4 Do you have another question? So the
5 total open space is over 25 percent, but I
6 think Mr. Coates' question was the center
7 green area.

8 MR. COATES: That's okay. I can find
9 out later.

10 THE WITNESS: Yeah. We can get that
11 calculation, yeah.

12 MR. COATES: So in this plan or the
13 other plans, are any of that open space
14 publicly accessible, or is that only usable
15 by the residents of the property?

16 THE WITNESS: Yes, so this answer
17 always sounds like overly --

18 MR. COATES: If you know.

19 THE WITNESS: So the answer is that
20 there would be an HOA that owns this
21 property, and they will be in charge of
22 the landscaping, and actually in this
23 configuration, as well as the submitted
24 configuration, you know, snow, trash, all

1 private.

2 So technically, as private property,
3 it's private property. As a practical
4 matter, I think, you know, it's not going
5 to be gated.

6 So I think the ability to sort of come
7 and go, there will be fencing, but it will
8 be landscape fencing. You know, I think it
9 will be part of the neighborhood.

10 There has been some conversation
11 around access points. I don't know the
12 particulars, but there are some -- but
13 there used to be a way to get from Forrest
14 like into the back of the shopping center.

15 That could probably be re-established
16 for more pedestrian fluidity, and there's
17 also a plan to create some connectivity
18 between this and the center, Valley Forge
19 Flowers, restaurants, things like that.

20 So technically private, but I think
21 practically the public will have access to
22 parts of this, just being part of the
23 neighborhood.

24 MR. COATES: That's great. The reason

1 I asked this is because you brought up the
2 trust, right, the spirit of the trust is
3 philanthropic.

4 So thinking about that is this
5 property in and of itself, making a
6 publicly-accessible area could be a really
7 good use of the space given how much open
8 space you have.

9 So that's not a question, so I know
10 Mr. Rice will get mad at me if I don't ask
11 questions, so I'll leave that as is.

12 I guess my last question, and this is
13 for you or for someone else.

14 But how did you choose townhomes over
15 single-family homes, and how did you get to
16 the 38 number?

17 THE WITNESS: So Mr. Lambert can
18 answer that specifically with respect to
19 the site calculations, but what I can say
20 is that from a code approach, the R-4 zone
21 says you can do single-family homes and
22 they have the following lot requirements,
23 or you can do, you can, through a
24 conditional use process, you can do this

1 kind of clustering of townhomes.

2 And so in looking at it, one, the
3 following conditional use gets you to more
4 homes, which is, makes the property more
5 valuable, but also this approach gives you
6 all of the opportunities, so if you did
7 this under the R-4 single family, you'd
8 come up with 24, 25 single-family home
9 lots.

10 They're small. They're crammed in,
11 my words. It's not a very good plan.

12 MR. COATES: Small, crammed in. I
13 feel like I understand that pretty well.

14 THE WITNESS: You're coming up with
15 sort of, you know, it's just, it's not a
16 great plan.

17 And I think, more importantly, then
18 each homeowner is doing their own
19 landscaping.

20 The buffers, you know, they can put
21 the proverbial swing set or shed right up
22 against the property line, and they all
23 have their own stormwater management.

24 So ongoing maintenance, meeting

1 minimum requirements versus more robust
2 requirements, all of those things kind of
3 get -- the opportunity to do all of that
4 enhanced system, HOA managing the
5 landscaping and the maintenance of the
6 stormwater system, all happen in this plan
7 versus the alternative under R-4.

8 MR. COATES: Sure. I know I said
9 that's my last question, but I have one
10 more.

11 I'm looking at this plan. This tan
12 line, that's sidewalks; correct?

13 THE WITNESS: The ones along the
14 road?

15 MR. COATES: Correct.

16 THE WITNESS: Yes.

17 MR. COATES: And those are not there
18 today. There's no sidewalks on the street.
19 You'd be adding the sidewalks?

20 THE WITNESS: These streets aren't
21 there today. I mean, there's nothing.

22 MR. COATES: I mean the sidewalks on
23 Eagle Road and Strafford.

24 THE WITNESS: Oh, I'm sorry. I was

1 looking interior. That's correct, they're
2 not there today.

