

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, April 17,  
2024, at the Radnor Township Municipal Building,  
301 Iven Avenue, Wayne, Pennsylvania, commencing  
at 6:32 p.m., before Norma Gerrity, Professional  
Court Reporter.

- - -

BEFORE: MAGGY MYERS, President  
JAMES COATES, Member  
JACK LARKIN, Member  
JIM RILEY, Member

JOHN RICE, ESQUIRE, Solicitor

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

NOAH MARLIER, ESQUIRE,  
Special Counsel for Radnor Township

ALSO PRESENT: PEGGY HAGAN, Executive Assistant  
to Township Manager

- - -

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

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1           THE PRESIDENT: Welcome, everyone, to  
2           the Board of Commissioners conditional use  
3           hearing for Wednesday, April 17th, 2024.

4           Please join me for the Pledge of  
5           Allegiance.

6                           - - -

7                           (Pledge of Allegiance)

8                           - - -

9           THE PRESIDENT: Thank you. Mr. Rice,  
10          do you want to start us off?

11          MR. RICE: Yes. Let me just recap  
12          where we left off. As everyone can see, we  
13          have four commissioners here tonight.

14          We have commissioners that have  
15          conflicts that are unable to attend. These  
16          meetings are recorded. We have  
17          transcripts.

18          And I think all of the board members  
19          are aware that they need to either watch  
20          the recording or read the transcript or  
21          both.

22          So with that, we left off, I believe,  
23          Mr. Marlier, you were recrossing Mr.  
24          Lambert.

1 MR. MARLIER: That's correct. I had  
2 not started my recross, I don't believe.

3 MR. RICE: All right. Okay.

4 - - -

5 APPLICANT'S EVIDENCE

6 - - -

7 ROBERT M. LAMBERT, JR.,

8 having been previously duly sworn, was examined  
9 and testified further as follows:

10 - - -

11 RECROSS EXAMINATION

12 - - -

13 BY MR. MARLIER:

14 Q. Mr. Lambert, good evening. You  
15 testified that two or three questions that I  
16 asked of you on cross-examination were not  
17 relevant to conditional use but rather to a land  
18 development.

19 Do you remember that testimony?

20 A. Vaguely, yes.

21 Q. Let me just clarify. If changes were  
22 needed to be made to the application, the  
23 application that's in front of this board right  
24 now currently, if changes needed to be made

1 during land development, significant changes,  
2 that would require a submission of a new  
3 application; correct?

4 A. It depends what those changes would  
5 be. If you go back to 280-135 C, the conditional  
6 use, all right, what is required of us is:

7 A generalized site plan shall be  
8 submitted as part of any conditional use  
9 application.

10 It is not intended that such plan be  
11 engineered or contain a fixed architectural  
12 layout, such as would be required under Chapter  
13 255, Subdivision of Land.

14 So that's going back to the general  
15 requirements.

16 Q. Understood. But let's talk about  
17 specifically, let's hone in a little bit.

18 If you were to -- you testified that  
19 you haven't spoken to the fire marshal, that that  
20 specifically would be something that would be  
21 done during land development; correct?

22 A. Yes. Typically we've done that during  
23 land development.

24 Q. But if the fire marshal during land

1 development had concerns over the layout of this  
2 development as you proposed it as is in front of  
3 this board for a conditional use hearing, you may  
4 have to make significant changes to the project  
5 as it is right now; correct?

6 A. I don't have those answers from him or  
7 concerns from him.

8 We have a full-access driveway that  
9 would provide access throughout the development,  
10 so I would not foresee any.

11 If they have comments, we would  
12 address them at that time.

13 Q. Let's talk about something a little  
14 more specific to fire safety.

15 I'll draw your attention to the  
16 radius, the sharper radius on Drive B, so the  
17 bottom right-hand corner, if you have the drive,  
18 it's a U shape, right, I think we're all familiar  
19 with that U shape.

20 The bottom right-hand corner, we've  
21 talked about how that is a sharper radius than  
22 the bottom left-hand corner; right?

23 A. Correct.

24 Q. So if the fire marshal, for example,

1 on that came in and said, hey, listen, this is an  
2 issue, this would have to be softened a bit or  
3 softened significantly, that could have an impact  
4 on this proposal; correct?

5 A. So, number one, there's an exhibit,  
6 the turning template, that showed the fire  
7 apparatus of the fire department that was  
8 suggested we use in the past shows full access  
9 being able to maneuver that corner, so there  
10 would be no real reason to enlarge that radius.

11 But using your hypothetical, if we  
12 had to increase that radius, we would be able to  
13 accommodate changes to that within this plan,  
14 which would be a minor change to the plan.

15 Q. But the changes might be, for example,  
16 cutting into the open space, which is immediately  
17 adjacent; correct?

18 MR. BROSEMAN: I'm going to object.  
19 This is total speculation. There is no  
20 evidence that any of these things would be  
21 required.

22 MR. RICE: The objection is overruled.  
23 It's recross. He answering the question.

24 MR. BROSEMAN: And recross was,

1 specifically I objected last time.

2 He's been cross-examined now for hours  
3 and hours over several nights, taking our  
4 case out of order.

5 I objected last time, and Mr. Nelson  
6 said it would be strictly limited to the  
7 questions on redirect. This is beyond  
8 that.

9 MR. MARLIER: I don't believe that it  
10 is. He specifically talked about how many  
11 of the questions, in his opinion, that I've  
12 asked have been regarding land development,  
13 more appropriate for questioning during the  
14 land development process and not during the  
15 conditional use process, so I'm probing a  
16 little bit as to why he believes that's the  
17 case.

18 MR. RICE: I mean, I read the  
19 transcript, Mr. Broseman, and that was  
20 mentioned on a couple of occasions, that  
21 that would be a land development issue.

22 So he's opened up the door. He has a  
23 right --

24 MR. BROSEMAN: Not about the drive --



1 MR. RICE: Your objection is  
2 overruled.

3 MR. BROSEMAN: Not about the driveway.  
4 Not about the driveway radius.

5 MR. RICE: Continue, Mr. Marlier.

6 MR. BROSEMAN: There's no evidence  
7 about that.

8 MR. RICE: But he has a right to  
9 cross-examine anything he said.

10 MR. BROSEMAN: He's been  
11 cross-examining him for hours.

12 MR. RICE: There's no limit under the  
13 MPC. Give me some authority to prevent --  
14 as soon as you go to redirect, he has a  
15 right, as does every other party in this  
16 room, for recross, so that's the way it  
17 works, unfortunately.

18 Mr. Marlier, continue on.

19 BY MR. MARLIER:

20 Q. Mr. Lambert, if you were to soften  
21 that radius, you would have to potentially maybe  
22 cut into the green space, the open space;  
23 correct?

24 A. It may be modified, yes.

1 Q. And/or you may have to cut into the  
2 amount of townhomes or the size of the townhomes  
3 in that bottom right-hand corner of the  
4 development; correct?

5 A. Depending on what the concern is,  
6 there is a myriad of design solutions to that.

7 Q. Is it the intent of the developer to  
8 go through land development and then sell the  
9 rights to development to another company?

10 A. I am not a developer --

11 MR. BROSEMAN: I'm going to object.  
12 This was not part of redirect, what the  
13 developer was going to do, and the  
14 applicant is the owner of the property.

15 MR. RICE: What's the relevance of  
16 that, Mr. Marlier?

17 MR. MARLIER: I think during his  
18 recross, he talked about this process and  
19 going through this process, and I think  
20 that it would be relevant, but I can move  
21 on, Mr. Rice.

22 MR. RICE: Thank you.

23 BY MR. MARLIER:

24 Q. Mr. Lambert, you testified that a

1 single-family home development would cause more  
2 earth disturbance than what is proposed.

3 Do you remember that testimony?

4 A. I do.

5 Q. Why is that?

6 A. Potentially it causes more. Right now  
7 we have the dedicated open space, and a  
8 single-family plan would not require open space,  
9 and it would open the, potentially the entire  
10 site to new homes.

11 Q. Is there any documents that show that  
12 comparison besides the one exhibit that's been  
13 put forward showing the single family or  
14 potential single-family home development?

15 A. No. That's the only potential  
16 single-family home development.

17 Q. So there hasn't been any other  
18 documents though to show, to buttress your  
19 testimony that there would be less open space?

20 A. No, but a single-family plan doesn't  
21 have the open space requirement. So we have the  
22 open space requirement, which is really keeping  
23 that two-acre area in the center, an acre of that  
24 is really undisturbed.

1           If you were creating single-family  
2 lots, you would likely use the entire area.

3           This lot, this zoning district, off  
4 the top of my head, I believe, has a  
5 7,000-square-foot lot requirement.

6           Given that smaller lot requirement,  
7 you will likely be disturbing the entire  
8 property.

9           Q.     So let's just talk about that for a  
10 minute. So the open space, your testimony is  
11 that there will be, I think this is what you  
12 testified to at the last hearing, very little  
13 earth disturbance in that open space area;  
14 correct?

15          A.     I believe my testimony was there's  
16 roughly an acre of disturbance, and just using I  
17 think it's Exhibit A-12, sheet five of 17, there  
18 is a long dashed line with two dashes showing the  
19 limited disturbance, and really the center of the  
20 open space area is all undisturbed.

21          Q.     You testified previously as to review  
22 letters from the township.

23                 Just to be clear, the last review  
24 letters from the township for this development

1 came in August of 2023; correct?

2 A. I would have to check the date, but,  
3 yes, it was some time ago.

4 Q. You testified, you brought up what  
5 we've been referring to or I've been referring to  
6 as Hamilton-1, and that would be the conditional  
7 use hearing that started in 2020 for a different  
8 application, and that the current plan has more  
9 contiguous open space.

10 Do you remember that testimony?

11 A. Yes.

12 Q. Just to be clear, I want to clarify  
13 for the record, you indicated that it was denied  
14 because there was not enough contiguous open  
15 space.

16 But just to be clear, there was  
17 multiple reasons why that application was denied  
18 by the board. Do you recall that?

19 A. I don't have a copy of the decision,  
20 but, yes, there were a few reasons why it was  
21 denied, one being the open space and the  
22 stormwater management that was in that open  
23 space.

24 MR. MARLIER: Mr. Rice, I have no

1 further questions.

2 MR. RICE: We'll go to the residents  
3 for recross for anything that's been  
4 testified to by Mr. Lambert on redirect.  
5 I'll go through the list.

6 Amber Levy?

7 - - -

8 (No response.)

9 - - -

10 MR. RICE: Mr. Chawla?

11 - - -

12 (No response.)

13 - - -

14 MR. RICE: John Clemente?

15 MR. CLEMENTE: No questions.

16 MR. RICE: Brian Curley?

17 MR. CURLEY: No questions on recross.

18 MR. RICE: Mark Gaeto?

19 - - -

20 (No response.)

21 - - -

22 MR. RICE: Cindy Hansen?

23 - - -

24 RECROSS EXAMINATION

1 - - -

2 MS. HANSEN: Here. Here. I have some  
3 questions. Cindy Hansen. Hi.

4 When you were bringing up the  
5 comparison properties you were talking  
6 about in your rebuttal, I just have a  
7 question.

8 Do you realize that you were comparing  
9 R-4 properties to R-5 properties?

10 THE WITNESS: I was comparing the type  
11 of development, so the multifamily  
12 development is really what I was comparing.

13 It was looking at the section of the  
14 code, I believe it really related to the  
15 driveway, and how it applied the section of  
16 the code -- I'm pulling it up. Give me one  
17 second.

18 It's -- 255-40 refers to multifamily  
19 and attached-dwelling residential  
20 development, and there's standards  
21 associated with that.

22 That exhibit was going through, so  
23 that applies across all zoning districts,  
24 not just the R-4, the R-5, so that's what

1           that exhibit was talking about was really  
2           the driveways and how the township had  
3           interpreted the ordinance to apply to the  
4           driveway.

5           MS. HANSEN:   Okay.   But you do know  
6           that there's a pretty big difference  
7           between R-4 and R-5?

8           THE WITNESS:   Yes.   There's different  
9           requirements, yes, but again, the purpose  
10          of that is looking at the driveway, so  
11          looking at that 255-40 ordinance.

12          MS. HANSEN:   Okay.   Then I won't ask  
13          my second question.   Thank you.

14          MR. RICE:    Cas Holloway?   Questions?

15          MR. HOLLOWAY:   Yes.   My name is Cas  
16          Holloway, 241 West Wayne Avenue, and I  
17          would like to ask Mr. Lambert some  
18          questions about your testimony at the last  
19          meeting.

20          I believe you put up a plan of Jardin?

21          MR. RICE:    Please make sure you speak  
22          into the mic there.

23          MR. HOLLOWAY:   I believe it was sheet  
24          six, seven, eight, and nine.   It was right



1 after the Villa Strafford set.

2 THE WITNESS: So it was Exhibit A-25,  
3 sheets six through nine.

4 MR. HOLLOWAY: Yes. So I think sheet  
5 six had -- is that possible to put up? I  
6 guess we're not putting it up on the  
7 screen?

8 THE WITNESS: I can put it up on the  
9 screen, but what is the question?

10 MR. HOLLOWAY: On this Jardin, you  
11 have it listed as 237 West Wayne Avenue.

12 Actually, there's multiple addresses.  
13 The property that you showed as 237 is  
14 actually 243.

15 But the question I have for you, on  
16 this breakdown, you mentioned, you say  
17 there's no sidewalks along the common  
18 drive, and that is not accurate.

19 This plan, there is a five-foot  
20 sidewalk running along that meets ADA  
21 compliance.

22 MR. RICE: Ask Mr. Lambert that  
23 question. Is he aware of that?

24 MR. HOLLOWAY: So is it possible to

1 put your presentation up on the screen? I  
2 think that will be a lot easier.

3 MR. RICE: Mr. Holloway, you need to  
4 ask him questions, not testify yourself.

5 MR. HOLLOWAY: No, no.

6 MR. RICE: You can do that later, if  
7 you want.

8 MR. HOLLOWAY: So could we go back to  
9 your first sheet? There we go.

10 On this sheet you're showing no  
11 sidewalks along the common drive.

12 I'd like to ask you how you came to  
13 that conclusion.

14 THE WITNESS: So what's shown here is  
15 sheet nine of A-25.

16 The photograph is looking into the  
17 site, and you can see this is the common  
18 driveway. There's the mailbox there on the  
19 left-hand side.

20 How we came to the conclusion was  
21 there's no sidewalk on either side of this.  
22 There is a concrete area adjacent to the  
23 building.

24 When I was there, I didn't perceive

1 that as part of the driveway sidewalk.

2 MR. HOLLOWAY: Well, where I have the  
3 cursor right here, that's an ADA access,  
4 and that's a five-foot walkway.

5 There's a verge, a planting verge to  
6 the left of the drive, and you testified  
7 that this was a 20-foot drive.

8 That is correct. There is a waiver on  
9 our plan that provided for that.

10 But this is, there is a five-foot  
11 sidewalk that surrounds the entire office  
12 building that you mentioned on your plan.

