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BEFORE THE BOARD OF SUPERVISORS  
OF THE TOWNSHIP OF WESTTOWN  
CHESTER COUNTY, PENNSYLVANIA

VOLUME 1

IN RE:           CONDITIONAL USE APPLICATION  
                  **TOLL PA XVIII, L.P.**

Hearing was held at the Stetson  
Middle School, Auditorium, 1060 Wilmington  
Pike, West Chester, Pennsylvania, on  
Wednesday, February 22, 2017, beginning at  
6:00 o'clock, p.m.

BEFORE:       MICHAEL T. DIDOMENICO, Chairman  
              CAROL R. DEWOLF  
              THOMAS HAWS

ALSO PRESENT:       ROBERT R. PINGAR,  
                          Township Manager  
  
                          CHRIS PATRIARCA,  
                          Zoning & Planning Officer

ELEANOR J. SCHWANDT, RMR  
COURT REPORTER

ORIGINAL

1 APPEARANCES:

2 PATRICK M. MCKENNA, Esquire  
on behalf of the Board of Supervisors

3 GREGG I. ADELMAN, Esquire  
4 on behalf of the Applicant

5 KRISTIN S. CAMP, Esquire  
6 on behalf of Westtown Township  
Planning Commission

7 THOMAS OESTE, Esquire  
8 on behalf of Pennsbury Township

9 FRONEFIELD CRAWFORD, Esquire  
on behalf of Birmingham Township

10 KATHRYN L. LABRUM, Esquire  
11 on behalf of Thornbury Township

12 MARK THOMPSON, Esquire  
on behalf of Neighbors for Crebilly, LLC

13 - - - - -

14 THE CHAIRMAN: Thank you and good  
15 evening everyone, and welcome to the  
16 conditional use hearing for the Crebilly tract  
17 and Toll Brothers developers.

18 For those who may not know  
19 Westtown's Board of Supervisors, I would like  
20 to introduce Carol DeWolf, Vice Chair; Mr.  
21 Thomas Haws, Police Commissioner; and I am  
22 Michael DiDomenico, the Chair.

23 To my left is Mr. Robert Pingar,  
24 the Township Manager; and Mr. Patrick McKenna,

1       our Township Solicitor.

2                   At this time I would like to turn  
3 the hearing over to Mr. McKenna who will  
4 explain the process and the procedures we will  
5 follow throughout these proceedings. Mr.  
6 McKenna.

7                   MR. MCKENNA: Thank you, Mr.  
8 Chairman.

9                   Ladies and gentlemen, good  
10 evening. Welcome. Thank you all for coming.  
11 It is nice to see so many of you. We don't  
12 typically get this many for township matters.  
13 So good evening, welcome.

14                   Again, my name is Patrick  
15 McKenna. I'm the solicitor for the Board. If  
16 at any time during this proceeding you can't  
17 hear, just please let us know. It is a big  
18 room. So we will do our best.

19                   We are going to have the exhibits  
20 up on the screen. We will have them down here.  
21 The Board will have their own set as well.

22                   Everything eventually will be on  
23 the township's website as well, but give us a  
24 couple of days once we get those exhibits to

1 get them up there.

2 The first order of business, we  
3 have a bunch of housekeeping matters that I  
4 have to get through, so let me go ahead and  
5 discuss the notice for tonight.

6 We are here on the conditional  
7 use application of Toll PA-XV, L.P. -- excuse  
8 me, that's XVIII, L.P., the property is more  
9 commonly referred to as Crebilly Farm, and  
10 consists of 11 parcels. Those parcels total  
11 approximately 322 acres and are located along  
12 Wilmington Pike in Westtown Township, being  
13 bounded by West Pleasant Grove Road to the  
14 north, South New Street to the west, and Street  
15 Road to the south.

16 The parcels are owned by Crebilly  
17 Farm Family Associates, L.P., David Robinson,  
18 Laurie Robinson, and David G. Robinson, and the  
19 applicant is the equitable owner.

20 The parcels are located in the  
21 A/C - Agricultural/Cluster Residential and R-1  
22 Residential Districts of the township. They  
23 are currently used for agricultural and  
24 residential uses.

1                   The applicant is here this  
2 evening seeking conditional use approval  
3 pursuant to Section 170-900 of the Zoning  
4 Ordinance to permit a flexible development  
5 currently proposing a total of 319  
6 single-family detached dwellings and townhomes.

7                   We have a number of Board  
8 exhibits that we need to mark and get into the  
9 record for this evening, so bear with me.

10                  Exhibit B-1 is the notice of the  
11 hearing for tonight. Exhibit B-2 is the proof  
12 of publication of the notice in the *Daily Local*  
13 *News* on February 1st and February 8th, 2017.  
14 Exhibit B-3 is the affidavit of posting of the  
15 notice by Chris Patriarca, Westtown Township  
16 Zoning Officer, dated February 3rd, 2017, with  
17 a list of property owners receiving notice of  
18 the hearing.

19                  Exhibit B-4 is a tax parcel map  
20 depicting the location of the subject 11  
21 parcels. Exhibit B-5 is the Westtown Township  
22 Code, Chapter 170, Zoning, which is  
23 incorporated by reference.

24                  Exhibit B-6 is the conditional

1 use application of the applicant, dated October  
2 2016.

3 Exhibit B-7 are letters dated  
4 November 3rd, 2016; January 18, 2017; and  
5 January 19, 2017, from Gregg Adelman, granting  
6 extensions to the township to conduct the  
7 conditional use hearing this evening.

8 Exhibit B-8 is a letter dated  
9 November 3rd, 2016, from Gregg Adelman,  
10 requesting the recusal of John Snook, Westtown  
11 Township planning consultant.

12 Exhibit B-9 is a letter dated  
13 November 29th, 2016, from myself, denying the  
14 request for recusal of John Snook, the  
15 township's planning consultant.

16 Exhibit B-10 is the conditional  
17 use application completeness review letters  
18 from Chris Patriarca, the Township Zoning  
19 Officer, dated November 17th, 2016, and  
20 December 22nd, 2016.

21 Exhibit B-11 is the Pocopson  
22 Township Resolution No. 2017-4, dated January  
23 23rd, 2017, expressing concerns with the  
24 conditional use application.



1 coming back and forth, because they just built  
2 a school across the street as well.

3 So I think certification of the  
4 historic nature of our house has a bearing on  
5 what happens on the roads.

6 Plus, if I understand the way  
7 effluence is going to be distributed, at the  
8 least expensive way for Toll Brothers to  
9 construct, it is going to affect all the  
10 properties that run towards the, well, where  
11 they go, and I don't think anybody wants to be  
12 drinking the water.

