

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 Wednesday, January 31,
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: MAGGY MYERS, President
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

I N D E XAPPLICANT WITNESS:PAGE

ROBERT M. LAMBERT, JR.

By Mr. Broseman

24, 28

By Mr. Marlier

25

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1 THE PRESIDENT: Hello everyone.
2 Welcome to the Board of Commissioners
3 conditional hearing on today, which is
4 January 31st, 2024.

5 First off, I want to apologize. I
6 wasn't here on Monday. I was off on some
7 travel for work, but I did watch the
8 YouTube video.

9 So if anybody needs to refer to it, it
10 is up as of today. I couldn't find it last
11 night. It popped up today, a good two and
12 a half hours long.

13 And the other thing I want to do
14 before we get started is just remind people
15 that there will be general public
16 participation after all of the testimony.

17 So I know there was a bit of confusion
18 about that and some pleas on Facebook and
19 whatnot for people to attend so they could
20 publicly participate, and that will happen,
21 but first we need to get the official
22 testimony and cross over with.

23 Okay? So I'm going to hand it over to
24 you.

1 MR. RICE: As most of you probably
2 recall over here, we had some additional
3 parties that attended the last hearing on
4 Monday night and requested party status.

5 So what I'd like to do is just go
6 through, I know this sounds like I'm taking
7 attendance, but I'm going to go through
8 here so I get some idea who is here and who
9 is not here.

10 Once you've been granted party status,
11 if you're not here, you're not here. But
12 if you never show up, that's really an
13 issue for you more than it is for anybody
14 else up here.

15 Mr. Broseman has the ability to object
16 to anybody that he thinks doesn't fall
17 within the requirements for party status or
18 standing basically.

19 So I'm going to just start at the
20 beginning of my list from August and go
21 through and see who is here.

22 There is one person on here I think we
23 need to address. I've been told he is
24 going to be here tonight.

1 So let me start with Jennifer Pechet.

2 Is she here?

3 MS. PECHET: Present.

4 MR. RICE: Okay. And there's no
5 objection to you.

6 Gregg Hess? Gregg, could you come up
7 to the podium please, because Mr. Broseman,
8 I believe, objected to your standing.

9 I'm going to ask, let me ask you, what
10 is your address, sir?

11 MR. HESS: 66 Crestline Road, Wayne,
12 Pennsylvania.

13 MR. RICE: Okay. And how far is your
14 address from this particular property, do
15 you know?

16 MR. HESS: Yes, .6 miles. I wrote
17 that as a letter to the attorney who
18 queried me about that on Tuesday and didn't
19 get a response.

20 I sent it to the township as well, did
21 not get a response. And then I called the
22 attorney's office today and did not get a
23 response.

24 MR. RICE: Okay. Well, this is where

1 it gets decided. It has to be decided not
2 by e-mail or phone call.

3 I know I suggested --

4 MR. HESS: Really? You don't think
5 someone should respond and just say --

6 MR. RICE: No, no, no. I'm just
7 saying that this is where it happens. The
8 final answer has to happen on the record
9 with our court reporter here.

10 MR. HESS: Okay.

11 MR. RICE: So, Mr. Hess, Mr. Broseman,
12 do you have an objection to Mr. Hess's
13 standing?

14 MR. BROSEMAN: With all due respect,
15 Mr. Hess, I do. That is over a half a mile
16 away.

17 Crestline is separated from the
18 immediate area by the railroad tracks,
19 which is kind of a physical divider.

20 So I don't believe that Mr. Hess, as
21 opposed to especially the Radnor Township
22 residents that are adjacent to this
23 property and some of the others that are
24 much closer, with all due respect, I don't

1 believe he has a substantial and direct and
2 immediate interest in this matter.

3 So I don't object to him making public
4 comments, but I do respectfully request,
5 object to party status.

6 MR. RICE: Okay. Mr. Hess, what
7 township do you live in?

8 MR. HESS: Tredyffrin.

9 MR. RICE: Tredyffrin. Okay.

10 MR. HESS: Yeah. I would mention
11 that, for clarification, and I appreciate
12 the respectful comment and likewise myself.

13 I cross Strafford Avenue all the time,
14 because we come out on Crestline, which is
15 probably no more than a hundred feet above
16 Strafford, and also I walk down all the
17 time to the farmers market.

18 So I'm crossing those streets that are
19 impacted by the Hamilton estate
20 development, you know, all the time.

21 MR. RICE: All right. I understand.
22 But we're talking about 2,000 feet, right,
23 more or less, half a mile?

24 MR. HESS: Yes.

1 MR. RICE: Over 2,000 feet. And
2 everybody that drives by there, whether
3 they live in Lower Merion or Radnor or
4 Tredyffrin, is going to have a similar
5 effect as you just described, so you really
6 don't qualify, because you're a distance
7 from the site.

8 But, as Mr. Broseman said, you're
9 certainly welcome to keep coming to these.
10 I mean, there will be public comment when
11 all the sworn testimony is in. But we have
12 to be consistent with the standing.

13 - - -

14 (Discussion off the record.)

15 - - -

16 MR. RICE: Okay. So --

17 MR. HESS: Okay. And I disagree, of
18 course, with your conclusion that I'm not
19 affected as a party, but I respect your
20 decision.

21 MR. RICE: But you certainly have the
22 right to make public comment.

23 So with Mr. Broseman's objection,
24 that's sustained in terms of your party

1 status. Thank you, sir.

2 MR. HESS: Okay.

3 MR. RICE: Mary Ann Mahoney?

4 - - -

5 (No response.)

6 - - -

7 MR. RICE: Brian Curley?

8 - - -

9 (No response.)

10 - - -

11 MR. RICE: Robby Wierman, are you
12 here?

13 MS. WIERMAN: Yes.

14 MR. RICE: Okay. Ms. Wierman, could
15 you come up, please, because Mr. Broseman
16 has objected to your standing also, and
17 your address is 101 Lantoga Road; correct?

18 MS. WIERMAN: Correct.

19 MR. RICE: Okay. Do you know how
20 close you are to the property?

21 MS. WIERMAN: I'm trying to look it
22 up right now in steps as I walk, but it's
23 taking me as if I'm driving, so, no, I
24 don't know exactly how far. A four-minute

1 walk maybe.

2 MR. RICE: Mr. Broseman, do you know
3 what the distance is?

4 MR. BROSEMAN: I don't offhand. I
5 note that it's a much further distance than
6 the other people that were right in the
7 proximate area.

8 It is on the other side of Route 30,
9 which again is a natural boundary. I think
10 there's a lot of people much closer to the
11 property.

12 MR. RICE: Okay.

13 MR. BROSEMAN: But I would object. I
14 believe it's too far out from the property.

15 MR. RICE: Okay. Well, we haven't,
16 you know, we will map it out. At least for
17 tonight, you're still in.

18 MR. BROSEMAN: We could reserve, like
19 we did last time maybe, till we check the
20 map?

21 MR. RICE: Yes. We'll hold your
22 standing in abeyance. Keep coming back.
23 But for now, you're still in the case.

24 MS. WIERMAN: Okay.

1 MR. RICE: And we'll map that out
2 before we meet again.

3 Okay. Amber Levy?

4 MS. LEVY: Here.

5 MR. RICE: Thank you. Louisa Hanshew?

6 - - -

7 (No response.)

8 - - -

9 MR. RICE: Okay. It's 219 Sugartown
10 Road. Mr. Broseman, you've objected to
11 this person, I believe; is that correct?

12 MR. BROSEMAN: Yes.

13 MR. RICE: Is that based on distance?
14 Do you know how many feet from the
15 property?

16 MR. BROSEMAN: That's quite far away,
17 if I'm not mistaken.

18 It might be the La Maison apartments
19 or down in that area, again across Route
20 30.

21 It's pretty far away. It's nowhere
22 near as proximate as the others that have
23 been admitted.

24 MR. RICE: Okay. Well, again, she is

1 not here, and we'll hold her, any decision
2 in abeyance, and we'll have to map that one
3 out also.

4 Mr. Schuda is here, I see. Thank you.

5 Mr. Szary is here.

6 Steven Rocci, R-O-C-C-I, are you here?

7 - - -

8 (No response.)

9 - - -

10 MR. RICE: 201 Bloomingdale Avenue.

11 MR. HOUDER: Mr. Rice, I actually
12 heard from him. He actually moved out to
13 Chester County.

14 MR. RICE: He moved?

15 MR. HOUDER: He moved out of this
16 area.

17 MR. RICE: Okay. Well, we have an
18 e-mail address for him, and we will try to
19 track him down and see whether he's -- if
20 he's moved, he's obviously out of the
21 picture.

22 Peter Clark?

23 - - -

24 (No response.)

1 It's a distance issue when it comes to
2 standing in zoning cases.

3 So the names I just read, Mr.
4 Broseman, any objection to any of those?
5 You've looked at the map?

6 MR. BROSEMAN: That's right, and many
7 of them, as you'll recall, I did not object
8 to.

9 Many of them were adjoining or
10 directly across the street and others we
11 did hold in reserve, and thank you for
12 doing the map.

13 We do feel that the adjoining people,
14 especially in Radnor and across the street,
15 are the most impacted.

16 But after looking at your map and
17 hearing from a lot of the people, we don't
18 want to preclude or try to preclude their
19 participation as parties, so I'm not going
20 to object to any of those names that you
21 read that we held in reserve.

22 MR. RICE: Thank you.

23 Mr. Marlier, are you okay with that, I
24 assume?

1 MR. MARLIER: I am, Mr. Rice.

2 MR. RICE: Okay. So those folks whose
3 names I just read are in as parties, and
4 there's two more.

5 Becky Nuttall and Katie Harper, are
6 either of you here?

7 - - -

8 (No response.)

9 - - -

10 MR. RICE: Okay. So these are
11 residents of 427, 423 West Beechtree, and
12 both properties are over 1,900 feet away.

13 Mr. Broseman, do you have an
14 objection?

15 MR. BROSEMAN: I did. Respectfully,
16 as did I before, I think they're just too
17 far away.

18 They're on the other side of the
19 railroad tracks, so I respectfully object.

20 MR. RICE: Okay. All right.
21 Following the same rules that we're
22 applying to everyone, and again, this is
23 just standing, being a party to actively
24 participate.

1 Both of those properties are outside
2 the area that the courts have determined
3 you need to be within in order to have
4 standing.

5 So for both of those properties, the
6 objection is sustained.

7 And again, there's an opportunity to
8 participate, public comment, at the end of
9 all of the hearings in this matter.

10 MR. MARLIER: Mr. Rice, that was Becky
11 Nuttall, and who is the second name?

12 MR. RICE: Katie Harper.

13 MR. MARLIER: Thank you.

14 MR. RICE: Sir, if you have a
15 question, you have to come up, please.

16 MR. HESS: Gregory Hess again. My
17 question is, my understanding of the
18 court's decision was that it wasn't based
19 solely on your distance; is that correct?

20 MR. RICE: Well, it's primarily going
21 to be on your distance.

22 MR. HESS: I don't believe that the
23 language I read said primarily based on
24 distance.

1 MR. RICE: What language are you
2 referring to?

3 MR. HESS: The court's finding which
4 created the rule, the one that you're
5 referring to saying it's based on distance.

6 That's not my understanding after
7 reading the language, so I'm asking if
8 that's the case.

9 MR. RICE: Well, there's a presumption
10 in the court cases, and I can tell you
11 they're not clear, but I can also tell you
12 that anyone that is a half mile or more
13 away, consistently the courts have said
14 that that's not enough, unless there's some
15 particular special interest over and above
16 what the general public would have.