13 So I just, for the record, I just  
14 wanted to make sure we clarify that our  
15 townhouse project does have sidewalks  
16 throughout the project.

17 One thing I would like to say as it  
18 relates to their plan, we do have parking  
19 in front of the garages similar to what  
20 they're proposing.

21 THE WITNESS: And when you get to the  
22 common driveway between the units, there's  
23 no sidewalk in that location.

24 MR. BROSEMAN: What sheet is that,

1 Rob?

2 THE WITNESS: Sheet ten.

3 MR. HOLLOWAY: No. There's -- what  
4 you don't see, this is a 20-foot drive,  
5 that's correct. There is parking at the  
6 end of the drive, and there's a turnaround  
7 area on the left.

8 You testified that there was, it was a  
9 dead end and there was no way to turn  
10 around, so that's not accurate.

11 THE WITNESS: Well, there is a dead  
12 end. There's parking at the end. You use  
13 the individual driveways to do like a K  
14 turn to turn around.

15 MR. HOLLOWAY: I believe you also  
16 showed that on the record plan, if I can  
17 bring that up.

18 And the -- if you look at the record  
19 plan, here is the five-foot sidewalk  
20 running right alongside.

21 The sidewalk runs all the way around,  
22 and this ADA access to this parking lot and  
23 the ADA access to the common area, and then  
24 there's a sidewalk in front of the, both

1 townhouse units on either side, so it's  
2 possible for the residents to walk.

3 I just want it to be clear that from a  
4 townhouse perspective, there are sidewalks  
5 and it was provided for. There were not  
6 sidewalks on both side of our common drive.

7 MR. RICE: Mr. Lambert, you're aware  
8 of that sidewalk?

9 THE WITNESS: Yes. As I said, I did  
10 not perceive the sidewalk under the  
11 overhang of the office building as a  
12 sidewalk per se along the driveway. I  
13 understand it provides circulation.

14 Likewise, the ones in the rear, it's  
15 kind of underneath an overhang of the  
16 structure, so it's really kind of at the  
17 garage door.

18 It might be that circulation, but it  
19 wasn't really a sidewalk per se from a  
20 township standard, but I understand the  
21 point of the circulation.

22 MR. HOLLOWAY: Thank you.

23 MR. RICE: Thank you.

24 Ted Hymel?

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- - -

(No response.)

- - -

MR. RICE: Catherine Lafarge?

- - -

(No response.)

- - -

MR. RICE: Mary Ann Mahoney?

Questions?

- - -

(No response.)

- - -

MR. RICE: Jennifer Pechet?

- - -

(No response.)

- - -

MR. RICE: Margaret Ruschmann?

- - -

(No response.)

- - -

MR. RICE: Mr. Sareen?

- - -

(No response.)

- - -

1 MR. RICE: David Satterfield?  
2 - - -  
3 (No response.)  
4 - - -  
5 MR. RICE: Steve and Megan Scheri?  
6 - - -  
7 (No response.)  
8 - - -  
9 MR. RICE: John Schuda?  
10 - - -  
11 (No response.)  
12 - - -  
13 MR. RICE: Kaitlin Silver?  
14 - - -  
15 (No response.)  
16 - - -  
17 MR. RICE: Gregory Szary?  
18 MR. SZARY: Here. No questions on  
19 cross-examination. Thank you.  
20 MR. RICE: Sharon and David Willis?  
21 MR. WILLIS: No questions.  
22 MR. RICE: Cheryl Lutz?  
23 - - -  
24 (No response.)

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MR. RICE: Okay. Does the board have any final questions for this witness?

- - -

EXAMINATION

- - -

MR. RILEY: On sheet A-12 -- sorry -- A-12, sheet nine of 17, it has the appendix D on the right side, standard erosion and sedimentation control, looks like standard notes on the right-hand side?

THE WITNESS: I'm reading my digital copy. It didn't have sheet nine.

MR. RILEY: Exhibit A-12.

THE WITNESS: I have sheet eight and sheet ten. Hang on one second.

MR. BROSEMAN: Here, Rob.

THE WITNESS: Oh, here we go.

MR. RILEY: So all this stuff on the right side, the standard plan to control erosion and sedimentation during construction.

THE WITNESS: Correct. These are typical notes that are required with the



1 NPDES permitting process.

2 So, obviously, as we've talked about  
3 before, after we go through this process  
4 and go into land development, we will go  
5 also through an NPDES permit.

6 MR. RILEY: And it's great that you  
7 have all that. The final one, the fine  
8 that somebody would get if they don't do  
9 something correctly, is \$10,000 a day.  
10 It's a big deal.

11 It's for construction, during  
12 construction, but also post construction,  
13 you have, you want to keep water off of  
14 other people's property post as well.

15 My question is, are there fines like  
16 that for post?

17 THE WITNESS: I'm not sure exactly  
18 what fines.

19 MR. RILEY: Under 33, all the way at  
20 the bottom, \$10,000 a day if you don't do  
21 that.

22 THE WITNESS: Right. That's for  
23 erosion and sediment control, but your  
24 question was for post development.

1 MR. RILEY: Post development if  
2 stormwater, the system doesn't work.

3 THE WITNESS: So they have a  
4 maintenance and operation agreement that  
5 they enter into.

6 It's a recorded document that gets  
7 recorded to talk about what has to be done,  
8 and there are obligations.

9 I don't have a copy of one in front  
10 of me, but there's obligations in there to  
11 maintain it.

12 I'm not aware of fines per se of, you  
13 know, something explicit like that.

14 MR. RILEY: I know in the past and in  
15 Radnor that we're trying to handle  
16 stormwater, and even just putting in that  
17 stuff, it doesn't always work.

18 There's always something, you know,  
19 leaves on top that block it or something.

20 One year there was six inches of snow,  
21 and then freezing rain that went on top, it  
22 all froze, and then next came a rainstorm.

23 Everybody got flooded, lots that never  
24 got flooded before.

1           Can you say, since we are  
2           pre-construction, make it that this  
3           technology will do what you want it to do,  
4           but just in case some weird thing happens,  
5           make it better than the standard?

6           THE WITNESS: So my experience, when  
7           modern stormwater is installed on a  
8           property, I use kind of the barometer, when  
9           we do have these extreme storm events, our  
10          phone rings off the hook, right.

11          And so we get constant calls for the  
12          following couple of weeks of, we had X, Y,  
13          Z storm problem.

14          The calls we typically get are from  
15          established areas that don't have  
16          stormwater. We typically do not get calls  
17          from properties that have stormwater,  
18          right.

19          So the systems are functioning, even  
20          in extreme storm events, right, they're  
21          absorbing the water, capturing it, and  
22          controlling it is typically what we see.

23          Can a system account for every  
24          variable? I don't think one can.

1           We'll put in enough kind of measures  
2           and kind of backup areas where the way the  
3           site is arranged, we will be capturing,  
4           even if you get that large snowstorm with  
5           sleet and then rain, the way that the site  
6           is oriented and graded, we will be  
7           capturing a lot of that water, even if you  
8           get, you know, the first inlet overflows,  
9           it's going to get to then likely a second  
10          inlet, and we have a little bit of  
11          redundancy in that system.

12           MR. RILEY: And then as part of your  
13          design during construction, would you guys,  
14          would somebody go out and check that it is  
15          to spec, within tolerance?

16           THE WITNESS: Yes. So the  
17          conservation district and the township will  
18          be doing inspections during construction to  
19          make sure that measures are being installed  
20          per the plan.

21           There's requirements, if they have an  
22          overflow of any erosion and sediment  
23          control measures, what they have to do to  
24          remediate those.

1           And my experience is that both the  
2           township and the conservation district keep  
3           on top of the construction site.

4           MR. RILEY: Thank you.

5           MR. RICE: Any other questions?

6           MR. LARKIN: I have a couple  
7           questions.

8           Mr. Lambert, on redirect examination  
9           you were asked if it's common for  
10          stormwater management facilities to be  
11          underneath common open space.

12          Do you recall that?

13          THE WITNESS: I believe the question  
14          was a little bit different than that.

15          MR. LARKIN: I am quoting the  
16          transcript.

17          THE WITNESS: Okay. The way I recall  
18          it was that it was clarified to say  
19          underneath green space.

20          It doesn't necessarily have to be  
21          under, quote, "common open space," but it  
22          was clarified, I believe, under green  
23          space.

24          MR. LARKIN: Well, let me start with

1           that maybe.

2                        Would it change the answer that you  
3           gave if I were to represent to you that  
4           while reading from the transcript, it says:

5                        In your experience, is it common for  
6           stormwater management facilities to be  
7           underneath common open space?

8                        THE WITNESS: Yes, they can be under  
9           common open space.

10                      MR. LARKIN: Okay. Is it common for  
11           that?

12                      THE WITNESS: We did a project in  
13           Tredyffrin. We have a stormwater system  
14           that's directly underneath the common open  
15           space or common area of that property.

16                      MR. LARKIN: Any latter that you are  
17           aware of?

18                      THE WITNESS: As far as the, under  
19           common open space, I'm using that term  
20           very, you know, defined in the ordinance,  
21           I'm trying to think of the projects I've  
22           done with common open space.

23                      I'd say more of the projects we have  
24           don't have a required common open space,

1 but I would say that we've done many  
2 stormwater systems under green areas, under  
3 green lawns, under athletic fields.

4 We've done many underground stormwater  
5 systems with various green features on top  
6 of them.

7 MR. LARKIN: Understood. I wanted to  
8 explore that a little, because you said you  
9 didn't quite remember the question as I  
10 read it. Let me go back to what I wanted  
11 to ask you originally.

12 Is there stormwater management  
13 facilities under the open space in the plan  
14 that is currently proposed?

15 I understood the answer was no  
16 originally, but from the answer you gave on  
17 redirect, it seems like I may have been  
18 wrong.

19 THE WITNESS: So using -- I'm happy to  
20 pull it up, if you'd like. A-12, sheet  
21 four, the darker green area was the common  
22 open space in the center of the property.

23 In the bottom right-hand and left-hand  
24 corners of that, there are kind of dashed

1 rectangles, and those are stormwater  
2 management systems.

3 On the left-hand side of that page is  
4 a zoning summary. There's an open space  
5 requirement which identifies that the  
6 minimum open space is 25 percent.

7 Of that 25 percent, I believe it was  
8 ten percent, I can quote the code section  
9 if you like, may be stormwater management.

10 The zoning summary on the left-hand  
11 side identifies that 7.9 percent of the  
12 common open space has stormwater under it.

13 So there are -- the corners of it do  
14 have stormwater management under it, but  
15 it's within the township's allowable amount  
16 of stormwater.

17 MR. LARKIN: Got it. There is a  
18 broken line in the dark green area that  
19 seems like it sort of bypasses the -- it's  
20 labeled as PCSM BMP infiltration bed number  
21 two and PCSM BMP infiltration bed number  
22 one.

23 I had innately assumed that that  
24 broken line represented the limit of the



1 common open space, but I understand that  
2 you'd be saying that, no, those  
3 infiltration beds are in the common open  
4 space?

5 THE WITNESS: Correct.

6 MR. LARKIN: Got it. Can you describe  
7 those beds? What are they?

8 THE WITNESS: They will be underground  
9 beds. I believe they're currently designed  
10 as a storm brick system.

11 So from grade, you would have open  
12 lawn, right, or, in the instance of PCSM  
13 infiltration bed number one, it's  
14 underneath parking and part of that open  
15 space, and so really it's just an open  
16 lawn, is what you're going to see above  
17 that.

18 There may be an observation port or a  
19 small access port to that, but really  
20 you're going to perceive it as open lawn  
21 there.

22 MR. LARKIN: Got it. Are those  
23 bricks, I assume, manmade objects?

24 THE WITNESS: Yes, they are. It's a,

1           it's a -- there are various proprietary  
2           stormwater products, and basically  
3           stormwater is creating a void space, and  
4           those systems are simply creating a void  
5           space under there.

6                     It's a manufactured product that, you  
7           know, instead of using a pipe and stone  
8           system, we were using the storm brick  
9           system.

10                    MR. LARKIN: And I assume that they  
11           would have an ascertainable location on or  
12           above the ground?

13                    THE WITNESS: You would not know where  
14           it is under the ground, aside from any  
15           observation ports.

16                    MR. LARKIN: But that location could  
17           be ascertained. I mean, they're going to  
18           be plottable on a map. You could use some  
19           kind of a --

20                    THE WITNESS: They'd already be shown  
21           on a plan. It would be based on the  
22           construction as-built.

23                    But from a physical standpoint looking  
24           at it, if you were standing there looking

1 at the grass, you would not be able to  
2 ascertain the load of that stormwater  
3 system.

4 MR. LARKIN: Okay. I want to be  
5 cautious not to get into true cross-  
6 examination and talk to you about your  
7 direct testimony, but in light of what you  
8 just said, I do want to ask a question.

9 On direct you said: We are proposing  
10 no structures within the common open space.

11 Why are these not structures?

12 THE WITNESS: These are storm -- it's  
13 stormwater management, and so I can go back  
14 to the common open space.

15 MR. BROSEMAN: And I'm going to  
16 object. I believe, even though you've said  
17 you don't want to cross-examine the  
18 witness, you're cross-examining our  
19 witness, and I object.

20 MR. LARKIN: Well, I don't think why  
21 is a question subject to cross-examination,  
22 not good cross-examination anyway.

23 MR. RICE: Your objection is noted in  
24 the record, Mr. Broseman, but the board up

1 here is sitting as judges, so it's not  
2 really cross-examination.

3 MR. BROSEMAN: Yes, they're judges  
4 that aren't supposed to do cross-  
5 examination.

6 MR. RICE: They can ask whatever  
7 questions they want to ask.

8 THE WITNESS: So I refer to 280-91 A:  
9 Not less than 25 percent of the tract area  
10 shall be designated in the subdivision or  
11 development plan as common open space.

12 Common open space may not include  
13 required buffer yards, floodplain, or  
14 wetlands.

15 No more than ten percent of the  
16 required common open space may be used to  
17 meet the plan's stormwater management  
18 requirements, and all required common open  
19 space shall be contiguous unless the board  
20 of commissioners approves otherwise.

21 So I would say that the proposed  
22 stormwater PCSM infiltration beds are  
23 meeting planned stormwater management  
24 requirements and do not exceed ten percent

1 of the common open space.

2 MR. LARKIN: Understood. And this is  
3 really why it's not cross-examination.

4 I want to give you the opportunity to  
5 explain this to me, because I have the  
6 question, how do you square that with  
7 280-91, Sub D, which concludes:

8 Areas set aside for common open space  
9 shall contain no structure other than a  
10 structure related to outdoor recreational  
11 use.

