

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, March 20,
2024, at the Radnor Township Municipal Building,
301 Iven Avenue, Wayne, Pennsylvania, commencing
at 6:35 p.m., before Norma Gerrity, Professional
Court Reporter.

- - -

BEFORE: MAGGY MYERS, President
MOIRA MULRONEY, Vice President
CATHERINE AGNEW, Member
JIM RILEY, Member

PETER NELSON, 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

- - -

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Professional Court Reporter
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1 THE PRESIDENT: Welcome everyone.
2 We'll get started a few minutes late here,
3 but we do have a quorum.

4 So welcome to the Board of
5 Commissioners conditional use hearing on
6 the Hamilton tract.

7 I'm going to turn it over to Peter
8 Nelson to get it started.

9 MR. NELSON: Thank you. I don't
10 believe there's any administrative matters
11 at this point in time.

12 My understanding is we are at the
13 township's cross of Mr. Lambert. And
14 unless the parties have any issues, I would
15 say let's get on with it.

16 MR. MARLIER: I have no issues. I'm
17 ready to cross.

18 MR. NELSON: We're good to go. Thank
19 you very much.

20 MR. MARLIER: Thank you.

21 - - -

22 APPLICANT'S EVIDENCE

23 - - -

24 ROBERT M. LAMBERT, JR.,

1 having been previously duly sworn, was examined
2 and testified further as follows:

3 - - -

4 CROSS EXAMINATION

5 - - -

6 BY MR. MARLIER:

7 Q. Good evening, Mr. Lambert.

8 A. Good evening.

9 Q. You presented a revised plan, the
10 applicant presented a revised plan marked as
11 A-12, and that revised plan was authored
12 January 31st, 2024; is that correct?

13 A. A-12 was a plan set that we prepared.
14 We resubmitted sheets 1 through 12.

15 There's other sheets on the cover
16 sheet there that were done by others which will
17 be submitted under subsequent exhibits and was
18 originally May 18th, 2023, last revised January
19 29th, 2024.

20 And there are various sets of cover
21 sheets. The exhibit sheet that's up there is
22 sheet four of A-12.

23 Q. Maybe that's a more specific question.
24 When was that last revised?

1 A. January 31st, 2024.

2 Q. Thank you. Now, you were the engineer
3 for what we've been calling Hamilton-1; correct?

4 A. Yes, that is correct.

5 Q. So you're obviously familiar with the
6 plan that was submitted two years ago for
7 conditional use for the property?

8 A. Yes. We prepared it several years
9 ago. I don't know every detail at this point,
10 but several years ago.

11 Q. I understand. I just would like you
12 to go through the major differences, in your
13 opinion, from that plan versus the plan that's on
14 A-12, sheet four.

15 A. I probably won't list every one,
16 because again it's been several years since we
17 looked at that plan.

18 We've looked at different iterations,
19 and this plan, as you pointed out, is a revised
20 plan. So I may conflate what was a revision of
21 this current plan to the old plan.

22 But the original plan that we
23 submitted, Hamilton-1, I have to believe it was
24 41 units, so it had more units, and as you are

1 aware, that was turned down as part of a
2 conditional use process.

3 We received that decision, and there
4 were comments, there were conditions, reasons for
5 denial, and this plan was curative to that.

6 This plan was curative to that, so
7 that the layout has been modified. The
8 stormwater management was moved.

9 After that plan, when we had filed
10 that Hamilton-1 plan and the ordinance required,
11 and this is off the top of my head, I believe it
12 was 15 percent open space, and there's no
13 language about stormwater in the original code.

14 And so Hamilton-1, one of the reasons
15 it was denied was that some of the stormwater was
16 under open space.

17 This plan, by the time we filed it,
18 the township had actually amended their
19 ordinance, increased the open space to require
20 25 percent.

21 They added language that the open
22 space needed to be contiguous unless approved by
23 the board, and it provided a limit of ten percent
24 stormwater within the open space.

1 So this plan increased the amount of
2 open space to 25 percent. It changed the
3 configuration of the stormwater to keep it out
4 of the open space or limited it to under ten
5 percent.

6 It changed some of the units. Some of
7 the unit dimensions were changed. So there was
8 many changes to that plan.

9 Q. Thank you. Have you reviewed the
10 Radnor Township Comprehensive Plan?

11 A. Yes, I have, over time. I haven't
12 reviewed it recently.

13 Q. Did you review it for this
14 application?

15 A. Yes. When we first looked at this,
16 we reviewed the comprehensive plan.

17 Q. When did you first look at it?

18 A. The comprehensive plan?

19 Q. When you first looked at this, you
20 reviewed the comprehensive plan?

21 A. And the revisions to the plans. When
22 we originally looked at it, it was prior to
23 Hamilton-1 that I really went through it in
24 depth.

1 Q. So you didn't review it for this
2 particular application? Is that your testimony?

3 A. Not specifically, no. I did not.

4 Q. You testified, I believe, about a
5 nearby development, and I think everyone in this
6 room is more familiar with it than I am, but the
7 Villa Strafford?

8 A. Strafford, correct.

9 Q. How many homes are there?

10 A. I believe there are 11 homes at Villa
11 Strafford.

12 Q. And are there stormwater issues on
13 that property, do you know?

14 A. I'm not sure what -- issues?
15 Stormwater management features? I don't
16 understand your question.

17 Q. Well, it's pretty clear that there are
18 stormwater issues on or adjacent to this
19 property. I think the neighbors have made that
20 abundantly clear.

21 Are there similar issues on the Villa
22 Strafford property, if you know?

23 A. I wasn't involved in that application.

24 Q. Do you know how this property and this

1 development specifically is similar to that, if
2 at all?

3 A. They're both being proposed under the
4 density modification provisions of the ordinance.

5 Q. Are the townhomes similar in size?

6 A. I don't know the exact size of those
7 units at Villa Strafford. As I said, I did not
8 do that application.

9 Q. Understood.

10 A. I believe the density is almost
11 exactly what is proposed here.

12 Q. And how many townhomes do you believe
13 are within a mile of the proposed townhome
14 community here?

15 A. I don't know the exact number. We
16 talked about Villa Strafford.

17 Remaining within Radnor, there's one
18 on the other side, if you go up Eagle Road and
19 cross over the railroad, there's a townhouse
20 development on the east side of Eagle Road just
21 as you cross the railroad bridge.

22 On the other side of Lancaster Avenue,
23 I'm not sure if it's exactly a mile, but on, what
24 would that be, South Wayne Avenue, the former

1 Adelberger Florist, there are townhouses in that
2 location.

3 Across the street from that, I believe
4 it's called Wicklow, there are townhouses there.
5 Roughly across Conestoga Road, there is the
6 Greythorne development.

7 There's a development on Bloomingdale
8 of townhouses, so there are several around.

9 Q. Understood. Understood. If we can go
10 to the one that you were referring to on the east
11 side of Eagle Road, how many townhomes, if you
12 know?

13 A. I do not know the number off the top
14 of my head.

15 Q. Are there less than 20?

16 A. I'm not sure of the exact number
17 there. It's an older development.

18 Q. How about the other side of Lancaster,
19 the South Wayne development?

20 A. Which one are you referring to?

21 Q. You just referred to it. You said the
22 east side of Eagle Road, and then you went to the
23 second one on the other side of Lancaster, South
24 Wayne.

1 A. So it's the one at Adelberger Florist,
2 I believe there's six townhomes there.

3 Greythorne, I don't know the exact
4 number there. I would guess it's in the
5 proximity of 50.

6 Wicklow is, you know, somewhere around
7 ten. I'd have to look up the exact number.

8 Q. Fair enough. Fair enough. I'd like
9 to talk about the open space, and certainly we'll
10 be utilizing A-12, sheet four, that's up on the
11 screen.

12 You testified that the open space will
13 be roughly 26 percent; correct?

14 A. Yes. That's what A-12, sheet four,
15 says in the middle of the page.

16 Q. And where are your calculations for
17 that 26 percent?

18 A. I believe I identified the area as
19 84,807 square feet.

20 Q. Okay. So relative to the entire
21 square footage, is that how you get to
22 26 percent?

23 A. Correct. We used the net tract size.

24 Q. And just to clarify, is any of the

1 open space in buffers, any of the buffering?

2 A. The open space is not in the
3 buffering.

4 Q. Is any of it in floodplains or
5 wetlands?

6 A. No.

7 Q. You testified that this open space
8 would be, I believe it was passive open space,
9 was the word you used.

10 Do you remember that?

11 A. Yes. That's an accurate description.

12 Q. Is it going to be used for
13 recreational purposes?

14 A. Passive recreation, yes.

15 Q. What's passive recreation?

16 A. Typically active recreation would be
17 an athletic event, something along those lines.

18 Something more passive would be
19 walking through an open area and through
20 woodlands, landscaping, any of those open areas.

21 Q. So not a baseball field, but walking
22 through the trees?

23 A. Correct.

24 Q. And it's not going to be used for a

1 park site; correct?

2 A. It would be part of the HOA property.

3 Q. So you wouldn't call it a park site?

4 A. I would call it a parklike site,
5 right. So it has landscaping in it. It will be
6 maintained as a parklike setting, but it will be
7 under the ownership of the HOA.

8 Q. A township park, something along those
9 lines, versus something that's similar in nature
10 but not owned by a township or a municipality?

11 A. Yes. I think it has the features of
12 what you would find in a park, but it is not a
13 public park.

14 Q. And it's obviously not going to be
15 used for school grounds; correct?

16 A. That is correct.

17 Q. Could it be used for woodland
18 conservation?

19 A. There will be some trees that are
20 preserved in that area, yes.

21 Q. And how much of it again, what is the
22 exact percentage that's going to be utilized, of
23 the open space, that's going to be utilized as
24 stormwater facilities?

1 A. If you refer to A-12, sheet four, in
2 the bottom left-hand corner is the zoning summary
3 table. The third line from the bottom of the
4 table is the minimum common open space.

5 The far right is the proposed column,
6 and it shows that it's 84,807 square feet, or 26
7 percent, and the stormwater management is
8 6,654 square feet. That's 7.9 percent.

9 Q. And some of these facilities will be
10 under the park, is that correct, specifically the
11 parallel parking and the parking in the bottom
12 right-hand corner?

13 A. Yes. Under the bottom right-hand and
14 bottom left-hand corner of that open space, there
15 are parking spaces that it will be under, but the
16 parking spaces are not included in the open
17 space.

18 Q. Understood. So the parking, right.
19 And that's shown depicted as the parking spaces
20 are not in dark green; is that correct?

21 A. That is correct.

22 Q. Is it your testimony that each of the
23 38 townhomes proposed will have access to the
24 open space?

1 A. Yes.

2 Q. And pedestrians will have to cross
3 over Drive A or Drive B to get to that open space
4 if you were in the townhomes on the bottom right;
5 is that correct?

6 A. Yes.

7 Q. And we have a little bit of testimony
8 about this. I just want to flesh it out a little
9 bit. Will every townhome have a view of the open
10 space?

11 A. Generally, yes.

12 Q. What do you mean "generally"?

13 A. I believe there was extensive
14 testimony that we went through at the last
15 hearing about that some of the units will have
16 not direct views, but they will have views of the
17 open space looking at an angle to see the open
18 space.

19 Q. And in your opinion, which of the
20 townhomes would have the hardest time seeing the
21 open space, if you're looking at A-12, sheet
22 four?

23 A. I don't think any of them have a hard
24 time seeing the open space.

1 Q. Well, some of these homes will have a
2 harder time seeing the open space; correct?

3 A. No. I think that it's easy to see the
4 open space from any of these. It's just that
5 some will have a fully unobstructed view. Others
6 will have views that you will have to look at an
7 angle.

8 Q. Okay. So if we look at -- I have my
9 glasses on, and it's hard to see, but the
10 left-hand side, the townhomes down the left-hand
11 side.

12 It's even harder to see on my
13 hardcopy, but on the left-hand side there, you
14 have five townhomes; correct? What are those
15 numbers of the homes?

16 A. Sixteen through 20, if you're
17 referring to the ones on the far left of the
18 plan.

19 Q. Yes. Is townhome 18 in the middle?

20 A. Yes.

21 Q. Would townhome 18 have an easier time
22 seeing the open space than the townhomes that are
23 on the other side of the street in the back of
24 the property?

1 A. I believe you can see it from either
2 one.

3 Q. Understood. And I understand your
4 testimony is that every townhome will have some
5 sight of some portion of the open space.

6 I'm asking if it would be easier for
7 the townhomes, say, on the right side of Drive A
8 than on the left side of Drive A?

9 A. If you're looking out your window, if
10 you're looking to find the open space, from
11 either one you'll be able to find the open space.

12 Q. I understand that. I'm asking if it's
13 harder for the townhomes on the left?

14 A. And my answer was that for both of
15 them, they can both see it. And so when you say
16 "harder," "easier," maybe I'm not understanding
17 your question.

18 Q. Okay. If you look at townhome 18
19 standing in the driveway, is it easier to see the
20 open space than if you're standing at the back of
21 the house on the townhomes on the right-hand side
22 of Drive A?

23 A. So if I were seeking to see the open
24 space and I was standing in the driveway of unit

1 18, I would look to the bottom of the page from
2 unit 24, and I would see the open space.

3 Q. And are there any plans, essentially
4 structures, to be built or erected on the
5 stormwater, the open space that's above the
6 stormwater facilities?

7 A. I'm not sure I understand your
8 question.

9 Q. So if you look at the bottom of the
10 inner loop, so the two stormwater facilities, the
11 bottom left-hand side and the bottom right-hand
12 side of the open space, are you with me there?

13 A. Yes.

14 Q. Are there any plans to have any sort
15 of structures, besides the parking that's there,
16 but talking about the green space area over the
17 stormwater facilities, is there any plan to have
18 any structures overtop of it?

19 A. No.

20 Q. In your expert opinion, could you put
21 a gazebo overtop?

22 A. Overtop of?

23 Q. Of that area we're discussing, where
24 the stormwater facilities are in the bottom left

1 and bottom right of the open space?

2 A. No, we wouldn't recommend putting a
3 gazebo directly on top of the stormwater
4 management.

5 Q. And why is that?

6 A. For the foundation of the gazebo. If
7 it was just at grade, it would be fine. If
8 you're building a foundation for it, I wouldn't
9 build a foundation over the stormwater system.

10 Q. Does that go for playground equipment?

11 A. There have been instances where
12 playgrounds have been built over them. It
13 depends what type of equipment.

14 Again, it's really about the
15 foundation. If you just have something surface
16 mounted, it's not really an issue to the
17 stormwater system.

18 If you're building a foundation, you
19 would have to modify the stormwater system for
20 some type of playground event.

21 Q. So you wouldn't recommend it in this
22 case?

23 A. Correct, and none is proposed, just to
24 be clear.

1 Q. Understood. Are there any sidewalks
2 or public paths within the open space?

3 A. There would be a path, you know, it
4 would be a lawn-type path through the open space
5 that is proposed.

6 Q. So obviously not. It would be
7 pervious?

8 A. Correct.

9 Q. If you were to put decks off the back
10 of the townhomes, and I'm talking about the
11 townhomes in the inner circle, so immediately
12 abutting the open space.

13 If you were to put decks off the back
14 of those townhomes, would they be encroaching
15 into the open space?

16 A. As I testified previously, no decks
17 are proposed on the backs of those units. The
18 units are shown as footprints of where they would
19 be.

20 If a deck was going to be built, it
21 would be built within the 56-foot depth of the
22 proposed unit rather than going outside of that
23 brown footprint.

24 Q. So is that the white border along the

1 brown footprint? Is that what you're talking
2 about?

3 A. No, no. The white border is an area
4 around the proposed structures to show that we
5 have an area around the units that wouldn't be
6 within the open space.

7 And so we have a, it's roughly five
8 feet, it varies in depth, but roughly five feet
9 around the units for, you know, whether that was
10 maintenance activity of the building that was not
11 within the open space.