3 MR. COATES: So you'd be adding that
4 pedestrian access?

5 THE WITNESS: That's correct.

6 MR. COATES: All right. Thank you.

7 THE WITNESS: Thank you.

8 MR. RICE: Just one question. So
9 highest and best use, that was your
10 testimony, I mean, that was your charge
11 working for the trust.

12 You would agree with the trust, I
13 guess, and then the idea is for you to do
14 a plan that's the highest and best use.

15 This versus the singles, this is a
16 much more lucrative plan.

17 I assume you've run the numbers to
18 show that in terms of benefit to the trust
19 and to the beneficiaries than 20 singles,
20 was it?

21 THE WITNESS: Twenty-four, 25.

22 MR. RICE: Twenty-four, 25 versus
23 40-ish townhomes. I mean, this is --

24 MR. BROSEMAN: Thirty-eight.

1 THE WITNESS: Thirty-eight.

2 MR. RICE: It's 41, 38. So, but that
3 was your testimony, that the highest and
4 best use, and I always think the highest
5 and best use is, I always think the highest
6 and best use is the most lucrative for
7 whoever the beneficiary is.

8 Would you agree?

9 THE WITNESS: That's usually the way
10 landowners operate, yeah.

11 MR. RICE: Okay. So, I mean, I know
12 the difference between that type of a
13 development versus this type of a
14 development, but it's about getting as much
15 density as possible and making it the
16 highest and best use.

17 THE WITNESS: Yes. It's doing what
18 any property owner would do when you
19 divorce the fact that, you know, Mrs.
20 Hamilton and whatever perceptions of her
21 and wherewithal, things like that.

22 Any property owner would look at the
23 property and say, what's the most I can do
24 here, if they were seeking to develop it,

1 and I think that's all they're doing here.

2 MR. RICE: Okay. No more board
3 questions, so let's go off the record for a
4 minute.

5 - - -

6 (Discussion off the record.)

7 - - -

8 MR. RICE: Let's go back on the
9 record, because we're coming back. We're
10 going to continue this for tonight. We're
11 coming back on Wednesday.

12 On Wednesday we will have to pick
13 another date, so bring your calendars with
14 you on Wednesday.

15 Mr. Broseman has told me that the
16 engineer, Mr. Lambert, will be here, that's
17 probably the only witness we will have on
18 Wednesday night, and then we'll pick some
19 more hearing dates that night.

20 MR. BROSEMAN: Is that also 6:30 p.m.?

21 MR. RICE: It's also 6:30. Just
22 generally, any questions about any of this
23 from any of the parties before we adjourn?

24 Yes, sir?

1 MR. CURLEY: I'm Brian Curly, 136
2 Fairfield. If for some reason, and I do
3 have one, I cannot attend, can I submit
4 testimony either online or information to
5 you directly that could be presented at the
6 meeting?

7 MR. RICE: No. What you can do, for
8 anyone that is not here, you'll lose the
9 opportunity to cross-examine the witness.

10 But when you are here, you can
11 certainly present any kind of testimony
12 that you want to present if you want to
13 rebut that witness.

14 MR. CURLEY: Thank you.

15 MS. MULRONEY: I just have a question
16 for you, Mr. Broseman. So it looks like
17 we'll have the engineer on Wednesday.

18 Do you have a witness list of how
19 many witnesses you will ultimately be
20 calling?

21 MR. BROSEMAN: Yes. At this time,
22 which could be subject to change, because
23 there's a lot of other parties, I'm
24 anticipating we'll have the engineer, Mr.

1 Lambert.

2 We have Mr. Panzak, who was mentioned,
3 the landscape architect.

4 We have a traffic engineer, and we
5 have a land planner to discuss the fiscal
6 impact study that was submitted with the
7 application.

8 There is some potential of others, but
9 right now, they're not on my list. That's
10 what I have right now.

11 MS. MULRONEY: Thank you very much.
12 Maybe be prepared to bring two witnesses
13 next time.

14 There may be an opportunity for the
15 board to stay a little longer, and I don't
16 want you to be caught without another
17 witness, because tonight we had just one.
18 Bring your team.

