

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 Tuesday, April 30,
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
CATHERINE AGNEW, Member
JAMES COATES, Member
JACK LARKIN, Member
JIM RILEY, Member

JOHN RICE, ESQUIRE, Solicitor

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

NOAH MARLIER, ESQUIRE,
Special Counsel for Radnor Township

ALSO PRESENT: PEGGY HAGAN, Executive Assistant
to Township Manager

- - -

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1 THE PRESIDENT: Okay. We're going to
2 get started. Welcome, everyone, to the
3 April 30th, 2024, Board of Commissioners
4 meeting for the conditional use hearing for
5 the Hamilton tract.

6 We'll have a quorum. I assume Mr.
7 Riley will come in shortly, so, John, do
8 you want to get started?

9 MR. RICE: Yes. As we've done most of
10 the meetings, we've had at least one or two
11 commissioners unavailable.

12 They've all been instructed to either
13 read the transcript. Of course, there's a
14 video available for anyone that's not here.

15 Do any of the parties have any
16 objection or anything regarding proceeding
17 in that fashion?

18 George, any issue?

19 MR. BROSEMAN: No objection.

20 MR. RICE: Okay. Do any of the other
21 parties have any objection regarding that?

22 - - -

23 (No response.)

24 - - -

1 MR. RICE: Luckily, we have a
2 transcript and we have a recording for any
3 commissioners that can't be here.

4 So with that, we left the last time
5 with Mr. Panzak. I believe, Mr. Marlier,
6 you had finished cross-examination, and Mr.
7 Broseman, you have some redirect?

8 MR. MARLIER: And I'm not sure if the
9 commissioners asked questions. I believe
10 we had ended with the neighbors, I think.

11 MR. BROSEMAN: That's what I recall,
12 that the other parties had asked questions,
13 and you thought the commissioners might
14 have questions.

15 MR. RICE: Okay. All right. Well,
16 let's go to the commissioners then.

17 Do any of the commissioners have any
18 questions of Mr. Panzak regarding his
19 testimony?

20 THE PRESIDENT: I do. Let me look
21 over, because this was the last time.

22 - - -

23 BERNARD S. PANZAK, JR.,
24 having been previously duly sworn, was examined

1 and testified further as follows:

2 - - -

3 EXAMINATION

4 - - -

5 THE PRESIDENT: We were talking about
6 landscaping and lighting. So I guess first
7 let me start with the wall along Eagle
8 Road.

9 I saw several sections of wall along
10 Eagle, taking that very steep embankment.
11 I was wondering if you have any idea what
12 the substance of walls would be made out
13 of.

14 Would it be a manmade composite or
15 you'll use the rock from the old mansion or
16 is there anything interesting about that?

17 THE WITNESS: Great question. I don't
18 think we're there yet.

19 THE PRESIDENT: No, and I don't think
20 we need to be.

21 THE WITNESS: No. We hope to have it
22 be quite aesthetically pleasing.

23 THE PRESIDENT: Sure. So functional
24 and will look good. All right.

1 THE WITNESS: Right.

2 THE PRESIDENT: Have you considered
3 with your lighting plans using any solar
4 lighting or trying to stay on the energy
5 neutral side of lighting?

6 THE WITNESS: Yeah. At this time we
7 have not. You know, they're LED, very
8 low-wattage light fixtures, and we do
9 think that they're energy sensitive.

10 THE PRESIDENT: Yes, they're very
11 low-energy use. We did, the township just
12 did a review for the entire township of
13 lighting, and I understand that.

14 But they do make lovely solar, the
15 batteries in the base, the panels at the
16 top lighting, since your lighting is going
17 to be going down and shielded from other
18 eyes in the environment. It's just
19 something to consider.

20 THE WITNESS: Yes.

21 THE PRESIDENT: And also to consider,
22 I know you were talking about a walking
23 path going through the open space, some
24 lighting there as well, because I think

1 that is something that would be necessary.

2 I wrote down a note that I believe you
3 answered already, but in the open space
4 that already has quite a few mature trees,
5 will you be adding more trees to that area?

6 THE WITNESS: Yes. The plan is to add
7 more trees in that area, you know, leaving
8 some measure of open space open.

9 THE PRESIDENT: Sure, especially if
10 you're going to put a path through.

11 THE WITNESS: Right, yes, and for, you
12 know, just passive recreation.

13 THE PRESIDENT: Absolutely. And are
14 there any concerns about the wildlife
15 that's there currently?

16 You know, it's very overgrown. I'm
17 sure there are foxes and turkeys and
18 you-name-it living in there.

19 I know that neighbors get distraught
20 when construction starts and the wildlife
21 all goes.

22 THE WITNESS: Yes.

23 THE PRESIDENT: Is there a plan for
24 that, and I don't even know if that's your

1 hat, but --

2 THE WITNESS: Probably not my hat. I
3 actually took a walk over there yesterday,
4 and it was pretty lonely, other than birds
5 and squirrels, and hopefully they will
6 congregate in these areas of preserved
7 trees and undisturbed area.

8 THE PRESIDENT: Okay. Thank you very
9 much. That's it for me right now.

10 MR. RICE: Any other board questions?

11 MR. LARKIN: So I wanted to take you
12 back. You were asked questions about
13 Section 280-95, which deals with site
14 considerations, and one of the sections
15 that you read was Section 280-95.A(4):

16 Landscaping shall be regarded as
17 essential to every development plan. Not
18 only must natural features, trees, and
19 slopes on the site be preserved, but
20 careful attention must be given to
21 landscaping of parking areas and providing
22 for street trees.

23 What landscaping is being proposed for
24 the parking areas?

1 THE WITNESS: Well, our parking areas
2 are adjacent to stormwater management
3 facilities, and as such, along with their
4 buffers, we feel that there are other code
5 sections that actually prohibit the
6 planting of landscaping at these particular
7 parking areas.

8 MR. LARKIN: Got it. Okay. Thank
9 you.

10 MR. RICE: Any further questions from
11 the board?

12 - - -

13 (No response.)

14 - - -

15 MR. RICE: Okay. Mr. Broseman?

16 - - -

17 REDIRECT EXAMINATION

18 - - -

19 BY MR. BROSEMAN:

20 Q. Bern, we went over your qualifications
21 when we started, but I don't remember if I asked
22 you if you had been involved in numerous projects
23 in Radnor Township over the years.

24 A. Yes. We've done numerous projects in

1 the township.

2 Q. And over approximately how long of a
3 period?

4 A. It's got to be over two decades.

5 Q. And do you regularly appear before the
6 Radnor Township Shade Tree Commission in
7 connection with those projects?

8 A. We do.

9 Q. At the last hearing, you were asked
10 some questions, something along the lines as to
11 whether you were given the plan of the townhomes
12 that were desired by the applicant and then asked
13 to work with that plan to preserve the trees
14 given the layout.

15 However, those questions ignored the
16 importance of other factors such as the township
17 regulations, as well as the importance of the
18 common open space?

19 MR. MARLIER: I'm going to object. It
20 doesn't sound like he is asking a question.
21 It sounds like he is testifying.

22 MR. BROSEMAN: I was in the middle of
23 my question.

24 MR. RICE: Well, you were giving a

1 statement.

2 I understand that at a zoning hearing,
3 we can ask very leading questions, but
4 you're giving the answer when you're asking
5 the question, so just ask him a question.

6 BY MR. BROSEMAN:

7 Q. At the last hearing, you testified
8 that the common centralized open space preserves
9 one of the most significant pieces of wooded area
10 within the property.

11 Can you elaborate on that and how the
12 townhomes and the drive layout relates to the
13 common open space and the other requirements of
14 the township?

15 A. Yes. As anyone engaging in an effort
16 of site planning, there's a multitude of factors
17 that go into that, of course, the zoning, what's
18 allowed from that, setbacks, buffers, adjacent
19 land uses, natural features, and then you start
20 to understand the programmatic elements that are
21 being asked of you.

22 There's required circulation, number
23 of dwelling units, what type of housing type
24 you're interested in using, and then you go back

1 to the site, and on this particular site, a lot
2 of the features, the existing features wrapped
3 around in a bit a U-shape on the site.

4 And the other thing that factors into
5 this is vehicular circulation, how are you going
6 to get into and out of the site, back to other
7 ordinance requirements, access from lower-order
8 streets, so that sort of put us on Strafford
9 Avenue.

10 And again, when we went back to the
11 existing features, there was a significant piece
12 of wooded area right in the center of the site
13 between what might be described as the working
14 side of this property and the residential side of
15 this property.

16 And that, along with circulation,
17 probably two access points probably, you know,
18 definitely coming off of Strafford Avenue, that
19 leads us into sort of this U-shaped
20 configuration.

21 And then you apply your product to the
22 site, apply the setbacks, and really this central
23 wooded area became a focal point.

24 We knew we had to preserve, provide

1 common open space, and that looked like the very
2 likely part of what was going to be required.

3 So that became sort of the
4 centerpiece, common open space, focal point of
5 the project and provided us really good potential
6 in regard to meeting all of the requirements that
7 I believe we've met with this particular layout.

8 Q. Thank you. The topic of creating an
9 earth disturbance came up in your testimony at
10 the last hearing.

11 You did not have available the size of
12 the area that would not have grading and earth
13 disturbance. Do you have that information this
14 evening?

15 A. We do. And just by way of a minor
16 correction in our limit of disturbance, there's
17 several wall features just to the, let's call it
18 the Grant Lane side of our open space. We've
19 eliminated those.

20 We understand that those will be
21 disturbed by nature of removal of those, and that
22 central open space becomes about an acre of
23 ground, just under an acre, which is about
24 13 percent of the overall site.

1 The total amount of undisturbed area
2 on this site is 62,966, which is about an acre, a
3 little under an acre and a half or 19 percent of
4 the site.

5 Q. I would like to go to the topic of
6 heritage trees. The Zoning Ordinance of Radnor
7 Township which we are proceeding under for the
8 conditional use application does not regulate
9 heritage tree removal; is that correct?

10 A. That's correct.

11 Q. And does the zoning ordinance define a
12 heritage tree?

13 A. No, it doesn't.

14 Q. Where is that definition found in the
15 township code?

16 A. That's found in Chapter 263 entitled
17 Trees, and it's Section 263-4.B.

18 Q. And what is that definition?

19 A. Any tree, any tree that's 30 inches or
20 greater in the DBH.

21 Q. And I think we've said last time, but
22 is DBH a defined term?

23 A. Yes, it is. That's defined as
24 diameter at breast height, or roughly four and a

1 half feet above grade. That code section is
2 263-4.B.

3 Q. And based on that definition, is it my
4 understanding that a heritage tree would apply to
5 any species of tree based solely on the DBH size;
6 is that right?

7 A. Yes. It's strictly a size
8 consideration.

9 Q. And does that mean that various
10 undesirable trees, such as invasive species or
11 trees in poor condition, trees susceptible to
12 disease or other decline, would fall under the
13 definition of a heritage tree, as long as it was
14 30 inches or more in DBH?

15 A. Yes, it can, and often does.

16 Q. In your professional opinion as a
17 landscape architect, are some species of trees
18 more worthy of preservation than others?

19 A. I think, yes. And I think that sort
20 of longevity and heartiness in their DNA really,
21 native is a good characteristic as well, but I
22 think longevity and condition really kind of, in
23 my view, point to trees that are more preferred
24 for preservation.

1 Q. And what about if it was invasive?

2 A. Well, I guess less so. We're trying
3 to manage invasives constantly, I think,
4 throughout our region, and I think that would
5 certainly not create an environment where that
6 would be the most desirable tree to retain.

7 Q. In your experience in Radnor Township,
8 when is heritage tree removal dealt with in the
9 development process?

10 A. Typically in the land development
11 stage. We've tried to reach out and meet with
12 the shade tree commission prior to planning
13 commission meetings and other meetings in that
14 land development process.

15 Q. Is the topic of heritage trees and the
16 required replacement tree formula addressed in
17 Chapter 263, Trees?

18 A. Yes, it is.

19 Q. And do these code provisions prohibit
20 the removal of a heritage tree?

21 A. It's strongly discouraged but does not
22 prohibit.

23 Q. And there's a replacement formula if a
24 heritage tree is to be replaced?

1 A. There is, and if a heritage tree is
2 removed, the formula dictates that there would be
3 six replacement trees for every one 30-inch tree
4 and over.

5 Q. And that replacement formula is
6 applied by the township to healthy trees not
7 susceptible to disease and noninvasive trees; is
8 that right?

9 A. Yeah, that's generally correct. In
10 our case, we are providing compensation for
11 healthy, for some healthy invasive trees such as
12 Norway Maple.

13 Q. Do the plans for this project satisfy
14 the applicable heritage tree replacement formula?

15 A. Yes, they do.

16 Q. In your experience in doing projects
17 in Radnor Township, does the township shade tree
18 commission regularly approval the removal of
19 heritage trees, coupled with replacement trees,
20 in connection with land development projects?

21 A. Yes, it does. A recent project that I
22 was involved in was the St. Honore development
23 across the street more recently, and one that
24 took place quite a while ago was Radnor Corporate

1 Center along Matsonford Road.

2 Q. And those involved removal of heritage
3 trees and replacement in accordance with the
4 applicable formula?

5 A. Yes, they did.

6 Q. At the last hearing, Mr. Rice asked
7 you to state the sizes of the heritage trees to
8 be removed.

9 In reviewing your testimony from last
10 time, did you discover an error in the answer
11 that you gave?

12 A. I did discover an error, yes. I
13 inadvertently gave the answer to heritage trees
14 to be preserved as opposed to the trees that were
15 being removed.

16 Q. So the answer, you didn't give the
17 answer to what was being removed. You gave the
18 answer to what was being preserved.

19 Could you go over the DBH sizes, I
20 believe was the question, of what was to be
21 removed or what is proposed to be removed for
22 heritage trees?

23 A. Yeah. Trees being preserved are
24 eight. The healthy trees being removed are

1 seven.