12 Q. So if someone, if you were to put a
13 deck off of these townhomes, and again the
14 townhomes in the inner circle, inner loop
15 adjacent to the open space immediately, the
16 townhome would have to be reduced in size? Is
17 that what your testimony is?

18 A. The footprint of the interior would be
19 changed, yes.

20 Q. So without, let's assume we're not
21 going to change what you're showing is the
22 footprint of the interior of the house. Can a
23 deck be put on the back?

24 A. If they filled up the entire area that

1 we're showing in this envelope, the 36 by 56,
2 with building, there would be no deck beyond
3 that.

4 Q. That's what's proposed, filling up
5 that space; correct?

6 A. We're showing a kind of maximum build,
7 and so that unit would not have any deck. If
8 they wanted a deck space, you would reduce the
9 actual footprint of the structure, and you'd be
10 able to have a deck within that envelope.

11 We typically do this on townhouse site
12 developments to provide the maximum build, and so
13 all of the improvements are designed to that
14 maximum build, and then when the units are
15 actually usually designed and sold, the depth of
16 that unit may vary.

17 Q. But people will have a say when they
18 purchase the property, these townhomes, these
19 units? They will be able to have a say in how
20 big the townhome is?

21 A. There will be a standard townhouse
22 unit, and then there will be typically options,
23 is how it's usually done.

24 And I'd go back to kind of a

1 conditional use standard of a generalized plan;
2 right? I can pull up the language if you want.

3 But it's a generalized plan for both
4 the engineering and architecture. What we're
5 showing is the maximum build of a unit that would
6 be proposed. The unit may be smaller than that.

7 For instance, you were asking about a
8 deck. If you took an eight-by-eight area out or
9 an eight-by-ten, you might have an eight-by-ten
10 deck in the back corner rather than having that
11 interior space.

12 Q. So for all of us who are looking at
13 A-12, sheet four, just so I understand this
14 correctly, the commissioners, the neighbors, and
15 myself, this isn't necessarily the size of the
16 townhomes that are going to be there in the end?

17 A. This is the maximum size.

18 Q. So it's not necessarily what's going
19 to be there in the end?

20 A. They could be a smaller footprint,
21 yes.

22 Q. All that testimony about decks and
23 whether it can be built off and how that could be
24 done, does that apply to stairs that would be

1 coming out the back?

2 A. Yes. They'd all be within that
3 footprint you see there.

4 Q. Understood. Because if you took
5 stairs off the back of any of those townhomes in
6 that loop adjacent to the open space, the stairs
7 would probably be going into the open space;
8 correct?

9 A. No, I wouldn't agree. We have five
10 feet there. We talked about how the units are
11 set, and I can start looking at the grading plan
12 to analyze. But some units may only need one
13 step out, which would not be within the open
14 space.

15 Q. What about pavers then, if someone
16 wanted to do pavers off the back?

17 A. All of the testimony that we provided
18 is that the buildable area of that unit is within
19 that footprint. We do not propose to build
20 beyond the footprint which is shown on the plan.

21 Q. I guess I just want to drill down and
22 just make sure I understand. If it's built out
23 completely, which is what you show on sheet four
24 of A-12; correct?

1 A. Correct. We show a full unit plan,
2 yes.

3 Q. Then you cannot have decking coming
4 off the back?

5 A. Correct. You would now be exceeding
6 that footprint.

7 Q. And you could not have pavers if they
8 were beyond the five feet of that white strip?

9 A. Correct.

10 Q. Looking at A-12, sheet four still, can
11 you just point out the setback for us, where the
12 setbacks are?

13 We'll just say the left-hand side, the
14 bottom of the sheet, and the right-hand side
15 along Eagle Road?

16 A. So when you refer to the left-hand
17 side, you're referring to the Grant Lane side of
18 the property?

19 Q. Correct.

20 A. So on that side, we've provided a
21 30-foot rear yard. On the, I'll refer to it as
22 plan south towards the shopping center, we have a
23 25-foot perimeter setback along the shopping
24 center. Along Eagle Road and Strafford Road are

1 40-foot setbacks.

2 Q. Do you recall in Hamilton-1, the first
3 conditional use application that the developer
4 brought before this board, that the rear yard
5 setback was 30 feet along the -- when I say rear
6 yard, what is the rear yard -- what are you
7 calling the rear yard?

8 A. As I just stated, we call the rear
9 yard along Grant Lane. I believe my testimony I
10 went through before, that during the planning
11 commission meetings, the township engineer said
12 we needed a rear yard.

13 Although the ordinance provisions
14 suggest otherwise, that we, it just needed
15 perimeter setback and no internal yards.

16 So they said that we needed a rear
17 yard, so we have shown the rear yard adjacent to
18 the Grant Lane neighbors.

19 Q. So there's a rear yard, and then
20 there's a side yard perpendicular to it and a
21 side yard parallel to it; correct?

22 A. No. There's -- because we're a corner
23 lot, we have one rear yard and one corner
24 setback.

1 Q. And what was the setback you remember
2 for Hamilton-1 along the shopping center?

3 A. I don't recollect.

4 Q. If you increase the setbacks on any of
5 those three sides, you would have to move the
6 townhomes; correct?

7 A. Along the Grant Lane side, since we
8 provided the larger 30-foot rear yard on that
9 side, we would have to move it, those units.

10 The units along the shopping center,
11 so the plan south, would not need to be moved.

12 And then the same goes for changing
13 the front yards, where we have room between the
14 rear of the units and the setback line. So, no,
15 we wouldn't have to move all of these.

16 Q. So along the Grant Lane side, yes, but
17 not along the shopping center line?

18 A. Correct, because we provided that 30
19 foot, that extra five feet on that side already.

20 Q. So you have five foot of wiggle room,
21 for lack of a better term. Is that your
22 testimony?

23 A. Again, I'm not sure where you're
24 referring to, the five feet.

1 Q. Along the bottom side, along the
2 shopping center.

3 You're saying you would not have to
4 move the townhomes because you have an extra five
5 feet of setbacks. Is that what you're saying?

6 A. Yes, that's correct, and it's
7 dimensioned on the plan A-12, sheet four.

8 Q. If you decrease the size of the
9 townhomes, you can increase the size of the open
10 space; correct?

11 A. I'm sorry. Can you repeat that?

12 Q. If you decrease the proposed size of
13 the townhomes, you can increase the size of the
14 open space; correct?

15 A. Theoretically, yes.

16 Q. And the buffering on the Grant Lane
17 side and the shopping center -- well, let's start
18 with Grant Lane.

19 The buffering, landscape buffering,
20 is there any other proposed buffering or
21 screening?

22 A. I'm not following your question.

23 Q. If someone is, lives on Grant Lane,
24 and they're looking towards this property, would

1 they be seeing the townhomes, or would there be
2 screening or some sort of natural buffer?

3 A. There's a 25-foot buffer along that
4 property line. So the 25-foot buffer goes along
5 all the properties.

6 It goes along the Grant Lane, along
7 both sides of the Forrest parcel, and then
8 there's one additional parcel on Forrest Lane
9 that the buffer goes around that parcel.

10 The buffer is not required along the
11 commercial frontage.

12 Q. I missed it. So you're talking about,
13 when you say "buffer," what are you referring to?

14 A. I'm referring to -- and I pulled out
15 the ordinance section, just so we can have it.

16 So it's 280-91.G. It says: There
17 shall be a buffer of 25 feet along all property
18 lines which abut residentially-zoned districts
19 which shall not contain any roads, structures,
20 parking areas, et cetera, and shall be planted in
21 accordance with a plan which shall be approved by
22 the board of commissioners at the time of final
23 approval. This buffer strip shall not be counted
24 as part of the common open space.

1 Q. So I understand, so the buffering
2 you're talking about is the space between the
3 houses on Grant Lane and the townhomes?

4 A. I'm referring to the 25 feet along the
5 property lines which abut residentially-zoned
6 districts.

7 Q. Understood. Is there going to be any
8 artificial screening, or I think you have a
9 landscape architect who's going to talk about
10 trees. Are there any trees in that area?

11 A. As you said, the landscape architect
12 will be addressing this question.

13 Q. Will there be any artificial screening
14 beyond the trees?

15 A. I don't know what "artificial
16 screening" is.

17 Q. Fencing?

18 A. I'll defer that to the landscape
19 architect.

20 Q. How many, and I believe you testified
21 to this, Mr. Lambert, but it has been a few
22 weeks. How many parking spaces do you believe
23 are required in this development?

24 A. So the bottom center of A-12, sheet

1 four, there's a parking summary table.

2 There are two spaces per dwelling unit
3 required, and there's 38 units, so there's 76
4 parking spaces required.

5 And then 255-29.A(20) has a
6 requirement for overflow off-street parking at
7 one space per four units, and that's an
8 additional nine and a half, and ten are proposed.

9 Q. And the garages are being used to
10 calculate the parking, is that correct, some of
11 that parking?

12 A. Yes. We have included a two-car
13 garage in each unit.

14 Q. And the driveways are not being used
15 to calculate that parking; correct?

16 A. Correct. Although they're of
17 sufficient size to meet the requirements, we have
18 not included them in that count.

19 Q. Understood. I want to talk about the
20 dimensions of the driveways. I know you've
21 testified to this, but I don't think we -- I just
22 want to be clear.

23 What is your testimony as to what the
24 dimensions are for each driveway? Is it the same

1 for each townhome?

2 A. Obviously not, because the geometry of
3 units 1, 2, 3, 15, 13, 12, there's different
4 lengths. However, there's a minimum of 19 by 20
5 per each unit.

6 Q. That minimum, is that for the
7 townhomes that have the two-foot facade? There's
8 a staggered facade; correct?

9 A. Correct.

10 Q. And so some are two feet further out
11 than others?

12 A. Correct.

13 Q. So is this 19 by 20, is it your
14 testimony that that minimum is for the townhomes
15 that have the two-foot facade coming out?

16 A. It will be for all of the units. The
17 garage door itself, those will be recessed as
18 part of the architecture.

19 Q. And what are the dimensions of the
20 garages?

21 A. I don't have the exact architectural
22 amounts. There will be a minimum of 19 by 20
23 provided within the garage for the parking
24 spaces.

1 Q. And what are the dimensions of the
2 openings of the garage?

3 A. I'm not the architect. I don't have
4 the opening itself.

5 Q. So the architect would have that?

6 A. A architect, yes.

7 Q. If one had two SUVs, would they fit
8 into the garages as proposed?

9 A. Yes. The spaces inside are nine and a
10 half by 20, which is the township requirement for
11 a parking space.

12 Q. And so that would fit your testimony
13 that two SUVs could fit in the garage?

14 A. In a nine and a half by 20.

15 Q. And what are the dimensions, I want to
16 talk about Drive A and Drive B. I have a number
17 of questions about that. But what are the
18 dimensions of Drive A and Drive B?

19 A. When you say "dimensions," you mean
20 width?

21 Q. Width.

22 A. It's a 28-foot width.

23 Q. Can you point out townhomes one and
24 two? Where are they on the --

1 A. They're in the bottom right corner.

2 Q. And how would one pull into those
3 driveways? If they pulled in to park, they would
4 have to back out; correct?

5 A. Yes.

6 Q. If they're backing out, they're
7 backing out onto Drive B; correct?

8 A. That is correct, yes.

9 Q. And have you done -- those are curved
10 driveways; correct?

11 A. They are curved, yes.

12 Q. Have you shown on any of the documents
13 you provided the radius for that turn?

14 A. I do not believe that radius is shown,
15 but it's a gentle radius for a passenger vehicle.

16 Q. A gentle radius. So it's your
17 testimony that it would be safe to pull out of
18 the parking spot or the driveways in townhomes
19 one and two?

20 A. Yes.

21 Q. How far apart are each driveway from
22 the other? Let's take the ones on the bottom.

23 A. Can you be more specific?

24 Q. Yes. Along the commercial property on

1 the bottom of A-12.

2 A. Which? There's varying widths.

3 Q. I have my cursor over a townhome. Do
4 you see that? Which townhome is that?

5 A. You're looking at the one on the,
6 using words, it's unit 12. It's on the bottom
7 left. It's the last most unit on the shopping
8 center side of the property; is that correct?

9 Q. Correct. And what is the distance
10 between that driveway and the unit to its right?

11 A. I do not have an exact dimension.
12 Eyeballing it, you're probably 15 feet or so.

13 Q. And is that consistent -- they vary
14 throughout all these townhomes; is that correct?

15 A. Yes.

16 Q. Is that on a high side, the distance
17 between the driveways, or are other driveways
18 further apart?

19 A. It just depends on the orientation.

20 Q. What do you mean by that?

21 A. If the driveways are kind of closer
22 together or further apart.

23 Q. Look at the lower left-hand side the
24 public parking in the lower left-hand side of the

1 open space. So this is the parallel parking on
2 the curve?

3 A. Yes.

4 Q. Is it your testimony these parallel
5 parking spaces would be rectangular in shape?

6 A. It would be -- I guess it would
7 technically be trapezoidal, right, the shortest
8 distance along the curb line with a little longer
9 distance out because it's on a curve.

10 Q. And what are the dimensions of each of
11 these parking spots?

12 A. They're shown as nine by 22.

13 Q. They're nine by 22, but they're not
14 necessarily a rectangle because of the curve;
15 correct?

16 A. Correct.

17 Q. And have you done any sight lines
18 analysis if one were to be pulling out of those
19 parallel parking spots into Drive A?

20 A. We didn't do sight triangles there.
21 It's a very limited distance. You would be able
22 to see both down, you know, both sections of
23 Drive A pulling out of the spaces.

24 Q. So if a car is traveling on Drive B

1 onto Drive A, so the parallel parking would now
2 be on the right, your testimony is that someone
3 pulling out of those parallel parking spaces,
4 they would be able to see, safely see cars coming
5 from that direction?

6 A. Yes.

7 Q. How wide are the sidewalks, the
8 sidewalk that's on the inner loop? There's one
9 sidewalk along Drive A and Drive B; correct?

10 A. Correct. So A-12, sheet four,
11 identifies the sidewalk as five feet.

12 Q. Is it your testimony that the
13 sidewalks, that sidewalk complies with ADA
14 standards?

15 A. Yes.

16 Q. Can you show me how a person in a
17 wheelchair would get from that sidewalk over to
18 the open space?

19 A. You could, one, you could cross at
20 the, where the driveway reaches Strafford Avenue
21 and be able to go into the space, and then you
22 would be able to just cross and go into that open
23 space at any number of locations.

24 Q. So if someone was coming from the

1 shopping center and using the sidewalk, they
2 could cut between the two townhomes.

3 They would have to go up Strafford
4 along the sidewalk to get to the open space?

5 A. They could, yes.

6 Q. They could, or is there another way?

7 A. They could cross. You know, it's a
8 very technical question you're asking.

9 Typically, something like this would
10 be handled in land development. If we were
11 looking at this, we could provide a curb cut on
12 the other side.

13 There are no proposed paved walkways
14 through that open space, so it would be grass
15 surface.

16 But if we needed a wheelchair ramp to
17 get into that grass surface, you can easily
18 provide that.

19 Again, it's very, you know, you're 12
20 steps behind our design, and you're asking a very
21 technical question.

22 Q. So it hasn't been designed yet?

23 A. That, the ADA access to the open space
24 has not been designed as of this time.

1 Q. If there was a sidewalk on the other
2 side of Drive A and Drive B, your answer could
3 have been, correct me if I'm wrong, they could
4 cross at a crosswalk from the outer loop, the
5 outer sidewalk along Drive A and Drive B, cross
6 safely along the crosswalk to a sidewalk on the
7 inner loop of Drive A and Drive B.

8 That could have been your testimony;
9 correct?

10 A. No, I don't think it would be my
11 testimony. You're suggesting a different design
12 than what's proposed.

13 You're suggesting we would have that
14 at this juncture. We don't have that design at
15 this time for ADA accessibility, which I'm not
16 even sure is required for that open space.