17 And when I'm talking about the general
18 public, what you said is that you drive by
19 there or walk by these properties, but
20 there are thousands of people that live in
21 Radnor that do that. So --

22 MR. HESS: So we are affected if we
23 are walking by and there is a significant
24 amount of traffic and we're at risk

1 crossing crosswalks, et cetera.

2 I would say that that's a definition
3 of affected. Would you agree?

4 MR. RICE: No, that's not the
5 standard. The standard is you have to have
6 something over and above that that's unique
7 in order to, if you don't live close by,
8 okay, something over and above what the
9 general public is exposed to.

10 That's the standard, not that it
11 affects you because you drive by there.
12 It's got to be something over and above
13 that.

14 MR. HESS: So how do you define
15 "affect"?

16 MR. RICE: I'm really not going to
17 debate this with you right now.

18 MR. HESS: Yeah, I can see that.

19 MR. RICE: Because we have testimony
20 that we want to get into with this hearing.

21 MR. HESS: Sure.

22 MR. RICE: And I understand that
23 you're concerned about that decision, but
24 I'm trying to be consistent, because if

1 you're at 2,000 feet and you're permitted
2 in, then what about 2,200 or 2,500 or
3 3,000?

4 Where do we -- I'm just following what
5 the courts have said.

6 This is pretty much a black-and-white
7 issue once you get beyond, I'll say, a
8 thousand feet, in that area, unless you
9 have something over and above that impacts
10 you over and above what everybody else in
11 the community is impacted by traffic, et
12 cetera. It's got to be something over and
13 above that.

14 MR. HESS: Okay. I understand, I
15 guess. For the record, I'd like to say
16 that I believe I am affected and that my
17 understanding, I'm not an attorney.

18 But in reading the court ruling that
19 is applied by other attorneys, that
20 distance is not the sole definer of who is
21 an affected versus a non-affected party.

22 MR. RICE: Okay. Thank you.

23 MR. HESS: Thank you.

24 MR. RICE: Okay. Does the board have

1 any questions?

2 THE PRESIDENT: If any of the people
3 that came in after we started are party or
4 considering party status, you might want to
5 identify yourself to Mr. Rice in that he
6 did do a roll call.

7 MR. RICE: Okay. So just tell us who
8 you are.

9 MR. HYMEL: All right. I'm Ted Hymel.
10 I was just a little late.

11 MR. RICE: Thank you.

12 MR. HYMEL: Happy to be here.

13 MS. LUTZ: Cheryl Lutz, L-U-T-Z, 13
14 Forrest Lane.

15 MR. RICE: Spell your last name again.

16 MS. LUTZ: Lutz, L-U-T-Z.

17 MR. RICE: Hold on a minute. You're
18 not on any list that I have.

19 So is this the first time that you've
20 been here?

21 MS. LUTZ: It is, yes.

22 MR. RICE: It is.

23 MS. LUTZ: I have three children, and
24 I'm quite busy, and I work.

1 THE PRESIDENT: But you wish to be a
2 party?

3 MS. LUTZ: Absolutely.

4 MR. RICE: What is your address?

5 MS. LUTZ: 13 Forrest Lane.

6 MR. RICE: Say it again, please.

7 MS. LUTZ: 13 Forrest Lane.

8 MR. RICE: Forrest Lane. Okay. All
9 right.

10 Mr. Broseman, any objection to Ms.
11 Lutz?

12 MR. BROSEMAN: Going by the address
13 she gave, I think that's in between some of
14 the other people I didn't object to, so I
15 don't object.

16 MR. RICE: Okay. Thank you.

17 MR. BROSEMAN: She is in Tredyffrin, I
18 would like to note for the record, I
19 believe.

20 MR. RICE: Yes, I believe she said
21 that. So --

22 MR. SAREEN: So I came in late, but I
23 thought you said my name at the end.

24 Anujeet Sareen?

1 MR. RICE: Sareen, yes, you're good.
2 Thank you. Okay.

3 Mr. Marlier, any questions about any
4 of the parties now? I think we have, I'll
5 circulate a master list with contact info
6 after tonight.

7 MR. MARLIER: Thank you, Mr. Rice. I
8 have no questions.

9 MR. RICE: Thank you.

10 Mr. Broseman, are you ready to
11 proceed?

12 MR. BROSEMAN: Yes.

13 MR. RICE: All right. Call your first
14 witness.

15 MR. BROSEMAN: Rob Lambert.

16 And just a matter of housekeeping,
17 could we have the screens on? Mr. Lambert
18 is going to put up the exhibits on the
19 screen.

20 And I have some hardcopies of
21 exhibits, if people wish them, but we'll
22 use the screen, and if anybody wants a copy
23 either now or at the end, I'll be happy to
24 hand them out.

1 MR. RICE: Okay. Well, if you have
2 hardcopies for the board, that would be --

3 MR. BROSEMAN: Okay.

4 MR. LARKIN: Seeing A-5, I assume you
5 guys are going to mark and introduce it. I
6 think we only have through A-4 on the
7 website right now.

8 Could you get copies of any additional
9 exhibits over to Peggy, and we'll get them
10 uploaded for everybody else at the end of
11 the meeting?

12 MR. BROSEMAN: Yes. I don't know if
13 they'll be up by the end of the meeting,
14 but tomorrow.

15 MR. LARKIN: Sometime after the
16 meeting.

17 MR. BROSEMAN: Yes.

18 I'm going to go ahead and hand out
19 copies.

20 - - -

21 APPLICANT'S EVIDENCE

22 - - -

23 ROBERT M. LAMBERT, JR.,

24 having been first duly sworn, was examined and

1 testified as follows:

2 - - -

3 THE WITNESS: Rob Lambert.

4 - - -

5 DIRECT EXAMINATION

6 - - -

7 BY MR. BROSEMAN:

8 Q. Rob, we have put up Exhibit A-5. Is
9 this a summary of your educational and
10 professional background?

11 A. Yes. It's my CV.

12 - - -

13 (Applicant's Exhibit A-5 was marked
14 for identification.)

15 - - -

16 BY MR. BROSEMAN:

17 Q. And can you describe your educational
18 and professional background?

19 A. Yes. I have a Bachelor of Science in
20 Civil Engineering from the University of Notre
21 Dame and a Master of Science in Civil Engineering
22 from Villanova University.

23 I worked in Radnor Township for about
24 27 years almost, believe it or not.

1 In preparation for this, I actually
2 looked at how many projects I've done in Radnor,
3 and we've been involved in over 400 projects in
4 Radnor Township.

5 Q. And do you have any special experience
6 with regard to stormwater management?

7 A. Yes. My Master's in Civil Engineering
8 specializes in stormwater management, and we've
9 done extensive work with stormwater.

10 Q. Are you a licensed professional
11 engineer in the Commonwealth of Pennsylvania?

12 A. I am.

13 MR. BROSEMAN: I'd like to offer Rob
14 Lambert as an expert in civil engineering
15 and land development.

16 MR. MARLIER: Mr. Rice, I just have a
17 few questions.

18 MR. RICE: Go ahead.

19 - - -

20 CROSS EXAMINATION

21 - - -

22 BY MR. MARLIER:

23 Q. Mr. Lambert, you said were you a
24 licensed professional engineer. What is your

1 certification number?

2 A. Give me ne second. It's PE060743.

3 Q. Thank you, sir. Is that license in
4 good standing?

5 A. Yes, it is.

6 Q. Do you represent any municipalities?

7 A. I do not.

8 Q. So you solely represent developers in
9 these kinds of projects?

10 A. Applicants, yes.

11 Q. And how many single-family housing
12 projects?

13 A. Innumerable.

14 Q. You've done 400 in Radnor, you say,
15 you've been a part of?

16 A. Yes.

17 Q. Roughly how many of them were
18 single-family projects?

19 A. I would say probably, I kind of think
20 of the inverse, probably 90 percent of them are
21 related to single-family projects in Radnor.

22 Q. So about ten percent multifamily?

23 A. Institutional, commercial,
24 multifamily.

1 Q. About how many -- I want to stay with
2 Radnor here. About how many of those projects
3 were seven acres or more?

4 A. Given the size of parcels in Radnor
5 Township, I could limit it probably to, you know,
6 let's call it ten.

7 I don't know a specific number, but
8 there's a limited number that are over seven
9 acres.

10 Q. So roughly ten?

11 A. Roughly ten.

12 Q. And roughly, out of the 400 projects,
13 how many were construction of over 30 homes?

14 A. I don't believe any.

15 Q. As you know, because of, I'll call it
16 Hamilton-1, the first conditional use, obviously
17 stormwater was an issue during that, those
18 hearings.

19 Have you done any projects out of
20 those 400 with more significant stormwater
21 issues?

22 A. Yes. We've done larger projects with
23 larger amounts of impervious coverage and
24 stormwater management controls.

1 Q. Can you state some of those projects?

2 A. Cabrini University, we've done
3 extensive projects with dormitories, parking
4 structure, driveways, a gym addition.

5 MR. MARLIER: Mr. Rice, I don't have
6 any further questions.

7 MR. RICE: Okay. So we're just
8 qualifying Mr. Lambert as an expert
9 witness, and he certainly meets the
10 standard in this state as an expert witness
11 based on his background and experience, and
12 so he'll be accepted as an expert in, I
13 think you said, civil engineering and land
14 development, Mr. Broseman?

15 MR. BROSEMAN: Yes.

16 MR. RICE: Okay. Proceed on.

17 MR. BROSEMAN: Thank you.

18 - - -

19 DIRECT EXAMINATION (Continued)

20 - - -

21 BY MR. BROSEMAN:

22 Q. Rob, for the record, were the civil
23 engineering plans that accompanied the
24 conditional use application prepared under your

1 supervision?

2 A. Yes, they were.

3 Q. And were the civil engineering plans
4 for conditional use plan one, as we're calling
5 it, also prepared under your supervision?

6 A. Yes, they were.

7 Q. I'd like to move on to some general
8 topics regarding the location of the property,
9 surrounding land uses, zoning, and things of that
10 nature.

11 Could we move on to Exhibit A-6, and
12 I'll hand out copies.

13 - - -

14 (Applicant's Exhibit A-6 was marked
15 for identification.)

16 - - -

17 BY MR. BROSEMAN:

18 Q. Can you describe what this Exhibit A-6
19 is and then describe the location of the property
20 and the surrounding area?

21 A. Yeah. A-6 is an aerial image with
22 some overlays and notes on it prepared by
23 Glacken, Thomas, Panzak.

24 At the bottom right-hand corner you

1 can see the north arrow. The north is actually,
2 true north is up in the upper left-hand corner.

3 For purposes of description though,
4 I'm going to call north the top of the page, just
5 for ease of description.

6 So in the center of the page is an
7 overlay on the aerial image of the proposed
8 development.

9 So you can see the green area with the
10 brown buildings, that is an overlay of the
11 proposed plan on the aerial image.

12 Right above that is an additional
13 overlay of the St. Honore development, which is
14 currently under construction, of 14 single-family
15 homes that was recently approved, hence why it's
16 not on the aerial image.

17 So going from the lower left to the
18 upper right, you can see Lancaster Avenue, and
19 going from about the middle of the page off to
20 the middle of the left is Old Eagle School Road,
21 just for orientation.

22 From the bottom left-hand corner to
23 the middle of the top of the page is the SEPTA
24 railroad, the Amtrak railroad.

1 Going roughly in the middle of the
2 page, right under the letter "A," is Eagle Road,
3 and that goes straight down.

4 So I'm going to use the proposed
5 development as kind of an anchor in my
6 description.

7 If you look just below that between
8 the proposed development and Lancaster Avenue is
9 the Eagle Village Shopping Center.

10 So there's a shopping center adjacent
11 to it, just at the bottom to the south of the
12 image, the proposed image.

13 Working around in a clockwise
14 direction from that point, you have the
15 properties of Forrest Lane going off on a, toward
16 the lower left, residential properties, and then
17 you see the word "Grant Lane."