13 MR. MCKENNA: Thank you, ma'am.  
14 Mr. Adelman.

15 MR. ADELMAN: Ma'am, you  
16 testified just a moment ago that you believe  
17 your property is located beyond the half-mile  
18 radius. Do you see your property on the  
19 Exhibit A-0?

20 MS. HAMMERMAN: You see the  
21 crossroads of 926 and where the school is?

22 MR. MCKENNA: Which school,  
23 ma'am? Rustin?

24 MS. HAMMERMAN: Yeah.



1 Township Traffic Engineer, dated December 27th,  
2 2016, and February 6, 2017.

3 Exhibit B-19 is the review from  
4 the Westtown-East Goshen Police Chief Brenda  
5 Bernot, dated January 23rd, 2017.

6 Exhibit B-20 is an e-mail review  
7 from Daniel Matthews, Jr., of Fame Fire  
8 Company, dated February 12th, 2017.

9 Exhibit B-21 is a letter from  
10 Kristin Camp, dated February 16th, 2017, with a  
11 recommendation of the Westtown Township  
12 Planning Commission for the conditional use  
13 application.

14 Exhibit B-22 is the  
15 Transportation Impact Study Scoping Meeting  
16 Application, prepared by McMahon Transportation  
17 Engineers and Planners, dated November 7th,  
18 2016.

19 Exhibit B-23 is the Pennsylvania  
20 Department of Transportation Preliminary Review  
21 of the Transportation Impact Study Scoping  
22 Meeting Application, dated December 6th, 2016.

23 Exhibit B-24 is a five-page  
24 presentation of the Battle of Brandywine -

1 Flanking Movement of Cornwallis Impacting  
2 Crebilly, prepared by Sean Moir of Western  
3 Heritage Mapping.

4 Exhibit B-25 is a review letter  
5 from Cedarville Engineering Group, the Westtown  
6 Township Stormwater Management Consultant,  
7 dated February 22nd, 2017.

8 That's our Board exhibits for  
9 this evening.

10 A couple of other housekeeping  
11 matters that we need to go over for this  
12 evening. I want to discuss a little bit about  
13 how this format is different than what many of  
14 you have already experienced with the Planning  
15 Commission. So the Planning Commission is a  
16 much more informal process. This evening's  
17 process, and all of the hearings that will  
18 follow, is a formal, on-the-record proceeding.  
19 The witnesses will be under oath. Their  
20 testimony will be transcribed by the court  
21 reporter. Exhibits be will be offered into  
22 evidence.

23 That's an important distinction  
24 from the Planning Commission. The Planning

1 Commission has the luxury of having a bit more  
2 of a dialogue with their proceeding than the  
3 Board does. Here it is incumbent upon the  
4 applicant to make a record, as any other party  
5 must as well, in the event that this case goes  
6 on appeal to the Court of Common Pleas of  
7 Chester County.

8 The reason for that is no  
9 additional evidence will be taken at that level  
10 of appeal absent a request being granted by the  
11 court. So the decision of the court and the  
12 review is bound by the evidence that is  
13 presented at these hearings.

14 There will be much less  
15 conversation with the Board of Supervisors than  
16 you had with the Planning Commission members.  
17 They will ask questions in this scenario. They  
18 are essentially the judge. They have to make  
19 the decision.

20 Unlike the Planning Commission  
21 members, the Supervisors are elected to this  
22 position. Planning Commission members are  
23 appointed by the Board of Supervisors. So  
24 essentially the buck stops with the Board.

1                   We have a court reporter for  
2 these proceedings. That's important not only  
3 for building a record but also I'll remind you,  
4 and you will probably hear it several times, as  
5 good as a job as Eleanor does up here, she can  
6 only take down what one person is saying at a  
7 time. She will do her best to take down more  
8 than one, but she can't do it.

9                   For our witnesses, we often in  
10 conversation have a habit of answering the  
11 question before it is over because we  
12 anticipate the answer. We know what the  
13 question is that they are asking. I need you  
14 to do me a favor. Let the question get all the  
15 way out, get it asked, and then answer so that  
16 we don't have two people speaking at the same  
17 time.

18                   Let's talk a little bit about the  
19 law that we are bound by here this evening. So  
20 for conditional use hearings, the applicant  
21 bears the burden initially. It is their  
22 responsibility. It is their show.

23                   Conditional use applications  
24 presume that the particular type of use, and

1 here this evening is for dwellings, does not of  
2 itself adversely affect the public interest.  
3 That's not me saying that. That's the  
4 Pennsylvania court saying that.

5 When addressing a conditional use  
6 application, the Supervisors must employ a  
7 shifting burden of persuasion. What that means  
8 is Toll Brothers, as the applicant, must first  
9 persuade the Supervisors that the proposed use  
10 of this property for the dwellings is a use and  
11 a type permitted by conditional use, and that  
12 that use complies with the requirements in the  
13 ordinance for the conditional use.

14 Those requirements are extensive,  
15 as you are going to hear. So it is the  
16 applicant's burden to present the evidence that  
17 shows how they comply with those requirements.

18 Once the applicant does that,  
19 once it meets its burden, a presumption arises  
20 that that use is consistent with the general  
21 welfare. The burden then shifts. It shifts  
22 from the applicant to the public at that point  
23 to rebut the presumption by proving to a high  
24 degree of probability that the proposed use

1 will adversely affect the public welfare in a  
2 way that is not normally expected from the type  
3 of use.

4 The reason for this is the Board  
5 of Supervisors, through their legislative  
6 discretion, whether it is this Board or a prior  
7 Board, has already determined in their  
8 discretion that the use in this area is  
9 permitted so long as the applicant demonstrates  
10 that they are complying with the objective  
11 criteria of the ordinance.

12 Once that happens, the burden  
13 then shifts to the public to show how or if the  
14 application is a detriment to the public  
15 welfare.

16 So that's a little bit about why  
17 we are here. Now, I presume the reason we have  
18 so many people here this evening is because of  
19 the importance of this application, which we  
20 all recognize. I know many people here this  
21 evening would like to seek party status in the  
22 hearing. So let's talk about how that is going  
23 to go, because that's going to be probably a  
24 large portion of what we are going to do this

1 evening.

2 Under the Municipalities Planning  
3 Code a party shall be any person affected by  
4 the application who has made a timely  
5 appearance on the record before the Supervisors  
6 and any other person, which includes a civic or  
7 community organization, permitted to appear by  
8 the Board.

9 Please understand that just  
10 because you request party status does not mean  
11 you are granted party status. The applicant is  
12 permitted to challenge your request and is also  
13 permitted to ask you questions about how you  
14 are affected by the use. You have to  
15 demonstrate that. So when you come up and you  
16 ask for party status and you tell us your  
17 reasons why and where you live, Mr. Adelman is  
18 allowed to ask you follow-up questions. He is  
19 also allowed to object to your status as a  
20 party. Ultimately, the decision is up to the  
21 Board on whether or not to grant party status.