17 But if it were required under the
18 codes, whether the township or federal
19 guidelines, we will be able to address that.

20 As I said, it typically would be
21 during either land development or permitting to
22 provide that level of detail.

23 Q. I think the only thing I'm suggesting
24 is that your plan as shown right now, which is

1 what's before this board, is not at a state where
2 someone in a wheelchair, I mean, it could be if
3 you had a sidewalk on the end. Do you not agree
4 with that?

5 A. I don't agree with that.

6 Q. Have you provided a loading zone in
7 the development?

8 A. No, we have not.

9 Q. Have you provided for a location for
10 excess snow removal?

11 A. There's areas on the site that can
12 accommodate snow removal. There's, for instance,
13 I believe, in between units 15 and 16, we would
14 have an area for snow removal.

15 In between the driveway for unit one
16 and unit 38, there's an area to accumulate snow.
17 In front of unit five, there's an area to
18 accumulate snow.

19 So -- and we do have a 28-foot-wide
20 cartway for them to be able to, you know, move
21 that snow.

22 Q. If someone is living in a townhome
23 between two other townhomes and they want to
24 clear their driveway of snow, where are they

1 going to push it?

2 A. I lived in a condo for a long time.
3 Everything is really up to the HOA.

4 Typically, driveways would be shoveled
5 by the HOA in a development like this, and so
6 they would be contracted and be shoveled or --

7 Q. I'm sorry. Go ahead.

8 A. They would be shoveled or plowed, and
9 on either side of the driveway, just like I do at
10 the driveway at my house, you would be able to
11 put snow on either side.

12 Q. So it's your testimony there's enough
13 space in between the driveways, if you live in
14 between two townhomes, there's enough space
15 between the driveway to your left and your right
16 to push that snow?

17 A. Yes. I believe I testified
18 previously, if you do get an extreme snow event,
19 oftentimes the HOA arranges for the snow to be
20 removed; right?

21 If you have 30 inches of snow,
22 oftentimes that snow actually gets removed
23 offsite, at least that's what my former HOA did.

24 Q. Are there any paths -- talking about

1 ADA accessibility.

2 Are there any paths specifically for
3 anyone to cross Drive A or Drive B to the open
4 space from the outer sidewalks?

5 A. This is a very low, a low-volume
6 driveway within a community. It's easily, you
7 know, we're not crossing Montgomery Avenue or
8 Lancaster Avenue.

9 We're crossing kind of an internal
10 driveway to a community, and you'd be able to
11 cross at any number of areas.

12 Q. But there are no paths; correct?

13 A. It's all paved, right? So if you're
14 referring to a paved surface, we have a paved
15 surface in the whole driveway.

16 Q. Is there any crosswalks over that
17 paved surface?

18 A. We have not striped any crosswalks
19 across that paved surface.

20 Q. Where would residents place their
21 trash?

22 A. Trash would be held in the garage
23 itself, and then a private hauler would come and
24 collect it.

1 Q. So the private hauler would have to
2 collect it from the garage?

3 A. My understanding is actually they do.
4 I'm actually surprised at that, that they get
5 access.

6 Either that or it would be placed
7 outside kind of at the end of the driveway corner
8 and be collected just like any normal
9 development.

10 Q. Can you note where the sewer lines
11 would be on -- would this be the best place to
12 look for the sewer lines, A-12, sheet four?

13 A. I believe sheet five would be a better
14 option.

15 Q. Can you note where the sewer lines are
16 on sheet five of A-12?

17 A. So generally the sewer lines are
18 underneath Drive A and Drive B. They then exit
19 Drive A right between units 12 and 13, and it
20 goes behind unit 13 and then out to Forrest Lane
21 to connect to the public sewer.

22 Q. So there will be a need for an
23 easement for that connection; correct?

24 A. I'm sorry. When you say "that

1 connection," what are you referring to?

2 Q. Off of, I believe you said, Forrest
3 Lane?

4 A. It would be within the public
5 right-of-way, and it would be part of the parcel.
6 So I'm not sure what easement you're referring
7 to.

8 Q. And what about the stormwater lines?
9 Can you point those out?

10 A. So there are many stormwater lines
11 throughout the property. They are the lines that
12 have the "ST" on them.

13 They're a series of inlets and
14 stormwater pipes. There is stormwater pipes
15 around directly adjacent to the buildings
16 collecting roof drains.

17 There are five underground stormwater
18 facilities that are identified as PCSM, EMP, you
19 know, various tag numbers on this plan throughout
20 the property really.

21 Q. And specifically, the bottom left-hand
22 corner, there's a parcel that used to have a
23 house in the previous plans and no longer has the
24 house. That's been removed; correct?

1 A. Correct.

2 Q. And if we're looking at that
3 stormwater line, there's a stormwater line on
4 that property; correct?

5 A. Yes. There's a small stormwater basin
6 on the property, along with a stormwater line,
7 yes.

8 Q. And how close is that stormwater line
9 from the sanitary sewer line on that property?

10 A. I'd have to check the exact
11 dimensions. Eyeballing it, I believe it was --
12 again, I'm just eyeballing it. It's probably ten
13 or 15 feet.

14 Q. There's a path that's leading between
15 the two townhomes in the bottom right-hand corner
16 onto the shopping center. Would that require an
17 easement as well?

18 A. No.

19 Q. How many structures are currently on
20 the property?

21 A. Can you bring up sheet two, I believe?

22 Q. Sure.

23 A. So when you say "structures," I'm
24 going to refer to building structures. Is that

1 what you're --

2 Q. That is what I'm referring to,
3 building structures.

4 A. Let me count them. So this is A-12,
5 sheet two. It looks like there's ten
6 approximately, but the house on Forrest, which
7 would be 11.

8 Q. And of those 11 structures, how many
9 are houses?

10 A. There are two main houses. There are
11 other structures. I included dwellings.

12 Q. And have you consulted with the Radnor
13 Historical and Architectural Review Boards to
14 determine any historic significance for this site
15 or any of those houses?

16 A. I have not.

17 Q. Do you know if the applicant has at
18 all?

19 A. I don't believe so, and I don't
20 believe it's a requirement of the ordinance.

21 Q. You testified that development on this
22 property would not be impacted by strong
23 prevailing winds. Do you remember that?

24 A. Yes.

1 Q. I just want to be clear, Mr. Lambert.
2 You're not an expert in aerology; correct?

3 A. I am not an expert in aerology.

4 Q. You also testified as to seasonal
5 temperatures at this property not being an issue
6 with the proposed development. Do you remember
7 that?

8 A. I do. That was in reference to
9 current building codes addressing seasonal
10 temperatures.

11 I've lived in this region my entire
12 life, so with modern-day insulation and HVAC, it
13 doesn't affect the seasonal temperatures.

14 Q. But you have no numbers or analysis to
15 back up that testimony; correct?

16 A. I do not.

17 Q. I'd like to talk about vehicular
18 access to the site and within the site.

19 Trucks would have to -- to get into
20 Drive A or Drive B, trucks would have to swing
21 into the oncoming lanes on Strafford; is that
22 correct?

23 A. Can you be more specific about what
24 trucks you're referring to?

1 Q. If there's a fire truck, and it's
2 coming up from the Grant Lane side and wants to
3 take a right onto Drive B, it would have to swing
4 into the other lane; correct?

5 A. Yes. It's really a function, you
6 know, Strafford is a narrow street, that we would
7 be able to make that maneuver, which would not be
8 uncommon for a fire truck.

9 Q. And there will be two access points
10 for fire trucks; correct?

11 A. Both Drive A and Drive B access
12 Strafford Avenue, yes.

13 Q. And have you discussed with the fire
14 marshal whether two access points are sufficient?

15 A. I have not.

16 Q. Anyone for the applicant, to your
17 knowledge?

18 A. We did not. We recently did another
19 project in Radnor, it had about 300 units, and
20 used one main driveway access point.

21 Q. The turn radius for Drive B is sharper
22 than the turn radius for Drive A, correct, if
23 you're looking at the turn at the bottom
24 right-hand corner and bottom left-hand corner?

1 A. That is correct.

2 Q. Why is that?

3 A. It was really just design, looking at
4 how the units laid out, how the development --

5 Q. Well, if you soften that turn radius
6 on Drive B, you would be going into the open
7 space; correct?

8 A. Yes. If we changed the drive radius,
9 it would change the open space in that area.

10 Q. Have you provided a turn radius for
11 the largest UPS trucks that would be entering the
12 development?

13 A. We have not, but it would fall, come
14 within a subset of the two vehicles that we did
15 provide for the site.

16 Q. And that would be your testimony for
17 Fed Ex trucks?

18 A. Yes.

19 Q. Proposed facilities trucks?

20 A. Yes.

21 Q. And garbage?

22 A. They all have much tighter turning
23 radiuses than the vehicles that we demonstrated
24 can safely maneuver through the site.

1 Q. Can you go over again the improvements
2 you are making to Strafford, if any?

3 A. So we would be providing a curb and
4 sidewalk along Strafford.

5 Q. Between Drive A and Drive B?

6 A. When you say "between," I just want to
7 understand what you're referring to.

8 Q. You have Drive A on the left-hand side
9 and Drive B on the right-hand side, and you have
10 Strafford running perpendicular there.

11 So if you go out Drive A --

12 A. Yes.

13 Q. -- and you take a right, are you
14 providing sidewalk and curbing along Strafford
15 heading towards Drive B?

16 A. Yes. That was the intent.

17 Q. Until a few months ago, you were
18 calling Drive A and Drive B roads; correct?

19 A. Yes. We had nomenclature on the plan
20 that referred to it as "road." Hamilton-1, you
21 know, we had, I believe, the same nomenclature
22 then of "road."

23 At that time that we submitted
24 Hamilton-1, we had engineers review things like

1 that, and it was never brought up that the
2 nomenclature on the plan would confuse and make
3 it considered a "street" versus a "driveway."

4 During Hamilton-2, or the current
5 application, we submitted the plans, received a
6 review letter from the same consultants that we
7 did for Hamilton-1 and brought up different
8 issues that they didn't bring up previously.

9 So it seemed like it was a different
10 interpretation of this plan than the first plan.
11 And in that new review, it was brought up
12 suggesting that it should be considered a
13 "street" versus a "driveway."

14 And, I mean, I don't think that it was
15 really, just from the nomenclature, that was
16 causing the issues, and that's why we renamed it
17 to "drive" versus "road."

18 Q. And when did that change take place?

19 A. I don't recall the exact iteration of
20 which it was, or when it was, but it was actually
21 submitted and before now.

22 Q. So since last May and before now?

23 A. Correct. Again, it was, I received
24 the reviews, saw the reviews. I think, for me,

1 it was creating some confusion. And so to limit
2 the confusion, we re-labeled them.

3 Q. Have you provided in any of your
4 exhibits sight lines for ingress and egress from
5 Drive A or Drive B?

6 A. Yes, we did.

7 Q. And if you move Drive B further from
8 where it is now, would that impact the sight
9 lines?

10 A. Not substantively, no.

11 Q. Would it impact the distance to the
12 townhomes?

13 A. I'm not sure -- I'm not sure I
14 understand your question.

15 Q. So if you moved Drive B further to the
16 left, would it be further from the townhomes or
17 the same kind of distance? How would it change
18 the proposal?

19 A. You're talking about a different plan
20 that's not the plan ahead of us. You know, we
21 can change all of the buildings and units, but
22 that's not what we're proposing, right, so I
23 don't really understand your question.

24 I mean, you're asking me to move one

1 element on the plan, other elements maybe not
2 move, and you'd have to look at different
3 configurations.

4 There's other things to consider.
5 It's not a static environment.

6 Q. You all brought in a plan, another
7 plan, correct, I think it's Exhibit 4. That's a
8 completely different plan; correct?

9 A. That was what you referred to as the
10 neighbor plan. The applicant met with the
11 neighbors. Neighbors asked for various things.

12 That plan was responsive to the
13 neighbors' comments. It did not necessarily meet
14 the codes.

15 I believe it was in the purview of the
16 board to approve it, but it was not meeting the
17 code requirements that this plan meets.

18 Q. Understood, and we'll circle back to
19 that. I'm asking, you brought in a totally new
20 plan, potentially hypothetical, and maybe this
21 board could allow for it.

22 I'm just asking you to change one
23 thing. If you move Drive B a little further away
24 from Eagle, how would that change --

1 A. I haven't drawn that plan, right? So
2 you're asking me to move one thing. I don't know
3 what else -- are you asking me to move
4 everything, or are you asking me to move one
5 thing, or are you asking me to move, you know,
6 like I don't understand what you want me to move;
7 right?

8 You know, if I left the buildings
9 exactly where they were and moved Road B on top
10 of them, Road B would be on top of the buildings.
11 I mean, that's what you're asking. I don't
12 really understand your question.

13 Q. Well, it wouldn't be on top of the
14 buildings if you would move the buildings to the
15 left; correct?

16 A. Potentially, or you could reconfigure
17 the buildings. There's different design
18 solutions.

19 Q. Let me ask you this. You have Drive
20 B. If you move it further from Eagle Road,
21 you're going to cut down the open space; correct?

22 A. Potentially modify the open space,
23 yes, because we have the open space touching
24 Drive B.

1 Q. Right. And are there any fire
2 hydrants provided on this plan?

3 A. We haven't gotten to that level of
4 design.

5 Q. So there's no fire hydrants on this
6 plan?

7 A. Correct. That would be typically
8 during final plan or potentially even post final
9 plan that we would look at that. That's again
10 much later.

11 I go back, you're asking very
12 technical, detailed questions, and I go back to
13 kind of the general standard of 280-135.C:

14 A generalized site plan shall be
15 submitted as part of any conditional use
16 application.

17 It is not intended that such plan be
18 engineered or contain a fixed architectural
19 layout, such as would be required under 255.

20 But it says -- a lot of your questions
21 are really directed to a much further developed
22 plan.

23 I think most of your questions have
24 been very technical questions, but I understand,

1 and I'm trying to answer them.

2 But something like a fire hydrant,
3 there's many different locations that you could
4 put it much later in the process.

5 Q. You testified the height of each unit
6 would be 35 feet; correct?

7 A. I believe it was less, less than
8 35 feet. The ordinance requirement is 35.

9 Q. Is that shown on the plan for any of
10 the units?

11 A. So in the zoning summary table on
12 A-12, sheet four, left-hand side, the
13 second-to-the-bottom line says maximum building
14 height.

15 If you look at the section, the
16 requirement 35 feet. The proposed is less than
17 or equal to 35 feet.

18 Q. And you -- so that's for each unit
19 specifically. You're capturing that. Is that
20 what you testified to?

21 A. Yes. We've asserted that the units
22 will be less than 35 feet.

23 Q. And you talked a little while ago
24 about the recess of some of the townhomes of two

1 feet.

2 It's your testimony that this plan
3 reflected on A-12, sheet four, is in conformance
4 with the code regarding the facade and the
5 setback of two feet, the stacking?

6 A. Yes.

7 Q. Let's talk about stormwater a little
8 bit. Once the development is finished, do you
9 believe the HOA maintains the stormwater
10 facilities?

11 A. Yes.

12 Q. And if there was any issue with the
13 stormwater facilities at any point in the future,
14 there would have to be earth disturbance within
15 the open space to get to at least two of the
16 basins; correct?

17 A. Can you repeat that question?

18 Q. In the future, if there's any issues
19 with the basins, backups, anything of that sort,
20 to get to those facilities, you'd have to disturb
21 earth within the open space, specifically for the
22 basins in the bottom left-hand and right-hand
23 corner; is that correct?

24 A. Not necessarily. You might be able to

1 jet clean them. There's other maintenance
2 activities that you might be able to do.