12 THE WITNESS: I wouldn't consider the,  
13 you know -- it depends what your definition  
14 of "structure" would be.

15 MR. LARKIN: Is "structure" given in  
16 the zoning definitions?

17 MR. BROSEMAN: Mr. Larkin, the  
18 ordinance specifically allows stormwater  
19 management systems under the common open  
20 space. This township put that in the code.  
21 That's why it's allowed.

22 MR. LARKIN: Okay. So I'm left with  
23 the same question. How do you square that  
24 with Subsection D?

1 THE WITNESS: I don't think that under  
2 the township definition that this would  
3 qualify as a structure.

4 MR. LARKIN: I don't want to leave it  
5 there. I'm going to ask you the question  
6 why.

7 THE WITNESS: Because a structure was  
8 anything constructed or erected on the  
9 ground, so this is kind of under the  
10 ground. It's not on the ground.

11 MR. LARKIN: And you're looking at --  
12 I apologize. Give me a moment.

13 THE WITNESS: 280-4 B, the definition.

14 MR. LARKIN: Thank you. I see:  
15 Anything constructed or erected on the  
16 ground or attached to the ground,  
17 including, but not limited to, buildings,  
18 sheds, manufactured homes, and other  
19 similar items.

20 This term includes any manmade object  
21 having an ascertainable stationary location  
22 on or in land or water, whether or not  
23 affixed to land.

24 MR. BROSEMAN: I'm going to object

1           again.

2           Mr. Larkin is an attorney. He's a  
3           litigator, I believe. He's cross-examining  
4           our witness.

5           MR. RICE: He's testing your witness's  
6           testimony and he's asking questions.

7           MR. LARKIN: If I were cross-examining  
8           you, Mr. Lambert, I would have stopped  
9           asking questions and then I would have just  
10          relied on the previous testimony.

11          I want to figure out why is it not a  
12          manmade object having an ascertainable  
13          stationary location on or in land or water,  
14          whether or not affixed to land.

15          MR. BROSEMAN: Why did the township  
16          amend the ordinance to allow stormwater  
17          management in common open space?

18          MR. RICE: Mr. Broseman, you're out of  
19          order. Let him answer the question, not  
20          you. Let him answer the question.

21          MR. BROSEMAN: I'm objecting.

22          MR. RICE: He can answer it or he  
23          can't answer it.

24          MR. BROSEMAN: We're trying to get a

1 fair hearing here, and our witness is being  
2 cross-examined.

3 MR. RICE: You complained about the  
4 length of the cross-examination, and you're  
5 objecting to things that you can't object  
6 to.

7 I understand. Make your argument down  
8 the road when you file whatever brief  
9 you're going to file.

10 So, Mr. Lambert, if you can answer the  
11 question.

12 THE WITNESS: It's a stormwater  
13 facility meeting the ordinance, which is  
14 permitted under the common open space.

15 MR. LARKIN: Okay. Those are the  
16 questions that I have.

17 MR. RICE: Any other board questions?

18 - - -

19 (No response.)

20 - - -

21 MR. RICE: I think we're done with Mr.  
22 Lambert. Thank you, Mr. Lambert.

23 THE WITNESS: Thank you.

24 - - -



1 (Witness excused.)

2 - - -

3 MR. RICE: Mr. Broseman, do you have  
4 another witness?

5 MR. BROSEMAN: I do. I'm going to  
6 call Mr. Panzak. We might need a short  
7 break to coordinate our exhibits, if that's  
8 okay, no more than five minutes.

9 MR. RICE: That's fine.

10 MR. BROSEMAN: Thank you.

11 - - -

12 (Recess taken.)

13 - - -

14 MR. RICE: Okay. Mr. Broseman, are  
15 you ready for your next witness?

16 MR. BROSEMAN: Yes.

17 MR. RICE: Okay. We'll have him sworn  
18 in.

19 - - -

20 BERNARD S. PANZAK, JR.,  
21 having been first duly sworn, was examined and  
22 testified as follows:

23 - - -

24 THE WITNESS: Bernard Panzak,

1           B-E-R-N-A-R-D, middle initial S, Panzak,  
2           P-A-N-Z-A-K.

3                           - - -

4                           DIRECT EXAMINATION

5                           - - -

6 BY MR. BROSEMAN:

7           Q.     Bernie, can you describe your  
8 professional and educational background?

9           A.     Yes. I have a Bachelor of Science  
10 Degree in Landscape Architecture from  
11 Pennsylvania State University.

12                   I've been a registered landscape  
13 architect in the Commonwealth of Pennsylvania for  
14 36 years. I've been a principal at our firm,  
15 Glacken Thomas Panzak, for 25 years.

16           Q.     And you've put up on the screen  
17 Exhibit A-21.

18                           - - -

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

21                           - - -

22 BY MR. BROSEMAN:

23           Q.     Is this a written summary of your  
24 educational and professional background?

1           A.     Yes, it is.

2           Q.     Have you been recognized as an expert  
3 witness as a landscape architect before numerous  
4 municipal bodies, including zoning hearing boards  
5 and governing bodies like the board of  
6 commissioners?

7           A.     I have, yes.

8           MR. BROSEMAN: I would like to offer  
9 Mr. Panzak as an expert in landscape  
10 architecture.

11          MR. RICE: Mr. Marlier?

12          MR. MARLIER: I have no questions.

13          MR. RICE: Okay. Then Mr. Panzak, I'm  
14 certainly familiar with Mr. Panzak, and  
15 he'll be accepted as an expert witness in  
16 landscape architecture.

17                 And we have A-21; right, George?

18          MR. BROSEMAN: I can give you a copy  
19 if you don't have one.

20          MR. RICE: Well, the neighbors may  
21 want copies, if you could make some  
22 available.

23          MR. BROSEMAN: Yes, I have that.  
24 Would you like me to hand them all out to

1           you all? I'll give one to Mr. Marlier.

2 BY MR. BROSEMAN:

3           Q.     Mr. Panzak, are you generally familiar  
4 with the properties that are the subject of this  
5 application as well as the general area around  
6 the property?

7           A.     Yes, I am.

8           Q.     Is your firm the landscape  
9 architecture firm for the project that is the  
10 subject of these proceedings?

11          A.     Yes, it is.

12          Q.     Did your firm prepare the proposed  
13 landscape and lighting plan for the project that  
14 are at sheets 10 through 14 of the initial  
15 conditional use plan set that are part of Exhibit  
16 A-1?

17          A.     Yes.

18          Q.     And during a prior installment of this  
19 hearing, the applicant, through Mr. Lambert,  
20 introduced Exhibit A-12, which were the revised  
21 conditional use plans, and those plans had a  
22 drawing schedule on the first page, and they had  
23 sheets one through 12, and Mr. Lambert testified  
24 about this at the time, but sheets 13 through 17

1 were crossed out in red, meaning that they were  
2 not included in A-12.

3 Those sheets are the sheets that your  
4 firm has prepared, the landscaping and lighting  
5 plans; correct?

6 A. Yes, they are.

7 Q. And did you revise those sheets of  
8 your plan set to address, to basically match up  
9 with Exhibit A-12?

10 A. We have, yes.

11 Q. And are revised plan sets, your plan  
12 sheets, now marked A-22?

13 A. Yes, they are. They can be seen on  
14 the screen in the lower right-hand corner.

15 - - -

16 (Applicant's Exhibit A-22 was marked  
17 for identification.)

18 - - -

19 MR. BROSEMAN: I do have some copies  
20 of these that I can hand out as well.

21 We have been also giving all of the  
22 exhibits electronically, which we will  
23 continue to do.

24 MR. RICE: Okay.

1 BY MR. BROSEMAN:

2 Q. So, Mr. Panzak, would you identify  
3 these by each sheet, please?

4 A. Yes. Exhibit A-22 consists of five  
5 sheets. Sheet 13 would be the existing  
6 conditions and tree inventory plan.

7 Sheet 14, LP-1, is the landscape plan.  
8 Sheet 15 is LP-2, which would be landscape  
9 details and notes.

10 Sheet 16 is the lighting plan, and  
11 sheet 17, LI-2, would be lighting details.

12 Q. Now, these all have an initial date of  
13 5-18-23 and the last revision of 3-05-24?

14 A. That's correct.

15 Q. Were these plans also revised to  
16 address the review memo from the township  
17 arborist, John Hosbach, which review memo has  
18 been entered into the record at Exhibit A-9.C?

19 A. Yes, they have been.

20 Q. And did you prepare a response memo to  
21 A-9.C?

22 A. Yes, we did.

23 Q. And that's what we've marked as  
24 Exhibit A-23?

1           A.     Yes, that's correct.

2                                 - - -

3                                 (Applicant's Exhibit A-23 was marked  
4           for identification.)

5                                 - - -

6                                 MR. BROSEMAN:   And that is, and I'll  
7           hand out copies of these.

8   BY MR. BROSEMAN:

9           Q.     This is addressed to John R. Hosbach,  
10   H-O-S-B-A-C-H, from you and it's dated 3-05-24,  
11   March 5, 2024; correct?

12          A.     Correct.

13          Q.     So I want to focus on the landscape  
14   plans first.  I believe we want to look at sheet  
15   14 of 17 of Exhibit A-22, which is also sheet  
16   LP-1; is that correct?

17          A.     That's correct.

18          Q.     And referring to this sheet and other  
19   sheets that you see appropriate, would you  
20   describe the proposed landscaping plan for the  
21   project?

22          A.     I would, and something's frozen --

23          Q.     Well, I have handed out paper copies,  
24   so you can refer to that, if you're broken.

1           A.     I guess the essentials are still  
2 remaining on the PDF. So this is Exhibit A-22,  
3 sheet 14, which is the landscape plan.

4                     And I believe the plan encourages  
5 conservation as it takes advantage of this large  
6 common open or central open space to preserve a  
7 significant stand of trees on the property.

8                     This is one of the most significant  
9 pieces of wooded area within that property. Tree  
10 preservation is also quite evident along both  
11 Eagle Road and Strafford Avenue.

12                    The plan, Exhibit A-22, sheet 13, the  
13 tree inventory plan, if I can get back to that,  
14 illustrates the limit of disturbance, which I  
15 believe Mr. Lambert has described in his  
16 testimony. It's a line, a long dash, a couple of  
17 short dashes.

18                    And then there's also a tree  
19 preservation line shown on this plan, which is  
20 shown as an X with a long dash.

21                    This tree protection line is also  
22 detailed on the erosion and sedimentation control  
23 plan that was found on Exhibit A-12, sheet 16 of  
24 17.



1           For those who may not be aware, the  
2 tree protection fence in Radnor Township is  
3 required to be a six-foot chain-link fence.

4           So when that fence does go in in  
5 advance of construction, there's very little  
6 ability for contractors to enter into that area.

7           The remainder of the common open space  
8 would be landscaped with additional trees and  
9 lawn. It will also contain an informal natural  
10 pervious path.

11           This has not been completely decided  
12 upon. It could be mowed lawn. It could be wood  
13 chips or mulch, something in that vein, again a  
14 natural pervious path.

15           It is shown to be four feet in width  
16 on our plan, and it runs through the central open  
17 space.

18           We believe this sizeable open space  
19 with its open lawn and trail winding through the  
20 central wooded area and open space areas will  
21 significantly add to resident wellness and  
22 enjoyment in this passive recreation area.

23           Referring back to the areas of tree  
24 preservation along Strafford Avenue and Eagle

1 Road, we believe we are able to better preserve  
2 the existing vegetative character of the  
3 community for the residents traveling along the  
4 public way.

5 With the density modification option,  
6 we feel we can provide a greater degree of tree  
7 preservation within that central open space area  
8 and along the adjacent streets. This is  
9 accomplished by internalizing the design.

10 Along the perimeter streets, our plan  
11 limits access points to only two along Strafford  
12 Avenue.

13 Continuing at the street frontage, we  
14 have added sidewalks to Eagle and Strafford to  
15 continue to provide greater local pedestrian  
16 connectivity.

17 Now, looking at other property  
18 boundaries, with the density modification  
19 alternative, a 25-foot buffer is required and  
20 provided along all residentially-zoned properties  
21 that abut our property.

22 This buffer area has been densely  
23 landscaped, as you can see on the plan, Exhibit  
24 A-22, sheet 14, LP-1.

1           In addition, we are suggesting the  
2 removal and replacement of the existing solid  
3 six-foot perimeter fence with a new and improved  
4 fencing to strengthen the visual screening along  
5 those properties.

6           The rest of the plan is significantly  
7 landscaped, and because this will be an HOA, we  
8 anticipate landscaping at a high, uniform, and  
9 very well-maintained level.

10           Internal driveways have been reviewed  
11 with our engineer to include ample space between  
12 driveways so that shade trees and flowering trees  
13 may be added and included in the driveway area to  
14 improve the aesthetics along that vehicular way.

15           Other border and open space areas like  
16 Eagle Road have buffer requirements that have  
17 been calculated per the township ordinances and  
18 landscaping provided.

19           Likewise, along Eagle Village, certain  
20 buffer requirements have been calculated and  
21 those areas landscaped as well.

22           In addition, there will be other areas  
23 of landscaping that are not included in township  
24 requirements such as foundation landscaping

1 around buildings, but this will be a part of the  
2 land development process later in the process,  
3 and there may be other high-visibility areas that  
4 will be amply landscaped, such as entry areas to  
5 the property.

6 Q. Now, Mr. Panzak, you mentioned the  
7 relatively large area that you could preserve in  
8 the central common open space.

9 The plan does show some tree removal  
10 in that area; is that correct?

11 A. Yes, there would be some tree removal.

12 Q. And what type of trees are being  
13 removed in that area?

14 A. Well, in general there would be  
15 invasive or dead, diseased, or dying trees that  
16 would be removed.

17 Those are the only types of trees that  
18 would be taken out of what would be open space  
19 areas at this time.

20 Q. And those are shown on your tree  
21 inventory, which is sheet 13 of 17, as well as on  
22 the plans, the trees that are marked for removal?

23 A. Yes.

24 Q. And we'll get to this in a little bit,

1 but you spoke generally about the landscaping  
2 plan, but the plans have a lot of detail on them  
3 about what and how many trees and shrubs would be  
4 planted and their locations; correct?

5 A. That's correct.

6 Q. And there's a significant amount of  
7 trees and shrubs being provided?

8 A. Yes, there are.

9 Q. In the zoning ordinance, there's Code  
10 Section 280-91.B regarding common open space.

11 In your CV at Exhibit A-21, it had  
12 mentioned you had served on an open space board  
13 and a shade tree advisory committee.

14 Do your experiences serving on the  
15 open space board and the shade tree advisory  
16 committee, as well as your years of experience as  
17 a landscape architect, give you insight on the  
18 common open space being provided with this plan?