18 Grant Lane, that's actually the
19 township line. The middle of Grant Lane is
20 actually the township line for Radnor and
21 Tredyffrin, as everyone talks about, where we are
22 proximate to the township line.

23 So there are single-family residences
24 that abut the left side of the property along

1 Grant Lane.

2 Then you have Stafford Avenue going
3 across the top of the proposed development going
4 left to right.

5 And as I've described, you have the
6 St. Honore development, which is a single-family
7 development in R-4 which was just recently
8 developed.

9 And then going over to the corner, you
10 can see some single-family residences on the
11 north side of Strafford Avenue.

12 That's kind of a recent, relatively
13 recent anyway, a development of single-family
14 homes around a larger existing home.

15 In the upper right corner, kind of
16 catty-corner from the site, you can see the
17 Strafford office complex.

18 There's a very similar office complex
19 across Strafford Avenue just to the east. So
20 just to the east of the site is a large office
21 complex to the east.

22 I would note just to the east or right
23 of the office complexes is a density modification
24 development that was built known as Villa

1 Strafford.

2 I believe the name of the road or the
3 drive that they have now is also Villa Strafford,
4 so that is just off to the right. There's a
5 density modification development there.

6 Q. Is that townhomes in that development?

7 A. Yes, they are townhomes in Villa
8 Strafford.

9 Q. I'd like to go to our next exhibit,
10 please, A-7.

11 - - -

12 (Applicant's Exhibit A-7 was marked
13 for identification.)

14 - - -

15 BY MR. BROSEMAN:

16 Q. As with the last exhibit, can you
17 explain what this exhibit is and then describe
18 what it shows, please?

19 A. Yes. This is Exhibit A-7, again
20 prepared by Glacken, Thomas, Panzak. This is a
21 hybrid zoning plan.

22 I say "hybrid" because there's a dark
23 line with two dashes going from the top to the
24 bottom of the page about a third from the left,

1 and that is approximately the township line.

2 So to the left of that is Tredyffrin
3 Township. To the right of that is Radnor
4 Township. Both zoning maps were kind of seamed
5 together at that point.

6 This plan is in the same orientation
7 as A-6, so Lancaster Avenue kind of goes from
8 the bottom left across to the kind of upper
9 right.

10 The railroad again is off, comes off
11 the top of the page there, the middle of the top
12 of the page under "A" and then goes down to the
13 bottom, bottom left.

14 The property is identified in the
15 center, roughly the center of the plan, Hamilton
16 Trust Site.

17 Again, going directly to the north you
18 can see where the St. Honore development is
19 identified. There's an outline of where that
20 development is.

21 So I'll start off in kind of the same
22 orientation of the zoning. So going toward the
23 bottom of the page from the site is Eagle
24 Village.

1 That is a C-2 zoning district that
2 abuts the property all the way along the,
3 predominantly along the bottom property line or
4 southern property sign.

5 The green, including the Hamilton
6 site, is zoned R-4 in Radnor Township. So you
7 can see the R-4 includes the property.

8 And then all the properties along
9 Grant Lane are also R-4, along with the
10 properties to the north of Strafford Road.

11 So Strafford Road goes straight again
12 across the top of the Hamilton Trust site. Those
13 properties are all R-4. Again, that's the green
14 color on this plan.

15 Q. Staffford Avenue, you mean?

16 A. Strafford Avenue. I'm sorry. And
17 then going again catty-corner to the site is the
18 Strafford office complex. That is the CO zoning
19 district.

20 And then crossing Strafford Avenue to
21 the bottom is the Strafford office complex and
22 the farmers market and the Strafford Shopping
23 Center are all in the PD zoning district.

24 I'll note the Villa Strafford site,

1 while still in Radnor, was an R-4 zoning
2 district.

3 Going across to Tredyffrin, it was, I
4 believe, R-1 -- no, I'm sorry. I believe it was
5 the R-2 district.

6 I'm not sure of the colors there,
7 they're a little bit off, but a residential
8 zoning district on the other side of the township
9 line.

10 Q. And now I want to turn to the existing
11 conditions of the property. We have an existing
12 conditions plan at Exhibit A-8?

13 A. That is correct.

14 - - -

15 (Applicant's Exhibit A-8 was marked
16 for identification.)

17 - - -

18 BY MR. BROSEMAN:

19 Q. And is this, as I hand this out, was
20 this one of the sheets of the original
21 conditional use plan that was submitted with the
22 township?

23 A. Yes, it was.

24 Q. For the record, this was sheet two of

1 14 of the original conditional use plans?

2 A. That is correct. It was A-8.

3 Q. And we're calling it A-8 here for
4 convenience, but referring to this plan, would
5 you describe the existing conditions on the
6 property?

7 A. Yes. So this is the same orientation
8 as the previous exhibit with north in the upper
9 left-hand corner. The existing conditions on the
10 site contain several structures or many
11 structures.

12 There were six dwelling units on the
13 property, various outbuildings, greenhouses,
14 driveways, swimming pool, pool house, all related
15 to the property, if you look at the corner of
16 Strafford, again Strafford's at the top of the
17 page going left to right and Eagle Road, going
18 top to bottom, on the right-hand side.

19 Then we have in the bottom left-hand
20 corner is 18 Forrest Lane, which is a
21 single-family residence that fronts Forrest Lane
22 that is proposed as part of this development.

23 The existing property from an
24 elevation standpoint is relatively flat.

1 There is a, kind of a high point
2 through the, about a third from Eagle Road,
3 there's a high point that runs across the
4 property and drains to Eagle Road, and the main
5 property drains really to the bottom left-hand
6 corner and out to Forrest Lane as the existing
7 contours show on the property.

8 Q. And are there any stormwater
9 management facilities on the property currently?

10 A. There are no stormwater management
11 facilities, aside from some small containment
12 facilities.

13 Q. And are there sidewalks on the
14 frontage of the property on either Strafford
15 Avenue or Eagle Road?

16 A. There are no sidewalks on either
17 frontage.

18 Q. And what is the status of this
19 property regarding connection to public water and
20 public sewer?

21 A. The property has both connections to
22 public water and public sewer.

23 Q. Does the property contain any
24 watercourses, streams, floodplains, or steep

1 slope areas?

2 A. It does not. There's a small area of
3 slopes that are within the right-of-way of Eagle
4 Road, when they cut Eagle Road. Aside from that
5 small area, there are no steep slopes.

6 Q. And that area you just mentioned,
7 would you characterize that as a manmade or a
8 natural area?

9 A. It was a manmade area. It's pretty
10 clear when they cut in Eagle Road that the bank
11 along the edge of the road was created.

12 Q. And did I hear you correctly, I may
13 have missed it, is that in the right-of-way for
14 the road?

15 A. Yes, it is.

16 MR. BROSEMAN: I want to go over the
17 submission of the application and reviews
18 and responses and things of that nature.

19 We mentioned that there was an
20 original conditional use application, and
21 I should note, we started out at Exhibit
22 A-2.

23 I had reserved Exhibit A-1. I have a
24 full set of that that I'd like to mark for

1 the record.

2 I think it's on the website, I had
3 heard already, but I can hand that to you,
4 Mr. Rice, if you want it at this time or at
5 another time. It's a big, thick --

6 MR. RICE: This is the full set of
7 plans?

8 MR. BROSEMAN: Full set of plans and
9 the related documents that were filed in
10 May of --

11 MR. RICE: So it's the application?

12 MR. BROSEMAN: The application, yes.

13 MR. RICE: Okay.

14 MR. BROSEMAN: I just wanted that to
15 be A-1.

16 MR. RICE: Well, let's make it A-1. I
17 have some of that already. Let's identify
18 what we're marking also.

19 - - -

20 (Applicant's Exhibit A-1 was marked
21 for identification.)

22 - - -

23 MR. BROSEMAN: Okay. I was going to
24 call this collectively A-1. The top of it

1 is a cover letter that I prepared dated
2 May 24, 2023.

3 It was addressed to Mr. White, the
4 township manager. I believe I had been
5 advised that that's who I should file the
6 application with.

7 And it says that we were filing a
8 conditional use application, and it lists
9 out all of the items that we were filing,
10 so this package includes all of those
11 items.

12 Would you like me to read all the
13 items, or it's just in the letter?

14 MR. RICE: Well, why don't we do this?
15 Let's just mark it collectively as A-1 as
16 the conditional use application.

17 MR. BROSEMAN: That's right.

18 MR. RICE: With all the supporting
19 documents and plans that are required as
20 part of the application.

21 MR. BROSEMAN: That's right. And I
22 would like to note one thing. I think we
23 stated it in the application.

24 But the cover of the application says

1 it's a zoning hearing board application
2 submittal.

3 We contacted the township
4 administrative staff and asked if there was
5 a conditional use application form.

6 They advised us there was not, we
7 should use zoning hearing board application
8 form.

9 But this is obviously a conditional
10 use application to the board of
11 commissioners.

12 Noah, do you have a copy of this?

13 MR. MARLIER: Not that copy. I have a
14 copy, not that copy.

15 MR. RICE: Mr. Broseman, do you have a
16 third copy that we could make available for
17 the public also?

18 MR. BROSEMAN: Yes. And we can also
19 make arrangements, if it isn't on the
20 website, to have it on the website.

21 MR. RICE: Okay. Well, I think it
22 would be good to have a paper copy here for
23 the residents, anyone that wants to come in
24 and take a look.

1 MR. BROSEMAN: I'm going to hand you
2 another one of that.

3 BY MR. BROSEMAN:

4 Q. So after the submission of that
5 package on May 24, 2023, Mr. Lambert, did you
6 receive any reviews of those plans from the
7 township consultants?

8 A. Yes. We received three reviews.

9 Q. And do you recall when that was?

10 A. Yes. August 1st, 2023, we received a
11 letter from Gannett Fleming, the township
12 engineer.

13 Then August 1st we have a letter from
14 Gilmore & Associates. That is the township
15 traffic engineer.

16 And on the same date we have a letter
17 from -- I'm sorry. On July 29th we have a letter
18 from Rockwell Associates, the township arborist.

19 Q. And I have marked each of these
20 letters. A-9 A, and I'll hand up copies, A-9 A
21 is the Gannett Fleming letter; is that correct?

22 A. That is correct. And B is the Gilmore
23 letter, and A-9 C is the Rockwell letter.

24 - - -

1 (Applicant's Exhibits A-9 A through
2 A-9 C were marked for identification.)

3 - - -

4 BY MR. BROSEMAN:

5 Q. And technically, A-9 B, the Gilmore
6 letter, as you called it, was in the form of a
7 memorandum; is that correct?

8 A. Yes, that is correct.

9 Q. And I'll go ahead and hand out some
10 copies of those.

11 MR. RICE: Mr. Broseman, before you
12 continue on, these three exhibits were all
13 previously marked the first night we met,
14 August 10th, 2023, by me as board exhibits.

15 MR. BROSEMAN: Okay. I didn't
16 remember that.

17 MR. RICE: They're in the transcript
18 from that night.

19 So B-1 is the Gannett Fleming review
20 later dated 8-1-23; B-2 is the Gilmore &
21 Associates letter dated 8-1-23; and B-3 is
22 the Rockwell Associates letter dated
23 7-29-23.

24 And marked B-4 was your, Mr. Broseman,

1 your continuance request at that time of
2 8-9-23.

3 So it's just not an issue. I just
4 want to make sure we have it. They're all
5 way back in the record the first night.

6 MR. BROSEMAN: I appreciate that
7 clarification.

8 BY MR. BROSEMAN:

9 Q. Mr. Lambert, after receiving those
10 reviews and memorandums, did your office submit
11 revised plans in response to those reviews, along
12 with response letters to the township civil
13 engineering and traffic consultant?