3 Q. But it could lead to earth disturbance
4 of the open space; correct?

5 A. That is one possibility, yes.

6 Q. And there is natural stormwater
7 management on the site at this time; correct?
8 Mature trees?

9 A. There are, there's -- can you repeat
10 your question? I caught a couple words of that.

11 Q. Sure. There is natural stormwater
12 management on the site currently; correct?

13 A. I would refer to the vegetation as
14 natural stormwater management. There is about
15 two acres that are impervious that runs off
16 there.

17 There is no engineered stormwater
18 basins or anything like that on the property that
19 I'm aware of.

20 Q. But there are mature trees on it;
21 correct?

22 A. Yes, there's some mature trees.
23 There's some over-mature trees that are dead.
24 And, as I said, there's lots of impervious.

1 MR. MARLIER: If we could, Madam
2 Chairman, can we take a five-minute break?

3 THE PRESIDENT: That's fine.

4 MR. MARLIER: Thank you.

5 THE PRESIDENT: So we'll reconvene at
6 7:45.

7 - - -

8 (Recess taken.)

9 - - -

10 THE PRESIDENT: All right. We'll get
11 started again.

12 BY MR. MARLIER:

13 Q. Yes, Mr. Lambert. I just have a few
14 more questions about stormwater.

15 Your plans specifically show how the
16 stormwater is collected off of each townhome.
17 You testified to that.

18 Does this show it on the plan?

19 A. Yes.

20 Q. And where is that?

21 A. If we can pull up sheet five, A-12,
22 sheet five. There is a line that's roughly along
23 the perimeter of the structure that shows the ST
24 line. That's referring to stormwater line.

1 It's called out in various locations
2 of varying size. Some of it calls out roof
3 drain, six-inch PVC pipe, the clean-outs, really
4 just around the perimeter of the building, and
5 then it connects to the stormwater management
6 facilities.

7 Q. And are manholes shown?

8 A. We have inlets shown. The sanitary
9 sewer manhole is shown. Most of the stormwater
10 is collected through the structures that we have,
11 our inlets.

12 We have to look at them specifically.
13 I have to double check specifically if we have
14 any manholes, but we were doing a lot of it
15 through inlet structures.

16 Q. Fair enough. And the stormwater
17 piping, is it consistent -- I think there's five
18 basins; correct?

19 A. Correct.

20 Q. Is the piping between those basins the
21 same size, or does it differ throughout the
22 property?

23 A. It will vary. Again, the initial
24 design here, as we talked about extensively, it

1 would need land development, permitting,
2 everything else after this, which will continue
3 to refine the design.

4 Q. Understood. And will there be
5 basements to these townhomes?

6 A. Yes.

7 Q. Will the basements be -- you testified
8 a little while ago this evening that the
9 townhomes could change in size and dimension;
10 correct?

11 A. Correct.

12 Q. And so the basements, can you tell us
13 what the size and dimension of those basements
14 will be or will that be --

15 A. No.

16 Q. -- specific to the townhome? How far
17 down will the basements go? That may be
18 consistent for each townhome; correct?

19 A. No.

20 Q. It will not?

21 A. I do not know.

22 Q. You don't know how far down the
23 basements will go?

24 A. Correct.

1 Q. Will they go further than ten feet?

2 A. I don't know. The previous testimony,
3 I think one of the commissioners asked, and we
4 hypothesized different dimensions, and we came up
5 with a rough dimension of slightly under ten
6 feet.

7 Q. And will those dimensions count
8 towards the square footage?

9 A. Square footage of?

10 Q. The entire home. There's been
11 testimony they are going to be 3,000-square-foot
12 townhomes?

13 A. Correct. That is above grade level.

14 Q. But the basement could be considered
15 square footage if it meets certain requirements;
16 correct?

17 A. I believe the builders and investors
18 all look at that. Typically, I am not a builder
19 or an investor.

20 Q. Will there be more earth disturbance
21 during the construction of these townhomes with
22 the basements compared to if there weren't
23 basements?

24 A. Again, I don't understand your

1 question.

2 Q. Will there be more earth disturbance
3 during this construction because there will be
4 basements constructed than if there weren't
5 basements constructed?

6 A. No.

7 Q. I want to bring up another exhibit
8 here for you. You testified to stormwater
9 infiltration testing on the property; correct?

10 A. Yes.

11 Q. And is it your testimony now that you
12 followed the methodology consistent with the PA
13 DEP BMP manual?

14 A. Yes.

15 Q. And you testified that you went ten
16 feet down to find the limiting zone; correct?

17 A. I believe generally the excavation was
18 down to ten feet. I'd have to double check the
19 exact numbers. But, yes, we went down beyond the
20 bottom of the basins to verify the limiting zone.

21 Q. And is it your testimony that you
22 never hit the water table in your testing?

23 A. We did not hit the groundwater table.

24 Q. And when were these tests performed?

1 A. 2019.

2 Q. So that 2019 is when the tests were
3 performed, so they were performed for conditional
4 use in Hamilton-1; is that correct?

5 A. Yes.

6 Q. And they're the most recent tests?

7 A. They are, yes.

8 Q. I'm going to direct your attention to
9 what I brought up on the screen, A-13, page 1E.

10 The triangles and the circles in the
11 middle in the two rectangles toward the top of
12 the page, what do those represent?

13 A. They were -- the triangles and circles
14 refer to the test pits and the permeability
15 location.

16 Q. And what kind of tests did you do at
17 this site?

18 A. I did not do any tests at this site.

19 Q. Do you know what types were done at
20 this site?

21 A. Guelph permeameter tests were done at
22 that site.

23 Q. Were double ring tests done at that
24 site?

1 A. They were not.

2 Q. Okay. When you testified that the
3 infiltration testing was sufficient for this
4 property, for this development, did you take into
5 account where you, during that testimony, where
6 you take into account the four tests that are in
7 that rectangle, the triangle and circles that are
8 within the two rectangles?

9 A. As I explained before, we brought
10 these plans further along than a typical
11 conditional use.

12 We found that conditional use is a lot
13 less stormwater and a lot less testing completed
14 and modeling. We did this in response to the
15 neighbor concerns, looking at the site.

16 But, yes, we took all the different
17 testing across the site into consideration of our
18 design.

19 Q. So specifically those four test sites
20 that I'm referring to in those rectangles were
21 part of your testimony saying, stating that it's
22 sufficient testing?

23 A. We tested in many locations throughout
24 the site, taking a look at the different soil

1 conditions.

2 We took the, you know, all the tests
3 that we did into consideration when we did our
4 stormwater analysis.

5 Q. I'd like to draw your attention to
6 A-12, sheet four again, and the bed number five,
7 which I believe is in the bottom left-hand
8 corner; correct?

9 A. Yes. Bed number five is in the
10 Forrest Lane parcel.

11 Q. And this bed collects from beds one,
12 two, and three; is that correct?

13 A. Yes, that is correct.

14 Q. And what is the area of that basin?

15 A. I don't know the area offhand.

16 Q. Do you know the width offhand?

17 A. Not offhand. I can look it up if we
18 need to.

19 Q. Is the width of that basin narrower
20 than the width of the other basins?

21 A. Yes.

22 Q. Significantly narrower?

23 A. Yes.

24 Q. Is there more likely to be a blockage

1 in a narrower system or a wider system?

2 A. The systems are made out of the same
3 type of system, right, so it's proposed a storm
4 brick system, which has a large void area
5 throughout the entire system.

6 Q. Ninety-five percent; right?

7 A. Something along those lines, yes.

8 Q. So my question was, is it more likely
9 for there to be a backup in a narrower system or
10 a wider system?

11 A. Typically the systems themselves don't
12 back up. If you're referring to that, you know,
13 I'm not sure exactly what you mean by "back up."

14 But typically the systems, as long as
15 they're maintained, do not back up.

16 Q. Well, I think what a lot of folks have
17 expressed concern about is a large storm comes
18 along, the system can't handle it, and it backs
19 up.

20 That's what I mean by "back up." I'm
21 trying not to be too technical with you. But
22 when I say "back up," I mean water rises in these
23 basins and it backs up in the other basins.

24 Does that make sense?

1 A. Somewhat. I'm not sure. You'd have
2 to be more technical so I can understand your
3 question.

4 Q. If a failure in the system occurs, how
5 will the residents be notified?

6 A. I don't understand your question. If
7 a failure in the system occurs, can you repeat
8 that? I'm not following.

9 MR. NELSON: Actually, can we go back
10 to that last question?

11 THE WITNESS: Sure.

12 MR. NELSON: I would be interested in,
13 what happens if the system overflows, that
14 its capacity is reached and we have a
15 500-year storm and it cannot handle it.

16 Where does that water go?

17 THE WITNESS: The water will continue
18 to run downhill. So if you reach that
19 500-year storm, which just for the record I
20 would point out is beyond what is required
21 by the ordinance, the water will run, just
22 like all the other water in the area,
23 across the surface, right?

24 And you will have surface flow

1 throughout the entire area if you have that
2 500-year storm.

3 BY MR. MARLIER:

4 Q. Towards the houses on Grant Lane?

5 A. Downhill, right? So we will be, if
6 there is -- anywhere where it's running downhill
7 that, you know, again we're talking about this
8 hypothetical 500-year storm, which is beyond the
9 purview of the code, that water will run
10 downhill, yes.

11 Q. Towards Forrest Lane?

12 A. Forrest Lane is downhill of the site,
13 so, yes, the water will run downhill.

14 Q. Just to be clear, the reason I'm
15 asking, again I don't live here. Everybody else
16 does.

17 They know, but also we're trying to
18 develop a record, a complete record for this
19 board.

20 So downhill towards Grant, downhill
21 towards Forrest, downhill towards Eagle as well?

22 A. Anywhere where the grade is lower than
23 higher, it will run toward the lower side, is
24 where the water will run.

1 Q. Do the Grant Lane houses have
2 basements?

3 A. I do not know.

4 Q. Do the Forrest Lane houses have
5 basements?

6 A. I do not know.

7 Q. And Mr. Nelson asked about a large
8 storm that causes a backup, and you testified
9 that the water would simply run downhill, and so
10 that's where I was going with a backup or a
11 failure.

12 How will the residents be notified if
13 that happens?

14 A. Residents would be notified through
15 their HOA, just like any other property owner.

16 Q. Can you explain what freeboard means
17 relative to these basins?

18 A. Typically freeboard is the amount --
19 freeboard is typically used for above-grade
20 basins, when people refer to freeboard, and it's
21 the volume, you know, the area above the
22 hundred-year storm event.

23 Q. And are these basins above grade?

24 A. No.

1 Q. So you don't believe that freeboard is
2 relevant to these basins?

3 A. The, the basin has a volume. They're
4 modeled through the stormwater of how much water
5 is getting there.

6 It models it to make sure that the
7 basin has capacity, and then it has a discharge
8 point where the water runs out.

9 Q. So again, I just want to be clear. So
10 do you believe that the concept of -- or the
11 concept of freeboard applies here or not?

12 A. Typically not.

13 Q. I just want to be clear. I'm sorry.
14 Typically not, that makes me think you're talking
15 in generalities.

16 For these specific basins on this
17 specific site, does it apply?

18 A. No.

19 Q. Is it true that the beds one, two, and
20 three all go through five, we talked about that,
21 and then exit off the property in a stormwater
22 facility under Forrest Lane; is that correct?

23 A. That is correct.

24 Q. What are the overall contributing

1 drainage areas bed size?

2 A. I'd have to look up the exact numbers.

3 Q. If you have them?

4 A. It might take me some time, but.

5 Q. Well, let me ask this, Mr. Lambert.

6 Is there a reasonable margin of error if one of
7 the basins leading to five fails?

8 We talked about, I think, one, two,
9 and three lead into five?

10 A. Yes.

11 Q. If one of those fails, do you believe,
12 is it your testimony that there's a reasonable
13 margin of error, meaning that the other systems
14 will not fail?

15 A. Yes. I believe having multiple
16 systems provides redundancy.

17 Q. I want to go back to basin five and
18 the width of it.

19 The reason you had to make basin five
20 that thin is because of the nature of the parcel
21 that it's on?

22 A. Yes.

23 Q. If you had not used that parcel but
24 used some other part of the property for that

1 basin, would it have taken up space that
2 otherwise would be used for a townhome or for
3 open space?

4 A. We originally did not have that basin,
5 as you're aware from the previous plan. We added
6 that basin in response to neighbors' concerns.
7 We actually included the extra basin down there.

8 Q. You mentioned you're using storm
9 bricks for the stormwater; correct?

10 A. That is the current design, yes.

11 Q. And that there's void space, and I
12 believe it's 95, is what I saw in the documents.

13 Does that sound correct to you?

14 A. Yes.

15 Q. Is there any supporting data within
16 the documents that reflects or shows how you got
17 to that 95 percent void space?

18 A. It's the manufacturers. They have
19 their technical specifications providing that
20 volume.

21 Q. So would that be found on their
22 website, or has that just been provided to you?

23 A. That what's been provided to us. I
24 mean, I'm sure it can probably be found on the

1 website.

2 Q. I want to point out the infiltration
3 systems on A-12 and their proximity to the
4 townhomes.

5 If you look at bed one, can you
6 describe where bed one is?

7 A. Bed one is near the intersection of
8 Drive A, Drive B, roughly underneath the five
9 parking spaces and some of the open space and
10 some of the drive.

11 Q. What is the distance between bed one
12 and townhome 28?

13 A. I don't have an exact dimension. It
14 appears to be about 20 feet.

15 Q. Are these dimensions shown anywhere on
16 the plans, that you know of?

17 A. I don't believe so.

18 Q. If you look at bed two, which is
19 between townhome 25 and 24, the bottom left-hand
20 corner of the open space, what is the approximate
21 distance from bed two to townhome 25?

22 A. It looks a little further. Probably
23 25 or 30 feet.

24 Q. If we're looking at bed three, which

1 is behind 15, 14, 13 -- townhome 15, 14, and 13,
2 how close is that to the townhomes 15, 14, and
3 13?

4 A. Again, I'd have to approximate, but
5 I'd say 20, 25 feet.

6 Q. Let's go over to bed four. How close
7 is bed four to townhome two?

8 A. Twenty feet plus.

9 Q. And going back to three, how close is
10 bed three to Mr. Chawla's property, Mr. and Mrs.
11 Chawla's property on Grant Lane immediately to
12 the left?

13 A. It appears it's 35 feet or so.

14 Q. And if we go to bed five, how close is
15 that to Mr. Schuda's house?

16 A. From his house or from his property?

17 Q. From his property.

18 A. From the property line, again it's
19 probably 30, 35 feet.

20 Q. You testified previously that the
21 groundwater can flow a different direction from
22 surface topography. Do you remember that?

23 A. Yes.

24 Q. Do you have any calculations to

1 determine that?

2 A. No.

3 Q. The board's indulgence. I have put up
4 on the screen what's been marked as A-15, sheet
5 two.

6 Do you have any calculations to show
7 the change in the drainage boundary from sheet
8 two -- from sheet one to this sheet?

9 A. Can you repeat the question?

10 Q. Sure. Does sheet one, this is --

11 A. A-15 A and A-15 B is what you're
12 referring to, I believe.

13 Q. Correct. Thank you, Mr. Lambert.

14 So are there any calculations, you
15 have changes in -- what do the colors show us on
16 15 A?

17 A. 15 A shows four different colors of
18 different areas, a pink, a green, a purple, and a
19 teal.

20 The teal, which was area bed four,
21 shows the area on the subject parcel,
22 predominantly on the subject parcel, and then it
23 has the other areas.

24 It's really just showing the drainage

1 area, as I testified to before, based on
2 publicly-available LiDAR information.

3 Q. And then if you go to 15 B, what does
4 that show?

5 A. That is showing the proposed plan and
6 proposed drainage areas and the modification to
7 the existing drainage areas and how that would be
8 controlled.

9 Q. And do you have any calculations in
10 any of the documents that have been presented to
11 show the change from 15 A to 15 B?