19 A. Yes. One thing I do understand and  
20 realize is that through the density modification  
21 option, that open space is required and provided,  
22 and that in other development options that large,  
23 open space will not be there in other development  
24 options.

1           Q.       Section 280-91.B says the common space  
2 shall be land which is appropriate and in  
3 suitable condition for recreation, park site,  
4 school ground, woodland conservation, or other  
5 similar recreation or open space purpose.

6                    Are you generally familiar with that  
7 provision?

8           A.       Yes, I am.

9           Q.       And do you believe the common open  
10 space that is shown on this plan complies with  
11 that provision?

12           A.       I believe it does. We would not be a  
13 park site, a school ground, but in terms of  
14 woodland conservation, I think this is an exhibit  
15 of how that's done and how that's realized within  
16 this particular development option.

17                    We are not constrained in this area by  
18 steep slopes or wetlands or anything else. It's  
19 generally a flat site.

20                    We are providing or suggesting the  
21 provision of an open space pathway, a natural  
22 path, and this would traverse woodland areas as  
23 well as open areas.

24           Q.       So by not having constraints on the

1 site, you mentioned the lack of constraints and  
2 also the general flat nature.

3 Is it your professional opinion that  
4 this is land that is appropriate and in suitable  
5 condition for common open space?

6 A. Yes, I do.

7 Q. And you mentioned woodland  
8 conservation. Do you believe that it will serve  
9 other open space purposes?

10 A. Yes. Woodland conservation is a  
11 valued asset as part of any open space, and we  
12 have the opportunity to take advantage of that,  
13 and I think that will provide the residents of  
14 this community a valued asset.

15 Q. And there are parts of the open space  
16 that weren't within the tree protection zone that  
17 you mentioned.

18 Is it your professional opinion that  
19 all of the open space will provide for open space  
20 purpose?

21 A. Yes, absolutely. Once the project is  
22 built out, that land will be just that, open  
23 land. It will be landscaped and pathways  
24 provided through that area.

1 Q. I'd like to turn to sheet 16 of 17 of  
2 A-22, which is also LI-1.

3 Is this the proposed conceptual plan  
4 for lighting along the proposed common internal  
5 drives within the planned community?

6 A. Yes, it is.

7 Q. And can you describe this plan?

8 A. Yeah. This plan shows an array of  
9 post lamps, a total of nine, to be exact. Those  
10 lamps would be in a mounting height of about  
11 14 feet.

12 They're scheduled to be full-cutoff  
13 fixtures with house-side shields. They are, we  
14 believe, attractive pedestrian-scale lamps.

15 We provide zero footcandles at  
16 property lines, and I guess really this is a  
17 lighting plan that's intent is to provide sort of  
18 points of light along the driveway areas. In  
19 contrast, it's not an attempt to fully light the  
20 travel way.

21 We think that there will be  
22 residential-scale lighting on buildings to round  
23 out the community aesthetics in terms of security  
24 lighting in the evening.



1           We've located those lights on the side  
2 of the street where the sidewalk is. So along  
3 that driveway, there would be lighting for  
4 residents to walk and operate through the course  
5 of the evening.

6           Q.     And you mentioned a few terms. I just  
7 wanted to clarify for the record.

8           They seem intuitive of what they would  
9 mean, but you mentioned a full-cutoff fixture.  
10 Can you describe what that means?

11          A.     A full-cutoff fixture allows no light  
12 to be sent up into the atmosphere or up into the  
13 sky, so everything is downward cast.

14          These fixtures would not allow for  
15 glare and to become a nuisance for the residents  
16 of this community or the surrounding community.

17          And I guess I would add one other  
18 thing, is that these lights are all internal to  
19 the community and with intervening buildings and  
20 landscaping would further screen any amount of  
21 light that was being produced for these post  
22 lamps.

23          Q.     And I think you mentioned something  
24 about shields. Can you explain what they are?

1           A.     Yes.  A house-side shield is a  
2 physical barrier that's placed typically on the  
3 back of a light fixture, and in this case, it  
4 would be on the back, which would fully cut off  
5 any amount of light that would be flowing from  
6 that light source in a direction of our units.

7                     They're in relatively close proximity  
8 along the sidewalk in front of some of the units,  
9 and we would not want to create, as I said  
10 before, a nuisance with the light being projected  
11 backward.

12           Q.     And will any of the lights proposed  
13 along the internal common driveway shine directly  
14 into habitable dwelling windows located inside or  
15 outside of the development?

16           A.     They will not.  As I just described,  
17 the house-side shields will cut that off.  They  
18 are full-cutoff fixtures, and again, being  
19 internal to the site, relatively low pedestrian-  
20 scale mounting height.

21                     And I guess the other thing to mention  
22 about the lighting is that it's a warmer light,  
23 more of an incandescent type of, they call it  
24 color temperature, so it more leans to the

1 incandescent as opposed to the bright white  
2 light.

3 Q. And the details, you've mentioned some  
4 of the details of these light posts, the height  
5 and some of the specifications.

6 Are they shown on sheet 17 of 17, also  
7 referred to as LI-2 on Exhibit A-22?

8 A. Yes, they are.

9 Q. You mentioned a term "footcandles,"  
10 and your plan on exhibit, sheet 16 of A-22, has  
11 a series of very small numbers all throughout the  
12 plan.

13 Are they footcandle measurements?

14 A. They are footcandle measurements.

15 Q. And without going, just generally, is  
16 that a measure of light?

17 A. Yeah. It's a measurement of light  
18 intensity as it hits the ground surface.

19 Q. And does this show that there are zero  
20 footcandles at the property lines for the  
21 property, particularly along the properties that  
22 front on Grant Lane?

23 A. Yes, absolutely, zero footcandles at  
24 that point, yeah.

1           Q.     So is it fair to say that that means  
2 that the lights you're proposing would not be  
3 shining into the homes of those properties?

4           A.     They would not.

5           Q.     I want to ask you a general question  
6 about all of your plan sheets.

7                     We first talked about landscaping, and  
8 then we talked about lighting, but I'm asking you  
9 generally about all of the plan sheets.

10                    In the general conditional use  
11 submission requirements at Code Sections  
12 280-135.C and F(2), and Mr. Lambert referred to  
13 this several times, it references a general site  
14 plan being submitted.

15                    It is not intended that such a plan be  
16 engineered or contain a fixed architectural  
17 layout, such as would be required under Chapter  
18 255, Subdivision of Land.

19                    The plan shall, however, demonstrate  
20 compliance with all applicable standards for  
21 approval of the conditional use, including those  
22 cited in Subsection F below.

23                    And F says that in addition to the  
24 generalized site plan, the plan should show the

1 applicant's intentions with regard to the  
2 following, and two is:

3 Location, approximate dimension and  
4 arrangement of all areas devoted to ground cover,  
5 trees, screening and buffering, other planting,  
6 open space, recreation, and similar purposes, as  
7 applicable.

8 In your professional opinion, do the  
9 plans meet and exceed these requirements?

10 A. Yes. The plans are almost all fully  
11 engineered and designed in a way that would be  
12 appropriate for a land development submission.

13 We've provided subdivision and land  
14 development tree requirement coordination.

15 We've also added the tree replacement  
16 requirements of Chapter 263, the tree code, so  
17 all of our replacement trees are coordinated and  
18 identified in chart form on Exhibit A-22, sheet  
19 13, EX-1, the inventory plan, tree inventory  
20 plan.

21 Q. And in Code Section 280-135.G(2)(f)  
22 and (i), there's a reference to conceptual  
23 landscaping plans; is that correct?

24 A. That's correct. These are well

1 developed beyond conceptual.

2 Q. So Section G(2)(f) says that the  
3 conceptual landscape plans should show locations  
4 of trees and shrubs and other landscape  
5 improvements.

6 These plans show all of those details;  
7 correct?

8 A. Yes, they do. Trees, shrubs, fencing,  
9 natural pervious path, all at a preliminary plan  
10 level for both the landscape plan and the  
11 lighting plan.

12 Q. And it also indicates that  
13 improvements to the streetscape adjacent to the  
14 property boundaries should be provided for.

15 Your plans address the streetscape of  
16 Strafford Avenue and Eagle Road along the  
17 property boundaries; correct?

18 A. Yes, they do. We provide, as I  
19 mentioned earlier, sidewalks for connectivity,  
20 pedestrian safety.

21 In some of those cases, there are  
22 retaining walls that are required to add that  
23 sidewalk. We've added street trees along Eagle.

24 Along Strafford there is a significant

1 amount of preserved trees, and generally speaking  
2 the existing trees do satisfy the street tree  
3 requirements along Strafford.

4 Q. And I just remembered one thing I  
5 forgot to ask you about lighting. Is there some  
6 existing street lighting?

7 I presume there are township  
8 streetlights along Strafford Avenue in the  
9 vicinity of the property?

10 A. Yeah. I'm not sure exactly whose  
11 responsibility those lights are, but there are --  
12 we observed four streetlights along Strafford  
13 Avenue and no lighting along Eagle Road.

14 Those are -- those light locations are  
15 shown on the lighting plan with an asterisk.

16 So directly across from one of our  
17 driveway entry points is a streetlight, township  
18 or state maintained, and then another one across  
19 from the other driveway entry point.

20 There's one in between, as you can see  
21 where my mouse is there, and then there's another  
22 streetlight at the corner of Eagle and Strafford.

23 Q. And for the record, you were referring  
24 to Exhibit A-22, sheet 16 of 17, LI-1?

1           A.     That's correct.

2           Q.     Jumping back to a landscaping  
3 question --

4           A.     If I could just make one additional  
5 comment regarding the last question.

6           Q.     Sure.

7           A.     The footcandle points that are shown  
8 on the lighting plan do not take into account the  
9 streetlights that are along Strafford, so just  
10 for clarity.

11          Q.     And for clarity, the footcandle  
12 measurements you did were to address the lights  
13 that were shown on your proposed plan that the  
14 applicant is proposing; correct?

15          A.     That's correct.

16          Q.     Code Section 280-91.G discusses a  
17 required buffer.

18                   Can you review that provision and  
19 describe how the plans comply with that  
20 provision?

21          A.     Yeah. Code Section 280-91.G states  
22 there shall be a buffer of 25 feet along all  
23 property lines which abut residentially-zoned  
24 districts which shall not contain any roads,



1 structures, parking areas, et cetera, and shall  
2 be planted in accordance with a plan which shall  
3 be approved by the board of commissioners at the  
4 time of final approval.

5 As previously described, we've got  
6 25-foot buffers along our residential adjacent  
7 properties, along Grant Lane to the left or west  
8 and along the Forrest Lane property that drops  
9 below the main rectangle of the site.

10 It comes up the other side and is  
11 terminated at the residential property at the  
12 interface of Eagle Village.

13 Q. And the plans show the planting that's  
14 proposed in these buffer areas?

15 A. That's correct.

16 Q. There's a Code Section 280-95.A(4).  
17 Would you review that provision and describe how  
18 the plans comply?

19 A. Yes. 280-95.A(4): Landscaping shall  
20 be regarded as essential to every development  
21 plan. Not only must natural features, trees and  
22 slopes of the site be preserved, but careful  
23 attention must be given to landscaping of parking  
24 areas and providing for street trees.

1           As shown on Exhibit A-22, sheet 14 of  
2 17, sheet LP-1, we fully landscaped the entire  
3 property, with particular intensity around the  
4 site boundaries, particularly along the  
5 residentially-zoned districts, as mentioned  
6 previously.

7           We've gone over the areas of tree  
8 preservation in the central open space and along  
9 Strafford and Eagle Roads.

10           We've worked with our design engineer  
11 to allow for ample space along our internal drive  
12 for shade trees, and there are no other natural  
13 features or natural slopes that would need to be  
14 addressed in this case.

15           Q.     And there's a Code Section  
16 280-95.A(5).

17                     Would you review that provision and  
18 describe how the plans comply with that  
19 provision?

20           A.     Yes. 280-95.A(5) requires seeding or  
21 sodding and other planting shall be applied to  
22 stabilize topsoil on steep slopes and to enhance  
23 the appearance of open areas.

24                     There's some very limited slopes that

1 were manmade when Eagle Road was created. There  
2 will be stabilization through the use of ground  
3 cover and/or sod or seed along those areas.

4 The pervious portions of the site will  
5 also include seeding or sodding, as we determine,  
6 through the course of the land development  
7 process.

8 There will also be other landscape  
9 beds, as I mentioned, at foundation areas and  
10 entry areas.

11 There will be likely bedded areas  
12 under the density of buffer trees and shrubs that  
13 are arrayed around the perimeter.

14 And all of these things would be there  
15 to stabilize the slopes and topsoil and any  
16 exposed areas through the construction.

17 There are seeding notes listed on the  
18 construction stage 11 and 12 on sheet six of 17  
19 of Exhibit A-12, which is the erosion and  
20 sedimentation control plan, and sheet nine of  
21 Exhibit A-12, which is the E&S detail.

22 Q. The conditional use standards did not  
23 require this, as we went over, but do these plans  
24 show compliance with the township tree

1 replacement and planting requirements outside of  
2 the zoning ordinance that are found in other  
3 chapters of the code, including Chapter 263,  
4 trees, and Chapter 255, the Subdivision and Land  
5 Development Ordinance?

6 A. Yes. As my previous testimony stated,  
7 all required plantings are shown on these plans  
8 and are compiled on compliance charts on sheets  
9 13 of Exhibit A-22, the tree inventory plan, as  
10 well as sheet 14, landscape plan.

11 All of our calculations and ordinance  
12 requirements are summarized on those plans, yeah.

13 Q. And, in your experience, are the  
14 landscaping plans in compliance with these  
15 requirements in Radnor Township done typically  
16 during land development or at the time of grading  
17 permit?

18 A. Yes, they are.

19 Q. And at that time, are these plans  
20 reviewed by the township's shade tree commission?

21 A. Yes, they are. Yes.

22 Q. And in your professional experience  
23 working with the shade tree commission in Radnor  
24 Township and the township arborist, are you

1 typically able to work out any particular  
2 concerns or issues regarding landscaping, tree  
3 removal, and tree replacement at that time?

4 A. Yes. I've found that to be a very  
5 open and interactive process.

6 Typically that involves a site visit,  
7 where we literally walk out and look at the site  
8 and assess our plans versus what's on the site,  
9 and we do work out the details sometimes at that  
10 point.

11 Q. You mentioned that one of the  
12 objectives of the landscaping plan for the site  
13 was to maintain the character of the existing  
14 street frontage of the property along Eagle Road  
15 and Strafford Avenue.

16 You described generally how the plans  
17 achieved those objectives and other objectives.

18 Did your firm prepare some images to  
19 show the existing and proposed use of the  
20 property along Eagle Road and Strafford Avenue?