14 A. Yes, we did.

15 Q. And do you remember when that was?

16 A. September 18th, 2023.

17 Q. And I'm going to direct your attention
18 to A-10.

19 - - -

20 (Applicant's Exhibit A-10 was marked
21 for identification.)

22 - - -

23 BY MR. BROSEMAN:

24 Q. Is this a copy of the revised

1 engineering plans that were submitted?

2 A. Yes, it is. And just for the record,
3 A-10, it was, it says sheet one of 14 is the
4 cover sheet, and we resubmitted sheets one
5 through nine of that set.

6 Q. Did these plans address many of the
7 comments that were made in the review letters
8 that we had submitted?

9 A. Yes. They addressed some of the
10 comments. We also included two response letters
11 that were A-11 A and A-11 B.

12 A-11 A was the Site Engineering
13 Concepts response letter dated September 18th,
14 2023, in response to the Gannett Fleming review
15 letter.

16 A-11 B was again a Site Engineering
17 Concepts letter dated September 18th, 2023,
18 addressing the Gilmore letter.

19 - - -

20 (Applicant's Exhibits A-11 A and A-11
21 B were marked for identification.)

22 - - -

23 BY MR. BROSEMAN:

24 Q. And for the record, is this a copy of

1 A-11 A and A-11 B?

2 A. Yes, it is.

3 Q. And here is A-11 B?

4 A. Yes, that is correct.

5 Q. I'll go ahead and hand those out.

6 And could you describe in general how these
7 letters --

8 MS. AGNEW: Hold on one minute.

9 - - -

10 (Discussion off the record.)

11 - - -

12 MR. RICE: Go ahead, Mr. Broseman.

13 MR. BROSEMAN: Go ahead?

14 MR. RICE: Yes.

15 BY MR. BROSEMAN:

16 Q. Mr. Lambert, could you describe in
17 general, I won't have you go through them point
18 by point, but in general how do these letters
19 address the comments that have been received from
20 the township's civil engineering and traffic
21 consultants?

22 A. So we received the letters as a review
23 letter from August 1st, as you can see from this
24 resubmission in September 18th.

1 We responded to the zoning and land
2 development the way they organized the letters.

3 We organized it with kind of sections
4 of comments where it's kind of zoning comments,
5 land development questions, and then more kind of
6 detailed plan-oriented details.

7 We answered the zoning and subdivision
8 and land development comments with either further
9 questions trying to inquire, probe some of the
10 questions they were asking, and then some of the
11 more plan-related items we actually said we'll
12 comply for many of those items, just because we
13 were waiting, hoping to have additional dialogue
14 before we cleaned up the, kind of the smaller
15 housekeeping items.

16 Q. And did some of the responses and some
17 of the comments relate to how certain ordinance
18 provisions would be interpreted?

19 A. Yes, that's correct.

20 Q. And you set forth information in
21 reference to other code provisions that perhaps
22 weren't mentioned by them?

23 A. Yes. As we'll talk about tonight,
24 there's kind of complexity in the code and many

1 different sections that apply, some superseding
2 others, and that's what we tried to clarify in
3 that letter.

4 Q. And since submitting the responses and
5 the revised plans on September 18, 2023, did you
6 ever receive a response to the revised plans and
7 the responses or clarifications to the township
8 engineering consultant's comments?

9 A. We have not received any written
10 responses to our September 18th letters.

11 At the, I believe it's the January 3rd
12 planning commission meeting, we did receive some
13 verbal comments back from township staff and
14 consultants.

15 Q. And that was January 3rd, 2024?

16 A. That is correct, yes.

17 Q. And you mentioned you didn't receive
18 comments to the response letters.

19 I assume you also didn't receive
20 comments from the revised plans?

21 A. We did not, no.

22 Q. But at January 3rd, 2024, there was
23 issues discussed by the planning commission, and
24 feedback was given on some of the issues at that

1 time?

2 A. Yes.

3 Q. Based on the feedback that you
4 received at the January 3, 2024, planning
5 commission, have further revisions been made to
6 the conditional use plans?

7 A. Yes. The updated -- the plans
8 included additional response letters. We also
9 updated the stormwater management calculations.

10 Q. And I'm going to hand up Exhibit A-12,
11 and we also have Exhibit A-13.

12 - - -

13 (Applicant's Exhibits A-12 and A-13
14 were marked for identification.)

15 - - -

16 BY MR. BROSEMAN:

17 Q. Is A-12 a set of the revised
18 conditional use plans?

19 A. Yes, it is.

20 Q. And A-13 would be the revised
21 stormwater report, kind of based on the revised
22 plans in Exhibit A-12?

23 A. That is correct.

24 Q. And A-13 is the revised stormwater

1 management report; is that right?

2 A. That is correct, yes.

3 MR. BROSEMAN: Now, it's quite
4 lengthy. We only have three copies of this
5 with us at this time. We can provide
6 additional copies at a future date if
7 that's okay.

8 So, like we did before, shall I, Mr.
9 Rice, give two to you, one for your record,
10 one for the public, and I'll give one to
11 Mr. Marlier? Would that be okay?

12 MR. RICE: Yes, that's fine.

13 BY MR. BROSEMAN:

14 Q. And when you prepared these, are there
15 also supplemental response letters that accompany
16 these plans?

17 A. Yes, there are.

18 Q. And --

19 MR. RICE: Mr. Broseman, let's just
20 stop for a minute here. I don't know if
21 you want to identify these any further.

22 Just going back to A-13, this is, just
23 so we have this for the court reporter,
24 this is the post construction stormwater

1 management analysis for Hamilton Estate
2 dated May 15th, 2023, revised January 31st,
3 2024.

4 MR. BROSEMAN: That's right. Mr.
5 Lambert put that cover up on the screen.

6 MR. RICE: Pardon me?

7 MR. BROSEMAN: Mr. Lambert put that
8 cover up on the screen.

9 MR. RICE: Oh, oh. Okay. I'm
10 shuffling the paper here. Okay.

11 I just want to identify the revision
12 dates of everything you're submitting so
13 it's clear what's being passed around,
14 because we have some other parties here
15 that aren't getting copies right now, but
16 we need to get copies to the other parties
17 when it's time for them to ask questions.

18 MR. BROSEMAN: Absolutely. We'll get
19 them whatever they need.

20 And for the record, A-12 is dated
21 May 18, 2023. This is revision number two
22 dated January 29, 2024.

23 THE WITNESS: And just for clarity,
24 it's a set of sheet one of 17, and sheets

1 one through 12 are included in this
2 submission or exhibit.

3 MR. BROSEMAN: And those are the
4 engineering plans?

5 THE WITNESS: That is correct.

6 MR. RICE: So you're only revising one
7 through 12?

8 THE WITNESS: Correct. An additional
9 witness will be providing the other
10 exhibit.

11 MR. RICE: Okay.

12 MR. MARLIER: I'm sorry. Just to be
13 clear, that's A-12 we're discussing?

14 THE WITNESS: Correct.

15 MR. MARLIER: So A-12, it says sheet
16 one of 17, but there are 12 pages submitted
17 here?

18 THE WITNESS: Correct. On the cover
19 sheet, you can see there's a drawing
20 schedule, and one through 12 are
21 identified, with the remainder being
22 crossed out.

23 MR. MARLIER: Okay.

24

1 BY MR. BROSEMAN:

2 Q. And the remainder are sheets in the
3 plan set that are prepared by another firm; is
4 that correct?

5 A. That is correct.

6 Q. And I was mentioning that we have the
7 supplemental response letters that were to
8 accompany these plans, and we've marked those, as
9 we did with the first responses, using A and B,
10 so can you identify A-14 A and A-14 B?

11 A. Yes. A-14 A is a supplemental
12 response letter dated January 31st, 2024, for the
13 Gannett Fleming review letter.

14 Q. And B, A-14 B?

15 A. Is a January 31st letter from Site
16 Engineering Concepts. It's a supplemental letter
17 addressing the Gilmore memorandum review.

18 - - -

19 (Applicant's Exhibits A-14 A and A-14
20 B were marked for identification.)

21 - - -

22 MR. RICE: So these two, A-14 A and
23 A-14 B, are additional responses to the
24 original 8-1-23 Gannett Fleming review

1 letter and the 8-1-23 Gilmore memorandum?

2 THE WITNESS: Yes, that is correct,
3 and they supplemented the September
4 response letters.

5 BY MR. BROSEMAN:

6 Q. Okay, Rob. Turning to the proposed
7 development, you've gone over the location of the
8 property, the surrounding area, the existing
9 conditions.

10 We've gone through the submissions
11 that were made and the responses and revisions
12 based on feedback, and now I'd like you to focus
13 on Exhibit A-12 and describe the proposed plan.

14 A. So Exhibit A-12 consists of 12 sheets
15 that is part of the exhibit. The first sheet,
16 the cover sheet, and I'll go through the first
17 couple plans quickly, because we talked about
18 them.

19 The second sheet would be the existing
20 conditions plan. The third sheet was a
21 demolition plan.

22 And then we get to the fourth sheet,
23 which I think everybody is waiting for. It's the
24 proposed layout plan, a record plan.

1 This plan again, the orientation,
2 Eagle Road is on the right-hand side going from
3 the top to the bottom.

4 Strafford Avenue is going left to
5 right at the tope of the page.

6 Grant Lane is just, I'm showing it's
7 off to the left-hand side going top to bottom.
8 The shopping center is just to the bottom of the
9 page.

10 So generally what's shown as the brown
11 color on this plan are the proposed townhome
12 units. The gray area are driveways. The tan are
13 walkways.

14 There's two different shades of green
15 on this. There's a darker green that's open
16 space and the lighter green is just really other
17 green areas or landscaped areas.

18 One bigger, more significant change on
19 this plan, if you note that the, and I believe
20 Mr. Houder talked about it the other evening, was
21 18 Forrest Lane is now proposed to be part of the
22 development fully, that we would remove the
23 existing dwelling there and incorporate that into
24 this property, and that was in response to some

1 communications with the residents.

2 So starting at Staffford Avenue and
3 Eagle Road, there's actually a sidewalk that's
4 proposed along the entire frontage. I'll work my
5 way out and back in again.

6 There's sidewalk that doesn't exist
7 today that's proposed along the entire frontage
8 of Strafford and Eagle Road.

9 We have two driveway entrances on
10 Strafford Avenue roughly in a horseshoe shape,
11 and then there are groupings of the townhouses
12 going around the horseshoe driveway.

13 Q. And what's the width of that driveway?

14 A. Twenty-eight feet. There are
15 extensive stormwater management facilities
16 proposed.

17 You can see on this plan there are
18 dashed lines, and I'll kind of start off to the
19 right-hand side closest to Eagle Road.

20 So it is between unit number one,
21 which is in the bottom right-hand corner, and
22 unit 38, there is a dashed rectangle which is a
23 proposed stormwater management system.

24 Crossing the driveway, again there's a

1 dashed line that's underneath the front parking
2 spaces that are shown with a striped area
3 adjacent to the driveway. That is a stormwater
4 management facility.

5 Going to the other end of the row of
6 units 25 through 28, the closest unit, 25, is
7 another subsurface stormwater facility, and then
8 behind units 13 through 15 is a triangular
9 stormwater facility.

10 And then out on 18 Forrest is an
11 additional stormwater facility that we have
12 included on that parcel.

13 Q. And this plan has how many townhomes?

14 A. Thirty-eight townhomes.

15 Q. And you mentioned the color green, the
16 color green on the screen, the shade, I can tell
17 the difference. I think on the paper copies
18 they're clearer.

19 But can you describe the darker green
20 I would call in the center of the site? Is that
21 what you're counting as the required common open
22 space?