12 A. It's really our proposed stormwater
13 system is the major modification to the teal
14 color.

15 Q. So you don't have calculations to show
16 the difference?

17 A. We do. It's our stormwater, A-13.

18 Q. A-13? Did you use the -- for this
19 exhibit, from 15 A to 15 B, did you use the
20 predevelopment pervious condition as meadow, and
21 that's been discussed and defined previously?

22 A. No. What I previously talked about,
23 we looked at -- the purpose of this exhibit was
24 not following the code.

1 It was looking at actual conditions,
2 so we were not looking at fictitious conditions
3 in this analysis.

4 Q. Are you implying that the code is
5 fictitious?

6 A. Yes.

7 Q. I want to point out, 15 B, there's
8 inlets up on Strafford; correct?

9 A. Correct.

10 Q. Those inlets, if you look at the one,
11 it's hard to see, but there's an inlet up towards
12 Drive B, correct, kind of like on the curve of
13 Strafford going onto B?

14 A. Yes.

15 Q. If that inlet was, let's say, on
16 Strafford and not on a curve, it would collect
17 water better; correct?

18 A. It depends where the water is running
19 and how you're collecting it, but I don't
20 necessarily agree.

21 Q. Well, there would be curbing along
22 Strafford; correct?

23 A. There is curbing where the inlet's
24 proposed.

1 Q. But some of the water would keep going
2 and running down Strafford towards Grant. Some
3 of the water would keep running.

4 Not all of the water would turn around
5 the curve and go into the inlet; correct?

6 A. And again, can you repeat that?

7 Q. Sure. If water is running along
8 Strafford going towards Grant along the curve,
9 and then there's a curb into Drive B, and are you
10 testifying that all of the water along Strafford
11 would go towards that inlet that's on that curve,
12 or would some of it just keep going down towards
13 Grant?

14 A. So the grade along Strafford,
15 according to LiDAR, is higher, and the road
16 pitches toward Grant almost for the entire length
17 of that section.

18 So if you look at A-15 A, you can see
19 the pink area is much closer to the intersection
20 at Strafford and Eagle Road.

21 And so our onsite stormwater system is
22 picking up a section of that prior to it getting
23 to, you know, further down toward Grant and
24 collecting and controlling it as part of our

1 stormwater system.

2 Q. I understand. I'm trying to get to,
3 if that inlet was just a few feet over on the
4 straightaway on Strafford instead of on the
5 curve, it would collect more of the water,
6 because it would go right into it as opposed to
7 going around the corner?

8 A. No. I mean, the water, the grading
9 there is going to turn the corner and get into
10 that inlet.

11 Q. Fair enough. Going back to basin
12 five, let's go back to basin five.

13 You testified it's going to go into
14 Forrest Lane, that's where this basin five exits
15 into, correct, into the stormwater on Forrest
16 Lane?

17 A. Correct. The outdoor pipe plugs into
18 the existing collection system on Forrest Lane.

19 Q. And have you determined that existing
20 pipe has sufficient capacity for this onsite
21 stormwater?

22 A. We're going to be reducing those rates
23 and volumes reaching that point, so we're
24 actually reducing the flow to that location.

1 Q. So you believe it has sufficient
2 capacity?

3 A. We're going to be reducing other flows
4 from our site to get to that location.

5 Q. So is your testimony that it has
6 sufficient capacity?

7 A. My testimony is that we are reducing
8 the flow leaving our site, yes.

9 Q. So you believe it has, as it exists,
10 it has sufficient capacity, and you're going to
11 make it so that there's less flow?

12 A. We have not done an offsite analysis
13 of the PennDOT, Tredyffrin Township, and Radnor
14 Township sewer systems.

15 Q. Fair enough. Do you know the diameter
16 of that main then?

17 A. We're showing that's a -- appears to
18 be an 18-inch corrugated metal pipe.

19 Q. Does your analysis of whether or not
20 that main has sufficient capacity take into
21 account the adjacent shopping center?

22 A. As I stated, we have not done an
23 analysis of the PennDOT, Tredyffrin Township, and
24 Radnor Township sewer system. We are reducing

1 the amount of flow leaving our site.

2 Q. One more question. The neighbor plan,
3 A-4, I understand it's been stated by a couple
4 different witnesses now, including you, that it
5 does not meet the code.

6 In what ways, you don't have to go
7 through all of them, but if you want to hit the
8 high notes, in what ways does it not meet the
9 code?

10 A. So there's two iterations of the plan.
11 It's complicated. But one of the major pieces
12 where it does not -- it meets the code if the
13 board approves open space which is separate.

14 The open space requirement, and we can
15 pull up the code, says that it should be
16 contiguous unless approved by the board.

17 So using that language, the board can
18 approve it if it's not contiguous, but it has to
19 be specifically approved by the board. So that
20 was one piece.

21 The amount of impervious, A-4 A,
22 included the correct amount of impervious -- or
23 open space. It had the correct percentages for
24 stormwater, so it met the other provisions.

1 It just did not -- it did not meet the
2 contiguous requirement of the code.

3 Q. So the one code section it does not
4 meet is that it's not contiguous?

5 A. It would meet the requirement if
6 approved by the board.

7 Q. And there's nothing else that you can
8 think of on, if that neighbor --

9 A. In the base plan, I believe that was
10 the most significant. There was also a provision
11 the neighbors had asked for, an alternate on the
12 bottom of A-4 A, and I don't know if you have A-4
13 A you can pull up for everyone.

14 But A-4 A has an alternative driveway
15 configuration which had access to Eagle Road.

16 There are code provisions that say
17 that the driveway, if you're on a corner parcel,
18 should take access, if you're on a major
19 collector, should take access from a secondary
20 street.

21 And so we would need -- the board
22 would need to approve that specifically to allow
23 that access.

24 Q. The access onto Eagle?

1 A. Onto Eagle. So at the bottom of the
2 page, there's an inset. And again, that's why we
3 included it as an inset.

4 This was a plan that was responsive to
5 neighbors' questions and comments, was that we
6 would be able to provide that if approved by the
7 board.

8 Q. Just so I understand, the purpose of
9 this plan, correct me if I'm wrong, is to provide
10 the board an ability to come up with conditions
11 on the plan that's shown on A-12?

12 Is that your testimony?

13 A. It was to also reflect to the
14 neighbors that we were not ignoring their
15 requests, right?

16 The applicant spent an extensive
17 amount of time meeting with various neighbors
18 over time trying to come up with a plan that was
19 a mutually-agreeable plan, and that was reflected
20 in this A-4 A document.

21 Q. And an alternative to what you've
22 done, bringing it in on another application, is
23 to bring a new application, correct, with this
24 plan?

1 A. Yes. I would defer to legal. That's
2 more a legal question.

3 A different application with this
4 plan, but this plan had items that didn't
5 explicitly meet the code, like our current plan
6 explicitly meets the code.

7 MR. MARLIER: I have no further
8 questions.

9 MR. NELSON: So it's my understanding
10 that the neighbor parties have already had
11 cross-examination; correct?

12 MR. BROSEMAN: Yes.

13 MR. NELSON: So the only body that
14 hasn't had their chance is our board
15 members.

16 MR. BROSEMAN: I believe the board
17 also did.

18 MR. MARLIER: And I think Mr. Rice did
19 say that there could be potentially cross
20 from the neighbors, additional cross. That
21 was my --

22 MR. BROSEMAN: There was very
23 extensive cross by the neighbors and the
24 board, so I would object to further cross.

1 Mr. Marlier, the township's attorney,
2 has been cross-examining Mr. Lambert, I
3 think we took a ten-minute break, but he
4 started in on Mr. Lambert at 6:30.

5 It's now 8:20, so almost two hours. I
6 would like to have some redirect.

7 MR. NELSON: Okay. Just one second,
8 please.

9 - - -

10 (Discussion off the record.)

11 - - -

12 MR. NELSON: I think what we're going
13 to do is, based on John's statement at the
14 last hearing, that the neighbors would have
15 another chance, but only on issues raised
16 during this cross-examination.

17 So we're not allowing -- this is
18 directed to the neighbors. You can't just
19 go far off the field.

20 You can ask questions and follow up
21 what the township asked, but not something,
22 not a new area.

23 So that being said, and recognizing
24 how long it's been going on, I will go

1 through the list.

2 If you could please then come up to
3 the microphone, if you have a question, and
4 ask it, we'd appreciate it.

5 MR. MARLIER: Mr. Nelson?

6 MR. NELSON: Yes?

7 MR. MARLIER: I am so sorry.

8 MR. NELSON: Yes?

9 MR. MARLIER: Can I please have a
10 five-minute break to go to the restroom,
11 please?

12 THE PRESIDENT: Yes.

13 MR. MARLIER: Thank you so much.

14 THE PRESIDENT: We'll take five
15 minutes.

16 - - -

17 (Recess taken.)

18 - - -

19 THE PRESIDENT: All right. We're
20 ready to start again.

21 - - -

22 CROSS EXAMINATION

23 - - -

24 MR. NELSON: Ms. Levy?

1 MS. LEVY: Amber Atwood Levy, Radnor
2 Conservancy. I just wanted to circle back
3 to our kind of quick conversation on
4 natural stormwater management.

5 Are you aware of the amount of
6 stormwater that mature trees capture?

7 Because you said on the site, there
8 wasn't currently -- you weren't aware of
9 any stormwater management that was
10 currently occurring.

11 THE WITNESS: What I said was no
12 structured stormwater.

13 We had about two acres of impervious
14 that are all direct runoff, and there are
15 mature trees on the site.

16 There are a lot of declining trees on
17 the site. That's the answer.

18 MS. LEVY: Right. But I believe that
19 you said that you wouldn't refer to
20 vegetation on the site as stormwater
21 management, and I just wanted to address
22 that, because deciduous trees, and this is
23 available on a lot of places --

24 MR. BROSEMAN: I'm going to object.

1 This isn't a question. This is a
2 statement.

3 MS. LEVY: This is a question. The
4 question was, are you aware that trees can
5 capture five hundred to seven hundred
6 gallons of water a year and that large
7 evergreens or conifers can capture two to
8 three times that amount, because I think
9 that that qualifies as a natural stormwater
10 management --

11 MR. NELSON: Ms. Levy?

12 MS. LEVY: Yes?

13 MR. NELSON: You asked a perfect
14 question.

15 MS. LEVY: Yes.

16 MR. NELSON: You stop. So let him
17 answer that question that you asked him.

18 MS. LEVY: Okay.

19 MR. NELSON: Are you aware of trees
20 capturing that much stormwater?

21 THE WITNESS: Can you define what you
22 mean by "capture"?

23 MS. LEVY: Yes. No problem. So they
24 can absorb that. They slow that rate.

1 They capture that, functioning very
2 much as an engineered stormwater management
3 system would.

4 THE WITNESS: So when you refer to
5 "capture" in that context, I believe you're
6 referring to like the tree actually
7 absorbing that water from the soil and
8 uptaking it into the tree?

9 MS. LEVY: That is actually -- during
10 the summer, trees transpire 80 to a hundred
11 gallons of water a day, and that's
12 transpiration. That's not actually what I
13 was referring to.

14 THE WITNESS: So when you're saying
15 "capture," are you saying from the surface
16 of the tree?

17 MS. LEVY: Um-hum. Yes.

18 THE WITNESS: So during a rainfall
19 then, you get attachment of water to that
20 tree surface. Is that what you're --

21 MS. LEVY: There is the attachment of
22 water to the tree surface, but also the
23 tree bark is, grows in such a way to
24 channel the rain water down --

1 MR. BROSEMAN: Again, we have no
2 question. We're getting a speech.

3 MS. LEVY: I am replying to his
4 question.

5 MR. NELSON: Mr. Lambert was asking a
6 question. She's answering it. So let's go
7 on, but see if we can circle this back
8 around to questions, please.

9 MS. LEVY: So I should or should not
10 answer?

11 MR. BROSEMAN: Rob, if you don't know
12 the answer, it's okay.

13 MR. NELSON: He's attempting to figure
14 out what you mean by "capture."

15 MS. LEVY: Yes. So the trees, the
16 rainfall --

17 MR. NELSON: So if you can circle it
18 back around to explain better what you mean
19 by "capture," that would be perfect.

20 MS. LEVY: No problem. The rainfall
21 is directed to the roots of the tree and
22 absorbed by the tree roots.

23 THE WITNESS: The runoff coefficients
24 take that into account when we do our

1 pre-model.

2 MS. LEVY: Take into account?

3 THE WITNESS: Into account the site
4 conditions, whether it's impervious,
5 meadow, a woodland. I don't think this has
6 been qualified as a woodland.

7 MS. LEVY: Okay. Well, I assume you
8 know the definition of woodland, because
9 before you had said that --

10 THE WITNESS: We have a wooded area,
11 right? Again, I'm using the stormwater,
12 looking at a, for the runoff coefficients
13 for the model.

14 The township wants us to use the
15 preceding conditions as "meadow," and
16 that's what we used as the requirement.

17 The -- I believe your questions really
18 related to, you know, individual tree. No,
19 I did not take into account an individual
20 tree in that calculation.

21 MS. LEVY: Trees, right, because
22 there's quite a few. So considering the
23 amount of large canopy trees that are on
24 this property and functioning and in this

1 stormwater mitigation way, don't you think
2 it would better serve our community, as far
3 as much of those large canopy trees as
4 possible to be preserved, and not just rely
5 on engineered stormwater management,
6 because we can couple those two and have
7 better for the flooding that is happening
8 in our community if we rely on --

9 MR. NELSON: Ms. Levy?

10 MS. LEVY: Yes?

11 MR. NELSON: Once again, you're asking
12 for --

13 MS. LEVY: Sorry. Sorry. Sorry.
14 Yes?

15 MR. NELSON: Your question is, why
16 can't you preserve more trees. Let him
17 answer that question.

18 MS. LEVY: Sorry.

19 MR. NELSON: So why don't you let him
20 answer that?

21 THE WITNESS: What was the question?

22 MS. LEVY: Sorry. The question was,
23 given the benefits of trees and the
24 challenges our community is facing from

1 flooding, would it better serve our
2 community to preserve as much large canopy
3 as possible and not just rely on engineered
4 stormwater management?

5 THE WITNESS: There is a portion of
6 the canopy which is being preserved as part
7 of this, and we're supplementing that
8 obviously with the proposed stormwater
9 management we talked about occurring.

10 MS. LEVY: Got it. Do engineered
11 stormwater mitigation systems provide any
12 type of pollution filtration?

13 THE WITNESS: There will be some best
14 management practice with, you know, either
15 vegetation-increased swale before the inlet
16 to provide water quality.

17 We also have the infiltration
18 components, getting the water back into the
19 ground.

20 MS. LEVY: And is that as much as the
21 trees that are there currently provide?

22 THE WITNESS: I have not done that
23 calculation.

24 MS. LEVY: Okay. And are you aware

1 that the site will not -- is situated less
2 than a mile from Gulph Creek and a mile
3 from Little Darby Creek?

4 THE WITNESS: I don't know the exact
5 dimensions, but they're generally in the
6 area, yes.

7 MS. LEVY: All right. Thank you.

8 MR. NELSON: Thank you very much.
9 Okay. And I apologize. I'm not great at
10 pronouncing names.

11 Mr. Chawla, C-H-A-W-L-A?

12 - - -

13 (No response.)

14 - - -

15 MR. NELSON: Okay. Mr. Clemente?

16 MR. CLEMENTE: No questions.

17 MR. NELSON: Thank you, sir.

18 Mr. Curley?

19 - - -

20 (No response.)

21 - - -

22 MR. NELSON: Not here.

23 Mr. Gaeto?

24 - - -

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(No response.)

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MR. NELSON: Not here.

Mr. Hansen?

MS. HANSEN: No questions.

MR. NELSON: Thank you.

Mr. Holloway?

MR. HOLLOWAY: No questions.

MR. NELSON: Thank you.

Mr. Hymel?

- - -

(No response.)

- - -

MR. NELSON: Ms. Lafarge?

- - -

(No response.)

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MR. NELSON: Ms. Mahoney?