2 I could go through each one, but I did
3 the math, and it turned out that there was two
4 inches of difference when you totaled the
5 preserved trees versus the healthy trees being
6 removed.

7 We're removing two more additional
8 inches. I mean, I can go through each one if
9 that's --

10 Q. Why don't you, because you went
11 through each one last time, just to make the
12 record clear.

13 A. Okay. Yeah. Thirty-inch White Pine;
14 a 34-and-a-half-inch Blue Moss Cypress; a
15 33-and-a-half-inch Chinese Chestnut; a
16 45-and-a-half-inch Sugar Maple; a 43-inch White
17 Pine; a 35-inch Copper Beech; and a
18 30-and-a-half-inch Norway Maple.

19 Q. Are any of these trees to be removed
20 invasive species?

21 A. As I mentioned just a minute ago, the
22 Norway Maple tree is considered an invasive
23 species, and we are removing one defined heritage
24 tree as that Norway Maple.

1 Q. Are any of these trees non-native
2 species?

3 A. Yes. In fact, the Blue Moss Cypress,
4 the Chinese Chestnut, and the Copper Beech would
5 all be considered non-native.

6 Q. In the township arborist's review that
7 was marked Exhibit A-9 C, which we had put into
8 the record quite some time ago, did he indicate
9 that Sugar Maples were undesirable due to various
10 conditions?

11 A. Yes, he did. And basically his quote
12 was "these adverse conditions include
13 Verticillium wilt, Sugar Maple decline, and other
14 tribulations associated with Sugar Maple."

15 And just kind of to add a bit onto
16 that, I've attended tree conferences in the area
17 where the description of Sugar Maple is that it's
18 becoming a species that is intolerant of a
19 warming environment, so that's the reason why
20 more diseases are afflicting these trees and the
21 arborist community is really beginning to
22 discourage the use of them in our area.

23 Q. And did the township arborist's
24 review, again marked Exhibit A-9 C in the record,

1 confirm that the landscaping plans had met the
2 applicable requirements, including the applicable
3 tree replacement formula?

4 A. Yes, it did.

5 Q. Moving on to another topic, you had
6 received some questions. I believe it was from,
7 mostly from some of the parties that live in
8 Tredyffrin Township asking about the effect that
9 tree removal could have on stormwater management.

10 Are you generally familiar with a
11 project being done by Radnor Township itself at
12 the property it calls the West Wayne Preserve
13 property?

14 A. Yes, I am.

15 Q. And have you reviewed various
16 materials on the township website about that
17 project?

18 A. I have.

19 Q. Have you seen that site recently?

20 A. I have seen the site, yes.

21 Q. I don't know if you could bring it up
22 on your screen, but we have an Exhibit A-26.

23 - - -

24 (Applicant's Exhibit A-26 was marked

1 Q. And the letter indicates that 406
2 trees, including 60 healthy trees, would be
3 removed for the stormwater project?

4 A. That's what's stated in the letter,
5 yes.

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

8 MR. RICE: Mr. Marlier, any recross?
9 Before we get off of this letter, is it
10 just a one-page letter?

11 THE WITNESS: Two pages.

12 MR. RICE: Okay.

13 MR. BROSEMAN: I can get you copies.
14 We got it from the township website.
15 Actually, I have a couple, if you would
16 like it.

17 MR. RICE: Let's distribute the
18 exhibit. Do you have copies, George?

19 MR. BROSEMAN: I left without all of
20 my copies, but I just have two, so I
21 apologize for that.

22 MR. RICE: Mr. Marlier, do you want a
23 copy?

24 MR. MARLIER: Thank you.

1 MR. RICE: And we'll have one for the
2 board.

3 MR. BROSEMAN: I'll get you more
4 copies. I'm sorry about that.

5 - - -

6 RECROSS EXAMINATION

7 - - -

8 BY MR. MARLIER:

9 Q. Mr. Panzak, good evening. You
10 mentioned the working side of the Hamilton
11 property. What did you mean by that?

12 A. Well, Mrs. Hamilton loved flowers.
13 She was an active participant in the Flower Show
14 for years and years and had greenhouses and other
15 facilities for forcing and growing plants.

16 Q. So when you were talking about the
17 working side, were you talking about the current
18 conditions?

19 A. That's correct, which is the Eagle
20 Road side of the property, roughly splitting the
21 property into halves, the residential side and
22 kind of the working side.

23 Q. Thank you for the clarification. You
24 were talking about the central location of the

1 open space being chosen for certain reasons.

2 Would you agree with me that one of
3 the main reasons you chose the central location
4 for the open space was that the open space has to
5 be contiguous; correct?

6 A. Yes, plus it featured the large swath
7 of trees that I had mentioned in my previous
8 testimony.

9 Q. Understood. Understood. You gave
10 some testimony regarding heritage trees, reading
11 from the zoning code, certain sections of the
12 zoning code.

13 Just to be clear, none of your
14 testimony tonight would conflict with your
15 testimony regarding the number of heritage trees
16 you're removing; correct?

17 A. That is correct, yes.

18 Q. And none of your testimony tonight
19 would conflict with your testimony from the last
20 hearing regarding the number of heritage trees
21 that you're removing from where the footprint of
22 the townhomes will be; correct?

23 A. Correct.

24 Q. You testified that, in your

1 experience, typically the discussion of heritage
2 trees and the removal of heritage trees would
3 take place during land development.

4 Do you remember that testimony?

5 A. Yes.

6 Q. But just to be clear, during land
7 development, months down the line, if there was
8 an issue with the removal of certain heritage
9 trees from where the townhomes are supposed to go
10 per your plan, that would be a major issue for
11 the development.

12 Would you agree with me?

13 A. Well, I think that as the process goes
14 on, we get together with the shade tree. It's
15 always been a cordial and productive interaction.
16 We typically walk the site.

17 Shade tree gets to get a visual
18 picture of the condition of these trees, and we
19 will be trying to retain all of the trees that we
20 project to be preserved.

21 But I think there would be some
22 openness for the possibility of coming to an
23 agreement with the folks charged with
24 preservation of trees in the township, that if

1 they thought a particular tree should be removed,
2 then we would provide compensation as required by
3 the ordinance and the tree formula.

4 But it's our intention to retain all
5 of the trees that are being planned for
6 preservation.

7 Q. I understand. But if you're walking
8 the grounds of this property with the shade tree
9 commission, and they cordially say to you, you're
10 not going to take these three heritage trees
11 down, and say those three heritage trees are in
12 the footprint of where the townhomes are supposed
13 to go, that would significantly change this
14 development as proposed; correct?

15 A. I think that it's been my experience
16 that we've worked, like I said, worked with the
17 shade tree commission, and we provide all the
18 appropriate paperwork.

19 There's no absolute prohibition of
20 removal of heritage trees, and it's been my
21 experience that we've never been in a situation
22 where there's been an absolute hard stop on a
23 heritage tree.

24 Q. So my hypothetical then, you don't

1 want to answer the hypothetical. Your answer is
2 the hypothetical just simply would not happen?

3 A. It's not been my experience in all of
4 the experience that we have in dealing with the
5 township and the shade tree advisory.

6 I think when you come right down to it
7 and you look at these heritage trees, some might
8 say that in the future, really the better option
9 would be to provide compensation for it and allow
10 those trees to, as I've said multiple times,
11 become the canopy of the future and really look
12 to the future, whereas in some cases heritage
13 trees are in decline.

14 We've talked about some of these trees
15 being invasive, non-native, and in walking the
16 site yesterday, there are defects within these
17 individual trees.

18 And if we are imagining, like is being
19 done in the West Wayne Preserve, a new
20 environmental reality, you know, having new trees
21 compensating for old trees that may be
22 approaching end of life, maybe the better thing
23 would be to compensate and replant and allow this
24 development to be a positive impact both from a

1 stormwater management standpoint and a tree
2 replacement standpoint, and then all of these
3 trees would grow in their new spot and have a
4 better chance of canopy fulfillment, I guess I
5 would describe it as.

6 Q. This canopy fulfillment, canopy of the
7 future, just to be clear, I believe you testified
8 at the last hearing that it would be in decades
9 that this canopy of the future would be
10 fulfilled; correct?

11 A. Well, I think I referred to that, if
12 you look at one two- to two-and-a-half inch tree,
13 which is what the requirement is, versus a
14 heritage tree.

15 But, you know, once you've grouped six
16 two- to two-and-a-half inch trees and allow them
17 to be growing in appropriate space, you begin to
18 recapture that canopy loss of the heritage tree,
19 I think, quicker than -- it might be a decade or
20 15 to 20 years, but by nature of the six-to-one
21 relationship, I think you're going to gain that
22 canopy mass back sooner.

23 Q. You mentioned in the last few minutes,
24 you focused on the unhealthy trees. Just to be

1 clear, there are seven healthy heritage trees
2 being removed; correct?

3 A. Yes, that's correct.

4 Q. You testified as to A-9 C, the
5 township arborist's review letter. That township
6 arborist review letter was written in August of
7 2023; correct?

8 A. I've got July 29th, 2023.

9 Q. So it's been since July of 2023. And
10 just to be clear, your A-22, your plan for trees,
11 sheet 13 through 17, was last updated in March of
12 2024; correct?

13 A. Yes.

14 Q. You mentioned a plan, a letter marked
15 A-26, the letter that's on the screen now.

16 Is this West Wayne Preserve property,
17 is this plan that's described in this letter
18 identical to the Hamilton project?

19 A. No, it's not.

20 Q. Are there significant differences?

21 A. Yes. The West Wayne project has no
22 homesite features, no structures.

23 MR. MARLIER: I have no further

24 questions, Mr. Rice.

1 MR. RICE: So we'll go to the
2 residents. And this is recross based on
3 the testimony that was given today, tonight
4 by Mr. Panzak.

5 So Amber Levy, questions?

6 MS. LEVY: Yes.

7 - - -

8 EXAMINATION

9 - - -

10 MS. LEVY: Amber Atwood Levy, Radnor
11 Conservancy. Okay.

12 Mr. Panzak, how many trees were
13 removed in the St. Honore development that
14 you referenced as a comparison?

15 THE WITNESS: Yeah, I don't have that
16 number at my disposal right now.

17 MS. LEVY: Is it comparable?

18 THE WITNESS: I do know that there
19 were seven healthy heritage trees being
20 removed, and we have seven healthy heritage
21 trees.

22 MS. LEVY: But the number of trees
23 overall, is that comparable to the number
24 of trees being removed from the site, would

1 you estimate?

2 THE WITNESS: I think there were a
3 comparable number, if not a few more.

4 MS. LEVY: Okay. The other question
5 that I had for you was that --

6 THE WITNESS: That was a few more on
7 the St. Honore site, rather than our site.

8 MS. LEVY: Your reference, the term
9 degraded woodlands, talking about the West
10 Wayne Preserve, would you define this as a
11 comparable degraded woodlands?

12 THE WITNESS: I don't think it's as
13 degraded. I don't know how to define
14 degrees of degraded woodlands, but I
15 believe that our site is degraded, perhaps
16 not to the degree that the West Wayne site
17 was.

18 MS. LEVY: And on the letter, it said
19 that there were 406 trees to be removed in
20 the West Wayne Preserve, including 60
21 healthy trees.

22 Can you remind me again the ratio of
23 healthy trees being removed and the total
24 number being removed at the Hamilton site?

1 THE WITNESS: Total trees being
2 removed is 225, and healthy trees would be
3 114.

4 MS. LEVY: Right. There is a
5 difference there. That is all the
6 questions I have at this time, I think.

7 One question I did have. Sorry.
8 Damean Snyder of Shreiner Tree Care, do you
9 know if he is TRAQ certified?

10 THE WITNESS: I do not know the answer
11 to that.

12 MS. LEVY: Okay. Is that the arborist
13 at Shreiner Tree Care who did the update?

14 THE WITNESS: Yes, he did.

15 MS. LEVY: Okay. All right. And when
16 he did the update, were new DBH
17 measurements taken?

18 THE WITNESS: Would you repeat that,
19 please?

20 MS. LEVY: Were new DBH measurements
21 taken for every tree when he did the
22 update?

23 THE WITNESS: He did provide us with
24 DBH updates for each and every tree, yes.

1 MS. LEVY: All right. And with an
2 official DBH tape?

3 THE WITNESS: I was not onsite with
4 Mr. Shreiner, so I don't know what the
5 methodology of the DBH measurement was.

6 MS. LEVY: All right. Thank you.

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

8 - - -

9 (No response.)

10 - - -

11 MR. RICE: Mr. Clemente?

12 MR. CLEMENTE: No questions.

13 MR. RICE: Mr. Curley?

14 - - -

15 (No response.)

16 - - -

17 MR. RICE: Mark Gaeto.

18 - - -

19 (No response.)

20 - - -

21 MR. RICE: Cindy Hansen?

22 MS. HANSEN: No questions.

23 MR. RICE: Cas Holloway?

24 MR. HOLLOWAY: Good evening. Cas

1 Holloway, 241 West Wayne Avenue, Wayne, PA.
2 Good evening, Bern.

3 THE WITNESS: Good evening.

4 MR. HOLLOWAY: How many trees are
5 being removed on the Hamilton site?

6 THE WITNESS: Total tree removal is
7 225.

8 MR. HOLLOWAY: And how many trees are
9 being planted in place of those trees being
10 removed?

11 THE WITNESS: We are proposing 332
12 trees. When you total all of the
13 requirements, there are 202 replacement
14 trees, 80 of which are canopy trees.

15 MR. HOLLOWAY: The lady that was just
16 here, Amber, I believe, asked you if more
17 trees were taken down on our site at St.
18 Honore, and I believe your answer was, yes,
19 you thought.

20 THE WITNESS: I think I said it was
21 comparable.

22 MR. HOLLOWAY: We were, our -- the
23 number of trees taken down were under 200.

24 THE WITNESS: Okay.

1 MR. HOLLOWAY: But we did have a
2 comparable number of replacement trees
3 relative to the number of heritage trees,
4 so I just wanted to be clear.