23 A. That is correct. So the darker green
24 area in the center of the site, there's a note in

1 the middle that says 26 percent open space,
2 84,807 square feet, and so that was the open
3 space, the required open space.

4 There is also in the zoning table, and
5 we'll get to that in more detail, identification
6 of the required open space of 25 percent. The
7 26 percent is proposed.

8 And then in that zoning summary table
9 it also identifies that there's 7.9 percent of
10 stormwater underneath that basin.

11 Q. And another professional prepared it,
12 but there will be a significant amount --
13 prepared the plan, I mean to say. There will be
14 significant amounts of landscaping provided?

15 A. Yes, there will be an extensive amount
16 of landscaping.

17 Q. And you may have mentioned it, I may
18 have missed it, but was a connection, pedestrian
19 connection added between the property to the
20 Eagle Village Shopping Center to the south?

21 A. Yes. In between units four and five,
22 there's a proposed walkway which will connect the
23 sidewalk along the driveway, an internal driveway
24 of the site to the Eagle Village Shopping Center.

1 Q. Now, this proposed development will be
2 a planned community under the Pennsylvania
3 Uniform Planned Community Act; is that correct?

4 A. That is correct.

5 Q. And there's a note to that effect on
6 the plans?

7 A. Yes, in the upper right-hand corner,
8 there's general notes, and it's note number one.

9 Q. And did the conditional use
10 submission, or Exhibit A-1, did that include an
11 initial draft of the Declaration of Planned
12 Community for the proposed planned community that
13 would ultimately be recorded in the Delaware
14 County Recorder of Deeds Office?

15 A. Yes, it did.

16 Q. We're going to be focusing on the
17 zoning ordinance standards for a conditional use
18 for a density modification development in the R-4
19 residence district next.

20 Before we get into those specifics,
21 can you confirm the other types of reviews and
22 approvals that would be required for this project
23 after it goes through the conditional use stage?

24 A. After the conditional use stage, we

1 will need, as far as the township, a preliminary
2 and a final land development review phases and
3 approvals.

4 As part of those, we'll go to the
5 shade tree commission. We will have consultant
6 reviews. We will have additional details
7 provided and additional reviews of those plans.

8 We will have outside agency approvals
9 with an NPDES permit, the National Pollution
10 Discharge Elimination System, that's required
11 when you disturb over an acre.

12 It is a permit that's issued through
13 the Delaware County Conservation District, which
14 will review and approve the plans for the
15 stormwater management and the erosion and
16 sediment control.

17 There will be the Department of
18 Environmental Protection for the planning module
19 review, so for the sanitary sewer. That will be
20 reviewed and approved as part of the process.

21 Q. And in addition to all of that, then
22 the township has various permit reviews and
23 permits that must be issued?

24 A. Yes. Once we're through the process,

1 get through the final plan approval, then we can
2 submit our gradings.

3 Obviously, there's going to be
4 building permits associated with this also, but a
5 grading permit will be required to be reviewed
6 and approved.

7 Q. And as you mentioned, stormwater
8 management, erosion and sedimentation control, so
9 reviews by both the township and the Delaware
10 County Conservation District.

11 Does that cover the stormwater issues
12 that would arise during the construction and then
13 after the construction is completed?

14 A. Yes, both during and post development
15 stormwater controls.

16 Q. I want to turn now to the specific
17 zoning ordinance provisions that are applicable
18 to this conditional use application, and you
19 indicated, and as we know, this property is in
20 the R-4 Residence District.

21 Can you confirm that density
22 modification development is permitted in the R-4
23 district by conditional use?

24 A. Yes. Section 280-29 B states: The

1 following uses, only when authorized as a
2 conditional use by the board of commissioners,
3 and I'll paraphrase some of these.

4 Subparagraph one is: Density
5 modification development, in accordance with the
6 requirements of Article XIX, density modification
7 development.

8 Q. And is Article XIX of the zoning
9 ordinance found at Code Sections 280-90 to
10 280-100?

11 A. That is correct, yes.

12 Q. We're going to run through most of
13 those provisions, and we're going to generally go
14 in order, but we're going to try to follow order
15 numerically, but we're going to try to also, the
16 way the code is written, there's sort of a
17 logical order, so we're not always going to go in
18 numerical order.

19 But turning to Article XIX, Code
20 Section 280-92, which, among other things,
21 confirms which zoning districts permit density
22 modification developments, can you describe
23 those provisions and how the plans comply with
24 them?

1 A. Yes. So 280-92 A(4) says: In the R-4
2 districts, the minimum tract size must be at
3 least five acres, and I'm going to pause on some
4 of these, just to reference the plan.

5 So in Exhibit A-12, sheet four, on the
6 left-hand side there's a zoning summary. In that
7 zoning summary, the top line is the tract area
8 size. The requirement is five acres. We have
9 7.487 acres.

10 And then it says: The density shall
11 be a maximum of five and a half units per acre.

12 About halfway down that table, the
13 maximum density is identified as five and a half
14 units per acre, which would allow 41 units.

15 In the proposed, we have 5.08 dwelling
16 units per acre, with 38 units proposed.

17 There shall be no buildings within
18 40 feet of an existing right-of-way line. So
19 again, using Exhibit A-12 --

20 Q. Let me interrupt you. The ordinance
21 says existing street right-of-way line; is that
22 correct?

23 A. Yes, that is correct.

24 Q. Sorry to interrupt.

1 A. That's okay. Sheet four, so both in
2 the plan view, you can see the 40-foot dimension
3 from the existing street right-of-way line,
4 there's a dashed line identifying that 40-foot
5 limit and the dimension from the existing street
6 right-of-way.

7 And again, in the table, there is the
8 minimum setback, and it says from existing street
9 right-of-way. The requirement's 40 feet. We
10 have a minimum of 51 feet.

11 And then the last part of the section
12 says: And 25 feet from any adjacent property
13 line.

14 So again, the plan view shows a dashed
15 line with a 25-foot dimension from the property
16 line, and this is also included in the table
17 under the setbacks, which is 25 feet required and
18 30 foot proposed.

19 Q. So that 25 feet is for the property
20 lines that don't adjoin Stafford Avenue or Eagle
21 Road?

22 A. That is correct.

23 Q. Turning to Code Section 280-93, the
24 use regulations for density modification

1 development, please describe these provisions and
2 how the plans comply with them.

3 A. So under 280-93 A, it says:
4 Townhouses shall be authorized only when
5 constructed, owned, and operated under single
6 ownership or under the Pennsylvania Unit Property
7 Act.

8 As we mentioned, it is a planned
9 community. We've included the documents as part
10 of A-1.

11 Section 280-93 B, it says, again this
12 will be kind of broken up again: Not more than
13 eight townhouses shall be attached in a single
14 group.

15 And so looking at A-12, sheet four, we
16 have one section of buildings which is six units,
17 it is the largest, so it's under that eight-unit
18 limit.

19 And then continuing it says: And each
20 group of townhouses shall be separated from each
21 other group by at least 20 feet.

22 And so again, using A-12, sheet four,
23 you can see that we actually have a minimum of
24 30 feet separating each group of buildings.

1 It says, continuing the code section,
2 it says: No more than two contiguous townhouses
3 in any group may be constructed in line, and each
4 townhouse shall have at least one plan element on
5 any floor which projects or recedes within the
6 wall plane of the facade a minimum dimension of
7 two feet.

8 So all of our units actually stagger
9 two feet, so we have a stagger to each unit, as
10 one unit is either ahead or behind the other unit
11 by two feet.

12 Q. And you can see that on Exhibit A-12,
13 sheet four?

14 A. That is correct. And then 280-93 C
15 says: For purposes of this article, townhouse is
16 defined as a single-family dwelling consisting of
17 two or more floors, attached to one or more
18 similar structures as part of a unified
19 development.

20 As we talked about, it's a planned
21 community. And then in the upper right-hand
22 corner of Exhibit A-12 are general notes.

23 Q. You're referring to sheet four?

24 A. Sheet four, yes. I'm sorry. A-12,

1 sheet four, in the upper right-hand corner, it
2 was note three, it says:

3 Each townhouse shall have at least two
4 floors in compliance with applicable height
5 limits and shall be occupied as a single-family
6 dwelling. So we would comply with 280-93 C.

7 Q. Code Section 280-94 addresses area and
8 height regulations, particularly building area
9 coverage, impervious surface, and height.

10 Please describe those provisions and
11 how the plans comply with them.

12 A. So 280-94 A says: The building area
13 coverage and height regulations of the zoning
14 district in which the property is located shall
15 apply, except that the total area covered by
16 building and impervious surfaces, excluding
17 streets, shall not exceed the percentage of
18 building coverage and impervious surfaces
19 established for the zoning district plus an
20 additional five percent.

21 If we go back to the R-4 standards,
22 it's at 280-30 B under the R-4, that building
23 area, the requirement of not more than 30 percent
24 of the area of each lot may be occupied by

1 buildings.

2 So if we add the five percent back,
3 we're permitted 35 percent building area.

4 And then under 280-30 F, the maximum
5 impervious surfaces is 40 percent. Again, we can
6 add the five percent to that. That's 45 percent.

7 So going back to A-12, sheet four, the
8 zoning summary table on the left-hand side, we
9 have the maximum building coverage of 35 percent
10 permitted, and 23 and a half percent is proposed.

11 And then the maximum impervious
12 coverage is 45 percent is permitted and
13 42.9 percent is proposed.

14 Q. And did you address height?

15 A. Height was, the underlying zoning was
16 permitted 35 feet. Again, in the zoning summary
17 table on the left-hand side, you see a maximum
18 building height of 35 feet, and we're proposing
19 heights that are less than 35 feet.

20 Q. And would these structures exceed
21 three stories?

22 A. No.

23 Q. This is one of the examples of, I'm
24 going to go out of numerical order with the code

1 sections and go to 280-91, common open space.

2 Can you please describe those
3 provisions and explain how the plans comply with
4 them?

5 A. Yes. So 280-91 A is: Not less than
6 25 percent of the tract area shall be designated
7 in the subdivision or land development plan as
8 common open space.

9 So going back to A-12, sheet four, I
10 previously mentioned the darker green color is
11 open space. It's identified as 26 percent open
12 space.

13 And on that same zoning summary table
14 on the left-hand side, we have the common open
15 space of 25 percent required, and 26 percent is
16 proposed.

17 The ordinance section then continues.
18 It says: Common open space may not include
19 required buffer yards, floodplain, or wetlands.

20 So the buffered yards, we haven't
21 gotten to that portion of the code, but buffer
22 yard is along the residentially-zoned property.

23 And so along the left-hand side on
24 Grant Lane, and there is, one property remains at

1 the bottom of the page that's on Forrest Lane.

2 As you can see from A-12, sheet four,
3 the common open space is not adjacent to any of
4 those buffer areas, so that buffer areas are not
5 included.

6 The ordinance then continues and says:
7 No more than ten percent of the required common
8 open space may be used to meet the plan's
9 stormwater management requirements, and all
10 required common open space shall be contiguous
11 unless the board of commissioners approves
12 otherwise.

13 So when I described the plan
14 previously, identifying two stormwater management
15 facilities that were under the common open space,
16 the area of those is deducted out.

17 You can see again in the zoning table
18 that we have 7.9 percent of stormwater within the
19 common open space. And then, as you can see on
20 the plan, the common open space is all
21 contiguous.

22 Q. Now, Mr. Houder mentioned this
23 earlier, but this was the section that was
24 changed shortly after the adjudication and

1 conditional use plan one.

2 Is it your recollection that section
3 previously read in total: Not less than
4 15 percent of the tract area shall be designated
5 in the subdivision or land development plan as
6 common open space?