22 In this particular hearing notice  
23 of the hearing was sent to every property owner  
24 within 500 feet of the 11 parcels. It was

1 something around 110 different property owners  
2 should have received notice.

3 If you are granted party status,  
4 you may be represented by counsel, you will be  
5 offered an opportunity to respond or present  
6 evidence and any argument, and you can  
7 cross-examine witnesses on relevant issues.  
8 And I stress the word "relevant" issues.

9 You are also permitted to appeal  
10 the Board's decision if you are dissatisfied  
11 with the decision of the Board if you are  
12 granted party status.

13 So that's for the parties for  
14 this evening and we will go through that  
15 process. For those of you who are not seeking  
16 party status or are perhaps denied party  
17 status, you are still guaranteed due process to  
18 be heard on the application through public  
19 comment. This is a public hearing. You will  
20 all be heard. It is important to me, it is  
21 important to the applicant, it is important to  
22 the Board that your voices on this application  
23 be heard.

24 That being said, public comment



1 is different than questioning by the parties,  
2 so please keep that in mind. All the parties  
3 are going to finish putting on their cases  
4 first. So there could be several parties, we  
5 could have a number of parties before this is  
6 all over.

7 So the applicant will put on  
8 their evidence. You may hear cross-exam from  
9 other parties. Anyone who is granted party  
10 status will then have a right to present any  
11 evidence that they want to present and  
12 witnesses.

13 Once all of that is done, and it  
14 could take several meetings, it could take  
15 several months, we will open the floor for  
16 public comment. And I'll remind you that for  
17 every hearing. So we are not going to do  
18 public comment at the end of each of these  
19 meetings. We are going to reserve public  
20 comment until the evidence is done.

21 And to be perfectly frank, given  
22 how many people are interested in the hearing,  
23 there may be just an entire evening devoted to  
24 public comment. We will see when we get to

1       that point.

2                       A couple of other things to  
3       discuss which is questions versus comments that  
4       I want to remind everyone for. For anyone who  
5       becomes a party to the proceedings, when it is  
6       time, please ask a question of the witness.  
7       And by that I mean please do not make a  
8       statement when it is your opportunity to ask a  
9       question.

10                      Oftentimes you will not like the  
11       answer to the question that you receive from  
12       the witness. And I understand that.  
13       Cross-examination is difficult even for lawyers  
14       who are not very good at it, so I don't expect  
15       anyone to be good at it, especially if it is  
16       the first time you have done it.

17                      If you don't like the answer that  
18       the witness gave you, ask a different question,  
19       please. I would ask that you please not ask  
20       the same question two, three, four times in the  
21       hopes that he is eventually going to change his  
22       answer. That is unlikely to happen.

23                      At the time when you are  
24       permitted to ask questions please do not argue

1 with the witness because you are frustrated by  
2 the answer or with the process or with the  
3 application.

4 Please do not make a comment at  
5 that time on your position on the application.  
6 You will be given that opportunity. At this  
7 point it is an adversarial proceeding. It is  
8 question and answer, question and answer. So  
9 this is the major difference between the  
10 conditional use hearing and the Planning  
11 Commission process.

12 Speaking of the Planning  
13 Commission, I attended several of the meetings,  
14 I spoke to the Planning Commission members who  
15 were there. I spoke with our Zoning Officer,  
16 with our Township Manager. I personally would  
17 like to commend the Planning Commission and any  
18 members that are here this evening for how well  
19 the meetings ran. I thought the recommendation  
20 was well thought out.

21 But, in particular, I would also  
22 like to thank the members of the public. Every  
23 report that I received and every observation  
24 that I personally observed was that everyone

1 conducted themselves in a very professional  
2 manner.

3 I am hopeful, as is the Board,  
4 I'm sure, that that will continue through this  
5 proceeding. Essentially what I would like to  
6 ask is that we disagree without being  
7 disagreeable. I understand the passions that  
8 are involved with this application. I have  
9 lived in the area for 37 years. I know the  
10 property very well. The Supervisors know the  
11 property very well. Everyone knows what is at  
12 stake.

13 I would ask that you please do  
14 not shout out from the audience. If you hear  
15 an answer that you don't like, please try to  
16 keep it to yourself, or take it outside, and I  
17 would ask that we maintain that level of  
18 professionalism and decorum throughout these  
19 hearings.

20 For tonight what we are going to  
21 do is we are going to go until about 10:00  
22 o'clock, more or less, depending upon where the  
23 witnesses may be in their testimony.

24 Mr. Adelman has two witnesses for

1        tonight. We will see if we actually get  
2        through them or not.

3                        We will take a break around 8:00  
4        o'clock for 15 or 20 minutes or so, so that  
5        Eleanor can take a breath. We will hear from  
6        the applicant here in just a couple minutes if  
7        they have anything that they would like to  
8        offer at the start of the hearing.

9                        And then what I would like to do  
10       is begin the party status request period. How  
11       I would like to do that is we have one  
12       microphone, which is also a little different  
13       than we had at Rustin. I would like everyone  
14       to just line up as best as you can, provide us  
15       with the form that you have, your name and  
16       address, and tell us the reasons why you would  
17       like to be a party.

18                        The first group that I would like  
19       to come up when we do it is anyone who received  
20       the notice of the hearing in the mail. If you  
21       received the notice you should have been within  
22       500 feet, and I would like to take you all  
23       first. Then we will take anyone and everyone  
24       else who may request party status.

1                   As you come up, Mr. Adelman may  
2                   simply stipulate to some of you as a party. He  
3                   may not object. At that time you will be a  
4                   party to the proceeding.

5                   There are some of you I expect  
6                   Mr. Adelman will object to. I'm going to treat  
7                   you tonight as if you are a party. We are not  
8                   going to make any decisions on party status  
9                   this evening. I would like to go back and  
10                  reflect and discuss that with the Board. And  
11                  we will make that ruling first thing at the  
12                  next meeting in March.

13                  Last order of business. This is  
14                  a public meeting. Is anyone recording the  
15                  meeting this evening?

16                  A VOICE: Yes.

17                  MR. MCKENNA: Yes, sir. Are you  
18                  audio or video?

19                  A VOICE: Audio/video.

20                  MR. MCKENNA: Audio and video.

21                  Anyone else?

22                  All right. Thank you. That's  
23                  fine. I just want everyone to know that you  
24                  are being recorded here for the proceeding this

1 evening.

2 Anything else from the Board?

3 THE CHAIRMAN: No.

4 MR. MCKENNA: Mr. Adelman, do you  
5 have anything you would like to address at this  
6 point?

7 MR. ADELMAN: Thank you, Pat.  
8 Good evening. My name is Gregg Adelman. I  
9 represent Toll Brothers. I appreciate the  
10 opportunity to be before the Board this  
11 evening, as well as before the public.