21 A. We did. We felt it was important to  
22 show what the edges of the property would look  
23 like from the public travel way, and if our  
24 computer is cooperative --

1 Q. I'm going to hand up -- are these  
2 images at A-24?

3 A. Yes, Exhibit A-24a through e.

4 - - -

5 (Applicant's Exhibits A-24a-e were  
6 marked for identification.)

7 - - -

8 MR. BROSEMAN: We're going to take a  
9 moment and see if it can be revived on the  
10 screen, if that's okay.

11 - - -

12 (Recess taken.)

13 - - -

14 MR. BROSEMAN: Thanks, Rob. Thanks  
15 for the chance to put that back up.

16 BY MR. BROSEMAN:

17 Q. By reference to these exhibits, Mr.  
18 Panzak, would you describe the existing and  
19 proposed conditions along the property frontage  
20 along Eagle Road and Strafford Avenue?

21 A. Yes. What we have on the screen is  
22 Exhibit A-24, and we start with A-24a.

23 There's a small key map, which I'm  
24 sure you're all familiar with by now, and we are

1 starting on Eagle Road near Eagle Village, and  
2 we're going to make our way up Eagle Road toward  
3 the intersection of Strafford Avenue.

4 We will then turn left and work our  
5 way, I guess, northward or westward along  
6 Strafford Avenue, and I will describe the  
7 existing condition and the proposed condition,  
8 and each of these exhibits has just that.

9 The top section is the existing  
10 condition, and then we try to, to the best of our  
11 ability, show an artist's rendition of what we  
12 believe the condition will look like perhaps  
13 shortly after it would be planted.

14 So current condition along Eagle  
15 starting at --

16 Q. You're at A-24a?

17 A. A-24a, starting at Eagle Village.  
18 This is the existing condition. There's some  
19 fencing. You can see the slopes, the rise up  
20 from Eagle Road to the top of the embankment.

21 There is currently an entry/exit point  
22 to this property, a gated entry/exit point, and  
23 you can also see the existing trees that are  
24 there currently.

1           And the thing that you can't see real  
2 well, right at the entry point, there are stone  
3 entry walls on either side of that driveway that  
4 are covered in ivy.

5           And if we switch down to the proposed  
6 condition, we will be, as I mentioned earlier,  
7 adding some retaining walls to be able to add the  
8 sidewalks that have been so critical to the  
9 pedestrian connectivity in the area.

10          So you're seeing a retaining wall  
11 along the street line. You're also seeing that  
12 sidewalk. We've got some human forms shown there  
13 that would indicate walkers along that sidewalk.

14          You're looking at street trees and  
15 also replacement trees that make up the  
16 streetscape.

17          There would be several removals of  
18 existing trees in this area. I know that this  
19 tree has demised in the course of our project  
20 (indicating).

21          Q.     Which tree are you referring to in  
22 which part of the exhibit?

23          A.     It's a central tree on the property  
24 behind the existing fence that is located on the



1 existing streetscape photograph.

2 Q. Would it be the third tree from the  
3 left of the existing driveway?

4 A. Third or fourth, depending on what  
5 we've got there, yeah.

6 So, you know, to further describe what  
7 you're seeing, there would be townhouse units.  
8 This would be the end of a townhouse unit.

9 Our driveways are intervening between  
10 this townhouse unit and the next one. You begin  
11 to see --

12 Q. When you're saying "this townhouse  
13 unit," can you be more descriptive for the  
14 record?

15 A. Yes. This would be townhouse unit  
16 number one as shown on all of our plans. The  
17 open space in between, moving to the north, again  
18 would be driveways and open space in this area.

19 And then there is another townhouse  
20 unit, which I believe is townhouse 38. So we're  
21 showing townhouse 38 in this exhibit.

22 Q. And, for the record, on this  
23 particular A-24a, on the left side of each image,  
24 existing and proposed, would be where the Eagle

1 Village Shopping Center is?

2 A. Yes, that's correct.

3 Q. And to the right side is headed toward  
4 the intersection of Eagle Road and Strafford  
5 Avenue?

6 A. That's correct.

7 Q. Thank you.

8 A. The right side of this exhibit is  
9 about mid block between Eagle Village driveway  
10 and Strafford Avenue.

11 So starting where we left off, the  
12 existing condition you see --

13 Q. You're on A-24b now?

14 A. A-24b, you're seeing the existing  
15 condition again on the top graphic. There is a  
16 fence also in this exhibit. It's a four-foot  
17 estate fence at this location.

18 There are a variety of shrubs and, of  
19 course, trees that make up this streetscape area.

20 You're also, if we move down to the  
21 proposed condition, you're again seeing the  
22 townhouse unit that goes from unit 38 to unit 33  
23 closest to Strafford Avenue. There are a variety  
24 of existing trees that would remain.

1           Again, we made assessments in the  
2 field as to trees that would be dead, diseased,  
3 or dying, and we've attempted, to the best of our  
4 ability, to remove certain features that we know  
5 would be removed, and we are showing trees that  
6 we believe would be preserved along these areas.

7           Again, including the sidewalk along  
8 that side of Eagle and its associated retaining  
9 walls and also the array of landscaping, both  
10 shade trees, flowering trees, and evergreen  
11 trees, along with upgraded estate fencing to  
12 round out the streetscape.

13           And just to reiterate, the right side  
14 of this exhibit, both existing and proposed,  
15 would be Strafford Avenue.

16           So moving on to Exhibit A-24c, the  
17 very left side of both of these exhibits would be  
18 looking southwestward along Eagle Road, so the  
19 left side is the Eagle Road and Strafford Avenue  
20 intersection.

21           And reviewing the existing conditions  
22 at that point, several, many large trees and  
23 fencing. No sidewalk shown.

24           I probably should have mentioned that

1 on the existing condition of the previous  
2 exhibits, but there are no sidewalks currently.

3 This is one of the entry points or  
4 entry driveways. So you see how that would open  
5 up at that point.

6 And what you're looking at on the  
7 proposed piece of A-24c, as we move to the center  
8 of this exhibit, is the previously-mentioned  
9 townhouse unit 33, the end of that unit.

10 And then we go across the driveway,  
11 and then you're starting to see what we believe  
12 would be the condition of townhouse, the end of  
13 townhouse unit 32.

14 So our driveway, continuation of the  
15 sidewalk, how we are dealing with the existing  
16 streetscape from a landscape standpoint,  
17 preservation of trees, where possible, and then  
18 the supplement of new, proposed, replacement, or  
19 buffer screening trees along the perimeter.

20 Moving on to A-24d, this is the  
21 central section of three sections along Strafford  
22 Avenue, and what we're looking at on the existing  
23 condition is a very, is a relatively densely-  
24 populated streetscape of existing trees.

1           This is our main open space area, and  
2 we are really proposing that very few trees in  
3 this area are removed.

4           Again, as previously stated, only  
5 trees that would be compromised, diseased, or  
6 dying trees would be eliminated from this  
7 streetscape area, and again supplemental trees  
8 provided where needed and to the extent possible  
9 within the context of the existing trees to  
10 remain.

11           So we believe that the vast majority  
12 of this section will remain very much like it is  
13 perceived today.

14           And our last exhibit, streetscape  
15 exhibit along Strafford Avenue is A-24e. This is  
16 the furthest western or northwestern exhibit  
17 section.

18           Again, the top band is presenting the  
19 existing condition, which shows an array of  
20 existing trees.

21           This is where the driveway, the  
22 existing driveway is to the previous home site  
23 that was located on the property.

24           And to the right side of this exhibit,

1 you will notice a large tree with a bit of a bend  
2 to it. Right in that area is where the end of  
3 the property line is.

4 So we are actually depicting a very  
5 small piece of the adjacent neighboring property  
6 at that point.

7 So if we move down to the proposed  
8 condition, again we're looking at this elevation  
9 area where our second driveway meets Strafford  
10 Avenue, and we are looking at, this would be  
11 townhouse unit number 21 in this location, and  
12 then our entry area, and then townhouse unit  
13 number 20 on the right side of this driveway.

14 And as previously described, we are  
15 proposing to retain as much of that street, the  
16 healthy streetscape trees as possible.

17 And then where the intervening  
18 driveway regrading and disturbance would happen,  
19 we would be adding our driveway trees and any  
20 additional supplemental landscaping that would  
21 present this as a beautified streetscape area.

22 Q. Thank you. Mr. Panzak, in your  
23 professional opinion, do the features of the  
24 landscaping plan and lighting plan that you have

1 focused on and with regard to the landscaping  
2 plan, including extensive plantings, the large  
3 common open space, the buffers, maintaining the  
4 character of the streetscape along Eagle and  
5 Strafford Avenue, help to mitigate adverse  
6 impacts on the surrounding properties and  
7 neighborhood?

8 A. I believe it does, yes.

9 Q. In your professional opinion, will the  
10 proposed use have any adverse impacts related to,  
11 impacts on landscaping and lighting that would  
12 not normally be associated with a similar  
13 townhome development?

14 A. They would not.

15 MR. BROSEMAN: That's all I have for  
16 Mr. Panzak at this time.

17 MR. RICE: Mr. Marlier?

18 MR. MARLIER: If I could have five  
19 minutes, like Mr. Broseman had, to set up  
20 some exhibits.

21 MR. RICE: Okay. We'll take five.

22 - - -

23 (Recess taken.)

24 - - -

1           MR. RICE: Okay. We're going back on  
2           the record. Mr. Marlier,  
3           cross-examination.

4           MR. MARLIER: Thank you, Mr. Rice.

5   - - -

6   CROSS EXAMINATION

7   - - -

8           BY MR. MARLIER:

9           Q.     Mr. Panzak, you testified that with  
10           other options, not the proposal, but other  
11           options that are in the code, that the large open  
12           space would not be there, I believe is how you  
13           testified.

14                           Do you remember that?

15           A.     Yes.

16           Q.     Just to be clear, it might not be  
17           required, but this property can be developed as a  
18           large open space with potentially a smaller  
19           amount of single-family homes; correct?

20           A.     Yes. I was mainly thinking about the  
21           exhibit that was presented previously as the  
22           single-family plan.

23           Q.     You're referring to the plan that the  
24           developer put together, the one sheet showing a



1 potential single-family home development;  
2 correct?

3 A. Yes.

4 Q. You testified about the lighting. I'm  
5 going to try not to stick around too much here,  
6 but if we could talk about the lighting for just  
7 a moment.

8 So if we could look at A-22, I believe  
9 it's sheet 16?

10 A. Yes. That's the lighting plan.

11 Q. You talked about the light posts and  
12 the light that they would cast out, and I believe  
13 you said there was some sort of shield, I think  
14 it's a house-side shield?

15 A. Yes.

16 Q. If we could just look at townhome 17,  
17 for example. Between 17 and 16, there is a  
18 lamppost in front of that; correct? That  
19 triangle is showing a lamppost?

20 A. Yes.

21 Q. So the house-side shield would keep  
22 the light going from townhome 17 to 16; correct?

23 A. Yes.

24 Q. Would the light go into townhome 24,

1 which is directly across?

2 A. No, it wouldn't.

3 Q. Why is that?

4 A. I could have described it earlier  
5 during testimony. On that same sheet, sheet 16  
6 of Exhibit A-22, there is a graphic called an iso  
7 footcandle diagram in the lower right-hand side  
8 of the page, and that shows the distribution of  
9 footcandle light distribution, and we've  
10 superimposed that footprint on the plan, as well  
11 as run this point-to-point footcandle array that  
12 you see in the small pinpoint locations across  
13 that sheet 16, and that's where you begin to  
14 understand the limits of the throw of the light.

15 Q. So when you say "house-side shield,"  
16 it's not just the house side. Is there a shield  
17 in front of the light?

18 How does that work? Why does it not  
19 get to townhome 24?

20 A. It's just the internal optics that are  
21 utilized in lampposts. They're, in the lighting  
22 world, there are many different shapes of these  
23 footprints.

24 There's a full symmetrical array.

1 There's what's called a forward throw, which  
2 projects light even further across a parking lot  
3 or a roadway.

4 In this case, we've selected an  
5 optical package that really is limited and throws  
6 light side to side and not forward, and then the  
7 house-side shield is also mitigating any light  
8 trespass to the rear.

9 Q. Understood. So I assumed the  
10 house-side shield was what was keeping the light,  
11 but there are other factors that you have?

12 A. Correct.

13 Q. You mentioned that much of the tree  
14 replacement requirements would be addressed or  
15 could be addressed in land development, and it's  
16 your testimony that you've exceeded requirements;  
17 right?

18 A. Yes.

19 Q. But you did point out that a lot of  
20 this would be fleshed out in land development;  
21 correct?

22 A. Yes.

23 Q. But just to be clear, if there were  
24 health, safety, and welfare concerns, let's say,

1 about stormwater runoff, those health, safety,  
2 and welfare concerns would be important to a  
3 conditional use hearing; correct?

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

5 THE WITNESS: Yes.

6 MR. BROSEMAN: That's a legal  
7 question.

8 MR. MARLIER: I think Mr. --

9 MR. RICE: Overruled.

10 Go ahead, Mr. Panzak. You can answer.

11 THE WITNESS: Could you restate the  
12 question, please?

13 MR. MARLIER: Sure.

14 BY MR. MARLIER:

15 Q. You've stated that there was, some of  
16 these issues regarding landscaping would be  
17 fleshed out during land development, but my  
18 question is if there were concerns about health,  
19 safety, and welfare with this development  
20 regarding stormwater runoff, you would agree that  
21 that would be important to discuss during a  
22 conditional use hearing; correct?

23 A. I believe that was information that  
24 Mr. Lambert has commented on, and I'm not really

1 qualified to state whether removal of trees and  
2 stormwater management would be affected here.

3 Q. You've been qualified as an expert in  
4 landscape architecture, but you don't believe  
5 you're qualified to testify as to whether -- the  
6 removal of trees and the impact on stormwater  
7 management? Is that your testimony?

8 A. Yeah. I don't believe that I'm  
9 qualified to comment on stormwater management  
10 relative to removal of trees.

11 I think the provisions that are in  
12 place on the engineering documents will protect  
13 health, safety, and welfare issues during  
14 construction, and I would rely on that  
15 information.

16 Q. Let me just ask a very general  
17 question or a very basic question, I think.

18 Landscaping can have an effect on  
19 stormwater management; correct?

20 A. I believe that landscaping and trees  
21 are a renewable resource that can be and are  
22 constantly refreshed. New trees today can become  
23 the canopy of the future.

24 And I think construction activities

1 are a relatively small moment in time and  
2 stabilization will happen, new trees will be  
3 planted, trees have been preserved.

4 And I think this ecosystem will move  
5 forward in a more healthy way with this  
6 development versus where we are today with the  
7 condition of the tree canopy.

8 Q. I'm not saying that this development  
9 is going to take away all the trees, but let's  
10 just say this development was going to take away  
11 every single tree on this property.