7 A. That is correct.

8 Q. So the changes included increasing the
9 open space requirement from 15 to 25 percent; is
10 that correct?

11 A. That is correct.

12 Q. And it also regulated how much
13 stormwater management, specifically regulated how
14 much stormwater management could be within the
15 required open space where it didn't before; is
16 that correct?

17 A. That is correct, yes.

18 Q. And the provision was added: All
19 required common open space shall be contiguous
20 unless the board of commissioners approves
21 otherwise.

22 Is that right?

23 A. Yes.

24 Q. I think Mr. Houser testified regarding

1 some examples of how the size of the common open
2 space that's being designated in the central part
3 of the site here on sheet four of Exhibit A-12
4 compares to some other familiar locations in
5 Radnor Township for other open areas.

6 Do you have any further example of
7 this?

8 A. Yes. I think kind of coincidentally
9 there's a park on Lancaster Avenue, a township
10 park, Veterans Park, that's almost very, very
11 similar size, I believe it was 1.9 acres, and the
12 overall dimensions of the open space are very
13 similar to what is proposed here.

14 Q. 280-91 B is another provision. Could
15 you go over that provision?

16 A. Yes. That provision says: Common
17 open space shall be land which is appropriate and
18 in suitable condition for recreation, park site,
19 school grounds, woodland conservation, or other
20 similar recreation or open space purpose.

21 So this ground is, the existing
22 conditions are relatively flat. This will remain
23 a relatively flat area that will be open.
24 There's some existing trees in that area.

1 And so it's very suitable for, you
2 know, a park-like setting and passive open space
3 types of recreation in that open space.

4 Q. And you mentioned previously it's not
5 constrained by features such as steep slopes,
6 floodplains, those types of things?

7 A. That is correct.

8 Q. And 280-91 C is another requirement.
9 Can you go over that one?

10 A. The common open space shall be
11 contiguous to the development and not be
12 separated from the tract by existing roads.

13 As you can see on A-12, sheet four,
14 the common open space is part of the tract, and
15 it's not separated by existing roads.

16 Q. Continuing on, 280-91 D is still
17 another requirement. Can you go over that
18 requirement?

19 A. Yes. Consideration shall be given to
20 the arrangement and location of common open space
21 to take advantage of physical characteristics of
22 the site and to place common open space within
23 easy access and view of dwelling units, at the
24 same time preserving and enhancing natural

1 features.

2 Areas set aside for common open space
3 shall contain no structure other than a structure
4 related to outdoor recreational use.

5 Again, using A-12, sheet four, you can
6 see that the common space is really central to
7 the site within easy access of all the proposed
8 units.

9 We are proposing no structures within
10 the common open space, and we, the location of
11 the common open space preserves some mature
12 trees.

13 Q. And is it in easy view of the dwelling
14 units, generally speaking?

15 A. Yes. Generally speaking, all of the
16 units are afforded views in the open space.

17 Q. Continuing on, 280-91 E, can you
18 describe that requirement?

19 A. Yes. Common open space shall be made
20 subject to such agreement with the township and
21 such deed restrictions duly recorded in the
22 office of the Recorder of Deeds in Delaware
23 County as may be required by the board of
24 commissioners for the purpose of preserving

1 common open space for such use.

2 And so that was part of the planned
3 community documents which will be recorded as
4 part of this development, and it will ensure the
5 preservation of that common open space.

6 Q. And then there's a subsection F.
7 Could you go over those requirements?

8 A. Yes. Common open space, within the
9 meaning of this article, shall consist of a
10 parcel or parcels of land or an area of water, or
11 a combination of land and water, within a
12 development site, designed and intended for the
13 use or enjoyment of the residents of the
14 development or the public, not including streets,
15 off-street parking areas, and areas set aside for
16 public facilities.

17 As described, this is for the
18 residents of the development and the access to
19 the area of land. We don't have any water.

20 And it's meant for the enjoyment of
21 the residents and does not include any streets,
22 it does not include any off-street parking areas,
23 and it only includes, if you can call them,
24 public facilities, the ten percent, less than ten

1 percent of the stormwater facilities as permitted
2 by subsection A.

3 Q. And those facilities are underground,
4 underneath the open space, in any event?

5 A. Yes, that is correct.

6 Q. And would they interfere with the use
7 of the land above for recreation or open space
8 purpose?

9 A. They do not, no.

10 Q. Interestingly, this section indicates
11 that it could be a parcel or parcels of land to
12 be the common open space; isn't that correct?

13 A. Yes, that is correct, but we are going
14 to have the whole, part of the same parcel.

15 Q. 280-91 G is another requirement here.
16 Can you go over those requirements and how the
17 plans comply?

18 A. Yes. There shall be a buffer of
19 25 feet along all property lines which abut
20 residentially-zoned districts which shall not
21 contain any roads, structures, parking areas, et
22 cetera, and shall be planted in accordance with a
23 plan which shall be approved by the board of
24 commissioners at the time of final approval.

1 This buffer strip shall not be counted
2 toward the common open space.

3 So, as I described when we were
4 talking about subsection A, there is a, using
5 A-12, sheet four, on the left-hand side along the
6 Grant Lane neighbors, there's a 25-foot buffer
7 that goes along that residentially-zoned property
8 that continues out to Forrest Lane, with a
9 25-foot buffer going out to Forrest,
10 perpendicular to Forrest Lane, parallel to the
11 adjacent neighbor.

12 And then coming back from Forrest Lane
13 there's a 25-foot buffer that then goes around
14 the single residentially-zoned property to the
15 right of the 18 Forrest Lane property, there's a
16 25-foot buffer.

17 The buffer then stops there 25 feet
18 past that property line as the shopping center is
19 not zoned residential and is not required to have
20 a buffer.

21 The landscape plan with the buffer
22 will be provided by the landscape architect.

23 Q. 280-99, and again I've gone out of
24 numeric order, but staying with the topic of

1 common open space, 280-99 contains requirements
2 regarding ownership and maintenance of the
3 required common open space.

4 Please describe these provisions that
5 are applicable at this time to the application
6 and how this project complies with those
7 provisions.

8 A. So 280-99, ownership and maintenance
9 of common open space, A says: Land development
10 plans shall describe the plan for ownership and
11 maintenance of common open space.

12 Although we're not in land development
13 at this time, we have included the draft HOA
14 documents or planned community documents, which
15 include the ownership and maintenance of the
16 common open space.

17 B: The plan shall provide for, one,
18 dedication, which we're not proposing to dedicate
19 the common open space; or two, private ownership
20 and maintenance.

21 So again, we're providing in the
22 documents that are A-1 that it would have private
23 ownership and maintenance of the open space.

24 And then subparagraph C says: The

1 board of commissioners may require dedication,
2 easements, and/or deed restrictions covering all
3 or portions of the common open space and may
4 require the applicant to provide for and
5 establish an organization for the maintenance of
6 the common open space, organized under or similar
7 to that required by the Unit Property Act of
8 July 3, 1968, PL 196, and agree that such
9 organization or the group of unit owners holding
10 undivided interest in the common open space shall
11 not dispose of the common open space by sale or
12 otherwise, except to a similar organization or
13 group conceived and established to own and
14 maintain common open space.

15 In determining whether the
16 organization described in the plan is adequate,
17 the board of commissioners shall consider the
18 type and structure of the organization from the
19 standpoint of its capacity to raise revenue, meet
20 obligations, and properly maintain facilities.

21 So again, the planned community will
22 provide for the ongoing operation, maintenance,
23 and ownership of the common open space.

24 Q. And again, that would be owned as part

1 of the planned community and maintained by the
2 homeowners association?

3 A. Yes, that's correct. And then
4 subsections D, E, F, and G are really not
5 applicable at this time. It really is for future
6 maintenance activities.

7 Q. And those provisions, as you
8 indicated, are not applicable at this time, but
9 is it fair to say they give the board of
10 commissioners certain authority, if for some
11 reason the common open space wasn't being
12 maintained satisfactorily, which we certainly do
13 not expect, but those provisions give the board
14 authority to take steps to address an issue like
15 that?

16 A. Yes, they do.

17 Q. Going to a new code Section 280-95,
18 which is entitled site considerations, these
19 address various items in kind of a general
20 fashion.

21 Would you please describe these
22 provisions and how the plans comply with them?

23 A. Yes. So 280-95 A says: Every effort
24 must be made in connection with each subdivision

1 and development plan to avoid excessive earth
2 moving, undue tree clearance, and destruction of
3 natural features.

4 The following are priority
5 requirements: One, lakes, streams, and wooded
6 slopes shall be preserved.

7 As we described, we do not have any
8 lakes, streams, or wooded slopes.

9 Two: The development plan must
10 specify the means for protecting trees and other
11 natural features during construction.

12 So sheet, or Exhibit A-12, sheet six,
13 includes the erosion and sedimentation control
14 plan.

15 This plan includes tree protection,
16 fencing, and then erosion and sediment control
17 features during construction.

18 Three: The location of trees and
19 other natural features must be given first
20 consideration in planning common open space,
21 location of dwellings, walks, paved areas, and
22 finished grade levels.

23 There's actually -- the common open
24 space provides for the tree canopy, a healthy

1 portion of the tree canopy along Strafford Avenue
2 preservation, and then there is a grouping of
3 trees that project into that open space, and
4 those are all being preserved.

5 As I mentioned before, the grades are
6 relatively flat on the site. Obviously, there
7 will be grading in association with the
8 development, but it will be kept to a minimum.

9 Four: Landscaping shall be regarded
10 as essential to every development plan.

11 Not only must natural features, trees,
12 and slopes of the site be preserved, but careful
13 attention must be given to landscaping of parking
14 areas and providing for street trees.

15 Mr. Panzak will be testifying to the
16 extensive landscaping plan and landscaping that's
17 being provided.

18 Number five: Seeding, sodding, and
19 other planting shall be applied to stabilize
20 topsoil on steep slopes and to enhance the
21 appearance of open space.

22 As we talked about, there are really
23 no steep slopes on the site.

24 And then Exhibit A-12, sheet four,

1 shows kind of the green area.

2 And then sheets six and nine, six is
3 the erosion and sediment control plan, nine is
4 the erosion and sediment control notes, which
5 will address seeding and sodding requirements of
6 any disturbed areas.

7 Six: Streetlighting shall not shine
8 directly into habitable dwelling windows located
9 inside or outside the development.

10 That will also be, Mr. Panzak will be
11 testifying to the lighting.

12 Q. This code section talks about, and you
13 covered it, trees and natural features.

14 There are really no natural features
15 other than trees on this site; is that correct?

16 A. That is correct.

17 Q. The provision in the preamble doesn't
18 give any specific standard or any way to judge
19 this, but there's a reference to avoid excessive
20 earth moving, undue tree clearance. Again it
21 mentions destruction of natural features.

22 Could you comment on whether you
23 believe, in your professional opinion, this would
24 be considered excessive earth moving?

1 A. I don't believe it's excessive. As
2 I've commented, the site is relatively flat.

3 There will be some grading to
4 accommodate the improvements, but there won't
5 being excessive earth moving efforts.

6 Q. And there would be other types of
7 development though where there could be more
8 excessive earth moving if you didn't have such a
9 flat topography, for example; is that correct?

10 A. Yes, that is correct.

11 Q. And with regard to tree clearance, the
12 township has regulations regarding that, and it
13 allows for tree clearance is permitted with
14 certain tree replacement; is that correct?

15 A. Yes, that is correct.

16 Q. And Mr. Panzak will be discussing
17 that; is that right?

18 A. He will, yes.

19 Q. And you mentioned that during the land
20 development process, projects like this would be
21 required to go to the Radnor Shade Tree
22 Commission.

23 Is that where these matters are also
24 reviewed during the land development process

1 regarding tree clearance and tree replacement?