12 I believe we had a very  
13 successful Planning Commission experience going  
14 through the application. We look forward to  
15 continuing that discussion, and those question  
16 and answer, at some point -- you can't hear?  
17 Those question and answer experiences that we  
18 went through the Planning Commission we believe  
19 were successful. We would like to continue  
20 that as part of this dialogue as well in the  
21 conditional use hearing.

22 Rather than do a formal opening  
23 at this time, Pat, I would like to defer until  
24 after we have dealt with all the party standing

1 issues. So at that point, before I call my  
2 first witness, I will probably make a short  
3 opening. And so I'll turn it back to begin the  
4 party standing.

5 MR. MCKENNA: That's fine.  
6 That's not a problem. Thank you, Gregg.

7 At this time, then, anyone who  
8 received in the mail the notice of the hearing  
9 and would like to be a party, would you please  
10 come up to the microphone, and hand up your  
11 form, tell us your name, where you live and why  
12 you would like to be a party. Please.

13 Actually, if you wouldn't mind,  
14 you can give the forms to my paralegal, Jody.  
15 She will take them down front. Sorry. Go  
16 ahead.

17 MR. ADELMAN: If we can go off  
18 the record real quick.

19 MR. MCKENNA: Hang on. Okay. We  
20 will go off the record.

21 (Discussion off the record.)

22 MR. ADELMAN: We want to go back  
23 on the record, please.

24 Members of the Board and the



1 public, we have on behalf of Toll Brothers  
2 prepared an aerial exhibit. Let's mark it  
3 Exhibit A-0 since we pre-marked all our other  
4 exhibits. The aerial is shown on the board as  
5 well as on the overhead projection.

6                   There are three yellow dashed  
7 lines and surrounding the property which is  
8 outlined in red. The first yellow dashed line  
9 is the 500-foot radius around the property's  
10 perimeter. The second dashed line is a quarter  
11 of a mile around the perimeter. And the third  
12 dashed line is half a mile around the  
13 property's perimeter. Toll has prepared this  
14 in order to assist in terms of determining  
15 standing based on the location only.

16                   MR. MCKENNA: Thank you. All  
17 right. Let's begin. Sir, please, your name  
18 and your address.

19                   MR. HARKINS: Sure. Bradley  
20 Harkins, 1081 South New Street.

21                   MR. MCKENNA: Would you give the  
22 form to Jody.

23                   MR. HARKINS: Yes.

24                   MR. MCKENNA: Could you just

1       briefly tell the Board, first of all, did you  
2       receive a copy of the notice in the mail?

3               MR. HARKINS:  Yes, we did.  We  
4       are right on the outside of the yellow, off of  
5       New Street or right, within the inside of it.

6               MR. MCKENNA:  And then generally,  
7       can you tell the Board how you would be  
8       affected by the application?

9               MR. HARKINS:  Certainly.  So my  
10      wife and I --

11              MR. MCKENNA:  Point the  
12      microphone up a little bit.

13              MR. HARKINS:  My wife and I  
14      actually lived there for the last year and a  
15      half, and we obviously are affected both by the  
16      fiscal analysis that was done and the 750,000  
17      dollar deficit to the School District.  You  
18      know that would obviously lead to an increase  
19      in our taxes.

20              Then also, we live right on New  
21      Street.  We are obviously concerned about the  
22      increase in traffic, which they still have yet  
23      to meet the burden for.

24              And then we are also concerned

1 just about the building environmental impacts.

2 MR. MCKENNA: Okay. Mr. Adelman?

3 MR. ADELMAN: Just if I may, in  
4 order to locate your property, could you just  
5 please indicate on the Board to your left  
6 approximately where your house is located.

7 MR. HARKINS: We are right here  
8 (indicating).

9 MR. ADELMAN: I have no  
10 objection.

11 MR. MCKENNA: No objection?

12 MR. ADELMAN: No objection.

13 MR. MCKENNA: Okay. Mr. Harkins,  
14 it is?

15 MR. HARKINS: Correct.

16 MR. MCKENNA: You will be  
17 admitted as a party.

18 MR. HARKINS: Thank you.

19 MR. MCKENNA: Yes, ma'am. Your  
20 name, please. Point the microphone down.

21 MS. HARKINS: Amy Harkins. I'm  
22 his wife. We are the same address. I don't  
23 know if you need us listed together or  
24 separately.

1 MR. MCKENNA: We will list you  
2 together.

3 MS. HARKINS: That works.

4 MR. MCKENNA: Thank you. Your  
5 name, please.

6 MR. SPACKMAN: Hello. My name is  
7 Randell Spackman. I represent the Thornbury  
8 Farm Trust, 926 and South New Street, 1256  
9 Thornbury Road is my address. We actually have  
10 all three boundaries, on the lower left side,  
11 South New Street runs through the center of the  
12 property.

13 MR. MCKENNA: Did you receive a  
14 copy of the notice in the mail?

15 MR. SPACKMAN: The trust did,  
16 yes.

17 MR. MCKENNA: Mr. Spackman, would  
18 you spell your last name for the court  
19 reporter.

20 MR. SPACKMAN: S-P-A-C-K-M-A-N.

21 MR. MCKENNA: Sir, do you have a  
22 position with the trust?

23 MR. SPACKMAN: Yes, I'm the  
24 trustee.

1 MR. MCKENNA: And how are you  
2 affected by the application then?

3 MR. SPACKMAN: Being we are the  
4 largest local property owner, about, almost  
5 180-some acres, South New Street running  
6 through our property, the concerns are  
7 obviously traffic, 926/South New Street  
8 intersection, deer management, our trail  
9 program that proceeds through our property up  
10 through West Chester that we work with Chester  
11 County to promote continuous trail network.

12 Let's see. Our farm is the  
13 actual site of the Battle of the Brandywine,  
14 with Crebilly Farm, so we actually have mass  
15 burials and all the different radar imaging  
16 from Temple University on our property, and  
17 also from the Hessian movements, and  
18 Cornwallis.

19 MR. MCKENNA: Thank you, Mr.  
20 Spackman. Mr. Adelman, any objection?

21 MR. ADELMAN: Just a  
22 clarification. Mr. Spackman, are you seeking  
23 party status just for the trust?

24 MR. SPACKMAN: I represent the

1 trust.