12 You would agree with me that that  
13 would have an impact on the stormwater  
14 management, correct, relative to where it is  
15 today with the amount of trees it has?

16 MR. BROSEMAN: Mr. Marlier, you're  
17 assuming no new trees will be planted in  
18 your hypothetical?

19 MR. MARLIER: Correct.

20 BY MR. MARLIER:

21 Q. No new trees, all the trees are taken  
22 away relative to where it is right now. There  
23 would be an effect on the stormwater management;  
24 correct?

1           A.     Yes.

2           Q.     Okay.  So we agree that landscaping  
3 does have some impact, we don't know, we're  
4 trying to flesh out, this board is trying to  
5 figure out what that impact might be based on  
6 this plan, but there is some impact from  
7 landscaping on stormwater management; correct?

8           A.     Yes, in that hypothetical where we're  
9 removing trees and nothing's going back, but we  
10 know that there's an ample replacement package,  
11 additional trees for driveways and buffers.

12                   This is not a static one-time effect.  
13 It's an opportunity that will be built out and  
14 re-stabilized, and again, as I stated earlier,  
15 multiple trees replacing ones that have been  
16 removed.

17                   This would all be township-required  
18 calculations, and a significant amount of  
19 replacement trees will be added to the property.

20           Q.     I'd like to direct your attention to  
21 A-24 again, d, and also on e.  It shows the two  
22 drives that are proposed; correct?

23                   So we're looking at 24d and 24e.  The  
24 renderings for the proposed show the drives that

1 are proposed by the applicant; correct? 24d?

2 A. Yes. Yes, correct.

3 Q. Just to be clear, these drives aren't  
4 to scale; correct?

5 A. Yes. As I stated earlier, we did our  
6 best to provide a rendering and an artist's  
7 depiction of what this might look like, and exact  
8 scale is within reason, but it was not calculated  
9 or engineered significantly.

10 Q. I'd like to go back to the  
11 landscaping. How many trees are going to be  
12 removed from the property?

13 A. Healthy trees removed, 115.

14 Q. And unhealthy trees? I'm not sure --

15 A. There's a total of 225 trees to be  
16 removed, which would include 115 healthy trees  
17 and -- okay. 225 trees total, 115 healthy, 110  
18 declined and diseased trees.

19 Q. And how many will be planted?

20 A. Total trees proposed would be 332.

21 Q. And what will the maturity of these  
22 trees be?

23 A. We have got 186 deciduous trees. Of  
24 that 186, 142 are large canopy trees, 44 would be



1 flowering understory trees, and 146 trees would  
2 be evergreen tree varieties, larger evergreen  
3 tree varieties.

4 Q. And what would the height of the  
5 evergreens be?

6 A. At planting, the township requirement  
7 is eight to ten feet.

8 Q. And your testimony is they would be  
9 that eight to ten feet?

10 A. Yes.

11 Q. And the large canopy trees?

12 A. The large canopy trees, the township  
13 requires a caliber in sizing, and these would be  
14 installed at a two- to two-and-a-half-inch  
15 caliber size.

16 Q. I don't know what a caliber size is.  
17 Could you explain that?

18 A. Yeah. Caliber is the measurement of  
19 the diameter of the trunk at the root ball  
20 height.

21 The industry talks about diameter at  
22 breast height. The nursery industry sizes their  
23 trees just above the root flare at the root ball.

24 So a two- to two-and-a-half-inch

1 caliber tree is the measurement of the trunk size  
2 above the root ball.

3 Q. You've testified that you, I believe  
4 that you are removing as few trees as possible;  
5 correct?

6 A. Yes.

7 MR. BROSEMAN: I'm going to object. I  
8 think it was along the street frontages, he  
9 testified.

10 MR. RICE: What's the objection?

11 MR. BROSEMAN: I think he didn't state  
12 the question, state the testimony  
13 accurately.

14 MR. MARLIER: I think that's proper  
15 for redirect. I think it can be clarified.

16 MR. RICE: The objection is overruled.  
17 Go ahead, Mr. Marlier.

18 BY MR. MARLIER:

19 Q. I'm going to bring up what's been  
20 previously marked as A-4 A.

21 Mr. Panzak, are you familiar with this  
22 document? I believe we've been calling it the  
23 neighbor plan?

24 A. I've seen this plan. It hasn't been a

1 plan that I've studied or prepared any critical  
2 landscape assessment on.

3 Q. Well, looking at A-4 A, you can see on  
4 the left-hand side along the Grant Lane side,  
5 there's more buffering on that side than the plan  
6 that's before this commission, before it right  
7 now; correct?

8 A. Correct.

9 Q. And so in that buffering area, as a  
10 landscape architect, you could utilize that  
11 buffering area to put more plantings in, correct,  
12 because there's more space?

13 A. Yes.

14 Q. So there's a plan that has been  
15 submitted by the applicant itself that shows that  
16 there could be more buffering along the Grant  
17 Lane side?

18 A. Yes, correct.

19 Q. And just to be clear, you've balanced  
20 the preserving of trees with the applicant's  
21 desire to have 38 townhomes; correct?

22 A. Yes.

23 Q. And you've balanced preserving trees  
24 with the developer's desire to include a

1 stormwater management program under the open  
2 space; correct?

3 A. Yes.

4 Q. So I think you testified to this, but  
5 I want to be clear for the record.

6 What else is going to be along the  
7 buffers besides the trees? You mentioned  
8 fencing?

9 A. Yes. Along the Grant Lane neighbors,  
10 the Forrest Lane neighbors, and along our  
11 boundary with Eagle Village, there would be solid  
12 six-foot fence provided.

13 Q. The new trees being put in, we just  
14 talked about the height.

15 They would be, the height of new trees  
16 proposed, that would be shorter than many of the  
17 trees you're taking down; correct?

18 A. Yes.

19 Q. And, obviously, trees that are newer  
20 and newly planted, they wouldn't be as full as  
21 trees that have been growing or are currently on  
22 the property; correct?

23 A. Well, not necessarily. Sometimes, and  
24 we see it with white pine trees, of which there

1 are many along the property border, lose their  
2 lower branches and become very open at the ground  
3 plane, so essentially what was once a buffer tree  
4 is no longer really providing that buffer.

5 Q. Understood. Have you reviewed the  
6 township comprehensive plan?

7 A. I have not.

8 Q. Did you know that the township code  
9 states that to accomplish the township's land use  
10 objectives within a density modification  
11 development, conditional use development plans  
12 shall be reviewed in conjunction with the  
13 municipal comprehensive plan?

14 You didn't know that?

15 MR. BROSEMAN: I'm going to object,  
16 because he didn't say he didn't know that.

17 MR. MARLIER: That's my question.

18 BY MR. MARLIER:

19 Q. You didn't know that?

20 A. I understood that that is the case,  
21 that it is being -- that it does need to relate  
22 to the comprehensive plan.

23 Q. Has your plan indicated all of the  
24 trees with a diameter, we were just touching on

1 this a few moments ago, a height of 30 feet or  
2 greater?

3 A. I don't understand that question.

4 Q. Have you marked all the heritage trees  
5 at the site?

6 A. We know where all the heritage trees  
7 are, yeah.

8 Q. Do you know how many there are, off  
9 the top of your head?

10 A. There are 30 heritage trees.

11 Q. And are all of those trees being  
12 preserved?

13 A. They are not.

14 Q. How many are being taken down?

15 A. Twenty-two. Of that 22, 15 of those  
16 trees have been determined to be declined or  
17 diseased, seven trees, heritage trees have been  
18 determined to be healthy that we were taking  
19 down, and eight trees are being preserved.

20 Q. I guess if we were to look at where  
21 those seven healthy heritage trees would be,  
22 let's go to your Exhibit A-22, sheet 13.

23 Are you able to point out where those  
24 seven heritage trees are, the healthy ones?

1           A.     With some time, I could.

2           Q.     Let me ask you this.  Are those  
3 heritage trees where the townhomes will be built?  
4 Is that why they're being taken down?

5           A.     You're asking where the preserved  
6 trees are or the ones that are being taken down?

7           Q.     You were discussing seven healthy  
8 trees, heritage trees, that are going to be taken  
9 down, and I couldn't fathom why you would take  
10 down a heritage tree that's healthy if it's in  
11 green space or the open space that's indicated in  
12 the development plan.

13                     So is it safe to assume that those  
14 seven heritage trees would be where the townhomes  
15 are proposed to be built?

16           A.     They're arrayed, yeah, across the site  
17 where townhomes would be or grading or, you know,  
18 some other development activity.

19           Q.     If you had a townhome development  
20 proposal that was less than 38 townhomes then,  
21 theoretically we could save those seven heritage  
22 trees; correct?

23           A.     Yeah.  And as I've stated earlier, I  
24 think we're able to remove trees, if approved.

1           And with compensation that's called  
2 out in the ordinance, the canopy restoration  
3 would take place, I believe, over time and build  
4 back any losses that would be incurred by these  
5 trees you're referring to.

6           Q.     How long would it take the large  
7 canopy trees that are going to be planted to grow  
8 to the size of a heritage tree?

9           A.     It could take 50, 60 years.

10          Q.     And how long for the evergreens?

11          A.     I'm sorry. I didn't understand that  
12 question.

13          Q.     There's 146 evergreens that are going  
14 to be eight to ten feet tall.

15                   How long would it take for them to be  
16 the size of these seven heritage trees that are  
17 being removed?

18          A.     I don't understand the relationship  
19 between heritage tree and evergreen tree.

20          Q.     A heritage tree has to do with the  
21 size of the root, correct, the size of the trunk?

22          A.     Correct.

23          Q.     So, I'm not a landscape architect, but  
24 I would assume the size of the trunk at the root



1 level, if it's a heritage tree, it's a certain  
2 width, large, mature, and the 146 evergreens that  
3 are going to be planted would not be that;  
4 correct?

5 A. Correct.

6 Q. So how long would it take for those  
7 146 evergreens to become them?

8 A. Well, again, depending on growth rate,  
9 you know, that might take place in 30, 40 years.

10 Q. Is all the landscaping shown relative,  
11 on the documents that you put into the record  
12 tonight or marked, are they relative to -- is  
13 there anything on those plans that show how close  
14 they are in proximity to utilities, underground  
15 utilities?

16 A. I believe we show the utility  
17 easements, and we are outside of those required  
18 easements.

19 The township actually dictates  
20 setbacks of landscaping and other structures from  
21 underground stormwater management, so that's also  
22 a control, and we've complied with those  
23 controls.

24 Q. You were, Mr. Panzak, a witness in

1 what has been called Hamilton-1; correct?

2 A. Yes.

3 Q. Does the correct plan that's before  
4 this board right now conserve more trees than  
5 that plan or less?

6 A. I haven't reviewed Hamilton-1 in some  
7 time, so I am not able to comment on that.

8 MR. MARLIER: Just one moment.

9 - - -

10 EXAMINATION

11 - - -

12 MR. RICE: Mr. Marlier, while you're  
13 looking, a question about the DBH versus  
14 the measurement at the root ball.

15 So the diameter at breast height, that  
16 measurement of a tree, what are we talking  
17 about in terms of the seven heritage trees?

18 What is the size that we're talking  
19 about removing?

20 THE WITNESS: Well, the heritage tree  
21 designation starts at 30 inches.

22 MR. RICE: Right, but what are the  
23 seven being removed? Is it 30? Or is it  
24 40? Is it 50?

1 THE WITNESS: Oh.

2 MR. RICE: I just want to get a  
3 number.

4 THE WITNESS: Right. I've got a 32.  
5 I've got a 41. I've got a 33, a 32, a 35  
6 and a half, a 31, and a 46 and a half.

7 MR. RICE: And are they shade trees or  
8 ornamental trees or are they evergreen?

9 THE WITNESS: Primarily shade --  
10 deciduous trees. I've got a black cherry,  
11 a pin oak, a red oak, another red oak, red  
12 oak, red oak, sugar maple, and one white  
13 pine.

14 MR. RICE: Okay. I have just one  
15 other question about trees, and we will get  
16 back to Mr. Marlier.

17 Norway maples, are they all staying?  
18 Because there's a lot of them on your chart  
19 which say they're invasive/volunteer.

20 Are they staying or are they being  
21 removed?

22 THE WITNESS: Only the items with the  
23 dark shading at the number would be  
24 removed.

1 MR. RICE: Oh, okay. You're talking  
2 about the tree inventory chart?

3 THE WITNESS: That's correct, on  
4 Exhibit A-22, sheet 13.

5 MR. RICE: Got it. I'm sorry.  
6 Mr. Marlier, go ahead.

7 MR. MARLIER: Thank you, Mr. Rice.

8 - - -

9 CROSS EXAMINATION (Resumed)

10 - - -

11 BY MR. MARLIER:

12 Q. I was just asking about the  
13 underground utilities.

14 So if you look down at Forrest, to the  
15 property that's just off in the rectangle, you  
16 have the basin, I think it's basin five.

17 Is it your testimony that the  
18 landscaping to the left and right of that basin  
19 is sufficiently far away per the code?

20 A. Yes.

21 Q. And it's your testimony that there  
22 won't be any -- you're not concerned with any  
23 influx or infiltration, I&I, with the stormwater  
24 management that's under there leading into

1 Forrest Lane?

2 A. Yeah. We've kept the adjacent  
3 vegetation outside of the setback buffers.

4 Q. I brought up on the screen A-12, sheet  
5 five, and the dotted line, I think you testified  
6 to this, that shows the limit of earth  
7 disturbance; correct?

8 A. Yes.

9 Q. And so, just so I understand what that  
10 means, within the dotted line in the open space,  
11 your testimony is there would not be earth  
12 disturbance; is that correct?

13 A. Well, outside that line. Inside would  
14 be disturbed. Outside would not be disturbed.

15 Q. So just to be clear about what's  
16 inside and outside.

17 So outside is along the townhomes, not  
18 in the middle in the open space, but to the other  
19 side of the dotted line closest to the townhomes?

20 A. Well, in the center open space area  
21 where you do see that large dashed, long dashed  
22 line, inside of, well, yeah, inside of that area  
23 is preservation, is not disturbed.

24 There are two different things. One

1 is not shown here, which is the tree preservation  
2 fence.

3 There are pieces of area outside of  
4 the limit of disturbance line that are not  
5 included in the tree preservation area.

6 So you will have areas that have no  
7 impact on trees, even though there's no  
8 disturbance there.

9 Q. Well, let me try to clarify for myself  
10 and for the record.

11 A. Okay.

12 Q. So you have the open space?

13 A. Yes.

14 Q. And you have a dotted line that kind  
15 of has the two little circles along it as well,  
16 and it kind of wraps around, through the open  
17 space, around the townhomes, like a U?

18 A. Yes.

19 Q. What does that indicate?

20 A. May I use the mouse? This area is not  
21 part of the limit of disturbance. There is  
22 significant tree preservation in this area.