2 A. Yes, it is.

3 Q. 280-96, code Section 280-96 deals with
4 utilities. Can you describe these provisions and
5 how the plans comply with them?

6 A. Yes. So this 280-96 says: Every
7 development under this article shall be served by
8 sanitary sewers and public water supply.

9 So the existing property is served by
10 both public water and public sewer, and the
11 proposed plan, Exhibit A-12, sheet five, shows
12 the proposed water and sewer lines servicing this
13 property.

14 So it's really going to service, just
15 like all the surrounding properties are serviced
16 by public water and sewer, this proposed
17 development will be serviced by public water and
18 sewer.

19 Q. Code Section 280-97 is called yard, I
20 believe, and it addresses so-called yard
21 requirements.

22 Can you describe the applicable
23 provisions of this section and how the plans
24 comply with them?

1 A. Yes. So 280-97, I'm going to skip to
2 subparagraph D, because it's more specific to
3 this development.

4 It says: If a tract is developed and
5 operated under the Unit Property Act of
6 Pennsylvania or under any similar form of
7 development and operation, the minimum side yard
8 distances between dwellings or groups of
9 townhouses, in lieu of the foregoing yard
10 requirements, shall be 30 feet, and I'm
11 paraphrasing, 30 feet in the R-4 district.

12 So in the sections above, where it
13 says in lieu of the foregoing yard requirements,
14 I'll just point out that under 280-97 B, it goes
15 through all of the yard requirements, the front,
16 side, and rear yard requirements.

17 Q. But this section D is saying when
18 you're under a similar form of development to the
19 Unit Property Act, which is a planned community,
20 this section is saying in lieu of those
21 requirements, follow this separation distance
22 between groups of townhomes.

23 Is that your understanding of this
24 provision?

1 A. Yes. I would point out that when we
2 were going over provision 280-93 B under use
3 regulations, there was a specific requirement
4 that each group of townhouses be separated by
5 20 feet, where this section is a little bit in
6 conflict.

7 So that section says that the groups,
8 that side yard distances between dwellings or
9 groups of townhouses were 30 feet in the R-4
10 district, so we have complied with the 30-foot
11 requirement as the separation distance between
12 the units.

13 Q. And you mentioned this before, but
14 those separation distances are shown on sheet
15 four of Exhibit A-12?

16 A. That is correct.

17 Q. There was an issue discussed at the
18 planning commission about the rear yard
19 requirement, so I'm going to ask you to go to
20 280-97 B, the ones that you said were essentially
21 superseded for the building groups under D.

22 Can you just run through these
23 requirements of 97 B?

24 A. Yes. So 97 B(1) was the front yard,

1 and it says:

2 No dwelling shall be located less than
3 35 feet from the edge of the outside of the curb,
4 and again I'll paraphrase some of these. I would
5 note that this was not a description as -- let me
6 find it -- 280-92(4).

7 Q. A(4)?

8 A. 92 A(4), correct, which required a
9 40-foot separation from the existing street
10 right-of-way line.

11 So again, we've used the 40 foot from
12 the existing street right-of-way versus 35 feet
13 from the curb line.

14 Under 280-97 B(2) under the side yard,
15 this says: Each side yard shall be 15 feet in
16 the R-4 district. We used the 25-foot perimeter
17 setback requirement, which exceeds 15 feet.

18 280-97 B(3) refers to a rear yard, and
19 it says the rear yard shall be 30 feet in all
20 districts.

21 Again, the way I read this, it was
22 superseded by 280-97 D under the requirements,
23 but nonetheless, we did receive a review letter
24 and comments at the PC meeting, the planning

1 commission meeting, that a rear yard is required
2 for the lot, not for the individual units, but
3 for the lot, the rear yard, and you could pick
4 which rear yard it was.

5 We can pick what we were going to
6 designate as the rear yard. We chose to
7 designate the Grant Lane side of the property as
8 a rear yard in this instance. And then --

9 Q. So is that now shown on A-12, sheet
10 four, as a 30 foot rear yard requirement on that
11 property line?

12 That was something that was added to
13 this A-12 based on the feedback received at the
14 planning commission meeting?

15 A. Yes, that is correct. So that, the
16 line adjacent to Grant Lane has three different
17 designations to it.

18 When you look at A-12, sheet four, it
19 has the 25-foot perimeter setback as required, it
20 has a 25-foot buffer requirement, and it has a
21 30-foot rear yard requirement identified on the
22 plan.

23 Q. And I think it's pretty clear on the
24 plans, but for the record, this proposed plan has

1 no accessory structures or buildings proposed?

2 A. That is correct.

3 Q. 280-98 is another part of the density
4 modification provisions. Its heading is housing.

5 Please describe those provisions and
6 how the plans satisfy those provisions that are
7 applicable.

8 A. 280-98 is housing, subparagraph A:
9 All housing shall be designed with regard to
10 topography and natural features of the site.

11 The effects of prevailing winds,
12 seasonal temperature, and hours of sunlight on
13 the physical layout and form of the proposed land
14 use and buildings shall be taken into account.

15 As we've discussed, the topography,
16 there's limited topography on the site. There's
17 limited natural features. We do have some trees
18 that we talked about, the preservation.

19 This region does not have very strong
20 prevailing winds. And then seasonal temperatures
21 and hours of sunlight, the modern-day building
22 codes really take into account seasonal
23 temperatures with heating and air-conditioning as
24 well.

1 B, 280-98 B --

2 Q. Before you leave that, just for the
3 record, it would be obvious to most people, but
4 these townhome units will have heating and
5 air-conditioning?

6 A. Yes, they will.

7 Q. And with regard to the sunlight, is
8 the fact that the site is open with large green
9 areas, separation between the units and adjoining
10 tract lines, does that prevent sunlight from
11 having an effect, casting large shadows, things
12 like that?

13 A. Correct. And the height of the
14 buildings proposed, there won't be long shadow
15 lines from a really tall building.

16 Q. In fact, the 35 feet that's permitted
17 for density modification, that's pretty much the
18 height of any single-family dwelling that's
19 permitted, even in a more strict zoning district
20 in Radnor; is that right?

21 A. That is right. I believe that's the
22 permitted height in most districts.

23 Q. Even for a single-family detached
24 dwelling; is that right?

1 A. That is correct.

2 Q. And you mentioned our area isn't known
3 for strong prevailing winds.

4 I know, of course, climate change is a
5 topic, but as compared to other areas, does our
6 area see large seasonal temperature differences
7 as compared to other areas?

8 A. You mean with hot days and cold days?
9 The building codes address insulation to address
10 the fluctuation in temperatures.

11 Q. And there's a section 280-98 B. Could
12 you go over that provision?

13 A. Variation in setbacks shall be
14 provided, when practicable, for housing fronting
15 on the street.

16 So we talked about the variation, kind
17 of the front/back two-foot variance between
18 units. So going along, I'll start along Eagle
19 Road.

20 Q. Are you on --

21 A. A-12, sheet four, starting at the
22 bottom right along Eagle Road you have unit one,
23 unit one, so you have green space, you have unit
24 one, you have a larger area of green space, and

1 then you have the block of units 33 through 38.

2 Those will also have variations along
3 the facade facing Eagle Road.

4 And then when you turn on Eagle Road
5 onto Stafford Avenue, you would make a left, and
6 you have unit 33, which would face Strafford, and
7 then you have the proposed driveway, and then
8 unit 32 has a slight variation to the setback
9 from unit 33.

10 Then you have a large common open
11 space in the center, and then unit 21 has a
12 different setback than unit 20, which is on the
13 other side of the common driveway.

14 Q. And there's a general provision, this
15 is duplicated, I believe, with slightly different
16 wording in other provisions, at 280-98 C.

17 Could you go over that provision?

18 A. Yes. This provision says: Adequate
19 vehicular and pedestrian access and parking areas
20 shall be provided without creating nuisances or
21 distracting from privacy.

22 I think one thing we didn't talk about
23 when we talked about the plan, each one of the
24 units is proposed to have a two-car garage within

1 the unit with spaces 19 feet wide by 20 feet
2 long, which would comply with the township
3 parking size standard, and then there's common
4 parking in two locations.

5 So one, using A-12, sheet four, one
6 area that's adjacent to the common driveway,
7 there are five parking spaces in the lower right
8 that exist outside of the common open space, and
9 then in the lower left there are five parking
10 spaces again in the lower left of the common open
11 space.

12 For pedestrian access, we talked about
13 the proposed sidewalk that doesn't exist today
14 along Strafford Avenue and Eagle Road.

15 We also have a sidewalk along the
16 internal driveway and a pedestrian connection
17 over to the Eagle Village Shopping Center.

18 Q. This provision doesn't provide any
19 guidance on what it means for these to create a
20 nuisance or detract from privacy, but in your
21 professional opinion, will the vehicular and
22 pedestrian access and internal parking areas run
23 afoul of those general provisions?

24 A. No, they will not.

1 Q. Since you mentioned parking, it's not
2 specifically in the density modification
3 requirements, but the zoning ordinance, as many
4 zoning ordinances do, does require certain
5 minimum parking requirements for different types
6 of uses.

7 Can you go over the code sections that
8 provide the code-required parking that is needed
9 for a density modification development like this?

10 A. Yes. So section 280-103 B(1) is
11 dwellings: There shall be two spaces per
12 dwelling unit.

13 And if you look at the bottom of
14 Exhibit A-12, sheet four, there's a parking
15 summary table roughly in the center of the page.

16 It identifies the code section of two
17 spaces per unit. With 38 units proposed, that
18 would require 76 parking spaces.

19 In addition to that, there's a
20 subdivision and land development code section
21 255-29 A(20) -- I'll pull up the language.

22 It says: Where semi-attached,
23 attached, or multiple dwellings are proposed and
24 where private garages or driveways are proposed

1 to be used to meet the off-street parking
2 requirements, one parking space per four dwelling
3 units of overflow off-street parking shall be
4 provided.

5 Such parking may be located either in
6 a public parking facility or on individual lots.

7 And so the, going back to the table,
8 so we have one space per four units, 38 units
9 would require nine and a half parking spaces,
10 rounding that up to ten is what is proposed.

11 So going back to the plan view of
12 A-12, sheet four, we have two parking spaces in
13 each garage space for each dwelling unit, meeting
14 the code requirement.

15 In addition, the driveway aprons have
16 a space that is actually compliant with the
17 township code for two parking spaces. We did not
18 count the drive, you know, the unit driveway
19 spaces.

20 And then for the ten overflow
21 off-street spaces as required by the code, we
22 identified the five spaces on the bottom left of
23 the common open space area and to the bottom
24 right of those off-street parking spaces, and

1 those are on the main lot of the development.

2 Q. You mentioned the driveways. There
3 was a modification there based on comments
4 received in the review letters and in the
5 planning commission meeting, but can you point
6 out, you mentioned that they accommodated two
7 cars, but do the plans contain the dimensions to
8 show that?

9 A. Yes. There are typical dimensions
10 proposed on the plan in various locations. For
11 instance, in front of unit six, it shows a width
12 of 19 feet for the driveway, and for unit seven,
13 it shows a depth of 20 feet from the back face of
14 the sidewalk to the unit.

15 The review comment, there was a
16 concern that the space previously was shorter,
17 that a car could overhang the sidewalk, so to
18 address that comment, we've increased the length
19 of the driveway apron.

20 Q. And one of the review comments in the
21 Gilmore letter, I believe, also asked to make the
22 driveways, beyond the sidewalk comment,
23 accommodate the two cars, even though that wasn't
24 a code requirement, and that was done as well?