MS. MAHONEY: No questions. Thank
you.

MR. NELSON: Thank you.

Ms. Pechet, P-E-C-H-E-T?

- - -

(No response.)

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MR. NELSON: Not here.

Ms. Ruschmann?

- - -

(No response.)

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MR. NELSON: Ms. Sareen?

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(No response.)

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MR. NELSON: Mr. Satterfield?

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(No response.)

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MR. NELSON: Mr. Scheri?

MR. SCHERI: Yes. Steve Scheri, 9
Grant Lane, Radnor. Just a couple
questions, Mr. Lambert.

If we can go, I think you've seen this
sheet enough, you're fully aware of it,
A-12, four, the original, just a simple
question. I know you know the answer.

THE WITNESS: Go ahead.

MR. SCHERI: On that, you said that

1 there's a 25-foot buffer with a five-foot
2 extra inclusion to meet code, for a total
3 of 30 feet from the property lines on Grant
4 Lane to the nearest townhome; is that
5 right?

6 THE WITNESS: Correct.

7 MR. SCHERI: Okay. Looking at, what
8 are we calling this one, A-4 A, what is the
9 distance from the property line on Grant
10 Lane to the homes?

11 THE WITNESS: About 85 feet to the
12 property line.

13 MR. SCHERI: Eighty-five feet. Thank
14 you. Using A-4 A, is there additional
15 stormwater management on this plan along
16 the Grant Lane compared to A-12 A, which is
17 relying on natural slope?

18 THE WITNESS: Yes. There's a
19 stormwater system behind units 15 through
20 18.

21 MR. SCHERI: Concerning the, whatever
22 we're calling the left road, I think that's
23 Road B?

24 THE WITNESS: It's not labeled on

1 there, but, yes, the road to the left.

2 MR. SCHERI: The one to the left.
3 Drive -- sorry -- street, road, drive.

4 In this plan in comparison to A-12,
5 four, is the entrance further up Strafford
6 than it was on the previous one?

7 THE WITNESS: Yes.

8 MR. SCHERI: Again, looking at the
9 traffic, is there a stop sign at the corner
10 of Grant Lane and Strafford Avenue?

11 THE WITNESS: Yes.

12 MR. SCHERI: By moving this exit, does
13 it improve the sight line to the stop sign
14 on Strafford Avenue, in your opinion?

15 THE WITNESS: There's more straight of
16 way in that section, so the sight line will
17 be improved in its footage.

18 MR. SCHERI: In A-12, four, with the,
19 where the drive is proposed, do you have a
20 rough approximation of the distance from
21 that exit to the stop sign in car lengths?

22 THE WITNESS: I do not know that
23 number.

24 MR. SCHERI: Would it be fair to say

1 about two car lengths, two to three?

2 THE WITNESS: From drive -- let me
3 make sure I'm understanding your question.

4 From the westernmost drive on A-12,
5 sheet four, to the stop sign at Grant?

6 MR. SCHERI: Correct.

7 THE WITNESS: It appears that there
8 would be at least ten car lengths between
9 the stop sign and Drive A.

10 MR. SCHERI: That's a little
11 overstated, but --

12 THE WITNESS: The 30 feet between the
13 property -- I'll tell you how --
14 approximately there's 30 feet between the
15 property line and the rear of unit 20.

16 Unit 20 is 56 feet deep, so that's 86.
17 The driveway is 20, so I have 106. The
18 sidewalk is five, so I have about 110.

19 And it looks like the, Mary Ann
20 Mahoney's property is of a similar depth.
21 A car lane, using the township parking
22 standard, is 20 feet.

23 So we have kind of five to six on her
24 side -- five to six on our side and five to

1 six on the other side of our property.

2 MR. SCHERI: Okay. Thank you. Just
3 one last question concerning A-4 A.

4 With the 85 feet, for lack of a better
5 word, setback, would that allow for more
6 mature trees to be put in to improve the
7 sight lines for those living on Grant Lane
8 so that the homes that you are proposing to
9 build would be less visible?

10 THE WITNESS: There would be more
11 landscaping there. The maturity of the
12 tree may not change.

13 MR. SCHERI: But you would have more
14 room to put in larger trees; correct?

15 THE WITNESS: You will have more room
16 between the property line.

17 MR. SCHERI: Thank you.

18 MR. NELSON: Ms. Scheri?

19 MS. SCHERI: No questions.

20 MR. NELSON: Mr. Schuda?

21 MR. SCHUDA: Joe Schuda, 14 Forrest
22 Lane. A couple questions for Mr. Lambert.

23 First I wanted to ask regarding I
24 believe it's Drive B. I can't make it out.

1 The one closest to -- oh, thank you.

2 THE WITNESS: There you go.

3 MR. SCHUDA: Drive B, you testified in
4 your testimony that Drive B, that radius on
5 that turn could accommodate certain
6 vehicles; is that correct?

7 THE WITNESS: Yes.

8 MR. SCHUDA: Would it possibly
9 accommodate standard tractor trailers,
10 53 feet, to be exact, in length with a
11 trailer?

12 THE WITNESS: I believe we looked at
13 a WB-40 tractor trailer, and that moves
14 through there.

15 MR. SCHUDA: I'm sorry?

16 THE WITNESS: We looked at a WB-40
17 tractor trailer, which was able to maneuver
18 through there.

19 MR. SCHUDA: So it could. Great. You
20 also testified regarding the stormwater
21 system, that the HOA would have maintenance
22 responsibility once the system is installed
23 and the HOA has been charged with the
24 facilities?

1 THE WITNESS: Yes.

2 MR. SCHUDA: In that circumstance,
3 would that -- and this may not be a
4 question for Mr. Lambert, so I'm not sure
5 if I'm going to be able to pose it.

6 But will that HOA responsibility be
7 spelled out in the sell plan for these
8 homes, do you know?

9 THE WITNESS: I believe, as part of
10 our NPDES permit, there will be a document
11 recorded.

12 And it's my understanding, and I'm not
13 an attorney, that recorded documents become
14 of record to the property when it's sold.

15 MR. SCHUDA: Thank you. And with
16 respect to the stormwater system itself,
17 any water -- all water, runoff water, is
18 going to be collected by the system; is
19 that correct?

20 THE WITNESS: I don't like to use the
21 word "all," but a large majority of the
22 water will be collected, yes.

23 MR. SCHUDA: So will any of that water
24 be subject to absorption by normal ground?

1 If it doesn't all go into the
2 retention system, will it go into
3 groundwater?

4 THE WITNESS: Yes. And we have both
5 the infiltration components of the
6 stormwater systems, which will potentially
7 put it back in the groundwater, but we also
8 have the, all the area shown in green on
9 A-12, four, are really landscaped areas.

10 So that water will, again, the water
11 from the sky will go into the landscaped
12 area.

13 MR. SCHUDA: So do you have an idea
14 about approximately how much water will go
15 into the actual Forrest Lane percentage
16 wise?

17 Would 50 percent go into Forrest Lane,
18 and the rest would be absorbed by the
19 normal percolation?

20 THE WITNESS: I'm not sure what we're
21 taking a percentage of. Tell me, what are
22 we comparing it to?

23 MR. SCHUDA: Well, currently there is
24 no system, so whatever flows or whatever

1 rain accumulates --

2 THE WITNESS: So we're reducing the
3 rates running off from --- the systems
4 provide a reduction in the rates.

5 I can go back over the numbers if
6 you'd like, but we had both the
7 post-development condition using the
8 township standards.

9 We had provided, I believe, A-15,
10 which was, the question you posed to me is,
11 what happens in actual conditions, not in
12 this made-up condition of a meadow, but
13 what happens today versus what happens in
14 the future, and that shows a drastic
15 reduction in the amount of runoff.

16 MR. SCHUDA: Okay. And that's it.
17 Thank you.

18 THE WITNESS: Thank you.

19 MR. NELSON: Thank you. Ms. Silver?

20 - - -

21 (No response.)

22 - - -

23 MR. NELSON: Mr. Szary?

24 MR. SZARY: Gregory Szary, 6 Forrest

1 Lane.

2 Regarding the stormwater management
3 system, can you tell us, you used the term
4 "outflow."

5 Can you tell us what the difference is
6 between "outflow" and "overflow" regarding
7 the stormwater management?

8 THE WITNESS: So the outflow is a,
9 there's an outlet structure, which will
10 have various orifices, holes, in that
11 structure to allow water out at a metered
12 rate.

13 MR. SZARY: And is it related in some
14 way to overflow?

15 THE WITNESS: So I believe when we
16 were discussing "overflow," there was a
17 question about having an extreme storm
18 event, right?

19 If you have a storm event that exceeds
20 any township requirement, again just for
21 the record, that you get this 500,
22 thousand-year storm, where would the water
23 go and would the systems overflow, I point
24 out that if we did not put any of these

1 systems in, we would have all kind of
2 runoff running downhill.

3 Right now with these systems, we will
4 have some collection, some control of those
5 extreme events, and then after the systems
6 reach their capacity, in this fictitious
7 storm, that water will, after we've filled
8 up the whole system, where does the water
9 go, and my answer is that that water will
10 run downhill.

11 MR. SZARY: Okay. So an overflow
12 might be construed as surface water and
13 outflow would be construed as water below
14 grade?

15 THE WITNESS: I'd say controlled,
16 right? So if you have outflow, you know,
17 our outlets are controlled, and in this
18 instance, it's controlling the volume, yes.

19 MR. SZARY: Okay. Thank you. Did you
20 state that a study of the existing storm
21 sewer that you were going to be connecting
22 to was not performed?

23 And what I'm talking about is the
24 storm sewer in Forrest Lane.

1 THE WITNESS: Correct. I said that,
2 my testimony was that we have not studied
3 the PennDOT, Tredyffrin Township, and
4 Radnor Township sewer lines for that
5 system, and as you're aware, that system is
6 connected to all of this.

7 MR. SZARY: Okay. And are you aware
8 of the history with flooding that has
9 occurred on Forrest Lane and Grant Lane?

10 THE WITNESS: It has been relayed to
11 me. I do not know all of the specifics of
12 it, but some of the flooding has been
13 relayed to me, yes.

14 MR. SZARY: So you're saying that
15 you're designing a stormwater management
16 system which ties into a municipal storm
17 sewer system, and you have no idea whether
18 it can manage that outflow or not?

19 THE WITNESS: My testimony is, was
20 that the proposed stormwater on this site
21 reduces the amount of runoff reaching that
22 current municipal system.

23 MR. SZARY: That's not my question.
24 My question is, you're designing a storm

1 sewer system that's connecting to a
2 municipal storm sewer system, and you don't
3 know if that system can handle the outflow
4 of your stormwater system?

5 THE WITNESS: So I'm going to -- I
6 have the same answer. My answer is that we
7 have less water getting there post-
8 development than we do pre-development.

9 MR. SZARY: That's commendable.
10 However, the water that does leave the
11 site, you have no idea whether the storm
12 sewer you're connecting to can conduct that
13 water away?

14 THE WITNESS: So we have a pre-
15 development condition where all of this
16 water gets to that location, to that same
17 collection system.

18 We have -- we are reducing the amount
19 of water getting to that collection system.

20 MR. SZARY: Again, that's still not
21 answering my question.

22 MR. NELSON: Could you try to rephrase
23 your question to get the answer, you know,
24 get a response you're looking for?

1 MR. SZARY: All right. The system
2 that you're designing has an outflow, and a
3 certain amount of water exits that outflow;
4 correct?

5 THE WITNESS: Correct.

6 MR. SZARY: Is that calculable?

7 THE WITNESS: Yes.

8 MR. SZARY: Is it calculable to know
9 whether the storm sewer system you're
10 connecting to in Forrest Lane can handle
11 that outflow?

12 THE WITNESS: So there's two pieces of
13 a question there. One would be, what do
14 you mean by "handle"?

15 And the second would be that that
16 stormwater is part of a much larger network
17 of pipes.

18 MR. NELSON: Mr. Lambert, have you
19 done any study or measurement of the
20 capacity of the storm sewer system that you
21 will be connecting to?

22 THE WITNESS: I believe I testified
23 that we have not done a study of the
24 PennDOT, Tredyffrin, and Radnor sewer

1 system.

2 MR. NELSON: So since you have not
3 done the study, you're assuming, based on
4 the fact that you feel your system is going
5 to provide, less water is going to end up
6 going to the system than currently goes to
7 the system, ergo, the system has the
8 capacity?

9 THE WITNESS: I'm saying that our site
10 has an existing volume and a rate of runoff
11 that leaves it during a hundred-year storm
12 event, and our calculations show from
13 actual conditions, again, I'm making that
14 code distinction, from actual conditions is
15 we're reducing probably about 50 percent
16 for a hundred-year storm.

17 So we're cutting our rate of runoff
18 during an extreme storm event basically in
19 half.

20 MR. NELSON: And do you know
21 currently, in actual conditions, can the
22 municipal system handle a hundred-year
23 storm?

24 THE WITNESS: I have not done a study

1 of the PennDOT, Tredyffrin, and Radnor
2 sewer system.

3 MR. NELSON: Yeah, and I recognize
4 that. But do you have any information that
5 the system currently overflows during large
6 storm events such as a hundred-year storm?

7 THE WITNESS: I do not know what storm
8 event it overflows in.

9 MR. NELSON: Do you know if it
10 overflows, if it has overflowed in any
11 storm event in the last ten years?

12 THE WITNESS: I believe it has. And
13 some of those storm events may not be
14 classified as a hundred-year storm, but
15 it's really about the rate that the water's
16 coming down.

17 MR. NELSON: The speed that it's
18 entering the system?

19 THE WITNESS: The speed that it's
20 entering the system.

21 MR. NELSON: Does that address your
22 concern, sir?

23 MR. SZARY: Yes, it does. Thank you
24 very much. I have just a couple more

1 questions, and it's relative to the
2 testimony you had just given in response to
3 cross-exam by the very first individual.

4 You had mentioned that there are a
5 percentage of trees that are going to be
6 retained on the site. Do you know what
7 that percentage is?

8 THE WITNESS: I don't have the
9 percentage of trees.

10 MR. SZARY: I'm sorry?

11 THE WITNESS: I do not have the
12 percentage of trees.

13 MR. SZARY: Okay. Are you aware that
14 the demolition plan marked A-4 shows
15 approximately 381 trees on the site?

16 THE WITNESS: I do not have that
17 number.

18 MR. SZARY: Are you aware that the
19 demolition plan shows 254 of those trees
20 are going to be removed from the site?

21 THE WITNESS: I did not do the
22 calculation.

23 MR. SZARY: Okay. Do you realize that
24 that's approximately two-thirds of all the

1 trees on the site?

2 THE WITNESS: If these two numbers
3 come out to two-thirds, I suspect that's
4 what the number is.

5 MR. SZARY: Okay. I understand --
6 well, that's getting out of your testimony.
7 I'm sorry. I think that's all I have at
8 this point.

9 MR. NELSON: Thank you very much, sir.

10 MR. SZARY: Thank you.

11 THE WITNESS: Thank you.

12 MR. NELSON: Mr. Willis?

13 MR. WILLIS: No questions.

14 MR. NELSON: Mrs. Willis?

15 - - -

16 (No response.)

17 - - -

18 MR. NELSON: And last, Ms. Lutz?

19 - - -

20 (No response.)

21 - - -

22 MR. NELSON: Okay. Mr. Broseman, you
23 said you had some redirect?

24 MR. BROSEMAN: Yes. Would I be able

1 to borrow your mic, Noah? Thank you.

2 So Mr. Lambert has been testifying, I
3 think, for three hearings, cross-examined
4 by a lot of those, so my notes go back
5 through all of those.

6 So I might be asking something that
7 didn't occur tonight, but it was a question
8 he was asked on cross-examination at
9 another time.