2 MR. ADELMAN: I have no objection  
3 to just the trust being granted party status.

4 MR. MCKENNA: All right. Can you  
5 tell me again the property that owns the trust?

6 MR. SPACKMAN: Thornbury Farm  
7 Trust and also Estate of H. B. Spackman, both  
8 titles.

9 MR. ADELMAN: Mr. McKenna, let me  
10 ask a question on that.

11 MR. MCKENNA: Yes.

12 MR. ADELMAN: Which entity owns  
13 the property?

14 MR. SPACKMAN: They both.

15 MR. ADELMAN: Co-owners?

16 MR. SPACKMAN: Exactly.

17 MR. ADELMAN: I don't have any  
18 objection.

19 MR. MCKENNA: Okay. The trust  
20 will be admitted as a party.

21 MR. SPACKMAN: Thank you.

22 MR. MCKENNA: Mr. DuFault, good  
23 evening.

24 MR. DUFAULT: Good evening.

1 Peter DuFault. I live at 110 Forelock Court,  
2 Thornbury Township. I'm also president of  
3 Brandywine at Thornbury Homeowners Association.  
4 In the capacity as president I'm requesting  
5 that the Brandywine at Thornbury HOA be  
6 designated interested party to the conditional  
7 use hearing presently before the Westtown Board  
8 of Supervisors.

9 MR. MCKENNA: Thank you, Mr.  
10 DuFault. Did the HOA receive notice in the  
11 mail of the hearing?

12 MR. DUFAULT: The manager did,  
13 yes.

14 MR. MCKENNA: Is there a property  
15 management company for the HOA?

16 MR. DUFAULT: Penco Management.

17 MR. MCKENNA: Mr. DuFault, is  
18 there any resolution or corporate action on  
19 behalf of the HOA to appoint you to seek party  
20 status?

21 MR. DUFAULT: There is a  
22 resolution attached to the application.

23 MR. MCKENNA: Mr. Adelman?

24 MR. ADELMAN: I don't have any

1 objection to the HOA based on their individual  
2 members' property ownership interests.

3 MR. MCKENNA: Okay. Mr. DuFault,  
4 the HOA will be admitted as a party.

5 MR. DUFAULT: Thank you.

6 MR. MCFALLS: I'm Ed McFalls from  
7 Westminster Presbyterian Church. I'm clerk of  
8 Session. Obviously, we are in the northeast  
9 corner of the Crebilly Farm, so we would be  
10 impacted by.

11 A VOICE: Can't hear you.

12 MR. MCKENNA: Mr. McFalls, what  
13 is the address of the church?

14 MR. MCFALLS: 10 West Pleasant  
15 Grove Road.

16 MR. MCKENNA: Are you here asking  
17 for party status for the church itself.

18 MR. MCFALLS: On behalf of the  
19 church, yes.

20 MR. MCKENNA: Has the church  
21 authorized you to do so?

22 MR. MCFALLS: There has not been  
23 a specific resolution, no. I'm the clerk of  
24 the governing board of the session.



1 MR. MCKENNA: Mr. Adelman.

2 MR. ADELMAN: I have a  
3 conditional objection. We need authorization  
4 in order to make sure you are the only one  
5 speaking on behalf of the church. Otherwise,  
6 we face the prospect of multiple church members  
7 showing up during the meetings. To the extent  
8 that an authorization is provided by the  
9 church, we don't have an objection to the  
10 church's standing.

11 MR. MCKENNA: Mr. McFalls, is  
12 that something you can obtain in time for the  
13 next hearing?

14 MR. MCFALLS: Yes, we can.

15 MR. MCKENNA: Okay. We will  
16 conditionally accept you as a party. Remind  
17 me, and we will make sure we get that for the  
18 next hearing.

19 MR. MCFALLS: We will do that.  
20 Thank you.

21 MR. MCKENNA: Thank you.

22 A VOICE: Do you have a form?

23 MR. MCFALLS: I submitted to  
24 Chris Patriarca.

1 MS. BOWDEN: Thank you.

2 MR. MCKENNA: Yes, ma'am, your  
3 name, please.

4 MS. LAUER: Suzanne Lauer. I am  
5 here on behalf of the Quarry Swimming  
6 Association.

7 MR. MCKENNA: Could you spell  
8 that, please.

9 MS. LAUER: Q-U -- my name?

10 MR. MCKENNA: The association.

11 MS. LAUER: Q-U-A-R-R-Y, Quarry,  
12 Swimming, S-W-I-M-M-I-N-G, Association.

13 MR. MCKENNA: Where is that  
14 located, please?

15 MS. LAUER: 1146 South New  
16 Street.

17 MR. MCKENNA: Is the association  
18 incorporation?

19 MS. LAUER: It is an association.  
20 It is member owned and operated.

21 MR. MCKENNA: Did the association  
22 authorize you to be here to speak on its  
23 behalf?

24 MS. LAUER: Yes.

1 MR. MCKENNA: Did you submit a  
2 party status form?

3 MS. BOWDEN: Thank you.

4 MR. MCKENNA: Let the record  
5 reflect you are doing so now. Is the  
6 authorization in writing from the association  
7 included with that?

8 MS. LAUER: No.

9 MR. MCKENNA: Did the association  
10 receive the notice in the mail?

11 MS. LAUER: Yes, they did, and it  
12 is attached.

13 MR. MCKENNA: Mr. Adelman?

14 MR. ADELMAN: Similar objection,  
15 on a conditional receipt of authorization.

16 I do have one question, though,  
17 ma'am. Does the association own the property  
18 or is it owned by a different entity?

19 MS. LAUER: No, they own the  
20 property.

21 MR. ADELMAN: Do you know  
22 whether, and I think Mr. McKenna may have asked  
23 this, is the association a nonprofit  
24 corporation in the Commonwealth of

1 Pennsylvania?

2 MS. LAUER: I don't know if we  
3 legally have that status, but we are a  
4 nonprofit.

5 MR. ADELMAN: Same objection,  
6 based upon receipt of the authorization  
7 authorizing.

8 MS. LAUER: You want written  
9 authorization?

10 MR. ADELMAN: Yes, so that you  
11 are here to speak on their behalf as the  
12 authorized representative.

13 MS. LAUER: Okay.

14 MR. MCKENNA: We will  
15 conditionally make you a party for this evening  
16 and ask that you bring that in writing at the  
17 next hearing in March.

18 MS. LAUER: Thank you.

19 MR. MCKENNA: Thank you.

20 Yes, sir. Your name?

21 MR. MAMMUCARI: Leonard  
22 Mammucari, 523 West Pleasant Grove Road,  
23 Westtown.

24 MR. MCKENNA: Sir, can you spell

1 your last name for me, please.