1 A. Yes. Before they were 18 feet wide,
2 and now we show the driveway as 19 feet wide.

3 Q. And what's the math on that? What's
4 one space required to be in the Radnor code?

5 A. The Radnor code requires a
6 nine-foot-six-inch wide space by 20 feet long,
7 and so having two adjacent would require a
8 19-foot width.

9 Q. Code section 280-100 --

10 MR. RICE: One quick question. I
11 believe the Radnor parking space size is
12 nine and a half feet by 20?

13 THE WITNESS: Correct.

14 MR. RICE: Okay. So, all right. And
15 the width that I'm looking at on A-12 is
16 19 feet wide.

17 THE WITNESS: That's two spaces
18 parallel. Nine and a half by nine and a
19 half is 19.

20 MR. RICE: You'll be able to open a
21 door?

22 THE WITNESS: Your code requirement is
23 nine and a half for the clear --

24 MR. RICE: I'm just asking a practical

1 question.

2 THE WITNESS: A practical question,
3 yes, yes.

4 MR. RICE: Okay.

5 THE WITNESS: The nine and a half is a
6 wide parking space as far as local codes
7 go.

8 Local codes, some of them have some
9 smaller numbers. So nine and a half is a
10 wide parking space.

11 And that is from 280-4, which is a
12 definition under parking space:

13 An outdoor space or garage space used
14 for parking motor vehicles, which shall
15 measure not less than nine feet six inches
16 by 20 feet.

17 MR. RICE: So almost all the parking
18 in driveways are 19 by 20?

19 THE WITNESS: Correct. The driveway
20 access into the garage space is 19 by 20.

21 We're not counting those as required
22 parking spaces. It's an extra area.

23 MR. RICE: You're counting the garages
24 as a parking area?

1 THE WITNESS: We're counting the
2 garages as a parking area.

3 MR. RICE: Okay.

4 MR. BROSEMAN: Good to move on?

5 MR. RICE: Sure.

6 BY MR. BROSEMAN:

7 Q. There's a code section 280-100. It
8 lists items that are to be submitted to the
9 township in connection with a conditional use
10 application for density modification development.

11 Please describe these provisions and
12 how the plans and the conditional use application
13 materials that have been submitted satisfy these
14 provisions, the applicable ones of this section.

15 A. So 280-100, the section starts at A,
16 but I'm going to jump to B, because that's where
17 it creates a list.

18 It says the following: In addition,
19 the following information shall be submitted to
20 the township.

21 One, the nature of the landowners'
22 interest in the land to be developed. That was
23 included in A-1 showing the trust ownership of
24 the property.

1 Two, the density of land use be
2 allocated to the site to be developed. Exhibit
3 A-12, sheet four, the zoning summary shows both
4 the area and the density of the development.

5 B(3) says: Location and size of
6 common open space and the form of the
7 organization proposed to own and maintain the
8 common open space.

9 So I think we covered this in
10 testimony. We've identified on A-12, sheet four,
11 the location and size of the common open space,
12 and A-1 included the form of organization
13 proposed to own and maintain.

14 B(4) says: The use and the
15 approximate height, bulk, and location of
16 dwellings and other structures.

17 Again, I go back to A-12, sheet four,
18 proposes the configuration of the dwellings, and
19 the zoning table and notes include the bulk area,
20 the height and the bulk area requirements in the
21 ordinance.

22 B(5) says: The feasibility of
23 proposals for the disposition of sanitary waste
24 and stormwater and provision of public water

1 supply.

2 So as part of Exhibit A-1, we have
3 included an Aqua will-serve letter, which is from
4 Aqua Pennsylvania saying they will provide water
5 to serve the facility.

6 Part of A-1 was a planning module
7 application that we have filled out for the
8 sanitary sewer, and then we had Exhibit A-13.

9 A-1 included a stormwater report. We
10 have revised that stormwater report based on a
11 different configuration, so A-13 includes the
12 revised stormwater report.

13 Q. In addition to the reports that were
14 submitted, did the plans include conceptual plans
15 for sanitary sewer and public water?

16 A. Yes, they do. Exhibit A-12, sheet
17 five, shows proposed water mains and sewer mains
18 that service all of the units.

19 Q. And these are public?

20 A. Yes, they would be public water and
21 public sewer. A-12, sheet five, also shows the
22 stormwater management facilities.

23 Q. In your professional opinion, will it
24 be feasible to service the property with both

1 sanitary sewer service and public water service?

2 A. Yes, just like all of the surrounding
3 properties are serviced with public water and
4 sewer.

5 Q. As you noted, this property is already
6 served in that manner; is that correct?

7 A. That is correct.

8 Q. Can you explain how public sanitary
9 sewer service for new developments is typically
10 handled in Radnor Township?

11 A. Yes. We would file currently for a
12 project of this size, you would file a planning
13 module that is typically submitted, along with
14 our preliminary plan.

15 It gets processed throughout the land
16 development process, not to use "process" twice.
17 But during the land development, the planning
18 module continues for review and approval.

19 Many projects have been issued
20 conditional final approval based on receiving a
21 planning module, depending on when it comes in.
22 That is the typical process.

23 Q. Now, you mentioned it's typical you've
24 seen for preliminary land development plans to

1 include a sewer planning module, but, in fact,
2 the subdivision and land development ordinance at
3 255-21 B doesn't seem to require a planning
4 module until the time of final land development.

5 Is that your understanding of those
6 code provisions?

7 A. Yes. It's common practice though to
8 file it sooner, because they take a long time to
9 process. Typically we file them sooner in the
10 process, just to begin the approval.

11 Q. And the subdivision and land
12 development ordinance 255-21 B, again referencing
13 a final land development plan, does that confirm
14 at subsection (3)(a) that that's a final land
15 development plan requirement, a public sanitary
16 sewer facility plan?

17 A. Yes, it does.

18 Q. And that same section 255-21 B(d),
19 that indicates a final plan would have a
20 horizontal plan for sanitary sewers?

21 A. Yes.

22 Q. And 255-21 B(e), there's a requirement
23 for a final land development plan to have
24 sanitary sewer profiles?

1 A. That is correct, yes.

2 Q. And you mentioned this, but just in
3 case I missed it.

4 Even though it's not technically
5 required until the final land development plan
6 stage, and it's typically done at preliminary
7 land development, did the conditional use
8 application that we submitted as Exhibit A-1
9 include a sewer planning module package that was
10 prepared by Hilbec Engineering?

11 A. Yes.

12 Q. And that would address the sanitary
13 sewer proposal in greater detail?

14 A. Yes, it would.

15 Q. And that would be, as I said, repeated
16 during land development?

17 A. That is correct.

18 Q. So this section, as you indicated,
19 talks about stormwater management. That's a big
20 topic, as we know, so we're going to cover that
21 in greater detail, so I'd like to move on to the
22 next section, 280-100 B. We're going down the
23 list. We've worked through (1) through (5).

24 You addressed stormwater management in

1 that testimony, but we're going to provide more.
2 Can you go to subsection six?

3 A. Yes. Subsection six says: The
4 substance of covenants, grants of easements, or
5 other restrictions proposed to be imposed upon
6 the use of the land, buildings, and structures,
7 including proposed easements or grants for public
8 utilities. Again, those were included in Exhibit
9 A-1.

10 Seven says: A provision for parking
11 of vehicles and the location and width of
12 proposed streets and public ways.

13 We're not proposing any streets or
14 public ways, and we have internal parking that we
15 just went over for the parking requirements.

16 Eight: A statement which will show
17 the ecological and economic impact of the
18 development on the township and especially as to
19 the surrounding areas.

20 We'll have another witness talk about
21 the fiscal impact study, and A-1 included
22 comments on the ecological.

23 In addition, we had the plan set in
24 A-12, which shows the grading and erosion

1 sediment controls, the stormwater improvements to
2 the property.

3 Q. And we will also have landscape plans
4 that cover, you might say, ecological issues in
5 dealing with tree replacement and other proposed
6 landscaping?

7 A. Yes, that is correct. And then number
8 nine --

9 Q. Before you leave that, if I missed it,
10 I'm sorry. But in the package we submitted as
11 Exhibit A-1, there was also a development impact
12 statement that covered various topics that may
13 have also addressed these as well; is that right?

14 A. Yes, it was in great detail.

15 Q. Okay. Sorry to interrupt. You were
16 going on to number nine.

17 A. Number nine: The results of traffic
18 studies taken on the surrounding and nearby
19 roads. There will be a witness that has prepared
20 a traffic study and will testify to that.

21 MR. RICE: Mr. Broseman, we're going
22 to take about a ten-minute break before you
23 move on to the next topic.

24 MR. BROSEMAN: A break sounds good.

1 MR. RICE: And then we'll discuss how
2 long we're going to go tonight.

3 MR. BROSEMAN: Thank you.

4 MR. RICE: Okay. Ten minutes and
5 we'll be back.

6 - - -

7 (Recess taken.)

8 - - -

9 THE PRESIDENT: So I think, given the
10 time of the evening and everyone is
11 starting to look pretty blurred out there,
12 we're probably going to need to call it
13 quits.

14 It's going to take us some time here
15 to figure out some more dates. So once
16 John comes up with the room's schedule,
17 we'll see what we can find.

18 Sorry, Rob, to cut you off in the
19 middle of your testimony, but you had at
20 least an hour more to go.

21 THE WITNESS: I'm happy to continue.
22 I hope I didn't put everybody to sleep.

23 THE PRESIDENT: It will also give
24 people some time, everything will get up on

1 the website.

2 You can actually look at these and see
3 them, rather than seeing just a blur up on
4 the screen. That way you'll come in better
5 informed for the next time.

6 We will have some hardcopies available
7 if people don't feel comfortable enough
8 with the technology to look at this.

9 Peggy, where will you keep them?

10 MS. HAGAN: The hardcopies that George
11 gave us, they can come to my office.

12 THE PRESIDENT: Okay. So second floor
13 of the township building.

14 MR. RICE: So let me throw out some
15 dates that I know that this room is open.

16 We're going to have this off the
17 record so we can decide, and then we'll go
18 back on.

19 - - -

20 (Discussion off the record.)

21 - - -

22 MR. RICE: We're going to go back on
23 the record. So the hearing tonight will be
24 continued to February 15th at 6:30.

1 We have also tentatively scheduled
2 February 27th at 6:30 and March 7th at
3 6:30.

4 We will announce those dates, the
5 board will announce those dates on the 15th
6 in case anything changes between now and
7 then.

8 But for tonight we're continued to
9 February 15th at 6:30. Any questions from
10 anybody? Come on up front, please.

11 MS. LEVY: Is the documentation for
12 the 15th meeting all released now in this
13 new batch of documents?

14 MR. RICE: Yes.

15 MS. LEVY: As far as land development
16 and all of those? Everything is current?

17 MR. RICE: It will be available at the
18 township building.

19 MS. LEVY: Certainly. All right.
20 Thank you.

21 MS. AGNEW: Moira, I think what she's
22 asking is what we're going to use.

23 MS. LEVY: The documents that we're
24 going to be discussing on February 15th --

1 MR. RICE: No.

2 MS. LEVY: -- has not been. Will that
3 be available before the 15th?

4 MR. RICE: No, it's not available to
5 anybody. It's not available up here or out
6 there.

7 MS. MULRONEY: It has to be entered
8 into evidence.

9 MS. LEVY: Got it. Okay. Thank you.

10 MR. RICE: The documents get marked
11 and entered at each hearing.

12 So the way these are going, you'll
13 have an opportunity to look at what we've
14 entered tonight, because that witness is
15 still on the witness stand.

16 So you'll be able to look at those,
17 and if you have questions about that,
18 you'll have the opportunity to ask them.

19 Anything else?

20 - - -

21 (No response.)

22 - - -

23 THE PRESIDENT: No? We're going to
24 call the meeting adjourned.

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(Proceedings concluded at 9:13 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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