19 MR. BROSEMAN: Okay. Do you have an
20 idea of how late you might go?

21 I don't need to know now. I just --
22 if you knew.

23 MS. MULRONEY: It's probably nine, and
24 based on tonight, there are a lot of

1 questions and a lot of parties, so we're
2 likely only going to get through one.

3 But if we can, you know, everybody
4 wants to do this on the least amount of
5 nights as possible because it's hard to
6 schedule all of these folks coming out to
7 ask questions.

8 If we can tighten up, we're going to
9 try. If we can't, I want everybody to have
10 the space that they need.

11 MR. BROSEMAN: Sure. I'll have other
12 witnesses here.

13 MS. MULRONEY: Thank you.

14 MR. RICE: Yes?

15 MS. LEVY: Amber Levy, Radnor
16 Conservancy. I was just going to ask if
17 when the new information is added to the
18 township website, if it could include dates
19 or something in addition to its file name
20 than A-4 or Exhibit A-4.

21 I think that that would really help
22 with clarity as people are trying to follow
23 along, whether they have public comments
24 or, you know, want to participate in the

1 hearing.

2 If that could happen as things are
3 added to the township website, that would
4 really help us move along as well.

5 - - -

6 (Inaudible comment.)

7 - - -

8 MS. MULRONEY: We can't hear you.

9 MR. RICE: This is being recorded.

10 MS. COBB: Hi. My name is Barbara
11 Cobb, and I'm not a party at all.

12 But when I go onto the website, I see
13 the 41 units. Is this, the May plan, on
14 the website?

15 MR. RICE: The May 2023 conditional
16 use, that's on the website.

17 MS. HAGAN: It's all included in the
18 agenda packet.

19 MR. RICE: But is it on the website?

20 MS. HAGAN: Yes.

21 MR. RICE: Yes.

22 MS. MULRONEY: But I did hear the
23 question, and it's the one we have up on
24 the screen tonight has not been --

1 MS. COBB: I couldn't find it
2 anywhere.

3 MR. LARKIN: So I just want to make
4 sure I understand.

5 Peggy, I think on our Radnor.com
6 website, there is a stand-alone page for
7 the Hamilton lot, which I'm pretty
8 confident is the plan from 2021.

9 I don't think there's a stand-alone
10 plan for the 2023 plan or A-4, which was
11 introduced today for the first time.

12 MS. HAGAN: Yes. We do have to get
13 a page up for this hearing, so we will do
14 that tomorrow and get everything loaded
15 in.

16 MR. LARKIN: But it sounds like from
17 what you said there is available right now
18 on our website the application which has
19 everything except for A-4, which was
20 introduced today.

21 So if residents or objectors or
22 parties wanted to look on the website, they
23 can look in the agenda section for tonight
24 and find the submitted plan; is that

1 correct?

2 MS. HAGAN: Correct. It is all
3 included in the package.

4 MR. LARKIN: So it is on the website.
5 It's just not on the stand-alone.

6 MS. HAGAN: Yes.

7 MR. LARKIN: Thank you.

8 MS. COBB: If I can't find it, who
9 would I call?

10 MS. MULRONEY: For additional clarity,
11 there will be more, obviously, documents
12 probably by tomorrow, but if you wanted to
13 look tonight, you would go to our agenda
14 page.

15 All meeting agendas are on one page.
16 You can find it pretty easily from the
17 front page of the website, you look for
18 agendas and minutes.

19 And on tonight's date, there is a
20 whole packet of everything that was
21 submitted. So it is a little hidden
22 tonight. It is going to be better
23 tomorrow.

24 MS. COBB: Thank you.

1 MS. MULRONEY: Of course.

2 MR. RICE: Okay. So with that, that
3 will conclude tonight, and we'll see
4 everybody on Wednesday.

5 MS. MULRONEY: Thank you for being
6 here.

7 - - -

8 (Proceedings concluded at 9:07 p.m.)

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3 CERTIFICATE OF REPORTER
4
5

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

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13 Norma Gerrity
14 Professional Court Reporter
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