2 MR. MAMUCARI: Pardon me?

3 MR. MCKENNA: Can you spell your  
4 last name for me, please.

5 MR. MAMUCARI: M-A-M-M-U-C-A-R-I.

6 MR. MCKENNA: Did you receive a  
7 copy of the notice in the mail?

8 MR. MAMUCARI: Say again, sir.

9 MR. MCKENNA: Did you receive a  
10 copy of the notice in the mail?

11 MR. MAMUCARI: I'm not sure, but  
12 I have a copy today.

13 MR. MCKENNA: Well, is that your  
14 party status form or the notice that you  
15 received?

16 MR. MAMUCARI: I don't believe I  
17 received a copy in the mail. I have a party  
18 status form here.

19 MR. MCKENNA: If you wouldn't  
20 mind handing that to my assistant.

21 THE CHAIRMAN: Sorry, sir.  
22 Please don't go yet.

23 MR. MCKENNA: We are not done  
24 yet. Couple more questions. What was the

1 address on the parcel again, please?

2 MR. MAMUCARI: 523 West Pleasant  
3 Grove Road.

4 MR. MCKENNA: Do you own that  
5 property, sir?

6 MR. MAMUCARI: In conjunction  
7 with my daughter, yes.

8 MR. MCKENNA: Mr. Adelman?

9 MR. ADELMAN: One moment, please.

10 Sir, can you just do me a favor  
11 and indicate where your property is located on  
12 that aerial, Exhibit A-0, if you could walk  
13 over and just point it out for me, please.

14 MR. MAMUCARI: It is at the  
15 intersection of Dunvegan and -- right there.

16 MR. ADELMAN: No objection.  
17 Thank you.

18 MR. MCKENNA: Sir, you will be  
19 admitted as a party.

20 MR. MAMUCARI: Am I finished?

21 MR. MCKENNA: Yes, sir. Thank  
22 you.

23 Is there anyone else who received  
24 a copy of the notice or whose party has

1 received a copy of the notice in the mail? Mr.  
2 Thompson.

3 MR. THOMPSON: Mr. McKenna, my  
4 name is Mark Thompson. I'm an attorney with  
5 the firm of Lamb McErlane, and I represent  
6 Neighbors for Crebilly, LLC, which is a limited  
7 liability corporation formed to advocate on  
8 behalf of neighbors which have joined that  
9 organization. Two of the neighbors received  
10 the notices, members of Neighbors for Crebilly,  
11 LLC. So I have 29 individual forms of our  
12 members.

13 I have an individual form on  
14 behalf of this organization, Neighbors for  
15 Crebilly. I also have a department of state  
16 printout indicating that it is viable LLC.

17 MR. MCKENNA: Do you know who the  
18 managing member is of the LLC?

19 MR. THOMPSON: Yes. It is  
20 Vincent Moro. He is the president.

21 MR. MCKENNA: Can you spell the  
22 last name, please.

23 MR. THOMPSON: M-O-R-O.

24 MR. MCKENNA: Which of the

1 members, if you know, received notice for the  
2 hearing?

3 MR. THOMPSON: The first members  
4 are Kathleen Turner and David Turner. They  
5 live at 116 Spur Lane, which is directly across  
6 Route 926. They can see the property from  
7 their house.

8 The other member is Marilyn  
9 Powell, 1057 East Niels Lane. Mrs. Powell is  
10 here tonight, Mr. Adelman, if you care to ask  
11 her any questions. We also have a member that  
12 lives on Dunvegan, Myron and Sharon Grubaugh.

13 MR. MCKENNA: Spell the last name  
14 for me, please.

15 MR. THOMPSON: G-R-U-B-A-U-G-H.

16 As you know, an organization such  
17 as this draws its standing from its individual  
18 members, and all we need to show is that we  
19 have individual members that are affected by  
20 the application.

21 MR. MCKENNA: Mr. Adelman?

22 MR. ADELMAN: Why don't we start  
23 with the three members that you are claiming  
24 are affected directly, immediately and



1 substantially by the application. Are the  
2 first members you cited, Kathleen and Donald --  
3 I can't remember the last name -- Turner here  
4 present?

5 MR. THOMPSON: I did not see  
6 them.

7 MR. ADELMAN: Then I object on  
8 the basis they are not here in order to put  
9 facts into the record with respect to how they  
10 may be aggrieved.

11 Can we ask, is it Ms. Powell?

12 MS. POWELL: Yes. Do you have my  
13 paper?

14 MR. THOMPSON: I do.

15 MS. POWELL: I live on East Niels  
16 Lane, which if you look from the side of my  
17 home you can see West Pleasant Grove Road. And  
18 I have lived there for many, many years.

19 But my question, I have a couple  
20 questions, but one is most of, a lot of it  
21 traffic, what is going to happen. It is going  
22 to be horrendous. It is bad now. Because I  
23 use it to go to my work.

24 Secondly, there are things like a

1 lot of us have just put in new septic systems.  
2 Are we going to have to now, because they all  
3 have sewers, we have to go ahead and do that?  
4 And the same way with the water situation.  
5 Will we have to hook up and do that too?

6 All the people on our development  
7 are concerned. Some of them, the newer homes,  
8 which are at least 50 years old, do have a  
9 sewer -- not sewer, sorry, water. Because they  
10 were told before the builder built those homes  
11 that they had to do that.

12 Other than us. We have been  
13 fine, and we haven't had any problems.

14 MR. MCKENNA: Ms. Powell, I don't  
15 mean to interrupt. I think Mr. Adelman might  
16 want to ask you a couple of questions real  
17 quick. Okay?

18 MR. ADELMAN: That's sufficient.  
19 I don't have an objection to Ms. Powell's  
20 individual status.

21 MR. MCKENNA: I don't think he is  
22 seeking it for Ms. Powell. He is seeking it as  
23 a member of the LLC, as basically one of the  
24 clients.

1                   MR. ADELMAN: That's why I'm not  
2                   objecting to her individual standing. I  
3                   haven't finished with the other three members.  
4                   I was going to withhold my objection to the  
5                   entity as a whole. But I have some questions  
6                   for Mr. Thompson for the entity as a whole.

7                   MR. MCKENNA: Are you done with  
8                   Ms. Powell?

9                   MR. ADELMAN: I am. Thank you,  
10                  ma'am.

11                  MS. POWELL: I didn't hear.

12                  MR. MCKENNA: He has no further  
13                  questions for you.

14                  MR. ADELMAN: Thank you, I  
15                  appreciate it.

16                  Then the last individuals that  
17                  you said, Myron and --

18                  MR. THOMPSON: Myron Grubaugh.

19                  MR. ADELMAN: Are they here?

20                  MR. GRUBAUGH: We live at the  
21                  corner of Dunvegan and John Anthony. We are  
22                  approximately 1800 feet from the property. We  
23                  can show you where we are if you would like us  
24                  to.

1 MR. ADELMAN: Please. Thank you.

2 (Indicating).