10 MR. NELSON: Understood.

11 MR. BROSEMAN: So I just wanted to
12 explain that, but I've been keeping notes
13 all this time.

14 - - -

15 REDIRECT EXAMINATION

16 - - -

17 BY MR. BROSEMAN:

18 Q. Mr. Lambert, at the very beginning
19 when you were being qualified and accepted as a
20 witness, the township's attorney, Mr. Marlier,
21 asked you about projects that you had in Radnor
22 Township that involved properties over seven
23 acres, and I think your response was there
24 weren't many properties that big.

1 But did you think of any additional
2 properties in Radnor that you've worked on that
3 have been over seven acres since that time?

4 A. Yes. I think we talked about Cabrini
5 University, I've done work there for many years;
6 Eastern University.

7 There's the Valley Forge, formerly
8 Valley Forge Military parking lot, which is now
9 18 residential homes on 24 acres, I believe it
10 was, around 20 acres, 22 acres.

11 Across the street from Valley Forge
12 Military Academy we did the Oak Hill project,
13 it's a senior living for 300 residents on
14 24 acres, just to kind of name a few right there
15 in that same circle.

16 Q. And those senior dwellings, they
17 included quite a few independent living dwelling
18 units; correct?

19 A. Yes, that is correct.

20 Q. I think Mr. Marlier also asked if you
21 had projects with over 30 dwelling units.
22 Obviously, you just mentioned Oak Hill was 300.

23 Have you done other projects with over
24 30 dwelling units at other locations?

1 A. Yes, or close to that. There's some
2 mixed-use projects we're currently working on in
3 the township that are currently over that number.

4 Outside the township, there's many.
5 We've done other mixed-use projects with a
6 hundred, 150 units. We've done townhouse
7 developments with 123 units.

8 So we're familiar with the larger
9 developments. His questions were specific, I
10 think, to Radnor.

11 Radnor didn't have that many projects
12 in my tenure that were over that number.

13 Q. I believe it was Mr. Rice, when he was
14 cross-examining you at a prior hearing, asked you
15 a question with the implication that, I think his
16 words were, would the entire site be bulldozed.

17 Can you address that?

18 MR. MARLIER: I would just object to
19 the characterization of cross-examination.

20 Mr. Rice asked two or three questions
21 the entire time, in my opinion, just to
22 simply clarify or get a little more
23 information.

24 MR. NELSON: So noted. Thank you.

1 MR. BROSEMAN: It's been more than
2 that.

3 THE WITNESS: So I'll use Exhibit
4 A-12, sheet five. There was a question
5 about earth moving, and I think it was a
6 multipart question.

7 The area that's shown actually with a
8 solid line with double dashes is one of
9 those disturbance lines.

10 And you can see, there's actually
11 about an acre in the middle of the site
12 that really remains undisturbed.

13 From a development standpoint, there
14 is about a quarter acre that's close to
15 Eagle and Strafford. Again, that remains.

16 And then there's an area along Grant,
17 a smaller area that is outside of that area
18 of disturbance.

19 So, you know, we have about an acre
20 and a quarter, a little over an acre and a
21 quarter that's undisturbed.

22 BY MR. BROSEMAN:

23 Q. So it would not be accurate to say the
24 entire site would be bulldozed?

1 A. That's correct.

2 Q. And if a similar townhouse plan would
3 be prepared, would this have any greater amount
4 of disturbance or earth moving than a typical
5 townhome plan for this development?

6 A. No, it would not.

7 Q. In your opinion, would a non-density
8 modification single-family development plan even
9 have more disturbance than a plan like this?

10 A. Yes. A single-family plan likely
11 would disturb the entire site, as you wouldn't
12 have the open space areas, so you would be
13 building individual homes likely in that area.

14 Q. I think one of Mr. Rice's questions
15 was, and maybe Mr. Marlier cleared it up, so I
16 don't want to be repetitive, but Mr. Rice was
17 asking if all the drives were a minimum of
18 19 feet by 20.

19 I believe you clarified that tonight.
20 Is it accurate to say that all drives are a
21 minimum of 19 feet by 20 feet?

22 A. Yes, there are minimums of 19 by 20.

23 Q. And many are bigger?

24 A. Yes.

1 Q. In your -- strike that. You were
2 asked about the fire truck that you used and if
3 you met at this stage with the fire marshal.

4 In the conditional use standards for a
5 density-modification development, is there a
6 requirement to review the plans with the fire
7 marshal?

8 A. No, there's not.

9 Q. You mentioned you've done a lot of
10 other projects in Radnor that went through land
11 development and permitting.

12 Did you have occasion to review those
13 plans with the township fire marshal?

14 A. Much later in the process. It
15 wouldn't be during the conditional use -- it
16 wasn't during the conditional use phase.

17 Q. And when you did that, were you given
18 guidance as to what size fire truck to use?

19 A. Yes. And that's the same fire truck
20 that we've used on this application.

21 Q. Mr. Rice, in one of his questions,
22 asked you about the single-family plan that we
23 had submitted, I believe it was just a concept,
24 because the question had come up when Mr. Rice

1 was questioning Mr. Houder. I think that was at
2 exhibit --

3 A. A-16?

4 Q. Correct, A-16. That was a concept.
5 Mr. Rice asked you, did you know if driveways
6 would be permitted on Eagle Road.

7 Are you aware of the development just
8 across the street that was originally the
9 property at 205 Strafford?

10 A. Yes, I am.

11 Q. And was that approved by the township?

12 A. Yes, it was.

13 Q. And were there new homes built there
14 with driveways to Eagle Road?

15 A. Yes. They had direct access to Eagle
16 Road.

17 Q. And that was approved by the township?

18 A. Yes.

19 Q. The issue came up during several
20 questions from several people about whether, it
21 came up again tonight, whether the project should
22 have internal streets under the township
23 subdivision and land development ordinance for
24 standards for streets, and you gave your opinion

1 as to why you believe that didn't apply, and
2 those opinions were also in the response letters
3 that we made part of the record?

4 A. Yes, they were.

5 Q. In addition to that, are you familiar
6 with numerous communities that are served by
7 common internal drives?

8 A. Yes.

9 Q. And can you describe some of those in
10 the area generally?

11 A. So after this came up, we started to
12 take a closer look at other developments in the
13 community and how they've been interpreted, just
14 to see what was, how they function today.

15 And we looked at a lot of them, the
16 one on the north side of Eagle, going up Eagle,
17 the north side of, the east side of the train
18 tracks. There was obviously, Villa Strafford we
19 talked about.

20 The ones we mentioned earlier tonight
21 during, the beginning of cross-examination down
22 kind of in the West Wayne area, and we started
23 looking at all of those driveways.

24 And, you know, all of the sites we

1 looked at did not -- they weren't streets, right?
2 They don't meet the street requirements.

3 They didn't have the width. They
4 didn't have a proper turnaround at the end,
5 right? They didn't have a cul-de-sac bulb.

6 They didn't have the right geometry as
7 far as centerline geometry.

8 So none of the ones that we saw would
9 actually meet the street requirements out of any
10 of the developments that we looked at.

11 So going back to that is, the code, I
12 think, was pretty clear that -- I can pull up the
13 section.

14 I believe it was 255-40 was for the
15 multifamily, the multifamily attached dwelling
16 residential development.

17 Seeing all of the properties that had
18 varied issues, and they all seemed to have
19 driveways, they did not have access that would be
20 qualified as a street, that 255-40 made a lot of
21 sense.

22 I know there was questions early on
23 about the ordinance section and how that would
24 apply, but that really started to make sense,

1 that the township has looked at it as a driveway
2 with access and circulation, you know, the plan
3 for convenient circulation suitable for traffic
4 needs, et cetera, in the 255-40 section.

5 Q. And I would like you to put up on the
6 screen Exhibit A-25.

7 - - -

8 (Applicant's Exhibit A-25 was marked
9 for identification.)

10 - - -

11 BY MR. BROSEMAN:

12 Q. Is this a summary of some of the
13 properties you looked at?

14 A. Yes. This is --

15 MR. MARLIER: I would object to any
16 documents being brought in at this time.
17 They had a chance. They had their direct
18 examination. We're past that point.

19 MR. BROSEMAN: If I could respond,
20 this was an issue that was brought up about
21 streets, and we should have an opportunity
22 to present evidence as to how similar
23 communities, which Mr. Marlier himself
24 brought up at the very beginning of the

1 testimony this evening, he asked about
2 these specific communities, and we should
3 be permitted the opportunity to put this
4 evidence forward.

5 MR. NELSON: The objection is
6 overruled.

7 THE WITNESS: So this is just a
8 couple. I said I looked at a lot of them.
9 So this was Villa Strafford.

10 These are arranged in kind of a first
11 sheet of summary, a few pictures. I'll go
12 quickly through them.

13 BY MR. BROSEMAN:

14 Q. There are page numbers so, for the
15 record, they're little, on the bottom, if you
16 could refer to those.

17 A. Yes. So we have Exhibit A-25, sheet
18 one. So this is Villa Strafford, 115 Strafford
19 Avenue, just some general property comments.

20 It's an R-4 density-modification
21 development with 11 townhouse units, and it's on
22 a 2.1-acre site.

23 There's three common driveways, and
24 this question has come up a couple times during

1 the initial testimony, are, you know, how do you
2 end up naming them, right?

3 So this is a perfect example, Villa
4 Strafford Lane, Madison Lane, and Lincoln Lane.
5 So there's actually three lanes, even though it's
6 part of a private HOA. The lanes are all named
7 in there.

8 The driveway widths are 22 feet, so it
9 would be substandard for a street, but it meets
10 the drive -- actually, I think it's less than
11 some of the driveway requirements, and the
12 sidewalk on one side.

13 The units have individual addresses on
14 their driveway, and they kind of have a common
15 mailbox. Going to sheet two --

16 Q. Before you leave that, there is a
17 sidewalk on one side of Villa Strafford, and you
18 can show this in the photo, so I won't belabor
19 it, but not on the other drives; correct?

20 A. Correct.

21 Q. And I think Mr. Rice and maybe some
22 others asked, and we explained this would happen
23 later in the process, but how do you get an
24 address on a driveway?

1 Do you recall there is a person that
2 the township has granted party status to, her
3 name is on the list here that Mr. Rice gave me,
4 Jennifer Pechet, P-E-C-H-E-T.

5 She's spoken here, and she lives at
6 Villa Strafford. The address on Mr. Rice's list
7 is 3 Madison Lane. Do you remember her speaking?

8 A. I do.

9 Q. So she has an address for her unit on
10 the driveway that's called Madison Lane; correct?

11 A. That is correct.

12 Q. Okay. Keep going.

13 A. This is an aerial photograph.

14 Q. Page two?

15 A. On page two. You can see the bottom
16 of the page is Lancaster Avenue. There are four
17 buildings that are perpendicular to Lancaster
18 Avenue.

19 You can see that you have Villa
20 Strafford Lane labeled, Villa Strafford Lane
21 going into the site, and then you have Madison
22 Lane and I think it's Lincoln Lane that are
23 perpendicular or roughly perpendicular to Villa
24 Strafford Lane.

1 So the resident we just talked to
2 lived in the first set of buildings there, and
3 it's Madison Lane.

4 If I go to sheet three, this is a,
5 kind of an inset of the record plan. This shows
6 the driveway entering the site, the main drive.
7 You have the two other driveways.

8 As Mr. Broseman pointed out, there is
9 a sidewalk along one side of the main drive going
10 into the site.

11 The driveway between the units, really
12 accessing the units, does not have any sidewalks
13 entering there, so there's no sidewalk on either
14 side of that.

15 This property, I'd just point out, is,
16 as I look at it, kind of the standards of street
17 that we talked about was, does it have a
18 cul-de-sac? No, it does not have a cul-de-sac.

19 Does it have the appropriate width?
20 No, it does not have the appropriate width. Does
21 it have the right-of-way? No, it won't have a
22 50-foot right-of-way.

23 So there's lots of requirements that
24 would say that if it was a street, that this

1 would have to have, and this has none of them.

2 This is just a picture and sign
3 showing a picture of the site showing the street
4 signs.

5 Q. Page four?

6 A. Page four. It has a -- you can see
7 the back side of the stop sign there.

8 There was a question about what
9 happens when you have private driveways with any
10 traffic control signage.

11 There was a question about that at a
12 previous hearing, so this shows that it gets
13 installed.

14 Sheet five, this is a group mailbox at
15 Villa Strafford, so they have mail that goes on
16 location.

17 Again, that was a question from Mr.
18 Rice, how they get mail, and one of the
19 commissioners also asked that question.

20 The next development was 237 West
21 Wayne Avenue, the Jardin. I believe this was the
22 former Adelberger Florist site.

23 It's an R-5 residence district.
24 There's six townhouse units with an office

1 building in the front. It was built in about
2 2014.

3 There's a common driveway width of
4 20 feet, starting with a mailbox, which I'll
5 point out. There's no sidewalks along the common
6 drive, and you have common mailboxes.

7 Again, these were just trying to
8 address questions that came up during previous
9 meetings.

10 So I'm going to go to, I believe I'm
11 up to sheet seven of A-25.

12 So again, this is an aerial
13 photograph. West Wayne Avenue is on the bottom
14 going over to the left, over to about the middle
15 right.

16 Conestoga Road is going from the kind
17 of upper middle left to the middle bottom. You
18 can see there's a driveway access on West Wayne
19 Avenue.

20 The building that's closest to the
21 corner is an office building with associated
22 surface parking around it.

23 It has a 20-foot driveway going up the
24 side of the office building, and in between the

1 two buildings in the back there's a little pin
2 that says 237 West Wayne Avenue on one of the
3 buildings.

4 There is access to the garages of the
5 units with a driveway between them.

6 So sheet eight, this is the record
7 plan. Again, it shows the same layout, the same
8 orientation as the previous slide. It shows the
9 driveway.

10 One thing I would point out on this is
11 the geometry of this does not meet any street
12 standards.

13 It wouldn't be considered a street.
14 There's a turnaround. There's a curvature at the
15 end with kind of a zigzag. It does not meet any
16 of the standards. It's a dead end.

17 Slide nine, this is a photograph
18 looking in with my back toward West Wayne Avenue.
19 On the left-hand side, this is the office
20 building.

21 You can see the condos or townhouses
22 in the rear. This is looking down the common
23 driveway. You can see the mailboxes on the
24 left-hand side.

1 This is a picture, my back would now
2 be facing the office building, looking between
3 the two buildings.

4 So you have a townhouse building on
5 the right, and you have a townhouse building on
6 the left. You can see that they have kind of
7 small driveways leading to their garages.

8 There are some cars parked in those
9 areas, and then you have common parking down at
10 the end of the driveway.

11 Q. When you were there, Mr. Lambert, in
12 the photo on page ten, did you notice any trash
13 cans in the individual unit driveways?

14 A. Yes. At the time it was trash day.
15 There was some trash cans out.

16 Q. In front of the garages?

17 A. Yes. You can't really see it in this
18 picture, but they were up closer to the garage.

19 Sheet 11 is 123 Bloomingdale Avenue,
20 an R-5 residence district. There's five homes.

21 There's three townhome units and two
22 single-family homes. It was built around 2019.

23 The common driveway width is 21 feet.
24 There's a sidewalk on one side of that kind of

1 common driveway, and this one actually had
2 individual mailboxes for each unit.

3 Again, this is an aerial photograph,
4 sheet 12. It shows Bloomingdale, which is
5 labeled going left to right.

6 You can see roughly in the kind of
7 middle left is the actual site. You can see the
8 driveway going into a T configuration.

9 There's a larger townhouse building in
10 the rear with two single-family dwellings out
11 closer to Bloomingdale.

12 Sheet 13, this is a portion of the
13 record plan for the site, again showing the
14 driveway, the sidewalk on one side of the
15 driveway going into the site, and then the
16 driveway going back in between the front and back
17 buildings.

18 Sheet 14, this is a photograph from
19 Bloomingdale looking into the site. You can see
20 on the left and right are the individual
21 dwellings, single-family dwellings.