23 If you cross this line around the  
24 townhomes and around those driveways, there is

1 disturbance.

2 That line that we've been referring to  
3 work its way around the site. You can see, if  
4 you can see where my mouse is at this point, on  
5 the townhome side of that line is disturbed land.

6 In this case, there's a tree  
7 protection fence preserving these trees. That's  
8 the six-foot fence, chain-link fence that the  
9 township requires that I mentioned earlier.

10 So everything in here would be off  
11 limits to construction and contractors and  
12 machinery. That line works its way around the  
13 property.

14 It's very narrow here, so there is  
15 some area of non-disturbance, a little piece  
16 here, a little piece there, and you can see it  
17 works its way around.

18 So, generally speaking, there is  
19 disturbance along the Eagle Village side, and  
20 that line works its way up and around.

21 Q. Thank you. So, in other words, we're  
22 looking, what you've just been describing is a  
23 dotted line that is solid in some places, circles  
24 in others, and it wraps around the property, but

1 specifically in the open space, it wraps around  
2 like a U; correct?

3 A. Yes.

4 Q. But inside that, your testimony is  
5 that there won't be earth disturbance?

6 A. That's correct.

7 Q. Are there going to be trees removed  
8 inside that?

9 A. Yes, only the unhealthy, diseased, or  
10 dying trees.

11 Q. Will there be trees planted inside  
12 that shape, that U?

13 A. Yes, there would be.

14 Q. And it's your testimony that removing  
15 those trees and planting trees does not qualify  
16 as earth disturbance?

17 A. Well, digging a hole and planting a  
18 tree, I don't consider that earth disturbance,  
19 because we're planting it, and we're mulching it,  
20 and that's not what I would define as earth  
21 disturbance.

22 Earth disturbance is really the limit  
23 of grading and construction, and that is what  
24 that line is intended to depict.



1 I've never had any challenge of tree  
2 planting within a limit of disturbance outside of  
3 the technical machine regrading and construction  
4 area.

5 Q. Have you spoken with the Delaware  
6 County Conservation District about this project  
7 generally?

8 A. No, I have not. That's not typical  
9 for landscape architects.

10 Q. I'm going to remain on A-12. Go back  
11 to sheet three.

12 This shows the existing features.  
13 These existing features are going to be removed;  
14 correct?

15 A. Sheet three?

16 Q. Correct.

17 A. Yes.

18 Q. And when we were just looking at the  
19 earth disturbance, the sheet that shows the earth  
20 disturbance and the limits of the same, are any  
21 of these features within the area that shows  
22 there would not be disturbance?

23 A. It's hard to tell without the  
24 superimposing of these features on the -- or

1 having the limit of disturbance shown on this  
2 plan.

3 Q. So your testimony is you're not sure?  
4 You can't tell from just looking at these two  
5 sheets?

6 A. Yeah, I cannot tell.

7 Q. Will there be -- strike that. You did  
8 testify that there will be trees planted along  
9 Grant Lane, correct, the Grant Lane properties?

10 A. Yes.

11 Q. I'd like to switch over to lighting,  
12 if I could. Are you installing metal or  
13 fiberglass pole streetlights?

14 And I know that some of this was  
15 testified to potentially and introduced just this  
16 evening, but we did just receive these this  
17 evening, so I just want to clarify.

18 A. Yes. The specified lights are  
19 metallic lamps.

20 Q. Metallic lamps, but not fiberglass?

21 A. No.

22 Q. And will they have underground  
23 conduits?

24 A. Yes.

1 Q. Will there be any lighting closer to  
2 the property line along Grant Lane or Eagle?

3 A. There would not be any additional  
4 lighting along those areas that you just  
5 mentioned.

6 Q. If there were, if this project was 32  
7 townhomes, let's say, instead of 38, there would  
8 be less light emanating from the property,  
9 correct, less need for as much lighting?

10 A. Fixtures that would be associated with  
11 dwelling units are typically quite small and  
12 inconspicuous, and I would not consider that  
13 level of lighting to be problematic or disturbing  
14 of surrounding neighborhoods.

15 Q. So it's your testimony it will be the  
16 same amount of street lamps, or street posts,  
17 light posts if the property was developed as 32  
18 townhomes or less?

19 A. If the driveway was of similar size, I  
20 would think that we would have these nine street  
21 lampposts there.

22 Q. So the lighting is, is it your  
23 testimony the lighting is what it is as proposed  
24 because of the length of the driveway, Drive A

1 and Drive B?

2 A. I think I stated earlier in testimony  
3 that our intention was not to fully light the  
4 driveway but rather provide points of light along  
5 it. We could have reduced this number of lights.

6 We felt like this was the appropriate  
7 amount of light given its location and the type  
8 of development it is.

9 Q. If this were, if this board were to  
10 determine that Drive A and Drive B were, in fact,  
11 streets and should be held to that standard,  
12 would the lighting be sufficient per the code?

13 A. I think so, yes.

14 Q. You testified that you are familiar  
15 with Hamilton-1. I'm not sure if you can answer  
16 this question, but if you can.

17 Does the current plan have less light  
18 on the property than that plan?

19 A. As I said, I haven't looked at  
20 Hamilton-1 in a while and don't know the exact  
21 number of lampposts that we used on that  
22 particular plan.

23 Q. Would there be any lighting proposed  
24 along Eagle Road?

1           A.       There is no lamppost provided at this  
2 time and none anticipated.

3           Q.       And the same for Strafford? It's just  
4 the two posts that are indicated toward Strafford  
5 Avenue, but not along Strafford Avenue; correct?

6           A.       Correct.

7           Q.       And what tests have you done to  
8 determine what light would leave the property, if  
9 any?

10          A.       I'm not sure I understand the  
11 question.

12          Q.       Have you done any tests to determine  
13 what light would emanate from the property as the  
14 development is proposed, let's say, into the  
15 neighbors' property on Grant Lane?

16          A.       Yes. The point-to-point diagram  
17 that's shown on Exhibit A-22, sheet 16, it's very  
18 hard to read, but nevertheless it's there showing  
19 footcandle levels at each one of those points,  
20 and we believe that there are zeros at the  
21 property line.

22          Q.       And how do you determine the  
23 footcandle -- you may have testified to this, but  
24 briefly, how do you determine that footcandle?

1           A.       There's a Visual software, a software  
2 called Visual, and each fixture has a file  
3 associated with it, and you give it an attribute,  
4 which would be the type of fixture that you're  
5 using, the exact fixture that you're using and at  
6 what mounting height.

7                       And once you've added all of that  
8 information into the program, you can ask it for  
9 these points, and that's what is shown on LI-1,  
10 sheet 16 of A-22.

11                   MR. MARLIER: Thank you, Mr. Panzak.

12                   I have no further questions.

13                   MR. RICE: Okay. Neighbor questions.

14                   Neighbor questions?

15                               - - -

16                               CROSS EXAMINATION

17                               - - -

18                   MR. RICE: Amber Levy?

19                   MS. LEVY: Yes. Amber Atwood Levy,  
20 Radnor Conservancy. I just wanted to talk  
21 about lampposts real quick.

22                               Do you know, are these full-cutoff  
23 lampposts? Are they dark sky friendly?

24                   THE WITNESS: Yes.

1 MS. LEVY: Great. And you had  
2 mentioned that there's additional housing  
3 lighting and safety lighting.

4 Would that also be dark sky friendly?

5 THE WITNESS: Not having developed an  
6 architectural package, I don't know the  
7 answer to that.

8 MS. LEVY: Okay. Could they be?

9 THE WITNESS: I certainly think they  
10 could be.

11 MS. LEVY: Okay. What is the  
12 qualification that was used to define  
13 "decline"? You've referenced a lot of  
14 trees in "decline."

15 How do you define them? Is it like an  
16 ISA TRAQ usage, the Tree Risk Assessment  
17 Qualification that's used?

18 THE WITNESS: Well, I am going to  
19 describe that we had brought onto our team  
20 an arborist to make these assessments, and  
21 that's the individual that has made the  
22 assignments of declined or diseased.

23 I'm not aware of a specific TRAQ or  
24 other criteria that was part of that

1 assessment.

2 MS. LEVY: Okay. Got it. And what  
3 percentage of this landscape design  
4 includes trees that are native to  
5 Southeastern Pennsylvania?

6 THE WITNESS: Almost -- well, almost  
7 all of it in the deciduous realm would be  
8 considered native.

9 In the landscape architectural world,  
10 we have trouble with native evergreens, and  
11 we oftentimes use other trees that have  
12 proven to be good performers, not invasive,  
13 and would avoid things like I have  
14 described earlier with white pines, where  
15 the intent of buffering is lost over time.

16 So less of a percentage of natives on  
17 the evergreen side.

18 MS. LEVY: Yes, no, I understand.  
19 Those white pines start just to fall apart.

20 What about the shrubs? What  
21 percentage of the shrubs are native to  
22 Southeastern Pennsylvania?

23 THE WITNESS: Those particular shrubs  
24 are not native. And again, we see ill



1 performance of native shrub materials,  
2 evergreen shrubs particularly, not the  
3 deciduous side, but where evergreens are  
4 required.

5 You know, our rhododendrons and our  
6 mountain laurels oftentimes are just not  
7 robust performers, and we believe that  
8 there are other shrubs that do perform much  
9 better in terms of providing screening,  
10 more robust growth, faster growth than some  
11 of our natives.

12 MS. LEVY: Okay. What is the -- and  
13 forgive me if this is something that people  
14 know and I just don't know this.

15 But what is the manner in which  
16 topsoil is preserved in the areas of  
17 disturbance to kind of protect that  
18 bio-culture of the topsoil that's in  
19 existence right there and those  
20 microorganisms?

21 THE WITNESS: Well, in the areas of  
22 disturbance, it's a general requirement  
23 that topsoil be stripped and stockpiled  
24 onsite, and that once the construction

1 activity is concluded, that soil would be  
2 re-spread on the pervious, remaining  
3 pervious areas of the site to provide a  
4 growing medium for sod and seed and other  
5 landscape plants.

6 MS. LEVY: Is that amended once -- do  
7 you put like compost or anything like that  
8 and then it's added in case there is more  
9 that is needed when it goes back onto the  
10 property?

11 THE WITNESS: It's typically not  
12 amended. We believe that the topsoil  
13 that's in place provides a reasonably good  
14 growing medium, and that's typically what's  
15 re-spread across the site without  
16 amendment.

17 MS. LEVY: Got it. How far away is  
18 the tree protection fence set from the  
19 trees?

20 THE WITNESS: I would say that varies  
21 and in some cases would be within drip  
22 lines and other cases would be at the drip  
23 line area.

24 MS. LEVY: And is it your opinion that

1           that is far enough back from the drip line  
2           of those mature trees to preserve enough of  
3           the root structure for those trees to not  
4           have a negative impact or create any  
5           die-back on those large trees that are  
6           close to that fence line?

7           THE WITNESS: I think we've tried very  
8           hard to make assessments and to consider  
9           the trees that are there.

10           And in terms of doing the best we can,  
11           we've made decisions of what we made, and  
12           we believe that where we're at is within  
13           reason to save these trees.

14           MS. LEVY: Okay. And my final  
15           question, what is the size of the tree  
16           protection space within the open space?

17           I believe it's my understanding that  
18           it's about an acre of open space on this  
19           plan.

20           How much of that is this preserved  
21           conservation space, as you're calling it?

22           THE WITNESS: I don't have that  
23           number. I've heard acre, two acres talked  
24           about, but I'm not able to testify to an

1 exact area of preservation.

2 I believe you're referring to the  
3 center section?

4 MS. LEVY: Yes, that large center  
5 section, yes.

6 THE WITNESS: Yeah. I don't know the  
7 answer to that.

8 MS. LEVY: Okay. All right. Thank  
9 you.

10 MR. RICE: Mr. Chawla?

11 - - -

12 (No response.)

13 - - -

14 MR. RICE: John Clemente?

15 MR. CLEMENTE: No questions.

16 MR. RICE: Mr. Curley?

17 MR. CURLEY: Brian Curley, 136  
18 Fairfield Lane.

19 Sir, Mr. Panzak, just so I'm clear,  
20 when you propose to put together your  
21 landscape plan, do you review or look at  
22 the proposed stormwater plan in terms of  
23 the location of trees that would be removed  
24 and trees that will be planted?

1           THE WITNESS: I absolutely looked at  
2           the proposed stormwater management plan.  
3           I'm not sure I understand the question.

4           MR. CURLEY: Okay. Well, like, for  
5           instance, we're talking about this common  
6           open space that you're not going to  
7           disturb, yet the stormwater plan is talking  
8           about putting in some type of underwater  
9           basin there, so I'm confused about how you  
10          can put in an underwater basin and not  
11          disturb it.

12                    Can you clarify?

13          MR. BROSEMAN: I'm going to object.  
14          The plan showed this. We talked about it.

15          MR. CURLEY: I'm just seeking clarity.

16          MR. BROSEMAN: The undisturbed area  
17          was not where the open space was -- or the  
18          stormwater management was.

19          MR. RICE: Mr. Panzak, can you answer  
20          that question?

21          THE WITNESS: Sure. Roughly what Mr.  
22          Broseman said, the stormwater management  
23          basins are not within the preserved or  
24          undisturbed open space area, and we would

1 have to analyze specific areas, because  
2 there are currently many open space areas  
3 located on the existing site, and the  
4 removal of trees versus the replacement of  
5 trees is a very specific thing.

6 And we definitely take into account  
7 the proposed stormwater management, as we  
8 take into account all the other features  
9 that are being proposed, including site  
10 utilities.

11 So, you know, the landscape plan has  
12 been fully integrated into the overall  
13 development plan and I believe is an  
14 appropriate landscape plan for this  
15 development.

16 MR. CURLEY: Okay. This might be an  
17 obvious question, but does the removal of  
18 trees impact soil infiltration?

19 THE WITNESS: I am not a soil  
20 scientist, so I am not going to be able to  
21 answer that question.

22 MR. CURLEY: Any thoughts about  
23 whether planting trees would improve if  
24 there was an infiltration?

1           THE WITNESS: I think, to my way of  
2 thinking, those are two separate issues.

3           I think soil is, has a certain  
4 characteristic. It is either permeable or  
5 it has certain characteristics.

6           And trees apply to them or not, I  
7 think, is, are two different, two different  
8 issues, in my view.

9           MR. CURLEY: Okay. But if there was a  
10 section of this property where there was a  
11 failure of soil infiltration, and you're  
12 planning on either removing trees or  
13 planting trees, don't you think there would  
14 be some impact?

15           Because there was a review done by  
16 Hilbec in 2019 in the southwest corner,  
17 left bottom corner of the property where  
18 there was a failure of soil infiltration  
19 testing, yet you're talking about removing  
20 trees and possibly putting in stormwater  
21 basin.