3 MR. ADELMAN: Thank you. Can you  
4 please tell me how you are aggrieved by this  
5 application.

6 MR. GRUBAUGH: The way the roads  
7 are going to be set up, the intersection and  
8 the development at Crebilly, at Dunvegan,  
9 that's going to be used as a cut-through and it  
10 is going to drastically increase traffic on a  
11 fairly quiet and nice sub, subdivided or  
12 subdivision road. They are going to -- it is  
13 going to be backed up. It is backed up at New  
14 Street and Pleasant Grove in the evening and in  
15 the morning, and people are going to be cutting  
16 through there to make a right to go up to New  
17 Street. So we are going to have increased  
18 traffic.

19 We are going to have increased  
20 taxes due to sewer costs, road costs, upkeep,  
21 trash, whatever you want to call it. Anything  
22 that's going to be, have to be paid by the  
23 township, there is going to be an increase in  
24 the costs there.

1                   We are going to lose a revered,  
2                   hallowed, historical battle ground that  
3                   apparently not a whole lot was known about  
4                   until about ten years ago, and there have been  
5                   new findings that show there were battles,  
6                   skirmishes fought on Crebilly.

7                   And we are just going to lose a  
8                   lot of quality of life that subdivision has  
9                   that we have enjoyed for 17 years.

10                   MR. ADELMAN: Can I get your  
11                   exact property address, please.

12                   MR. GRUBAUGH: 1024 Dunvegan,  
13                   D-U-N-V-E-G-A-N, Road, West Chester.

14                   MR. ADELMAN: Again, I don't have  
15                   an objection to their individual standing, Mr.  
16                   McKenna. And I would like to ask Mr. Thompson  
17                   some questions with respect to the entity as a  
18                   whole.

19                   MR. MCKENNA: Thank you, sir.  
20                   You are done.

21                   MR. GRUBAUGH: Thank you.

22                   MR. THOMPSON: Mr. Adelman.

23                   MR. ADELMAN: Good evening, Mr.  
24                   Thompson. How are you?

1                   Does the Neighbors for Crebilly  
2 actually own any physical property within the  
3 vicinity of the Crebilly Farm?

4                   MR. THOMPSON: The association  
5 does not. Its members do.

6                   MR. ADELMAN: Okay. What is the  
7 organizational purpose as espoused in the  
8 operating agreement or formation documents for  
9 the Neighbors for Crebilly, LLC?

10                  MR. THOMPSON: To advocate on  
11 behalf of individuals in favor of responsible  
12 development of the Crebilly Farm.

13                  MR. ADELMAN: Could I see that on  
14 a piece of paper?

15                  MR. THOMPSON: I don't have that  
16 with me.

17                  MR. ADELMAN: Would it be in the  
18 LLC operating agreement?

19                  MR. THOMPSON: Yes, it would be.  
20 I don't have that here tonight.

21                  MR. ADELMAN: One second.

22                  MR. THOMPSON: I don't believe  
23 I'm required to prove the existence of the LLC  
24 beyond the fact that it does exist under the

1 Department of State.

2 MR. ADELMAN: I'm not going to  
3 object to the formation of the LLC. My  
4 objection on the record is that while the  
5 individual members have testified with respect  
6 to traffic, that the organizational purpose of  
7 the LLC is different. I don't believe the  
8 members' individual property ownership  
9 interests can give the LLC standing. So I need  
10 to be able to ascertain the organizational  
11 purpose as a matter of fact, not just  
12 conjecture, hearsay or --

13 MR. THOMPSON: We can certainly  
14 provide the operating agreement as part of the  
15 record. But as Mr. McKenna knows, the standing  
16 of an organization is derived from its  
17 individual members. So all we need to show is  
18 that we have one individual member that is  
19 particularly affected by this application to  
20 give the entire organization standing.

21 MR. ADELMAN: I disagree with  
22 your assertion of the law. The standing can  
23 only be derived if the purpose of the  
24 organization is in concert with the interests

1 that are affected by the individual property  
2 owners. So that's why I need to confirm what  
3 you are saying is true with respect to the  
4 LLC's purpose.

5 MR. MCKENNA: Mr. Adelman, may I  
6 suggest that you would have an objection at  
7 this point, pending perhaps Mr. Thompson  
8 providing you with the operating agreement.

9 MR. ADELMAN: It would be the  
10 same conditional, based on the other aspects of  
11 the church and the, I can't remember, the swim  
12 club as well, that they have to be consistent  
13 and in accordance with the law.

14 MR. MCKENNA: Well, are you  
15 seeking written authorization from the LLC as  
16 well?

17 MR. ADELMAN: Well, who is the  
18 authorized representative? You, Mr. Thompson?

19 MR. THOMPSON: I am the  
20 authorized representative.

21 MR. ADELMAN: I don't need one  
22 for a lawyer who is representing an LLC. But I  
23 definitely need to see the documents to make  
24 sure that the organizational purpose is in



1 concert with the members that the organization  
2 is claiming that they derive their standing  
3 from.

4 MR. MCKENNA: Okay. So what we  
5 will do is we will treat the LLC as if it is a  
6 party for this evening. Mr. Thompson, if you  
7 are so inclined and you wish to produce the  
8 documentation to Mr. Adelman, it may resolve  
9 itself. You may stipulate by the time of the  
10 March's meeting. If not, the Board will render  
11 a decision.

12 MR. THOMPSON: That's fine. I  
13 have individual applications for party status  
14 from 29 members, as well as an application for  
15 the organization. I presume you want me to  
16 submit that tonight.

17 MR. MCKENNA: Hang on, Mr.  
18 Adelman.

19 Yes. I have a question for you.  
20 Are you seeking party status for them as  
21 individuals or as members of the LLC?

22 MR. THOMPSON: Only as  
23 individuals listing their names as a member of  
24 the LLC.

1 MR. MCKENNA: Okay.

2 MR. ADELMAN: I don't have an  
3 objection, pending the resolution of my prior  
4 objection. However, I just want to confirm I'm  
5 not going to have 29 members showing up saying  
6 things on behalf of the LLC in terms of  
7 testimony or any evidence.

8 MR. THOMPSON: I can't prevent  
9 individuals from showing up to do anything.  
10 But I can tell you that I am the only one  
11 that's going to be presenting any testimony on  
12 behalf of the LLC.

13 MR. ADELMAN: That's fair enough.  
14 They certainly can make public comment. I  
15 wasn't alluding to the fact that that would be  
16 restricted. I was just alluding to the fact  
17 that there would be one representative of the  
18 organization during these proceedings.

19 MR. THOMPSON: Okay.

20 MR. MCKENNA: Yes.

21 MR. THOMPSON: We will submit  
22 those forms.

23 MR. MCKENNA: That's fine. If  
24 you wouldn't mind handing the forms over to my

1 assistant, she will take them for me.