5 THE WITNESS: Okay.

6 MR. HOLLOWAY: I would say it's
7 comparable from the standpoint of you have
8 seven acres and we have five acres. So
9 thank you.

10 MR. RICE: Mr. Hymel?

11 - - -

12 (No response.)

13 - - -

14 MR. RICE: Catherine Lafarge?

15 - - -

16 (No response.)

17 - - -

18 MR. RICE: Mary Ann Mahoney?

19 MS. MAHONEY: No questions.

20 MR. RICE: Okay. Jennifer Pechet.

21 MS. PECHET: No, thank you.

22 MR. RICE: Margaret Ruschmann?

23 - - -

24 (No response.)

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MR. RICE: Mr. Sareen?

- - -

(No response.)

- - -

MR. RICE: Mr. Satterfield?

MR. SATTERFIELD: No questions.

MR. RICE: Mr. Scheri?

MS. SCHERI: No questions.

MR. RICE: Mr. Schuda?

MR. SCHUDA: Joe Schuda, 14 Forrest
Lane.

Mr. Panzak, I believe you mentioned in
your testimony that you worked with the
shade commission to determine which trees
should be saved or rescued or however you
want to describe that, but I'm curious
about, how do you determine the types of
trees that are going to be used for
replacement?

THE WITNESS: Well, the township
points us to an approved tree list.

We utilize that tree list, and we also
feel like there are additional species that

1 perhaps could be updated to that tree list
2 at some point, and we actively utilize
3 things that we think are positive, native,
4 and good trees that also don't appear on
5 the township's list.

6 So, you know, I think there's an
7 understanding that not everything on the
8 township list is appropriate, and other
9 things that aren't on the list would be
10 appropriate.

11 So there's a discussion and agreement
12 at the end of the day as to what species
13 would be appropriate.

14 We, as has been mentioned, we do have
15 a review letter from the township arborist
16 on the project that we've submitted.

17 There were comments made by the
18 arborist, one being that he felt like we
19 were using too many Sugar Maples, as it
20 turned out, and that we should balance our
21 species so that there would be less of a
22 percentage of any one species, and we
23 attempted to do that.

24 So we've responded through this

1 process to the township arborist's interest
2 and feel like we've got a better plan as a
3 result.

4 MR. SCHUDA: So if I recall your
5 testimony also, you said there were a
6 number of trees that were not native or
7 indigenous to this area.

8 THE WITNESS: Are these proposed trees
9 you're referring to?

10 MR. SCHUDA: No, they're the current
11 ones that are in the -- being removed, I
12 believe.

13 THE WITNESS: Oh, being removed,
14 right. That's correct.

15 MR. SCHUDA: And if I understood what
16 you just said correctly would be that in
17 conjunction with the shade tree commission,
18 you would use indigenous native trees and
19 trees that would flourish versus trees that
20 may be indigenous and native but be less --
21 what's the best word to use?

22 THE WITNESS: Less robust perhaps.

23 MR. SCHUDA: Less robust.

24 THE WITNESS: Yeah. I think we're

1 constantly trying to put the right tree in
2 the right spot.

3 There's shade conditions and other
4 microclimatic factors that come into play
5 when we're dealing with a proposed
6 landscape, and we try to be specific about
7 those trees in those locations.

8 MR. SCHUDA: And with respect to those
9 replacement trees, the size you have
10 mentioned is a two-and-a-half-inch
11 diameter. I couldn't remember the term you
12 used for that.

13 THE WITNESS: Oh, that's a caliber
14 size.

15 MR. SCHUDA: Caliber size. Thank you.
16 That caliber size, is there an area of the
17 property that could be planted with
18 larger-caliber trees that would sustain or
19 be sustainable that would provide a more
20 expedient shade or buffer?

21 THE WITNESS: Well, I think that it's
22 possible, and those are things that, you
23 know, our responsibility here is to prepare
24 a, really a conceptual plan, which has gone

1 far beyond the concept stage here. So as
2 the process evolves, it's possible.

3 MR. SCHUDA: And my last question
4 would be relevant to the, you mentioned the
5 West Wayne Preserve. Thank you.

6 I've noticed and watched that from the
7 initial construction or destruction,
8 however you want to call it, to where it's
9 at now.

10 They've planted a number of, I don't
11 know if they'd be considered saplings, I
12 don't think so, but somewhat mature trees.

13 But in that regard, you said that the
14 community would benefit?

15 THE WITNESS: Right.

16 MR. SCHUDA: I'm curious. What type
17 of benefit, I may be a little bit naive
18 here when I say this, but what type of
19 benefits are you saying the community would
20 accrue?

21 THE WITNESS: Well, I mean, the
22 obvious one is the stormwater management
23 component of that site.

24 You know, that's really the purpose

1 and why there was perhaps a justification
2 to remove the trees that were removed and
3 to start anew there, which is really, I
4 think, part of our thought process here.

5 Where there is no stormwater
6 management, there would be stormwater
7 management.

8 And as the, once we start anew, there
9 will be a new and refreshed landscape here
10 that will be appropriate for this site and
11 for the surrounding land uses and neighbors
12 in this community.

13 MR. SCHUDA: I think that's all I
14 have. Thank you.

15 THE WITNESS: Thank you.

16 MR. RICE: Kaitlin Silver?

17 - - -

18 (No response.)

19 - - -

20 MR. RICE: Mr. Szary?

21 MR. SZARY: Yes. Gregory Szary, 6
22 Forrest Lane.

23 Mr. Panzak, are you aware of Radnor
24 Township's Zoning Ordinances, I believe

1 it's Article XIX, Density Modification
2 Development?

3 THE WITNESS: Yes, I am.

4 MR. SZARY: Okay. And are you aware
5 that in Section 208-90, objectives and
6 interpretations, under item A(2), I guess
7 it would be, are you aware that the
8 sentence reads, the purpose of this, the
9 objectives are:

10 To encourage land development which
11 preserves trees, along with several other
12 elements.

13 THE WITNESS: Exactly what section and
14 line are you referring to?

15 MR. SZARY: A(2).

16 MR. RICE: Let me just, so it's clear,
17 because I think what was said was 208.
18 It's 280-90 A(2), is what Mr. Szary was
19 reading:

20 To encourage land development which
21 preserves trees and natural topography,
22 prevents soil erosion, and promotes the
23 best interests of the township from an
24 aesthetic, ecological, and natural resource

1 standpoint.

2 Mr. Szary, that's the section you're
3 referring to?

4 MR. SZARY: That is. Thank you.

5 THE WITNESS: So it's 280-90 --

6 MR. RICE: A(2).

7 THE WITNESS: And the question was?

8 MR. SZARY: Are you aware of that
9 section of the code --

10 THE WITNESS: Yeah, yeah. Yes.

11 MR. SZARY: -- that requires
12 preserving trees?

13 Do you see anywhere where it says to
14 replace trees?

15 MR. BROSEMAN: I'm going to object.
16 It doesn't say "requires preserving trees."
17 It says "to encourage."

18 MR. RICE: Well, okay.

19 MR. SZARY: It's an objective, the
20 following objectives. So the objective --

21 MR. RICE: Mr. Szary, hold on. Hold
22 on.

23 MR. SZARY: I'm sorry.

24 MR. RICE: Let's deal with the

1 objection.

2 So just rephrase your question
3 specifically what you want to ask Mr.
4 Panzak.

5 MR. SZARY: So the Radnor Township
6 ordinances specifically state "to encourage
7 land development which preserves trees."

8 Am I reading that correctly?

9 THE WITNESS: Yes, you are.

10 MR. SZARY: And do you see anywhere in
11 here where it indicates that trees can be
12 replaced?

13 THE WITNESS: Well, the ordinance has
14 a prescription for tree replacement, and
15 we're going with that. We did the best we
16 could with preservation of trees.

17 We believe we've preserved a fair
18 amount of trees across the site, and we're
19 replacing those trees according to the
20 ordinance requirements.

21 MR. SZARY: Yes. I believe that there
22 are other sections of the zoning ordinance
23 that allows replacement of trees.

24 However, in the section about density

1 modification development, which is really
2 the crux of this problem, do you see
3 anywhere where it says replacement of
4 trees?

5 THE WITNESS: I don't look at a zoning
6 ordinance completely in a vacuum, and there
7 are preservation requirements that we feel
8 we've honored, and we've provided
9 compensatory plantings for those items,
10 those trees that are being removed.

11 MR. SZARY: Okay.

12 MR. RICE: Mr. Panzak, answer the
13 question, because he's just asking you
14 about this part of the ordinance.

15 Is there any reference in there or
16 not?

17 THE WITNESS: I don't believe there's
18 a reference to tree replacement.

19 MR. BROSEMAN: He should be allowed to
20 explain though. This is sort of --

21 MR. RICE: But he's not explaining,
22 George.

23 MR. BROSEMAN: This is sort of a
24 misleading --

1 MR. RICE: He's not. He's not
2 answering. It's a simple question.

3 MR. BROSEMAN: These are misleading
4 though, because Mr. Szary first tried to
5 suggest it was a requirement, and he's
6 trying to suggest that there are no other
7 requirements.

8 MR. RICE: Mr. Szary is not a lawyer,
9 and the witness is not answering the
10 question. It's a simple question, yes or
11 no or I don't know.

12 MR. BROSEMAN: But he can explain.

13 MR. RICE: But he wasn't explaining.
14 He was talking about the tree removal
15 ordinance, not what he was asked about.

16 So, Mr. Szary, do you have another
17 question?

18 MR. SZARY: Yes, I do. Same section
19 of the code, 280-95, Site Considerations.

20 Under section A, line item three, are
21 you aware of this section that states:

22 Location of trees and other natural
23 features must be given first consideration
24 in planning common open space, location of

1 dwellings, walkways, pavings, et cetera.

2 THE WITNESS: Yes, I am, and I
3 believe --

4 MR. SZARY: Was this used in
5 conjunction with the land plan?

6 THE WITNESS: Yeah. I believe my
7 testimony earlier this evening stated that
8 when we set out on the planning journey, we
9 have a multitude of factors that come to
10 bear on any land development design, and
11 once we synthesized all of that information
12 and then went back to the site, we realized
13 that our open space requirements would be
14 well served if we were to preserve the
15 center section, which I described as a
16 significant stand of trees on the property.

17 MR. SZARY: Am I allowed to ask for an
18 exhibit to be displayed, the exhibit that
19 Mr. Panzak is looking at right now?

20 MR. RICE: Sure. What exhibit are we
21 talking about? Do we have a number for it,
22 Mr. Szary?

23 MR. SZARY: Exhibit A-22.

24 THE WITNESS: Sheet 13 of 17.

1 MR. BROSEMAN: I'm going to object.
2 We did not cover this in the redirect.

3 Mr. Szary had an opportunity to do a
4 cross-examination the last time.

5 MR. RICE: The objection is overruled.
6 I mean, there was discussion about the
7 number of trees that will be planted.

8 This is the tree inventory. This is
9 what you want to see. Which sheet, Mr.
10 Szary?

11 MR. SZARY: Sheet 13 of 17.

12 MR. RICE: Okay. That's the front
13 page of the exhibit.

14 MR. SZARY: Yes. Thank you.

15 MR. RICE: Ask your question.

16 MR. SZARY: So, Mr. Panzak, you had
17 mentioned seven heritage trees would be
18 removed. Can you identify their location
19 on this plan?

20 THE WITNESS: I certainly can, but it
21 might take a little time.

22 MR. SZARY: Let me help make it
23 quicker.

24 Are any of those heritage trees

1 located at the location of any dwellings,
2 pavements, or walkways?

3 THE WITNESS: Yes.

4 MR. SZARY: That's all I have. Thank
5 you.

6 MR. RICE: Sharon and David Willis?

7 MS. WILLIS: No questions.

8 MR. RICE: Cheryl Lutz?

9 - - -

10 (No response.)

11 - - -

12 MR. RICE: Okay. Any other board
13 questions for Mr. Panzak?

14 MR. RILEY: Yes. Sorry.

15 - - -

16 EXAMINATION

17 - - -

18 MR. RILEY: The last time we were
19 here, somebody brought up about the trees,
20 and then there were also comments there's
21 no stormwater management there right now.

22 But most people these days consider
23 trees for stormwater management. They
24 help. So this site, it has trees on it

1 right now.

2 But it does have flooding issues to
3 the people that live downstream, downhill
4 from the site that are here.

5 The trees that are on there, like if
6 they were all gone and it's, say, dirt
7 there and it rains, would we have more
8 flooding or less flooding?

9 THE WITNESS: Well, if there was
10 nothing there, it would certainly run off
11 faster, which may give the perception of
12 more flooding.

13 MR. RILEY: Yes, right, because there
14 wouldn't be trees there to help; right?
15 The roots of the trees go down in the
16 ground and help infiltrate the water.

17 So, I know, I went to engineering
18 school umpteen years ago. They didn't talk
19 about it, but now they do.

20 I know Penn State extension has
21 courses in it and talks about the trees and
22 the amount that it helps every year
23 stormwater management. It's just a natural
24 way to do it.

1 And it's really hard, even as an
2 engineer, it's hard to beat nature. So it
3 helps to keep the trees there. Thank you.

4 MR. RICE: Does that complete Mr.
5 Panzak's testimony?

6 MR. BROSEMAN: Could I ask one follow
7 up based on Mr. Riley's question?

8 MR. RICE: Sure.

9 MR. BROSEMAN: Thank you.

10 - - -

11 REDIRECT EXAMINATION

12 - - -

13 BY MR. BROSEMAN:

14 Q. Bern, Mr. Riley just gave you a
15 hypothetical that if -- basically removing the
16 trees and having dirt there.

17 There is on the property, according to
18 sheet A-12, sheet four, I'm looking at the chart,
19 there is 83,643 square feet of impervious
20 coverage on the site, and under his hypothetical,
21 that would be removed as well.