22           And I'm confused as to why trees  
23 would, why you can't answer that trees  
24 would help or not help that situation.

1 THE WITNESS: Yeah, I'm not going to  
2 be able to comment on soil infiltration and  
3 stormwater management.

4 MR. CURLEY: Okay. Thank you.

5 MR. RICE: Mark Gaeto?

6 - - -

7 (No response.)

8 - - -

9 MR. RICE: Cindy Hansen?

10 MS. HANSEN: Cindy Hansen. I just  
11 have one question.

12 You're talking about a lot of  
13 protection and shading, and I was just  
14 wondering, was there any consideration for  
15 the houses that are across the street on  
16 Strafford Avenue for the exit with 76 cars  
17 or more vehicles coming in and out of the  
18 development with the headlights coming out  
19 and turning and going down the street?

20 The existing residents, it seems to  
21 me, would be at a disadvantage from this  
22 plan, with both exits coming out.

23 THE WITNESS: Well, all I can say to  
24 that is that there are two driveway points



1           there, and that would be, I think, a  
2           minimum amount of entry and exit points,  
3           whereas there may be the possibility of  
4           another development type or style that  
5           would have many more driveway curb cuts and  
6           things along Strafford Avenue.

7                   MS. HANSEN:   There could be one on  
8           Eagle Road though, and that's a commercial  
9           development there.

10                   THE WITNESS:   Yes, and that's not the  
11           plan that's being discussed.

12                   There's only so much we can do in  
13           terms of an exit or entry point in terms of  
14           how landscaping could or could not mitigate  
15           headlights.

16                   MS. HANSEN:   Okay.   Thank you.

17                   MR. RICE:   Cas Holloway?

18                   MR. HOLLOWAY:   No, thank you.

19                   MR. RICE:   Ted Hymel?

20                                   - - -

21                                   (No response.)

22                                   - - -

23                   MR. RICE:   Catherine Lafarge?

24                                   - - -

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(No response.)

- - -

MR. RICE: Mary Ann Mahoney?

- - -

(No response.)

- - -

MR. RICE: Jennifer Pechet?

- - -

(No response.)

- - -

MR. RICE: Margaret Ruschmann?

- - -

(No response.)

- - -

MR. RICE: Mr. Sareen?

- - -

(No response.)

- - -

MR. RICE: David Satterfield?

MR. SATTERFIELD: Yes. Dave

Satterfield, 207 Strafford.

You mentioned a solid fence around, I think it was Eagle and Grant.

What type of fence would be along

1           Strafford?

2                   THE WITNESS: We were thinking that we  
3 would replace the Eagle and Strafford  
4 fencing with estate fencing, four-foot open  
5 estate fence.

6                   MR. SATTERFIELD: Okay. And you  
7 talked about preserving the treeline along  
8 Eagle.

9                   Is that part of the rationale for why  
10 there was no entrance onto Eagle?

11                   THE WITNESS: No.

12                   MR. SATTERFIELD: No? So it's not a  
13 reason to not have an entrance there?

14                   THE WITNESS: That's correct. Under  
15 this proposal, many of the trees in that  
16 particular zone would be removed due to --  
17 well, some would be removed due to disease  
18 and demise, but as I'm looking at that area  
19 now, the trees that are, they're mainly  
20 proposed trees and very few existing trees.

21                   MR. SATTERFIELD: Okay. It seems like  
22 that would be a nice place to plan an  
23 entrance. I think we talked about that  
24 before.

1           We talked about the lighting  
2           dispersement to people on Grant, but how  
3           about along Strafford?

4           Is there any light dispersement to any  
5           of the homes along there?

6           THE WITNESS: Yeah. We're showing the  
7           footcandle cutoff at the property line  
8           areas as zeroing out at that point.

9           And because of the style and the  
10          optics of the post lamps that we're  
11          proposing, those areas would be very  
12          limited in terms of any light spillage.

13          And I believe you may have heard my  
14          testimony about the existing lighting along  
15          Strafford, and there are two existing  
16          streetlights roughly at the two entrance  
17          driveways that we have.

18          MR. SATTERFIELD: Okay. Have you done  
19          any examination of the amount of trees that  
20          could be preserved if you were to do a  
21          single-family plan as opposed to the  
22          townhome thing?

23          THE WITNESS: The single-family plan  
24          demonstration that has been shared in these

1           hearings would imply that there would be a  
2           significant amount of disturbance due to  
3           street right-of-way development, the houses  
4           themselves, the driveways, the stormwater  
5           management.

6                        So it's our opinion that the density  
7           modification option in the plan that you  
8           see before you would give us the  
9           opportunity to preserve many more trees  
10          than a single-family plan would.

11                      MR. SATTERFIELD: It just seems to me  
12          like a single-family plan with less  
13          buildings, more spaces between the  
14          buildings could allow more opportunities  
15          for landscaping and tree preservation,  
16          because you have more green space. You  
17          would have less structures.

18                      So it just seems like a plan that  
19          could be created that could preserve more  
20          trees that way.

21                      THE WITNESS: Yeah. Like I said, I  
22          think that in lotting out the site before  
23          you build the home, provide the driveways,  
24          provide the on-lot storm water management,

1 each lot would have its own stormwater  
2 management plan, I think the impact to the  
3 site would be greater than what we're able  
4 to do in terms of the overall open space  
5 preservation.

6 MR. SATTERFIELD: Thank you. That's  
7 all.

8 MR. RICE: Steve and Megan Scheri?

9 - - -

10 (No response.)

11 - - -

12 MR. RICE: Mr. Schuda?

13 - - -

14 (No response.)

15 - - -

16 MS. MAHONEY: Mahoney. Can I ask a  
17 question?

18 MR. RICE: Mary Ann Mahoney?

19 MS. MAHONEY: I just have a really  
20 simple question. These big trees that you  
21 say you're going to take out, they have to  
22 have huge root systems that go deep.

23 How long would it take a tree to  
24 compensate, to catch the same amount of

1 water that a huge tree would take?

2 THE WITNESS: Yeah, I am not an  
3 expert on trees and absorption of water, so  
4 I really can't comment to that.

5 But, as I've stated in testimony  
6 previously, the code prescribes certain  
7 amounts of compensation for the larger  
8 trees, and any tree, for that matter, and  
9 we are providing six trees for any tree  
10 30 inches and above.

11 MS. MAHONEY: Is that good  
12 compensation, you mean?

13 THE WITNESS: Yes.

14 MS. MAHONEY: So you're just going to  
15 have more trees, but the depth will take  
16 years.

17 THE WITNESS: Yeah. You know,  
18 regarding depth --

19 MS. MAHONEY: I'm just worried about  
20 catching the amount of water. That's all.

21 THE WITNESS: Yeah. Regarding root  
22 zones and depth, I think it's --root zones  
23 tend to spread out, and they're not  
24 necessarily that deep.

1           Each tree might have its own unique  
2           characteristic of root depth, but it's a  
3           common misconception that big trees have  
4           deep, deep roots. Generally root zones are  
5           spread out.

6           MS. MAHONEY: So if you put a, say you  
7           take a tree out that you know has deep  
8           roots, you're going to put a similar tree  
9           in there like it?

10          THE WITNESS: Well, you know, this is,  
11          as I've described in testimony, vegetation,  
12          trees are renewable. We take some out. We  
13          put some in.

14          Theoretically, those are being planted  
15          in areas and in ways that would be  
16          appropriate to the new features that are  
17          located on the site, and that over time,  
18          this new crop of trees and landscaping  
19          becomes the canopy of the future.

20          With respect to stormwater management,  
21          we're not only planting those trees and in  
22          addition many trees for one tree, which  
23          will be the canopy of the future, but there  
24          is provided engineered stormwater



1 management associated with this plan,  
2 whereas there is none today.

3 So we believe that from a stormwater  
4 management standpoint, we're going to be on  
5 the positive side of that.

6 MS. MAHONEY: Thank you.

7 THE WITNESS: You're welcome.

8 MR. RICE: Kaitlin Silver?

9 - - -

10 (No response.)

11 - - -

12 MR. RICE: Gregory Szary?

13 MR. SZARY: Yep. Gregory Szary, 6  
14 Forrest Lane.

15 So you had mentioned an exchange rate,  
16 the tradeoff of new plantings for the  
17 heritage trees, and I believe you said it  
18 was six trees for a 30-inch, so six  
19 two-and-a-half-inch caliber trees equate to  
20 a 30-inch or greater heritage tree.

21 And what was the largest, the size of  
22 the largest?

23 THE WITNESS: The largest heritage  
24 tree? I believe it's 46 and a half.

1 MR. SZARY: Okay. What is the height  
2 of the street lighting poles?

3 THE WITNESS: Mounting height is  
4 14 feet.

5 MR. SZARY: Okay. So a lamp head is  
6 at 14 feet?

7 And what is the height of the canopy  
8 of the proposed planted trees at the street  
9 area?

10 THE WITNESS: Those trees would be 12  
11 to 14 feet.

12 MR. SZARY: So the lamp head is going  
13 to be in the trees basically?

14 THE WITNESS: We've, well, at  
15 planting, there is many different tree  
16 species that are arrayed along the  
17 driveway, so unless we talk about a  
18 specific lamp.

19 But we tried to keep trees away, to  
20 some degree, from the lampposts.

21 MR. SZARY: How many lampposts are  
22 being proposed on the drives?

23 THE WITNESS: There's nine.

24 MR. SZARY: Nine lamps? Okay.

1 THE WITNESS: Yeah.

2 MR. SZARY: And your photometric study  
3 for light bleed off of the site considered  
4 only those nine lamps?

5 THE WITNESS: That is correct.

6 MR. SZARY: So no consideration for  
7 any floodlights or other exterior  
8 ornamental lights or any bleed from the  
9 interior of the building to the property  
10 line?

11 THE WITNESS: Yeah. Our test is a  
12 conceptual plan that provides evidence that  
13 we can effectively satisfy ordinance  
14 requirements, and those building-mounted  
15 lights don't come into consideration at  
16 this level.

17 MR. SZARY: Okay. When you first  
18 began your design process on this project,  
19 were you given the townhouse layout, the  
20 locations of the townhouses to work with?

21 THE WITNESS: Yes.

22 MR. SZARY: Okay. So you're given a  
23 base plan showing where the houses would  
24 be; is that correct?

1 THE WITNESS: That is correct.

2 MR. SZARY: Were you asked to  
3 rearrange the townhouses to suit  
4 preservation of the trees onsite?

5 THE WITNESS: We worked with the  
6 engineers to look at the edges of the  
7 disturbance area, and we did interact and  
8 look at areas where there could be the  
9 savings of a tree here or there, and that's  
10 what we did.

11 MR. SZARY: So there was some movement  
12 of the buildings relative to an attempt to  
13 preserve trees?

14 THE WITNESS: Well, not necessarily  
15 the buildings, but the grading perhaps  
16 associated with the edges of the building  
17 sites and other features that are part of  
18 the plan, stormwater management, for  
19 example.

20 MR. SZARY: So it sounds to me then  
21 that what you're saying is you were asked  
22 to preserve as many trees as possible given  
23 a given townhouse layout.

24 THE WITNESS: Yes.

1 MR. SZARY: Okay. Is that the intent  
2 of the township's ordinances for preserving  
3 trees?

4 We're not talking about protecting  
5 trees during construction, but preserving  
6 trees, in your opinion.

7 THE WITNESS: Yeah. I think we're  
8 being asked to save trees where possible,  
9 and that's what we set out to do.

10 MR. SZARY: I'd like to talk about the  
11 artistic renderings. Is it possible for  
12 you to call up the exhibits, 24-A? A-24  
13 rather.

14 You can stay on those three images  
15 that are along Strafford Avenue. You may  
16 have to close some of the other ones.

17 THE WITNESS: What did you want to --  
18 is this what you wanted?

19 MR. SZARY: Strafford Avenue, if you  
20 have it.

21 THE WITNESS: Okay.

22 MR. SZARY: Can you explain in just  
23 two sentences how these renderings are  
24 created?

1           THE WITNESS: Yes. We went out, we  
2           photographed the streetscape, and we  
3           identified generally what trees we were  
4           seeing in those views.

5           We cross-referenced that with our  
6           existing conditions plan and then had this  
7           integrated process of, you know, we believe  
8           these trees are going to be removed for  
9           driveways and other features and, you know,  
10          we attempted to vacate areas on the  
11          existing photograph where those removals  
12          would happen.

13          And then, of course, we did the best  
14          we could with trying to represent the  
15          proposed townhome features and our proposed  
16          landscaping overlaid on top of all of that.

17          MR. SZARY: Okay. Can you point out  
18          for us where in the existing Exhibit A-24c,  
19          where the existing structures are on that  
20          existing photograph, that line of trees?

21          THE WITNESS: You're asking for the  
22          existing structures that are interior to  
23          the site?

24          MR. SZARY: Yes.

1 THE WITNESS: Yeah, I can't locate the  
2 existing structures.

3 MR. SZARY: Do we see any trees, any  
4 existing structures in this view, which is  
5 24d?

6 THE WITNESS: I can't locate them.

7 MR. SZARY: And do you see any in this  
8 view of 24e?

9 THE WITNESS: No.

10 MR. SZARY: So these images appear to  
11 be touched up to remove those structures?

12 THE WITNESS: No. We didn't actively  
13 look to remove existing condition features.

14 MR. SZARY: But they're not visible.

15 THE WITNESS: They're not visible, no.

16 MR. SZARY: But you can see them from  
17 the road, but they're not showing up in  
18 your photograph.

19 So that's not a true representation of  
20 what those views are.

21 THE WITNESS: I will testify that we  
22 didn't actively remove existing structures  
23 from the existing photographs.

24 MR. SZARY: That's all I have for now.

1 Thank you.

2 MR. RICE: I lost my list. I know  
3 Cheryl Lutz was on there and Dave and  
4 Sharon Willis.

5 - - -

6 (Discussion off the record.)

7 - - -

8 MR. RICE: Do any other residents have  
9 any questions whose name I haven't already  
10 called?

11 - - -

12 (No response.)

13 - - -

14 MR. RICE: Okay. Let's go off the  
15 record.

16 - - -

17 (Discussion off the record.)

18 - - -

19 MR. RICE: The hearing is continued to  
20 April 30th, 6:00 p.m.

21 MR. BROSEMAN: 6:30 p.m.

22 MR. RICE: 6:30 p.m. Sorry. And  
23 we'll pick up with Mr. Panzak that night.

24 THE PRESIDENT: All right. Now we



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have a motion to adjourn. I need a motion.

MR. RILEY: I'll make a motion to adjourn.

THE PRESIDENT: Second?

MR. LARKIN: Yes, second.

THE PRESIDENT: All in favor, say aye.

- - -

(The Board unanimously responds aye.)

- - -

(Proceedings concluded at 9:47 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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