22 You'll see some townhouses in the
23 rear. You can see the driveway. There's a
24 sidewalk going up the right-hand side.

1 So Wicklow Court, which is sheet 15,
2 West Wayne Avenue. This is almost directly
3 across the street from Jardin site that we
4 referenced before.

5 This is an R-5 residence district,
6 eight townhome units built in 2013. There's a
7 common driveway width of 25 feet.

8 There are no sidewalks along the
9 common driveway, group mailbox, and the common
10 driveway has the name of Wicklow Court.

11 Sheet 16, the site is circled roughly
12 on the page. The right-hand side is Keith Martin
13 Electric, and there's a former restaurant at the
14 corner.

15 But you can see where Wicklow Court
16 is. There's three residential buildings.
17 There's a common parking area with garages
18 alongside.

19 Sheet 17, this is the record plan for
20 the Wicklow Court development, again showing the
21 configuration of the parking, driveway, and
22 units.

23 Sheet 18, this is a photograph of the
24 Wicklow Court development. You can actually see

1 a street sign on the left-hand side right at the
2 top there.

3 You can see the paver area. It's very
4 nice. This is a driveway accessing these units.
5 I don't know if you can see, but there's common
6 trash right out by the street there.

7 You can see common trash, and you see
8 the common mailbox on sheet 19.

9 Q. Now, did you also see some projects
10 with more units?

11 A. Yes. We could probably go on all
12 night going over the projects. But there's, a
13 little further from the site that we just talked
14 about across the street, it's Conestoga, I
15 believe, is Greythorne.

16 It has many more units. Again, the
17 geometry there, that one actually had a little
18 bit better circulation. It was a loop.

19 So it wasn't a dead end like many of
20 the ones we looked at, but the geometry of the
21 driveway would be nowhere near what a street
22 would be required.

23 You have grades and geometry, so it
24 wouldn't meet any of those requirements.

1 There's a larger development, I
2 believe it's Ironworks Way. Again, it's behind
3 the Land Rover dealer on Lancaster Avenue.

4 Again, it's a long dead end. There's
5 a driveway. It accesses the parking there.
6 Given that that's a little different
7 configuration of units, but it falls under the
8 same ordinance requirements.

9 And so that was a driveway access.
10 There's no turnaround, no cul-de-sac. The
11 driveway width is substandard also. So it
12 wouldn't be a street, I should say.

13 Q. And would it be accurate to say that
14 Greythorne Woods has 49 units? Does that --

15 A. I was going to guess around 50, but,
16 yes, 49, I'll go with that.

17 Q. And any idea how many in Pembroke
18 North?

19 A. I think it's somewhere around that
20 same number. I believe it's around 50.

21 Q. Now, can you compare generally the --
22 all of these access drives that you've seen when
23 you looked at all of these properties, would the
24 access drives, common access drives that are

1 proposed on this plan, Exhibit A-12, sheet four,
2 does this plan have advantages over those as far
3 as better circulation?

4 A. When you look at the ordinance
5 requirement of 255-40, there's two sections. C
6 is access and circulation and E is driveways.
7 And there's several sections that talk about the
8 convenient access.

9 And I believe that the proposed plan
10 on A-12, sheet four, is far superior to all of
11 the developments we talked about, with the ease
12 of access, convenience, and circulation through
13 the site.

14 We don't have a dead end. We have
15 kind of a U shape, whether it's for, it talks
16 about trash and service to the buildings.

17 We have a much better access and
18 service to this site and this configuration.

19 Q. And this common driveway on this
20 proposed plan is wider than all of those common
21 driveways?

22 A. Yes, it was.

23 Q. And there was no project you saw that
24 had sidewalks on both sides of the common

1 driveways?

2 A. That is correct.

3 Q. And some had none?

4 A. Some had none.

5 Q. And many of those had one driveway
6 access, only one driveway access to the adjoining
7 public street, and this plan has two; correct?

8 A. That is correct.

9 Q. In your opinion, is that better?

10 A. One correction. The development on
11 the east side of, it's not one that we went over
12 specifically, but the east side of the railroad
13 tracks on Eagle Road has a one-way access from
14 Eagle Road.

15 So you kind of have two, but that was
16 very substandard, so I'm not sure I would want to
17 compare that.

18 Q. Is it better generally for access,
19 emergency access, to have two driveways to the
20 public street as compared to one?

21 A. It would be superior, I think, from
22 the access, circulation, turning movements, all
23 of the above.

24 Q. Tonight Mr. Marlier was asking about

1 and calling it the Hamilton-1 plan, the prior --

2 MR. NELSON: Mr. Broseman, before you
3 get started, due to the lateness of the
4 hour, how much more do you have? Is this a
5 good time to break?

6 MR. BROSEMAN: I'd like to wrap up. I
7 maybe can do it in five minutes.

8 MR. NELSON: Okay.

9 MR. BROSEMAN: I would challenge
10 myself.

11 MR. NELSON: I won't hold you to that.
12 And I'm sorry to tell you, but you will be
13 recrossed by all of the parties. Sorry. I
14 didn't want you to get your hopes up.

15 BY MR. BROSEMAN:

16 Q. Mr. Lambert, Mr. Marlier was asking
17 you about differences between the Hamilton-1
18 plan.

19 You may not have touched this, but as
20 compared to the Hamilton-1 plan, does the plan at
21 Exhibit A-12 now have all the required common
22 open space as one contiguous area?

23 A. Yes, it does.

24 Q. And one of the reasons the prior board

1 denied the Hamilton-1 plan was they said that
2 only the area in the central they were going to
3 count, and they weren't going to count the other
4 areas; correct?

5 A. Yes, I believe that's correct.

6 Q. You were asked if the common open
7 space contained any floodplain or wetlands, and
8 you said no.

9 But to clarify the record, the entire
10 property has no floodplain or wetlands; is that
11 correct?

12 A. That is correct.

13 Q. In your experience, is it common for
14 stormwater management facilities to be underneath
15 common open space?

16 A. Yes, and active recreation, for that
17 matter, can go over stormwater management,
18 athletic fields.

19 Q. And even under, even if it's not
20 required common open space, under lawn areas?

21 A. Yes.

22 Q. How about under parking areas?

23 A. It's routinely designed under both
24 lawn or paved area.

1 Q. To clarify, you were asked about the
2 footprints of the units.

3 I think you said this, but just to
4 clarify, the brown areas on sheet four of Exhibit
5 A-12 shown as 36 by 56 feet, that's the maximum
6 size of the unit; correct?

7 A. That is correct.

8 Q. So they won't be any larger than that?

9 A. That is correct.

10 Q. And any decks or things of that nature
11 would be within that area?

12 A. Correct.

13 Q. And Code Section 280-135.C, which are
14 some of the general conditional use standards,
15 specifically says you don't have to have a final
16 architectural plan at the conditional use phase;
17 correct?

18 A. That is correct.

19 Q. You were asked about the distances of
20 units 16 through 20 to Grant Lane.

21 The units 16 through 20, the minimum
22 distance is 30 feet; correct?

23 A. That is correct.

24 Q. Some of the units, particularly 19 and

1 17, have a slightly greater setback because
2 that's where the facade varies?

3 A. Correct.

4 Q. And, of course, units 15, 14, and 13,
5 they are kind of in the general Grant Lane area,
6 but they have much greater setbacks from the
7 Grant Lane property line; correct?

8 A. Correct.

9 Q. Are there any conditional use
10 standards for density modification that govern
11 the distance between individual driveway units
12 for townhomes?

13 A. No, there's not.

14 Q. Density modification allows townhomes
15 to be up to six in a row; correct?

16 A. That is correct.

17 Q. And this plan only has one row with up
18 to six; is that right?

19 A. Yes.

20 Q. So by allowing units up to six, you
21 could have more driveways closer to one another
22 than are shown on all the other smaller building
23 types; correct?

24 A. Yes, and I point out, these are wide

1 units. If you get a narrower unit, the driveways
2 would be closer together.

3 Q. You were asked about things like
4 delivery vehicles and snow removal.

5 In your professional opinion, does
6 having this width of this driveway, which is
7 wider than the other driveways that you observed
8 in other attached or multifamily communities,
9 does that help address that issue practically as
10 well?

11 A. Yes.

12 Q. And how is that?

13 A. A wider driveway, if a vehicle -- we
14 all experience Amazon and UPS and everybody else
15 stopping along the edge.

16 This is a much wider driveway that
17 cars would be able to circulate around.

18 Q. Do the conditional use standards for
19 density modification require having a plan
20 showing ADA, Americans with Disabilities, access
21 requirements?

22 A. No, they do not.

23 Q. And that is typically handled at the
24 land development or permitting phase?

1 A. Yes.

2 Q. Is there a specific requirement in
3 the conditional use standards for a snow removal
4 area?

5 A. I don't believe in the standards, no.

6 Q. You were asked about crosswalks going
7 across the Drive A and Drive B.

8 Are there any conditional use code
9 requirements for that type of thing?

10 A. No, there is not.

11 Q. In your experience, is it typical for
12 people to walk across driveways when getting to
13 various features, whether they be open space,
14 municipal buildings, stores, things of that
15 nature?

16 A. Yes. And in a development this size,
17 I actually lived in a development that had
18 83 units, and we did not have any crosswalks.

19 And the decade that I lived there,
20 there was never a problem crossing the driveway.

21 Q. You were asked how many main houses
22 were on the property. I think you may have said
23 two.

24 But as I look at sheet two of A-12, I

1 think I see at least three main houses and other
2 structures?

3 A. My testimony was there were two
4 houses. There were other structures that had
5 dwellings associated with them. There's lots of
6 larger structures on the site.

7 Q. In your experience in doing many
8 developments over the years, is it common for
9 fire trucks to have to cross over lanes of either
10 streets or driveways when they're making their
11 turns?

12 A. Yes, very common.

13 Q. Even on public streets?

14 A. Yes.

15 Q. You mentioned you worked on a project
16 in Radnor with 300 units with one access to a
17 public street?

18 A. It was one main access, yes.

19 Q. One main access? Do conditional use
20 standards for density modification have
21 requirements for fire hydrants?

22 A. No, they do not.

23 Q. Are fire hydrants usually dealt with
24 at land development or permitting?

1 A. Yes.

2 Q. Are you aware of any code provisions
3 that would prohibit earth disturbance in a common
4 open space or otherwise if it was necessary to
5 maintain a stormwater management system?

6 A. No. The open space provision actually
7 provides for up to ten percent to remove
8 stormwater, so I believe it also acknowledges
9 that you have to maintain said stormwater.

10 Q. You were asked about specifics about
11 stormwater management tests and things like that,
12 infiltration tests.

13 In the review letters that you
14 received from the township engineering
15 consultants, they had stormwater management
16 comments in them, didn't they?

17 A. They did.

18 Q. And did they put you on notice of the
19 type of issues that the township's attorney was
20 bringing up tonight?

21 A. They did not. And again, the
22 technical stormwater, as we've mentioned before,
23 will be further reviewed during land development,
24 permitting, and the NPDES permit, so there will

1 be lots of people reviewing that as we move
2 forward past this conditional use.

3 Q. There was discussion about if there
4 was this hypothetical 500-year storm, which is
5 not regulated by the township, that if the
6 system, I think the word used was "overflowed,"
7 and you explained how the system might capture
8 the water, in your opinion, if that were to
9 happen. Does that mean the system failed?

10 A. No.

11 Q. And can you explain that?

12 A. The system is designed for a
13 hundred-year storm, so you would be -- it would
14 be reaching its capacity and just being
15 overcapacity.

16 Q. And if that fictional 500-year storm
17 came down upon the site today without this
18 development, would more water go downhill, you
19 mentioned the water would go downhill, than would
20 if we did this development and we did this
21 stormwater management system?

22 A. Yes. The stormwater management
23 system, we have the volume that we're holding
24 back before it would reach that capacity.

1 Q. And what's been your general
2 experience with time and number of years you've
3 been working with underground stormwater
4 management systems, inspecting them and how they
5 function over the years, in your experience?

6 A. So I guess over the last five years
7 or so, some municipalities actually require
8 annual inspection or semi-annual inspections of
9 the stormwater system.

10 So we not only get to design them,
11 hear from residents after they're installed or
12 clients after they're installed, but also we now
13 have to follow up on them.

14 We have not seen any major failures
15 of systems. We have not seen the systems
16 themselves, as was being suggested before, have
17 failures, where, you know, there are sometimes
18 issues with inlets.

19 It's very easy to maintain, clean out,
20 remove the debris from it to allow the water into
21 the system, but the systems themselves have not
22 failed.

23 We've gone into large-diameter systems
24 or a large pipe and actually gone down in them,

1 and some of the systems were 15 or 20 years old
2 or older and were still functioning and had no
3 substantive issues.

4 Q. And, of course, as you mentioned,
5 there will be a document recorded that requires
6 the proper maintenance, inspection, and repair in
7 the event that something like that would happen?

8 A. Yes, that's correct.

9 MR. NELSON: Mr. Broseman, you're well
10 over your five minutes.

11 MR. BROSEMAN: I've got one more.

12 Thank you.

13 BY MR. BROSEMAN:

14 Q. Mr. Szary asked you about the trees,
15 and Mr. Panzak, our landscape architect, will be
16 talking about that.

17 But when he was giving you the
18 numbers, you don't know if the numbers he used
19 involved trees that were dead or declining or
20 were invasive species when he was saying how many
21 might be removed?

22 A. No, I did not count the trees, and I
23 don't know how he established that number.

24 MR. BROSEMAN: Okay. Thank you.

1 MR. NELSON: Thank you very much.

2 So, Mr. Lambert, as I said, you are
3 subject to recross-examination by both the
4 township and the parties, and the board may
5 ask further questions.

6 We are looking for our next date. Two
7 nights that we would like to put forward in
8 April are the 17th and 30th.

9 MR. BROSEMAN: Can't we just do it
10 now? We've had so many nights of Mr.
11 Lambert coming back.

12 MR. NELSON: We're over three hours
13 in. In my experience, things kind of go
14 downhill after about three hours.

15 MR. BROSEMAN: I think I will object
16 to further cross, for the record. He's
17 been crossed for hours.

18 MR. NELSON: Overruled. I think since
19 he was on redirect, it's perfectly
20 appropriate to allow cross-examination only
21 on the areas that he was redirected on.

22 So going back to scheduling, the next
23 hearing, we're looking at April 17th and
24 April 30th.

1 I believe that works for the majority
2 of the board. It works for Mr. Rice,
3 although he actually prefers the 17th. It
4 works for the township.

5 I think the question is, does it work
6 for you, Mr. Broseman, and your witness.

7 MR. BROSEMAN: We're checking.

8 MR. LAMBERT: I have a conflict, but I
9 should be able to resolve it.

10 - - -

11 (Discussion off the record.)

12 - - -

13 MR. NELSON: So we are continuing this
14 hearing to April 17th, which is a
15 Wednesday, April 17th, and Tuesday the
16 30th, both nights starting at 6:30 here at
17 the township building.

18 Mr. Broseman, I don't think we're
19 running into any sort of time issues, but I
20 believe John's asked you in the past, and I
21 know we asked you, you're willing to waive
22 any possible timing requirements of the
23 MPC, such as the 45 days between hearings
24 and --

1 MR. BROSEMAN: Yes. I want to
2 clarify. It's obvious, but I say it every
3 time, that it's 6:30 p.m. for the two
4 hearings, and I'm okay with the timing of
5 the hearings, with the times of the MPC.
6 I'm waiving that.

7 MR. NELSON: Okay. Great. Thank you
8 very much. You should be seeing Mr. Rice
9 at the next one.

10 THE PRESIDENT: All right. Motion to
11 adjourn?

12 MS. MULRONEY: So moved.

13 THE PRESIDENT: Second?

14 MR. RILEY: Second.

15 THE PRESIDENT: Got it.

16 - - -

17 (Proceedings concluded at 9:43 p.m.)

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3 CERTIFICATE OF REPORTER
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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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