22 So if that would be removed, there
23 would be less runoff as a result of that removal;
24 correct?

1 A. Yes, that be would correct. There
2 would be more permeability as a result of, you
3 know, anything -- everything being removed from
4 the site.

5 MR. BROSEMAN: Thank you.

6 MR. RILEY: One more question.

7 - - -

8 EXAMINATION

9 - - -

10 MR. RILEY: Grass, infiltration of
11 grass, like if there was grass, it might be
12 like two, maybe four inches, or like ten
13 inches. Some studies done at Penn State
14 state that.

15 So removing the trees, just removing
16 the trees, leaving the rest as grass or
17 whatever, would there be more flooding when
18 it rains?

19 THE WITNESS: I can honestly say I'm
20 not a stormwater expert when it comes to
21 how much stormwater might be derived from a
22 tree.

23 What I do know is that we provided
24 significant design, stormwater management,

1 according to the Radnor Township
2 ordinances.

3 And that, in combination with the
4 rather robust tree replacement and other
5 landscape code requirements, we are going
6 to rebuild that canopy and, you know,
7 within a fairly short time, I believe,
8 we're going to rejuvenate the canopy that
9 you suggest would be removed.

10 MR. RILEY: The last time we were
11 here, you said it was going to take 30 to
12 50 years to get back to the way the trees
13 are now. We're talking about heritage
14 trees.

15 Is that still the case?

16 THE WITNESS: Well, as I stated
17 earlier this evening, I believe what I was
18 referring to was one tree at two, two and a
19 half inches versus a heritage tree.

20 When you start to couple six new trees
21 in the right spot in an open site where
22 they're allowed to grow to their full
23 capacity, I think that combination is
24 stronger than the one-to-one comparison,

1 and I believe that we can achieve that
2 canopy sooner than this 30- to 50-year
3 cycle.

4 MR. RILEY: Yeah. And I understand
5 because you want six, but two to three inch
6 compared to 30 inch, I'd like to figure out
7 the area of the circle there or the
8 squaring rate compared to this tiny little
9 one that we're squaring.

10 THE WITNESS: Right, but this is not a
11 static condition. Our trees and our plants
12 are growing.

13 They're going to be arrayed in
14 locations that will be appropriate to the
15 new features.

16 And this will be a site that gets kind
17 of resolved for the next 50 to 70 to 100
18 years, we'd like to think, with new canopy.

19 MR. RILEY: Thank you.

20 MR. RICE: I think we've completed Mr.
21 Panzak's testimony.

22 Mr. Broseman, you have another
23 witness? We'll take about five minutes
24 before we start.

1 MR. BROSEMAN: Yes, that would be
2 good, and I could get organized. Thank
3 you.

4 MR. RICE: You have one more witness
5 here; correct?

6 MR. BROSEMAN: Yes.

7 MR. RICE: All right. We'll take a
8 break.

9 - - -

10 (Recess taken at 7:42 p.m., resuming
11 proceedings at 7:57 as follows:)

12 - - -

13 THE PRESIDENT: All right. We're
14 going to get started again.

15 MR. RICE: Mr. Broseman, you have
16 another witness. Let's have him sworn in.

17 - - -

18 ERIK W. HETZEL,
19 having been first duly sworn, was examined and
20 testified as follows:

21 - - -

22 THE WITNESS: Erik Hetzel, E-R-I-K
23 H-E-T-Z-E-L.

24 - - -

1 DIRECT EXAMINATION

2 - - -

3 BY MR. BROSEMAN:

4 Q. Erik, would you describe your
5 educational and professional background?6 A. I have a Bachelor of Arts degree in
7 geography and planning and a Master in regional
8 planning, the bachelor degree from West Chester
9 University, the master's from University
10 Pennsylvania, and I've been working for 30 years
11 as a professional planner.12 Q. And we have what I've marked as
13 Exhibit A-17.

14 - - -

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

17 - - -

18 BY MR. BROSEMAN:

19 Q. Is this a written summary of your
20 background?21 A. It is. I would add that I'm also a
22 member of the American Planning Association, and
23 I've been a certified planner as a member of the
24 American Institute of Certified Planners since

1 2001.

2 Q. Is this A-17 that I've handed out,
3 this is a summary of some of your professional
4 background?

5 A. It is.

6 Q. Have you been recognized as an expert
7 witness as a land planner before numerous
8 municipal bodies, including zoning hearing boards
9 and governing bodies, like the board of
10 commissioners?

11 A. I have.

12 Q. Have you previously been recognized as
13 an expert witness by the board of commissioners?

14 A. Yes, I have.

15 MR. BROSEMAN: I'd like to offer Mr.
16 Hetzel as an expert in the field of land
17 planning.

18 MR. RICE: Mr. Marlier, any questions?

19 MR. MARLIER: No questions.

20 MR. RICE: He will be accepted as an
21 expert witness as a land planner.

22 MR. BROSEMAN: Thank you.

23 BY MR. BROSEMAN:

24 Q. Erik, have you been engaged by the

1 applicant in connection with this conditional use
2 application?

3 A. Yes, I have.

4 Q. Are you generally familiar with the
5 property that is the subject of this application,
6 as well as the general area?

7 A. Yes, I am.

8 Q. And are you generally familiar with
9 the proposed conditional use plans for the
10 redevelopment of the property that are the
11 subject of this hearing?

12 A. Yes, I am.

13 Q. Have you observed prior conditional
14 use hearings that have been held on this
15 application?

16 A. I have.

17 Q. In Code Section 280-135, there's some
18 general conditional use provisions, in
19 particular, 280-135.G provides that a development
20 impact statement should be submitted along with a
21 conditional use application; is that correct?

22 A. It is.

23 Q. And did you prepare a fiscal impact
24 analysis memorandum that was incorporated into

1 the development impact statement that is part of
2 Applicant's Exhibit A-1?

3 A. I did.

4 Q. And that impact analysis memo, the
5 original one was dated 5-17, 2023, that is in
6 A-1?

7 A. That's correct.

8 Q. Have you recently updated that fiscal
9 impact analysis memo?

10 A. I did. It's dated March 18th, 2024.

11 Q. And I'm going to hand you a copy and
12 then hand out additional copies.

13 Is this document that updated memo?

14 A. Yes, it is.

15 Q. Why did you update the fiscal impact
16 memo?

17 A. I wanted to use more current Radnor
18 Township and Radnor Township School District
19 budget documents.

20 I wanted to use the current tax rates
21 and the current common level ratio when
22 establishing assessed values and the taxable
23 rates that will be applied here.

24 Q. And did you update any other

1 information?

2 A. I also updated the anticipated sale
3 prices for the proposed dwelling units. I
4 believe they're more consistent with what the
5 current market is exhibiting right now.

6 Q. And was this fiscal impact analysis
7 that you have prepared including, and I'm going
8 to be talking now about Exhibit A-18, was this
9 prepared in accordance with generally-accepted
10 practices for fiscal impact analysis for proposed
11 land development projects?

12 A. It was.

13 - - -

14 (Applicant's Exhibit A-18 was marked
15 for identification.)

16 - - -

17 BY MR. BROSEMAN:

18 Q. And did you utilize this methodology
19 in other analyses that you've prepared in Radnor
20 Township?

21 A. I have. It's the per capita
22 multiplier method that was developed and
23 published by the Rutgers University Center for
24 Urban Policy Research published in several

1 different books, one being the New Practitioner's
2 Guide to Fiscal Analysis and the Development
3 Impact Assessment Handbook, and it's customarily
4 used by land planners as an order of magnitude
5 gauge of the impacts of development from a fiscal
6 perspective on townships and school districts and
7 municipalities overall.

8 Q. And could you review the analysis that
9 you did at Exhibit A-18?

10 A. Sure.

11 Q. And you might want to put something up
12 on the screen, I understand, as part of A-18.

13 A. Yes. This is the summary table that
14 is contained on the last page of Exhibit A-18.
15 It's a concise summary. The narrative of the
16 memorandum explains how these numbers were
17 estimated.

18 Just going through line by line, the
19 top section summarizes the background
20 assumptions, the number of units being 38
21 residential units.

22 The value per unit assumption I used
23 was \$1.75 million per unit, times 38, gets you a
24 total market value of \$66.5 million.

1 The assessed value is estimated by
2 applying the Delaware County common level ratio
3 to the market value to arrive at \$43.75 million.
4 That's the basis on which the taxes are levied in
5 the township and the school district.

6 Next summarizes the population profile
7 of the proposed development. We're projecting
8 there would be 84 new people residing here on
9 this property, including eight school-aged
10 children that would be attending Radnor Township
11 School District.

12 The next section shows the revenues
13 and costs that are projected to accrue to Radnor
14 Township.

15 Starting first with the real estate
16 tax, applying the millage rate that's noted there
17 to the assessed value, \$106,597 in real estate
18 tax revenues.

19 Non-property tax revenues would
20 include things like permits, fees, fines, and
21 things that would occur on an annual basis.

22 The real estate transfer tax is a one
23 percent tax that is paid to the township every
24 time a unit sells.

1 We're estimating that five percent of
2 the units would sell each year to get to that
3 number. Summing those up, we're looking at total
4 township revenues of \$192,741.

5 Next we move on to the township cost
6 calculation. I mentioned that's based on a per
7 capita cost model.

8 And to arrive at per capita cost per
9 resident in the township, I examined the township
10 budgets and the relative mix of land uses to
11 establish a per capita cost per resident versus
12 per capita cost per nonresident. That would be
13 employees working in the township.

14 So it is tailored to the way the
15 township currently spends its money today to
16 provide services to residential land uses.

17 In this particular analysis, I
18 considered 100 percent of the general fund
19 expenses to arrive at a per capita multiplier per
20 resident of \$1,010.05.

21 Extending that across the 84 proposed
22 residents establishes a township annual expense
23 of approximately \$84,000 a year to service the
24 new residents in the development.

1 Subtracting that from the township
2 revenues arrives at the net positive township
3 fiscal impact of \$107,897.

4 Moving down to the Radnor Township
5 School District section, the real estate tax
6 revenue is levied at that millage rate indicated
7 there, 14.6329 mills, to arrive at tax revenue on
8 an annual basis of \$640,189.

9 We have a modest amount of
10 non-property tax revenues that's generated by
11 things like activity fees and the like.

12 Again, these numbers come from the way
13 that the school district spends its money
14 according to its most current budget document.

15 Intergovernmental revenues are noted.
16 They're calculated on a per capita student basis
17 based on the annual revenues that the district
18 receives from state and federal sources.

19 And then the real estate transfer tax,
20 similar to the township calculation, we assume
21 five percent turnover of properties a year once
22 it's been fully stabilized and fully occupied.

23 The district levies the real estate
24 transfer tax at a half of a percent.

1 Adding those revenues up together, you
2 get \$700,633 in school district revenues on an
3 annual basis, and again the expenditure or the
4 cost number for the school district was
5 calculated on a per capita basis once again by
6 establishing a cost per student.

7 By looking at the school district
8 budget document, dividing the total enrollment
9 into that total expenditure number in the budget
10 document, we arrive at a per student cost of
11 \$32,179 per school-aged child attending the
12 school district.

13 Together that results in a net impact
14 to the school district, net positive fiscal
15 benefit of \$443,198 per year.

16 Adding those township and school
17 district benefits together yields a total net
18 annual fiscal impact to the combined taxing
19 authorities of over \$551,000 annually.

20 Q. You mentioned that you projected the
21 school-aged children.

22 Is it possible that if there were
23 school-age children in this development, that
24 they would not go to the Radnor School District?

1 A. That's correct. There's a certain
2 percentage of students in the school district
3 that attend private schools or other educational
4 facilities.

5 Q. And if that were the case, then there
6 would obviously not be any cost to the Radnor
7 School District for any, typically for any
8 student that went to a private school, for
9 example?

10 A. That is correct. So for every student
11 that doesn't attend Radnor Township schools, you
12 would see an increase in the net fiscal impact of
13 \$32,179 or somewhere thereabouts order of
14 magnitude.

15 I do believe that there is some
16 responsibility for busing of students that the
17 school district accounts for, so that number
18 could vary, but in general, it's meant to be an
19 order of magnitude impact assessment.

20 Q. But you didn't take any credit or
21 reduce any of the projections based on the fact
22 that they might not all go to the school
23 district; correct?

24 A. Correct.

1 Q. If your values were higher than
2 1,750,000, would that be a more positive, tend to
3 be a more positive fiscal impact?

4 A. It would be.

5 Q. Since the time of the application,
6 have you gotten any information from the Radnor
7 School District about the actual experience of
8 the school district with school-aged children
9 that live in other townhome communities in the
10 township?

11 A. I did. There's actually a paragraph
12 in the report that speaks to that.

13 I spoke to the transportation
14 department of the school district on March 7th
15 just to understand the amount of school-aged
16 children that are generated by similar
17 developments in the township, and I picked five
18 developments comprising a total of 39 units that
19 we believe to be comparable, at least in form and
20 cost or value profile, to the proposed.

21 Out of those 39 units, there were only
22 three school-aged children that the
23 transportation department considers in their
24 provision of services to those communities.

1 That relates to a demographic
2 multiplier of 0.077 students, school-aged
3 children per residential unit.

4 The number I used, again it came from
5 a Rutgers University study specific to
6 single-family attached housing in Pennsylvania.

7 That was 0.21 school-aged children per
8 unit, which is somewhat higher than the reality
9 in the units that the school district reported to
10 me in Radnor Township.

11 Q. And what were those developments that
12 were considered?

13 A. We looked at 11 units at Villa
14 Strafford, eight units at Wayne Walk, six units
15 at Jardin, eight units at Wicklow Court, and six
16 units at Bloomingdale Avenue. They're all
17 single-family attached projects.

18 Q. In your professional opinion, will the
19 proposed redevelopment have adverse fiscal
20 impacts that would not normally be associated
21 with a similar townhome development?

22 A. No, it wouldn't. In fact, I think
23 anecdotal evidence notes that, to me, that what
24 I've seen, that this type of development would

1 probably have less of an impact than one of a
2 lower-value profile where you may have more
3 school-aged children attending schools or larger
4 families living in them.

5 Q. I'd like to turn to some other topics.
6 Code Section 280-135.G(1)(a) addresses
7 consistency of the proposed use with the Radnor
8 Township Comprehensive Plan.

9 Are you generally familiar with the
10 current Radnor Township Comprehensive Plan?

11 A. I am.

12 Q. And in your professional opinion, is
13 the proposed use generally consistent with the
14 Radnor Township Comprehensive Plan?

15 A. I believe it is, yes.

16 Q. And would you give some examples?

17 A. Sure. Looking at the current version
18 of the township comprehensive plan, Page VI of
19 the executive summary, item six notes a goal to
20 undertake a variety of strategies to preserve
21 and/or increase housing density and diversity in
22 appropriate locations, and one of the mechanisms
23 to do that is to, quote, "allow for increased
24 housing density immediately surrounding

1 commercial areas and particularly near transit
2 centers."

3 And this property exhibits that
4 characteristic. It's directly adjacent to two
5 commercial facilities, and it's located in very
6 close proximity to the train station.

7 Another plan goal and objective is
8 noted on page 25 of the executive summary.

9 That would be to accommodate
10 reasonable growth using innovative growth
11 management techniques such as transit-oriented
12 development, traditional neighborhood design, and
13 other flexible design techniques that harmonize
14 with and enhance the existing community.

15 I believe this proposal is consistent
16 with that goal using the density modification
17 provision of the R-4 underlying zoning district.

18 Moving further into the plan, there is
19 a goal to promote conservation development
20 strategies for new development on large parcels.

21 I believe that the density
22 modification provisions promote that at this
23 location insofar as they require the open space
24 that we're providing, and that open space is

1 provided as a direct result of that density
2 modification provision.

3 Q. Thank you. Moving to another code
4 provision, 280-135.G(1)(e) addresses the proposed
5 use's impact on nearby commercial facilities
6 within the township and surrounding
7 municipalities.

8 What is your professional opinion as
9 to the impact of the proposed use on nearby
10 commercial facilities?

11 A. I think the increased residential
12 density at this location would have a beneficial
13 impact on surrounding and nearby commercial
14 facilities in that it would be providing
15 additional customer base to patronize those
16 facilities.

17 Q. And, in fact, this property is
18 immediately adjacent to the Eagle Village Shops;
19 correct?

20 A. That's correct.

21 Q. And a pathway is provided to provide
22 easy access from the residence to that commercial
23 center; is that correct?

24 A. That's correct. And I believe that

1 the sidewalks that are being provided also open
2 that access up to the surrounding community to
3 access the commercial facilities that are
4 adjacent to this proposed development.

5 Q. Code Section 280-135.G(1)(g) addresses
6 impact on police and fire protection.

7 Was that covered in your memo?

8 A. It was. I noted on page four of the
9 memo that there would be very minimal projected
10 demand for public safety services to be provided
11 to the facility.

12 Based on published demand factors
13 again from Rutgers University, they were the best
14 factors I had available to me, but they all
15 indicate very fractional demand increases as a
16 result of the proposed development.

17 And the comp plan notes on page 93
18 that historically Radnor Township has a low crime
19 rate and is known as a safe place to live.

20 So I believe that this is a compatible
21 type of a land use within a community that
22 exhibits that type of a safety profile.

23 Q. Code Section 280-135.G(1) also
24 addresses the proposed use's impact on the

1 township's open space and recreational
2 facilities.

3 What is your professional opinion as
4 to the impact of the proposed use on the
5 township's open space and recreational
6 facilities?

7 A. The proposed use will be, will contain
8 its own open space for passive recreation
9 enjoyment by the residents onsite. So, I mean,
10 they wouldn't need to go elsewhere for that.

11 Not to say that they wouldn't, but
12 they would have that directly available to them,
13 whereas another type of use could be developed at
14 this location within the existing zoning that
15 wouldn't require such open space.

16 Q. In your professional opinion, will the
17 proposed redevelopment have any greater impact on
18 the township's open space and recreational
19 facilities than would normally be associated with
20 a similar townhome development?

21 A. I believe it would not have any
22 greater impact than a similar townhome community.

23 Q. The Code Section 280-135.G(1)(i)
24 addresses impact on the character of the

1 surrounding neighborhood.

2 In your professional opinion, is the
3 proposed use consistent with the character of the
4 neighborhood?

5 A. I believe that it is, and I believe
6 it's consistent with the township's vision for
7 this locale, the way that they have chosen to
8 zone it based on the goals of the comp plan
9 allowing for the use of flexible design
10 techniques that would promote harmony with the
11 surrounding uses.

12 I believe that this type of
13 development at this location forms a nice
14 transition between the commercial, more intense
15 use and a lower-density residential use.

16 By introducing residential use here at
17 a slightly higher density, it represents that
18 sort of a transitional use zone.

19 Q. And, in fact, the zoning ordinance
20 specifically allows townhomes by conditional use
21 as part of density modification in the R-4
22 district on a tract that's five acres or more; is
23 that right?

24 A. That's correct, and there's over seven

1 acres here.

2 Q. And does the fact that the project has
3 the large common open space in the location
4 central and abutting Strafford Avenue also inform
5 your professional opinion on consistency with the
6 character of the neighborhood?

7 A. Yes, it does. And also I'd like to
8 note that the proposed development preserves the
9 existing streetscape and enhances it with
10 appropriate landscaping plantings.

11 There's only two curb cuts, the
12 proposed driveways onto Strafford Avenue, whereas
13 an alternative form of development could
14 significantly alter the character of the
15 streetscape in a way that is different from what
16 is proposed.

17 Q. And does the fact that the plan has a
18 significant amount of landscaping, including
19 buffer provisions as was described by Mr. Panzak,
20 also support your opinion?

21 A. It does. There's buffers provided
22 along the Grant Avenue side and Forrest Lane, as
23 well as a buffer along the commercial portion of
24 the site.

1 Q. In your professional opinion, will the
2 proposed redevelopment have any greater impact on
3 the character of the surrounding neighborhood
4 than would normally be expected with a similar
5 townhome development?

6 A. No, it won't.

7 MR. BROSEMAN: That's all I have at
8 this time for Mr. Hetzel.

9 MR. RICE: Okay. Mr. Marlier, cross.

10 - - -

11 CROSS EXAMINATION

12 - - -

13 BY MR. MARLIER:

14 Q. You testified a lot to, Mr. Hetzel, to
15 your conclusions and your findings on the last
16 page. I'd like to further understand how you got
17 to these a little bit more specifically.

18 Is your testimony -- and keep in mind,
19 I just got your report this evening. But is your
20 testimony assuming three-bedroom units?

21 A. It is.

22 Q. And how many occupants?

23 A. Eighty-four. That would be 2.2
24 persons per unit.

1 Q. It's your testimony that these 38
2 townhomes will have on average just over two
3 people in each?

4 A. 2.22, correct, yes.

5 Q. And how many vehicles at each property
6 is that assuming?

7 A. I can't speak to that. I'm not a
8 traffic expert.

9 Q. So that wasn't part of your analysis?

10 A. That was not part of my analysis.

11 Q. And what is the footage of each
12 townhome that you made your calculations?

13 A. I didn't base it on square footage. I
14 based it on the number of bedrooms, which is how
15 the methodology assesses population. It's based
16 on bedrooms and unit type and value.

17 Q. And a three-bedroom unit, if we're
18 looking at these houses, the square footage, your
19 testimony has been, I believe around 3,000 square
20 feet; correct?

21 A. I'll take your word for it.

22 Q. These are large townhomes; correct?

23 A. Correct.

24 Q. And your testimony is that there's

1 only three bedrooms, but there certainly could be
2 more; correct?

3 A. There could be. I also, in
4 anticipation of the question, I looked at if it
5 were a four-bedroom townhome.

6 Assuming all of the units were four
7 bedrooms, I believe the traffic analysis used a
8 number of a mix of three and four, is the number
9 that I recall.

10 If we assume that all units were four
11 bedrooms, the number of persons per unit would go
12 up from 2.22 per unit to 2.95 persons per unit,
13 which under this analysis would add about 28
14 people, equating to about \$28,000 additional in
15 public costs, which would reduce the fiscal
16 impact by about 28,000, from 107,000 down to
17 maybe 89,000 net positive impact per year.

18 Q. Are any of those numbers that you just
19 went over in your report?

20 A. They're not, but I can furnish them,
21 if you would like me to.

22 Q. And when you're thinking of bedrooms,
23 three bedrooms in these townhomes, are you
24 contemplating that the basements could be used

1 for a bedroom?

2 A. I'm not contemplating how they use the
3 interior space. I'm just contemplating how many
4 bedrooms it may be.

5 Q. Are you contemplating how large the
6 bedrooms could be?

7 A. No.

8 Q. You have updated the sales prices, I
9 believe, in your analysis, because I think
10 everyone in this room knows the housing market is
11 pretty thriving right now; correct?

12 A. Correct.

13 Q. When you're looking at a projection of
14 how much these townhomes would sell for, do you
15 take into account whether the home can have a
16 backyard?

17 A. I look at comparable similar
18 developments in terms of configuration,
19 community, size, things like that, so it's really
20 more based on the fact that it's a single-family
21 attached unit, and I would say that the way the
22 open space is configured could be considered a
23 premium element to this type of development.

24 Q. Are the -- I believe you mentioned

1 five developments, correct, that you looked at
2 five other developments?

3 A. I looked at five developments on the
4 basis of school-aged children, that's correct.

5 Q. In those five developments, do those
6 townhomes, do any of them not have backyards?

7 A. I'm not sure.

8 Q. Looking at those townhomes, do any of
9 them not have the ability to have patios?

10 A. I don't know.

11 MR. BROSEMAN: What did you say? I
12 didn't catch that.

13 MR. MARLIER: The question asked, was
14 he contemplating -- do any of those
15 developments have patios?

16 MR. BROSEMAN: Oh, patios. Thank you.
17 I couldn't hear.

18 THE WITNESS: Yeah, I don't know.

19 BY MR. MARLIER:

20 Q. Looking at those other townhomes, the
21 comparables, do any of them not have back steps
22 out of the house?

23 A. I don't know. None of those elements
24 were really aspects that the methodology

1 considers in these types of projections.

2 Q. Well, when you're buying a home,
3 people are going to be looking for a backyard; is
4 that correct?

5 A. Not everybody necessarily. I think
6 it's a matter of personal preference.

7 Q. Certainly it's something that can
8 increase the value of the home; correct?

9 A. I think the value can also be
10 increased by not having a backyard and having
11 that be something that's not a maintenance
12 element for the homeowner.

13 Q. Well, I mean, if you have school-aged
14 children, most people would trade off the
15 maintenance for having a backyard for their
16 children to play in; correct?

17 A. I suppose that could be true.

18 Q. You mentioned you have a study for the
19 four bedrooms; correct? You were stating a few
20 minutes ago you didn't put it in your memo, but
21 you did run those numbers?

22 A. I did.

23 Q. Did you do that for, run numbers for a
24 five-bedroom townhome?

1 A. I did not, because I don't believe
2 that I have multipliers for that. I think the
3 Rutgers multipliers top out at four bedrooms per
4 single-family attached unit.

5 Q. Do you have studies available for
6 single-family homes, detached homes?

7 A. I have not conducted that study on
8 this.

9 Q. So again, just getting these exhibits
10 tonight, not being able to review it, can you
11 state what the sale price would be, the average
12 sale price would be for the homes, in your
13 opinion?

14 A. Could you clarify?

15 Q. Sure. I believe that you testified
16 again with regard to the sale price, the average
17 sale price of a home. Do you have those numbers
18 for these houses?

19 A. I'm estimating \$1.75 million per unit.

20 Q. So that's over twice as much as in
21 Hamilton-1?

22 A. I'd have to go back and look at my
23 analysis, but this is a different market, a
24 different time, and different comparables to be

1 considered here. It's a different format of
2 development.

3 Q. Do you remember, you did -- I should
4 lay some foundation. You did testify in
5 Hamilton-1; correct?

6 A. I did, but that was a couple of years
7 ago.

8 Q. I totally understand. But you didn't
9 review the transcripts from Hamilton-1?

10 A. Not for this hearing.

11 Q. If I told you that in Hamilton-1 you
12 testified that the price point of the homes, in
13 your opinion, would lead to smaller families
14 occupying them, does that refresh your
15 recollection? Do you remember that testimony?

16 A. I vaguely remember that testimony.

17 Q. If these homes are now developed --

18 MS. AGNEW: Excuse me. Could you read
19 back that question? Could you read it
20 back, read back the question?

21 - - -

22 (The Court Reporter read back as
23 follows:

24 "Question: If I told you that in

1 consider similar.

2 I think there are a lot of factors
3 that contribute to that, not just price.

4 Q. You mentioned in your testimony there
5 would be 84 new residents on the property. How
6 many currently, how many residents are there
7 currently?

8 A. I didn't factor in how many residents
9 would be there currently. I guess the more
10 correct statement would be 84 residents would be
11 living here under the projections estimated using
12 the multipliers that I used.

13 So that's not a net number. I'm not
14 taking any discount for residents that are there
15 today. That's just replacing what's there today
16 with what is proposed.

17 Q. And your testimony is that there would
18 be one student per five homes roughly, if I'm
19 doing the math correctly?

20 A. That's correct.

21 Q. Why so low? Why is it that there
22 wouldn't be more students at the property, in
23 your opinion?

24 A. In my opinion, I think if you look

1 around at a lot of developments like this, you
2 may have people living in them that are empty
3 nesters.

4 They don't want to downsize, but they
5 want to move out of a house that has lots of
6 maintenance requirements.

7 They may only be here several months
8 of the year. If they're retired, they may spend
9 some time elsewhere.

10 They may be young professionals with
11 the means to afford such a home that don't have
12 families yet.

13 That's sort of been an observation
14 that I had looking at similar communities in the
15 area.

16 It's just a different family structure
17 than might be in a single-family detached house
18 or a smaller single-family attached or that would
19 be in an existing older community that was built
20 40 years ago.

21 Q. So the five other developments that
22 you looked at, if we looked at those, we would
23 see, according to your projections, you believe
24 in those five homes, there would be one student

1 per five properties?

2 A. I was told by the school district
3 transportation department. They didn't get down
4 to that granular of a level as to which of those
5 communities might have had more or fewer
6 children.

7 The bottom line is, out of those
8 39 units in those five communities, there are
9 only three school-aged kids that the school's
10 transportation department has accounted for.

11 Q. You testified that the housing was a
12 transition, correct, from commercial to
13 residential?

14 A. In terms of use and intensity.

15 Q. But just to be clear, it's surrounded
16 by residential on three sides; correct?

17 A. It's got commercial on two sides, I
18 believe.

19 Q. Which sides are those?

20 A. The east and the south.

21 Q. Eagle on one side; correct?

22 A. Correct.

23 Q. You have Strafford on the other?

24 A. Correct.

1 Q. You have Grant on the other?

2 A. Right.

3 Q. So the commercial is on the southern
4 side?

5 A. Generally southern and -- I guess I
6 can't picture the north arrow in my head, but
7 it's towards the south, closer to Lancaster
8 Avenue, which is where more of the dense
9 commercial development exists.

10 As you move away from Lancaster
11 Avenue, that's where the residential land use
12 pattern begins to take hold.

13 Q. And I understand it's your testimony
14 this is a transition, but if you're Mr. Szary and
15 you live down near Grant and Forrest, on the
16 bottom left of the plans we keep looking at, he's
17 right up against the property right now, and it's
18 wooded residential, and now it's going to have
19 townhomes.

20 Would you consider that more
21 transitional for Mr. Szary than it is now?

22 A. I would consider it transitional as
23 expressed in the policy guidance of the township,
24 both in the aspirational context of the comp plan

1 and in the zoning policy that was enacted as a
2 result of that comp plan.

3 MR. MARLIER: If I can just have a
4 minute to bring up an exhibit.

5 BY MR. MARLIER:

6 Q. Mr. Hetzel, what we've done is we
7 projected, -and thank you, Mr. Broseman, for
8 helping with this -- projected A-16, what's been
9 previously marked as A-16 up onto the screen.

10 Have you reviewed this plan?

11 A. I've seen it in the context of these
12 hearings, but I haven't reviewed this in the
13 course of my analysis, no.

14 Q. In your opinion, is this a viable
15 plan?

16 A. Again, I can't really opine on it. I
17 think if it can comply with the zoning
18 provisions, I suppose it could be a viable plan.

19 Q. It's a little difficult to see, but
20 lots 19 and 20, you have a U-shaped road, 19 and
21 20, thank you, are in the middle, the bottom two.

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

23 Mr. Hetzel didn't prepare this plan. He
24 didn't testify about it.

1 And he said he's really not done
2 analysis of it, so I don't think it's
3 proper scope of cross-exam.

4 MR. RICE: Well, let's hear what the
5 question is first.

6 BY MR. MARLIER:

7 Q. If you look at 19 and 20, they're
8 roughly one-third of the size of lot 14, which is
9 over to the right. In your professional
10 experience, is that a practical plan?

11 You have two lot sizes in the same
12 development that are a third of the size of other
13 lots. Is that feasible? Is that sellable?

14 MR. BROSEMAN: I renew my objection.
15 He didn't testify about this plan.

16 MR. RICE: Mr. Marlier, when you ask
17 him if it's feasible, you mean in terms of
18 layout?

19 Because the testimony from Mr.
20 Hetzel's been about the tax implications
21 vis-a-vis services, school district
22 services, township services.

23 So if your question has to do with
24 that, let's go there, but otherwise, he

1 didn't draft it. He's not an engineer.

2 MR. MARLIER: Well, my questions are
3 focused on the sellability.

4 He's testifying to how much these
5 properties are going to cost, what the
6 townhomes are going to sell for and the
7 benefit to being able to sell those
8 townhomes in the plan that they have
9 proposed and all the benefits that's going
10 to give to the township.

11 To me, the applicant --

12 MR. RICE: The feasibility is, are
13 these lots feasible to be sold in the
14 current market?

15 MR. MARLIER: Correct. Correct. That
16 might be a better way of saying it.

17 MR. RICE: Okay.

18 BY MR. MARLIER:

19 Q. If you look at lot 19 and 20 relative
20 to lot 14, Mr. Hetzel, is it feasible in the
21 current market to sell 19 and 20 when they're
22 roughly a third of the size of lot 13?

23 A. I don't know. I haven't looked at
24 single-family developments like this in this

1 market in this configuration.

2 I suppose it could be. There could be
3 other ways to add premiums to lots that make them
4 more sellable.

5 I just don't have enough information
6 about this plan to really render an effective
7 opinion on that.

8 Q. Understood, but your client brought in
9 this plan. This was an exhibit that they put
10 into the record, or marked at least.

11 And they must have marked it for a
12 reason, that there's an alternate plan of some
13 sort of single-family detached homes.

14 So I'm asking you as the expert on
15 fiscal studies and fiscal impact if this plan is
16 even feasible or sellable in this market?

17 A. Again, I don't know, because I haven't
18 reviewed it in that context.

19 MR. MARLIER: I have no further
20 questions.

21 MR. RICE: I'm going to go to resident
22 questions.

23 Amber Levy?

24 - - -

1 CROSS-EXAMINATION

2 - - -

3 MS. LEVY: Amber Atwood Levy, the
4 Radnor Conservancy.

5 During the testimony, you described
6 that the configuration of open space could
7 be considered a premium element.

8 Could you please define "premium
9 element"?

10 THE WITNESS: I think it provides an
11 amenity that might not otherwise exist
12 under a different design configuration that
13 could be done under the existing zoning.

14 I think any time you have a contiguous
15 open space like that, that most people
16 would consider that to be a neighborhood
17 benefit.

18 MS. LEVY: And what in particular
19 about this open space contributes to the
20 premium element?

21 THE WITNESS: It's accessible, easily
22 accessible to all units. Everybody in the
23 community can use it, in this neighborhood
24 can use it.

1 It has the potential to be designed in
2 a way that is attractive and preserves
3 natural features in a naturalistic
4 environment for the enjoyment of passive
5 open space for residents.

6 MS. LEVY: And the mature trees have a
7 positive property valuation; correct? They
8 raise that premium element and have a
9 positive valuation?

10 THE WITNESS: I have not evaluated the
11 value of trees and the impact they have on
12 houses, but open space and healthy habitat
13 that has safe and healthy vegetation can
14 also have that premium that maybe a healthy
15 large tree could have as well in terms of
16 limiting it to large trees, but small trees
17 as well.

18 MS. LEVY: Thank you.

19 MR. RICE: Mr. Clemente?

20 MR. CLEMENTE: No questions.

21 MR. RICE: Mr. Curley?

22 - - -

23 (No response.)

24 - - -

1 MR. RICE: Mr. Gaeto?

2 MR. CURLEY: Brian Curley, 136
3 Fairfield Lane, Radnor.

4 Mr. Hetzel, in your fiscal impact
5 study, there's quite a few lines in there
6 about revenue and only one line in each
7 section about expenditures.

8 You reference a study at Rutgers that
9 you used as the basis for figuring
10 expenditures, and the number I wrote down
11 was \$1,010.05 per person per year.

12 THE WITNESS: Correct.

13 MR. CURLEY: I'm a Radnor resident.
14 Could you give me an example, with your
15 professional opinion, of the types of
16 expenses that I cause the township or a
17 person would cause the township? Give me
18 some items.

19 THE WITNESS: Bear with me. I'm just
20 going to bring up the township budget where
21 I derived that from.

22 So the number that I used, what I'm
23 looking at, I don't have a printout with me
24 of the 2024 general fund budget.

1 I'm looking at the 2023 one that I
2 used for the previous analysis, which is
3 very similar.

4 The township has total expenses in the
5 2024 budget of nearly \$40 million annually,
6 and that includes things like wages and
7 compensation for township administration,
8 payroll liabilities, employee development,
9 supplies and materials, contract services,
10 utilities, fleet, community organizations,
11 capital outlay.

12 I think there's probably public safety
13 in there as well, all the things that it
14 takes to run a township.

15 We just assume that the new
16 development will utilize those services at
17 the same rate that all the existing
18 population in the township does today.

19 And there were no discounts taken for
20 certain things that may not be used to the
21 same extent, because development is kind of
22 incremental.

23 You're not going to add more
24 commissioners just because you added 38

1 more people.

2 MR. CURLEY: So would there be an
3 impact to expenditures based on the fact
4 this big development is going to have some
5 significant stormwater maintenance items,
6 one specific about the need to check the
7 drainage areas for the basins after a
8 one-inch storm?

9 So if, say, on a yearly basis we had a
10 one-inch storm once a month, do you think
11 that the cost of a township employee going
12 out to inspect that and the township's
13 responsibility to make sure that the
14 stormwater plan is working, is that
15 accounted for?

16 Do you think that's accounted for in
17 \$1,010, or do you think it's even accounted
18 for in your expenditure?

19 THE WITNESS: I actually think the
20 \$1,010 number is a bit high. I think it's
21 conservatively high.

22 I don't think it's going to -- I don't
23 think that every person in the township
24 today necessarily costs that much money.

1 Oftentimes in fiscal impact analyses
2 we'll reduce elements of expenses to
3 account for the fact that new residents
4 don't necessarily incur additional costs
5 for certain functions.

6 It's my belief that by using the full
7 general fund expenditures of \$39,680, that
8 we have taken a more conservative cost
9 approach.

10 MR. CURLEY: And you noted that this
11 was a study done at Rutgers University out
12 of New Jersey, and you indicated that your
13 professional background is the University
14 of Pennsylvania in Pennsylvania.

15 So would there be any reason why the
16 University of Pennsylvania wouldn't have
17 something more local for that?

18 THE WITNESS: There is nothing local
19 about it. It's really, things like
20 multipliers and market values are local
21 factors.

22 Methodologies like per capita
23 assessment of costs or proportion of value
24 of costs are just that, they're models.

1 And that methodology is customarily
2 used all over the country by planning
3 agencies and planning consultants
4 supporting public agencies and private
5 landowners as well.

6 MR. CURLEY: And they would all use
7 the same Rutgers study that you used?

8 THE WITNESS: They would use that
9 methodology. There are other methodologies
10 available.

11 This one is considered to be a very
12 strong indicator of order of magnitude
13 impacts.

14 It's fairly transparent in that you
15 can see the impact of taxes and how they're
16 calculated.

17 It's not based on some aggregated
18 multiplier of imputed economic impact.
19 It's specific to the township that we're
20 modeling here.

21 MR. CURLEY: Well, again, as I pointed
22 out at the beginning of my questioning,
23 there's a lot of lines for revenue, one
24 line for expenditures.

1 In my mind, having more detail about
2 what expenditures are involved with this
3 development, I think, would be more
4 transparent. Thank you.

5 MR. RICE: Mr. Gaeto?

6 - - -

7 (No response.)

8 - - -

9 MR. RICE: Ms. Hansen?

10 MS. HANSEN: No questions.

11 MR. RICE: Mr. Hymel?

12 - - -

13 (No response.)

14 - - -

15 MR. RICE: Ms. Lafarge?

16 - - -

17 (No response.)

18 - - -

19 MR. RICE: Ms. Mahoney?

20 MS. MAHONEY: No questions. Thank
21 you.

22 MR. RICE: Jennifer Pechet?

23 - - -

24 (No response.)

1 - - -

2 MR. RICE: Margaret Ruschmann?

3 MR. RUSCHMANN: Can I speak? I'm her
4 husband. I'm her husband. Can I speak?

5 MR. RICE: You are?

6 MR. RUSCHMANN: Mark Ruschmann.

7 MR. RICE: Mr. Ruschmann?

8 MR. RUSCHMANN: Yes.

9 MR. RICE: You need to ask questions.
10 Okay?

11 MR. RUSCHMANN: You had questioned
12 that the train was a benefit to this new
13 community.

14 How many -- have you made an
15 assessment of how many people will be using
16 the train?

17 THE WITNESS: I have not, but studies
18 have shown that transit-oriented
19 development is considered a benefit to many
20 people.

21 I do believe people choose to locate
22 near a train station if they need to avail
23 themselves of that service.

24 MR. RUSCHMANN: My interest is that,

1 are there any impacts that -- I know this
2 is Radnor, but are there any impacts to T/E
3 as far as sidewalks or anything else that
4 has to be constructed for the safety of the
5 people coming from Radnor to Tredyffrin?

6 THE WITNESS: I haven't evaluated
7 that. That wasn't a cost or revenue
8 element.

9 MR. RUSCHMANN: Okay.

10 MR. RICE: Mr. Ruschmann, what is your
11 first name?

12 MR. RUSCHMANN: Mark.

13 MR. RICE: Mark?

14 MR. RUSCHMANN: Yes.

15 MR. RICE: Thank you.

16 Mr. Satterfield?

17 MR. SATTERFIELD: Dave Satterfield,
18 207 Strafford.

19 In your experience, I know you stated
20 that you didn't look at single-family
21 homes, but in your experience, would you
22 say a development that yields the same
23 fiscal benefit to the township but with
24 less homes, would that be more or less

1 desirable to the township?

2 THE WITNESS: It depends on the
3 population profiles.

4 Typically, a single-family detached
5 development, while less dense, tends to
6 have higher population, people living there
7 year-round.

8 Usually, there's more school-aged
9 children projected in single-family
10 developments.

11 So you may or may not have a premium
12 in value just because it's single family.
13 Premiums are attributable to many
14 attributes of the development itself.

15 I believe you can have a more dense
16 development that could potentially have a
17 lower fiscal cost impact to a township when
18 you look at it on a net basis.

19 MR. SATTERFIELD: Are you aware of
20 what single-family homes in that area right
21 now are going for, new single-family homes?

22 THE WITNESS: I'm not.

23 MR. SATTERFIELD: Okay. If you just
24 look across the street, the new

1 development, I think, roughly doing the
2 math, 24 of those would be about the same
3 fiscal benefit to the township as the 38
4 townhomes, if you just do the math.

5 All right. Thank you.

6 MR. RICE: Ms. Scheri?

7 MS. SCHERI: No questions.

8 MR. RICE: Mr. Schuda?

9 - - -

10 (No response.)

11 - - -

12 MR. RICE: Kaitlin Silver?

13 - - -

14 (No response.)

15 - - -

16 MR. RICE: Mr. Szary?

17 MR. SZARY: Gregory Szary, 6 Forrest
18 Lane.

19 In your earlier cross-examination,
20 when you were discussing the numbers of
21 children and the family structures that
22 might be in these townhouses, you indicated
23 that -- and I'm not a stenographer. I
24 don't have your exact wording. We can

1 probably call it up.

2 But you indicated that it would have a
3 different population than the single-family
4 houses; is that correct?

5 THE WITNESS: I didn't state
6 conclusively that it would, but I stated
7 based on my experience, looking at some of
8 the surrounding or similar comparable
9 properties, I'm not speaking to family
10 structure, I'm speaking to school-aged
11 children, and it's maybe my hypothesis that
12 the reason there aren't many school-aged
13 children in the comparable properties is
14 because maybe they're empty nesters or
15 maybe they're young professionals with the
16 means to afford the property that don't
17 have children or just people, families that
18 value the life-style amenities that an
19 attached housing product affords them.

20 MR. SZARY: Okay. So then just to
21 simplify that question, the townhouse
22 development would attract persons without
23 children more so than single-family houses
24 would?

1 THE WITNESS: Not every townhouse
2 community, but the ones that are similar to
3 this exhibit that characteristic.

4 MR. SZARY: Okay. So then is it fair
5 to say then that the net result of this
6 development would be changing the fabric
7 and the nature of the neighborhood by
8 changing the family types?

9 THE WITNESS: I haven't done an
10 evaluation of all the family types
11 surrounding this property, but I see no
12 downside to having diversity of family size
13 and spending ability in a community.

14 I think it makes for a healthy
15 community to have people that can help to
16 offset public costs by having a higher
17 fiscal benefit.

18 MR. SZARY: So if I go back to the
19 first part of your answer, yes, it would
20 change the nature of the family?

21 THE WITNESS: I haven't examined the
22 families in the community, so I can't say
23 exactly what is there today.

24 MR. SZARY: If the community is

1 comprised of single-family houses, and you
2 stated there is a certain type of
3 population in single-family houses, and
4 this is going to be high density, which is
5 different, then it would, in fact, change
6 the nature of the neighborhood?

7 MR. BROSEMAN: I object. He's
8 answered this several times. The answer
9 was no.

10 MR. RICE: Well, I think he said he
11 doesn't know because he didn't study it.

12 MR. BROSEMAN: Right.

13 MR. RICE: Go ahead and answer that if
14 you can, that last question.

15 THE WITNESS: Could you repeat that,
16 please?

17 MR. SZARY: If the neighborhood is
18 comprised of single-family houses, and this
19 development, proposed development is
20 townhouses, which you've stated would have
21 less children than people living in
22 single-family houses, then the net result
23 of this type of a development would be a
24 change in the family structure, the types

1 of families in the neighborhood?

2 THE WITNESS: I suppose that could be
3 said, yes.

4 MR. SZARY: All right. Thank you.

5 MR. RICE: Mr. and Mrs. Willis?

6 MR. WILLIS: Good evening. Dave
7 Willis, 335 Strafford Avenue.

8 Would you agree that building a new
9 development in an existing neighborhood has
10 an effect on the existing neighborhood? It
11 could be positive or negative.

12 THE WITNESS: I would agree that any
13 time there's a change, there could be
14 impacts, positive and negative.

15 MR. WILLIS: And is it possible that
16 you could build too many units in a
17 development for an existing neighborhood,
18 to the point to where it starts to have a
19 negative effect on the existing
20 neighborhood?

21 THE WITNESS: I don't know that it
22 relates to number of units so much as the
23 configuration and execution of a plan.

24 MR. WILLIS: I guess I'll ask a

1 different question then.

2 How would you know if you're proposing
3 too many units for an existing
4 neighborhood?

5 THE WITNESS: I don't know how you
6 would measure that.

7 I think if you were to look at it and
8 see that it has measurable negative impacts
9 from the standpoint of form, the standpoint
10 of the physical structure and the economic
11 profile of that development, there could
12 be.

13 I think the case could also be said
14 that having too few units could have a
15 negative impact on a community as well.

16 MR. WILLIS: And so if it's not
17 measurable, would we then rely on more
18 subjective things to make that
19 determination?

20 THE WITNESS: I think at the end of
21 the day, if an individual, when they're
22 coming to subjective terms, it could be an
23 individual assessment.

24 MR. WILLIS: Or a board assessment

1 perhaps?

2 THE WITNESS: I think a board has to
3 assess things in the context of a planning
4 policy that is before us today.

5 MR. WILLIS: Thank you. No more
6 questions.

7 MR. RICE: Cheryl Lutz?

8 - - -

9 (No response.)

10 - - -

11 MR. RICE: Okay. Any board questions
12 of this witness?

13 - - -

14 EXAMINATION

15 - - -

16 MS. AGNEW: Good evening. How are you
17 doing? So you updated this report? This
18 report is an updated report; is that
19 correct?

20 THE WITNESS: It is, primarily because
21 I wanted to use the most current budget of
22 the township and the current tax rates and
23 all of that.

24 MS. AGNEW: And you took into account

1 the comp plan, the information from the
2 comp plan?

3 THE WITNESS: That doesn't really
4 factor into the fiscal analysis.

5 MS. AGNEW: But did you take into
6 account information from the comp plan?

7 THE WITNESS: I testified to that on
8 other aspects, but the comp plan doesn't
9 really speak to the fiscal aspects of my
10 analysis.

11 MS. AGNEW: I think you said something
12 about the aspirational aspects of the comp
13 plan. Did you put that into your
14 information?

15 THE WITNESS: Not in a fiscal
16 analysis, no.

17 MS. AGNEW: So in regard to anything
18 else you testified there was not fiscal
19 analysis, it's not really counted in your
20 testimony?

21 THE WITNESS: No. I think the comp
22 plan represents the aspirations of the
23 community, the desires to set policy moving
24 forward.

1 And I believe that the elements that I
2 testified to about additional density being
3 appropriate adjacent to commercial uses and
4 focusing on transit as a reason to have
5 additional density at a location resulted
6 in the township's zoning policy allowing
7 this density of development here under the
8 R-4 district and then under the density
9 modification plan under which this is
10 designed and I think complies with in all
11 aspects.

12 MS. AGNEW: Which comp plan are you
13 talking about?

14 THE WITNESS: The current one that is,
15 the current of-record plan of the township,
16 which is, I believe, 2003.

17 MS. AGNEW: Okay. Twenty-some years.
18 Okay. I thought you were referring to the
19 comp plan that's sort of ongoing, not that.

20 THE WITNESS: Has that been adopted
21 yet?

22 MS. AGNEW: No, but that was the most
23 recent, so I thought you were referring to
24 that.

1 MR. BROSEMAN: We're referring to the
2 one that's in effect --

3 MS. AGNEW: I understand.

4 MR. BROSEMAN: -- which is referred to
5 in the ordinance.

6 MS. AGNEW: He answered. I
7 understand.

8 MR. BROSEMAN: I want it to be clear.

9 MS. AGNEW: I understand.

10 So let me ask you, what is the typical
11 age distribution of the people who will be
12 occupying these units that we'll be looking
13 at?

14 THE WITNESS: I can't really speak to
15 the age. I can hypothesize, based on the
16 number of school kids that are projected
17 that are comparable to other units, that it
18 could be all over the place.

19 It could be empty nesters. It could
20 be young professionals. It could be people
21 in their middle age that have kids that may
22 have recently graduated high school.

23 We're projecting school-aged kids
24 here. It doesn't mean that there aren't

1 young families with young children as well.

2 MS. AGNEW: So things have changed in
3 the past 20 years, right, since the first
4 comp plan, and the township should be
5 looking for expanding the middle-aged
6 residents, so people in their 30s or 40s.

7 Would they be the sort of people who
8 would be moving into these projected plans?

9 THE WITNESS: I think they could be.
10 I think people of all ages could be living
11 here.

12 It's just, I don't know that there's
13 any one housing type that is considered
14 most appropriate for a specific age group,
15 especially in a community like Radnor
16 Township and where we are in the
17 Philadelphia suburbs, where there is a lot
18 of diversity and economic means and earning
19 potential and nearby jobs and just overall
20 quality of life. People want to live here.

21 MS. AGNEW: But 1.75 million isn't
22 necessarily diversity of income. We know
23 that people are making pretty good money,
24 but it's not really economic diversity, is

1 it? It's okay if it's not.

2 THE WITNESS: I mean, that's what the
3 market, that's what the market's supporting
4 right now.

5 There really is, the market
6 indicators, because of -- the values
7 indicate that there is a low supply of
8 units available.

9 That's what drives prices of supply
10 and demand typically, that coupled with a
11 desirable locale in which to live.

12 There are a lot of factors that come
13 into play when you're talking about the
14 social fabric of a community.

15 MS. AGNEW: So three-bedroom homes in
16 Old Oaks, do you think they sold for 1.75
17 million?

18 THE WITNESS: Where?

19 MS. AGNEW: Conestoga Village, Radnor
20 Township.

21 THE WITNESS: Is that a new or old
22 development?

23 MS. AGNEW: Um --

24 MR. RILEY: 1950s.

1 MS. AGNEW: '50s?

2 THE WITNESS: Typically not.

3 Typically the newer, new homes sell for
4 higher values, because people have input on
5 the premiums they want to put into them.

6 They're designed for a different
7 life-style than some of the houses were
8 originally designed for.

9 And what we've seen in the numbers as
10 far as population profiles go, new housing
11 tends to have fewer people living in them
12 and fewer school-aged children living in
13 them than older established housing.

14 That's been borne out in other
15 analyses I've seen.

16 MS. AGNEW: Okay. Thank you.

17 THE PRESIDENT: I have one. Have you,
18 in looking at all of this and talking about
19 the \$1.75 million price, have you actually
20 done any real estate comps like in the
21 similar units you've looked at for school
22 children?

23 THE WITNESS: I have. There haven't
24 been a whole lot of units that have traded

1 recently, but there have been a few,
2 ranging from 1.2 million up to 2 million.
3 I don't have that in front of me right now,
4 but --

5 THE PRESIDENT: I just wanted to know
6 we were in the ballpark and not just
7 hoping.

8 THE WITNESS: I try not to pull
9 numbers out of the air.

10 THE PRESIDENT: Thank you.

11 MR. RILEY: I have a question. The
12 proximity to the train and other points,
13 you said they could walk to the train.

14 Would it be better if they had a
15 sidewalk they could walk on to get to the
16 train?

17 THE WITNESS: It definitely would.

18 MR. RILEY: And then the plan of 38
19 townhomes, is that the max of this site?

20 THE WITNESS: I haven't done a yield
21 analysis or done any of the planning myself
22 to lay it out to establish if there could
23 be more, but I believe that's the density
24 that is permitted.

1 MR. RILEY: And then earlier you said
2 if you have too few, there could also be a
3 negative impact, and then too many could be
4 the same negative impact.

5 It seems that if the max is the 38, if
6 that was the max, a number lower would be
7 lower, but you're saying if it gets too
8 low, it would be bad, but somewhere in
9 between zero and 38.

10 Would that be like --

11 THE WITNESS: I haven't modeled it,
12 but there would be commensurate impact.

13 There would be fewer people, fewer
14 costs, but also fewer revenues to the
15 township being generated from sale prices
16 or from the assessments if there's fewer
17 units.

18 Fewer units would be selling,
19 contributing transfer taxes. So from a
20 fiscal standpoint, it could be a sliding
21 scale.

22 MR. RILEY: And the existing
23 neighborhoods that are already there, who
24 have been there when there was only two

1 lots that were there, not 30 townhomes,
2 what happens to them?

3 I mean, it would seem they may have a
4 negative impact. Would that happen?

5 THE WITNESS: I can't speak to that.
6 I didn't analyze that.

7 I believe that this development can be
8 designed and has been designed in a way
9 that provides appropriate buffering and
10 mitigates all site impacts that aren't
11 currently mitigated today, specifically,
12 stormwater.

13 I think from that standpoint, a plan
14 like this will have a beneficial impact to
15 the neighbors.

16 MR. RILEY: Mr. Hetzel, I saw in your,
17 right in the middle of the exhibit LEED AP.
18 Can you tell us what all these things mean?

19 THE WITNESS: That's Leadership in
20 Environmental Design. It's primarily an
21 architectural designation.

22 It means that I studied for and took
23 an exam that established a certain level of
24 knowledge in following LEED principles,

1 which this development has not strived to
2 achieve any sort of a LEED certification,
3 so I've not analyzed it in terms of a LEED
4 certification.

5 MR. RILEY: If you put something in,
6 let's say, it's going to have to have a
7 heater or an AC, in the summertime, doesn't
8 it create more heat in the summertime sort
9 of out in the atmosphere?

10 So it would be cooler inside, and the
11 more units that are doing that has an
12 impact on the surrounding neighborhood.

13 Would you agree to that?

14 THE WITNESS: I don't know. I'm not
15 an HVAC professional. I do know that --

16 MR. RILEY: Right, but you know LEED
17 though.

18 THE WITNESS: I do know that systems
19 have become more and more efficient.

20 MR. RILEY: Yes, which is good. Will
21 these be efficient?

22 THE WITNESS: I have not evaluated it
23 on that basis. I would think that modern
24 building supplies and modern systems would

1 probably, by default, be more efficient
2 than older systems that were deployed
3 30 years ago and may be failing and need to
4 be replaced.

5 MR. RILEY: Yes, or less of an impact.
6 Thank you.

7 THE WITNESS: Correct.

8 MR. COATES: I just have a couple of
9 questions about the data in your memo.
10 Okay?

11 When you did the analysis here for
12 population impact, you're citing the
13 Rutgers University Center for Urban Policy
14 Research which estimates the 2.22 and the
15 .21.

16 But it says this was published in
17 2006. Is that dataset in 2006?

18 THE WITNESS: That's based on, yes,
19 that dataset was based on population
20 information for the entire state of
21 Pennsylvania at that time.

22 Specific to the type of structure, it
23 breaks it down by single-family detached,
24 single-family attached, rental units

1 attached, for-sale units attached, and then
2 by a range of values and by number of
3 bedrooms.

4 So from that perspective, it's the
5 most granular data we have available to us.

6 We can look at other developments in
7 the area to elaborate on multipliers, but
8 my experience has been that the Rutgers
9 multipliers tend to overstate, which then
10 leads to generally higher cost.

11 So if we can say there's, we're
12 projecting this many school-aged kids, for
13 instance, but experience, local data shows
14 that there are fewer kids than that, then
15 the fiscal impact is only improved compared
16 to what we've shown here.

17 MR. COATES: Sure. Thank you. Is
18 there a more recent version of that dataset
19 available?

20 THE WITNESS: There is not.

21 MR. COATES: Are you familiar with the
22 Delaware Valley Regional Planning
23 Commission and their demographic multiplier
24 summary statistics for multifamily housing

1 in Greater Philadelphia?

2 THE WITNESS: I am. That is
3 multifamily housing though.

4 MR. COATES: Right, but I'm just going
5 by their average household, which is taking
6 into consideration single family and
7 multifamily. All right?

8 And if I took a look at this from 2012
9 to '16, because it says it uses the PUMA
10 data, which I'm assuming the Rutgers data
11 is similar, and I also saw they release
12 annual data, their numbers are suggesting
13 2.91 on the median, 2.7 versus the 2.2, up
14 to three bedroom, right, and you stated
15 earlier that for a four bedroom, it can go
16 up to 2.9 people per unit; right?

17 So if we use that same math, we could
18 potentially be over three and almost four
19 per unit. Does that sound right?

20 This is the same data that's in the
21 Rutgers. I'm just suggesting that this is
22 more recent.

23 THE WITNESS: It's not exactly the
24 same data, but I haven't reviewed it in

1 detail to opine on whether or not it's
2 comparable.

3 But the way the analysis is set up,
4 you're free to play out different
5 scenarios. I've explained what the cost
6 per person is that I derived.

7 And if you believe that it's a higher
8 number, you can apply that per capita cost
9 to that.

10 If you believe it's a lower number,
11 you can apply it to that, and sort of see
12 how it plays out.

13 MR. COATES: Sure. I appreciate that,
14 and I can do the math. I'm just not an
15 expert. I shouldn't have to do the math.

16 Their data on school-aged children in
17 here suggests that there's almost .6, and
18 you've got .2 in your data.

19 And the reason I'm bringing this up is
20 because I think this can materially change
21 your financial assessments based on the
22 population that we're looking at in the
23 dataset; right?

24 We went down to 80,000, I think, net

1 value, when we went to up 2.9. If we went
2 up to four, it could go down to what,
3 50,000 or so?

4 THE WITNESS: I haven't done the math
5 on that. I could say though that under
6 this scenario, it would take almost 14 more
7 school-aged kids just to bring the school
8 district impact to neutral impact.

9 MR. COATES: True.

10 THE WITNESS: And I find that to be
11 very hard to believe, given what we know
12 about the demographics of similar projects
13 that we examined.

14 MR. COATES: Okay. On the public
15 safety, services, and facilities, it looks
16 like we used the Development Impact
17 Assessment Handbook; right? When was that
18 published?

19 THE WITNESS: That was published in
20 the '90s.

21 MR. COATES: '95; right? So would
22 that data be different now than it was in
23 '95, or that assessment of --

24 THE WITNESS: It could be, and it

1 could also change due to local factors.

2 MR. COATES: It could be up or down;
3 right?

4 THE WITNESS: It could be up or down.
5 I haven't had the opportunity to talk to
6 any public safety officials about that
7 specifically here.

8 I'm going off of what the comp plan
9 notes, that one benefit of Radnor Township
10 is it's a safe community that doesn't seem
11 to require a heavy level of policing, as
12 opposed to other communities possibly.

13 MR. COATES: I would agree with that.
14 They do a great job.

15 I think the reason I'm bringing this
16 up and the reason I'm asking the question
17 is because you have multiple cites in the
18 memo, '85, '94, 2006, '95, and here we are
19 in 2024, with more local and recent data,
20 that I'm just confused as to why we didn't
21 use the newer data.

22 THE WITNESS: Well, the methodology
23 doesn't change over time. The methodology
24 is what it is.

1 MR. COATES: I'm not talking about the
2 methodolgy. The dataset.

3 THE WITNESS: And I feel that I've
4 used data, underlying data where I have
5 used it, that provides at least a
6 conservative estimation.

7 I do believe that if we went more
8 locally, we'd probably find lower
9 population numbers, and we do see that as
10 borne out in the school-aged kids --

11 MR. COATES: More local than Delaware
12 Valley?

13 THE WITNESS: Yeah. I think if we
14 went school district wide or countywide,
15 you've got a lot of difference between
16 parts of southern Delaware County and
17 Radnor Township.

18 MR. COATES: Yes, arguably across the
19 whole state; right? The dataset is
20 referencing the entire state of
21 Pennsylvania?

22 THE WITNESS: Right. Again, this is
23 meant to be an order of magnitude analysis.

24 MR. COATES: I guess I'm just, listen,

1 I'm not arguing the methodology. I think
2 it's appropriate.

3 I just, I'm confused, because it seems
4 like the data you're using presents a more
5 favorable financial analysis than what I'm
6 seeing for Delaware Valley here.

7 I just did a Google search. I'm not
8 an expert; right?

9 I'm just confused as to why we didn't
10 use something that's more recent to try to
11 get a more conservative look at the fiscal
12 impact.

13 That's just my point of view; right?
14 That's all I really had to ask. Thank you.

15 MR. RICE: Just a couple other
16 clarifications.

17 - - -

18 EXAMINATION

19 - - -

20 MR. RICE: Ms. Myers asked you how you
21 arrived at the 1.750 purchase price for the
22 townhomes. You said you relied on some
23 recent sales recently?

24 THE WITNESS: I don't have it in front

1 of me.

2 It was based on discussions with my
3 client and what they expect, I think, that
4 this could sell for, and my knowledge of
5 just, anecdotal knowledge of the market, I
6 believe it to be a fair assessment of the
7 value of these types of townhouses at this
8 location.

9 MR. RICE: So you can't -- you're not
10 really identifying the sales. Were they in
11 Radnor Township?

12 THE WITNESS: There were two that we
13 looked at, at least two or three. All the
14 ones that I cited anecdotally were Radnor
15 Township.

16 MR. RICE: In Radnor Township?

17 THE WITNESS: Correct.

18 MR. RICE: Okay. You got that
19 information from your client?

20 THE WITNESS: I got that -- well,
21 discussions with my client, but also
22 research online, looking at recent sale
23 data that's available through, you can find
24 it on realtor.com, zillow.com.

1 MR. RICE: But I'm looking for a
2 specific address. Give me an address in
3 Radnor Township where a townhome sold for
4 1.75.

5 THE WITNESS: I can provide it. I
6 don't have it in front of me right now.

7 MR. RICE: And the other part of that,
8 I didn't hear the answer. The Hamilton-1
9 hearing, what was the market value for
10 those townhomes?

11 THE WITNESS: I don't recall. I mean,
12 I didn't review that for this.

13 MR. RICE: But you did the report
14 before?

15 THE WITNESS: I did a similar report,
16 but that was a couple years ago.

17 Again, I've literally done dozens of
18 these types of studies since then and since
19 COVID, and the market has definitely
20 changed in the intervening years. So I can
21 find out for you.

22 MR. RICE: I can dig through my file
23 and probably find it, too. That was three
24 years ago, more or less?

1 THE WITNESS: Yes.

2 MR. MARLIER: My notes, Mr. Rice, my
3 notes were \$850,000.

4 MR. RICE: Okay. So 850, does that
5 sound about right?

6 THE WITNESS: That sounds about right
7 from that timeframe.

8 MR. RICE: And we're more than
9 doubling that today because of the market
10 we're in. Okay.

11 THE WITNESS: Yes.

12 MR. RICE: The other question I had, I
13 was wondering what the date of the
14 Development Impact Assessment Handbook was,
15 but it's 1995?

16 THE WITNESS: Yes.

17 MR. RICE: Okay. So just for the
18 township, just so I understand how you
19 calculated the \$1,010.05 cost per resident,
20 you took the general fund budget of Radnor
21 for 2023 for 2024?

22 THE WITNESS: Yes, for 2024.

23 MR. RICE: 2024, and you divided that
24 by the number of residents?

1 THE WITNESS: It's a little more
2 nuanced than that. The analysis
3 establishes two separate multipliers.

4 One is a residential-based multiplier
5 based on, I believe it's a blended average
6 of the number of residential parcels and
7 their values in the entire township versus
8 the number of nonresidential parcels and
9 their values in the township, and it comes
10 up with a percentage of the township that
11 is considered residential versus
12 nonresidential, and then it's that ratio
13 that's applied to the general fund
14 expenditures, divided by the number of
15 people in the township to arrive at a per
16 capita multiplier.

17 So it's specific to the residential/
18 nonresidential mix of the township as
19 expressed in the assessment data at
20 Delaware County.

21 MR. RICE: Okay. To get the values,
22 you took the assessment data that Delaware
23 County has online?

24 THE WITNESS: Right, and it's both

1 values and number of parcels to apply it to
2 the --

3 MR. RICE: Parcels, residential,
4 nonresidential. The nonresidential, did
5 you distinguish between types of
6 nonresidential?

7 Commercial? Institutional?
8 Industrial? There's a lot of tax exempt
9 properties.

10 THE WITNESS: Right. That's factored
11 in as well in that analysis, exempt
12 properties versus nonexempt.

13 MR. RICE: But this, this number is
14 basically frozen by the year we're in. So
15 ten years from now, what's the number? Any
16 idea? Any projection?

17 THE WITNESS: I can't project it
18 without knowing what values are going to do
19 and what assessments are going to be like,
20 how many more residential developments come
21 in versus nonresidential developments. It
22 could change that ratio a bit.

23 In my experience, I've looked at
24 studies that I did ten years prior, and it

1 really tends to be a very minimal
2 difference in that ratio of residential to
3 nonresidential, especially in a community
4 like Radnor where it's fairly developed as
5 it is today.

6 If you were going into a rural
7 community where there's lots of open land
8 and there's no, they have no idea how much
9 residential is going to come in versus
10 nonresidential, that could have more
11 variability.

12 But I think in Radnor, you probably
13 wouldn't expect to see that much of a swing
14 in the residential versus nonresidential
15 ratio as far as the percentage goes.

16 MR. RICE: So you're attributing
17 \$84,844 today based on the current budget
18 and the current value, which would then be
19 offset by revenue, but costs are going to
20 increase over time to the township.

21 THE WITNESS: And typically, so does
22 tax rates.

23 MR. RICE: Revenues will also increase
24 over time?

1 THE WITNESS: Usually that's what
2 happens, yes.

3 MR. RICE: That's all I have. Any
4 other questions?

5 - - -

6 EXAMINATION

7 - - -

8 THE PRESIDENT: I have one. Have you
9 factored in the fact that the township has
10 a separate stormwater fee versus that being
11 part of the general funded budget?

12 THE WITNESS: No.

13 THE PRESIDENT: Okay. That would be a
14 separate stormwater fund.

15 THE WITNESS: That would be a separate
16 fee. I'm not sure the basis of how that's
17 applied. Is that a one-time fee that's
18 applied?

19 THE PRESIDENT: It's an annual fee,
20 yes, based on the acreage that you have and
21 whatnot. Maybe it's home value. I'm not
22 sure.

23 THE WITNESS: What also doesn't get
24 reflected in here is other one-time fees,

1 like recreation fees that you pay up front,
2 the transfer tax fees that are paid on the
3 sale of the property to the developer, and
4 then on the sale of each new home, each new
5 homeowner. None of that is captured in
6 this table of annual revenues.

7 THE PRESIDENT: Thank you. That's
8 helpful.

9 MR. RICE: Okay. So, Mr. Broseman, do
10 you have any redirect? We're at 9:34 now.

11 MR. BROSEMAN: I'm thinking, with the
12 hour, that I would take that under
13 advisement and maybe close down for the
14 night.

15 MR. RICE: And you'll think about
16 whether or not you want to redirect?

17 MR. BROSEMAN: Yes.

18 MR. RICE: Okay. So let's go off the
19 record.

20 - - -

21 (Discussion off the record.)

22 - - -

23 MR. RICE: We're going back on the
24 record. After discussion of dates, the

1 parties all agree that the hearing will be
2 continued to May 28th at 6:30 p.m. and then
3 also June 4th at 6:30 p.m.

4 All parties have agreed that we're
5 waiving all required time periods in terms
6 of completion of the proceedings?

7 Mr. Broseman?

8 MR. BROSEMAN: Yes, I'm okay with the
9 time periods, and I'd also like to confirm
10 that hearings will be in this same
11 location?

12 MR. RICE: Same location. Okay. So
13 we're continued to May 28th and June 4th,
14 6:30 in this building.

15 And with no other comments, thank you
16 very much.

17 - - -

18 (Proceedings concluded at 9:41 p.m.)

19 - - -

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3 CERTIFICATE OF REPORTER
4
5

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

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12
13 Norma Gerrity
14 Professional Court Reporter
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