2 MR. THOMPSON: Thank you.

3 MR. MCKENNA: Thank you, Mr.  
4 Thompson.

5 Anyone else, property owners  
6 within 500 feet who received notice seeking  
7 party status this evening?

8 MS. LABRUM: I don't think there  
9 is any further people who are here who have  
10 received notice within 500 feet. However, I'm  
11 the solicitor for Thornbury, Chester County.  
12 We previously submitted our application for  
13 party status. The township would be affected  
14 by the proposed connector street which is to  
15 run parallel to U.S. Route 202, to connect at a  
16 signalized intersection with Bridlewood  
17 Boulevard, a township road, detrimentally  
18 affect traffic in Bridlewood and would require  
19 substantial traffic calming in Thornbury.

20 It would also affect our tax base  
21 as we will be responsible 50 percent of the  
22 costs of the installation of the traffic.

23 MR. MCKENNA: Ms. Labrum, I'm  
24 well familiar with who you are. If you

1 wouldn't mind introducing yourself to Mr.  
2 Adelman and the public.

3 MS. LABRUM: I'm sorry. My name  
4 is Kathy Labrum, Supreme Court No. 36280.

5 MR. MCKENNA: Mr. Adelman, Ms.  
6 Labrum is here representing Thornbury. Any  
7 objection to party status for Thornbury?

8 MR. ADELMAN: Good evening,  
9 Kathy. How are you?

10 MS. LABRUM: Good, thank you.

11 MR. ADELMAN: I don't have an  
12 objection so long as the township is entering  
13 its appearance with respect to just the  
14 connector road and any impacts from the  
15 connector road and the signal. If it is  
16 limited on that basis, I have no objection.

17 MS. LABRUM: It is not limited on  
18 that basis. It is limited to traffic and the  
19 effects of traffic. And we will be hoping to  
20 present evidence on traffic calming and traffic  
21 patterns.

22 MR. ADELMAN: Will Thornbury be  
23 presenting any evidence with respect to the  
24 intersection at 926 and 202?

1 MS. LABRUM: Yes.

2 MR. ADELMAN: Okay. No  
3 objection.

4 MS. LABRUM: Thank you.

5 MR. MCKENNA: Thank you, Ms.  
6 Labrum. Thornbury will be admitted as a party.

7 MR. GADALETO: I own --

8 MR. MCKENNA: Hold on. Do me a  
9 favor. Put the microphone up in your mouth  
10 there.

11 MR. GADALETO: Sorry about that.  
12 I'm a little tall.

13 MR. MCKENNA: That's okay. Your  
14 name?

15 MR. GADALETO: Andy Gadaletto. I  
16 own Gadaletto's Seafood Market in Westtown  
17 Village, directly across the street.

18 MR. MCKENNA: Give me one second.  
19 You did not receive a copy of the notice in the  
20 mail?

21 MR. GADALETO: I did not. My  
22 landlord received a copy.

23 MR. MCKENNA: Okay. What is the  
24 address for your business?

1 MR. GADALETO: 1193 Wilmington  
2 Pike.

3 MR. MCKENNA: Who is the  
4 landlord?

5 MR. GADALETO: The person or the  
6 company?

7 MR. MCKENNA: The company is  
8 fine.

9 MR. GADALETO: Silverstar.

10 MR. MCKENNA: You are not here on  
11 behalf of the landlord? You are here --

12 MR. GADALETO: Yes.

13 MR. MCKENNA: -- on behalf of  
14 your company?

15 MR. GADALETO: My company.

16 MR. MCKENNA: You are a tenant in  
17 the property located at 1193 Wilmington Pike?

18 MR. GADALETO: Correct.

19 MR. MCKENNA: You are currently  
20 there under an existing lease?

21 MR. GADALETO: Correct.

22 MR. MCKENNA: How long have you  
23 been at that location?

24 MR. GADALETO: I signed a lease

1 in July.

2 MR. MCKENNA: Of 2016?

3 MR. GADALETO: Correct.

4 MR. MCKENNA: All right, sir.

5 Can you explain to the Board why you are  
6 seeking party status and how your business I  
7 guess would be affected?

8 MR. GADALETO: Well, I own  
9 Gadaleto's Seafood. I have a note on my house.  
10 So I am neither for or against right now. But  
11 if something arises, I would like to have a  
12 say. I guess this is a meeting to do that. So  
13 that's why I'm speaking.

14 MR. MCKENNA: Thank you, sir.

15 MR. GADALETO: Traffic, traffic  
16 is an issue. So that's what I will go on is  
17 traffic.

18 MR. MCKENNA: Mr. Adelman.

19 MR. ADELMAN: If you can expound  
20 on that, please, sir. How would traffic impact  
21 your, I guess your tenant rights at the  
22 shopping center?

23 MR. GADALETO: As a business, I'm  
24 just worried about the traffic. So at the end

1 of the day, will probably help me, but I'm  
2 worried about the traffic. So I don't want to  
3 have traffic issues and have my customers  
4 complain.

5 So I'm just here to make sure, if  
6 there is a development that is made, traffic is  
7 followed through on all the conditions that  
8 they have.

9 MR. ADELMAN: Thank you. I have  
10 nothing further. No objection.

11 MR. MCKENNA: All right. Mr.  
12 Gadaletto, you will be admitted as a party.

13 MR. BERTINATTI: Good evening.  
14 My name is John Bertinatti. I'm a member of  
15 the board of directors for Radley Run III  
16 Homeowners Association. Looking at your map,  
17 somewheres between a quarter and a half mile  
18 from the properties. I represent 300 -- 150  
19 homeowners about 300 acres of homeowner space,  
20 165 acres of open space.

21 MR. MCKENNA: Sir, hang on one  
22 second. Thank you for giving your form to  
23 Jody. Can you spell your last name for me.  
24 And get right up into that microphone so we can



1 hear you.

2 MR. BERTINATTI:

3 B-E-R-T-I-N-A-T-T-I.

4 MR. MCKENNA: Mr. Bertinatti,  
5 what is your position, if any, with the HOA?

6 MR. BERTINATTI: I'm a member of  
7 the board of directors.

8 MR. MCKENNA: Are you authorized  
9 to appear on behalf of the board here this  
10 evening?

11 MR. BERTINATTI: Yes.

12 MR. MCKENNA: You have that  
13 authorization in writing?

14 MR. BERTINATTI: You know, when  
15 we submitted the letter with the application  
16 I'm carboned on there, if that's what you need.  
17 I have been on the board for like five years.  
18 There are three board members that are  
19 authorized to speak for the association.

20 MR. MCKENNA: And that was  
21 attached to the party status form?

22 MR. BERTINATTI: Yes.

23 MR. MCKENNA: Who is the letter  
24 from?

1 MR. BERTINATTI: It is from the  
2 association board.

3 MR. MCKENNA: The board itself,  
4 all three members?

5 MR. BERTINATTI: Well,  
6 representing the association.

7 MR. MCKENNA: Okay. Mr. Adelman,  
8 do you have some questions?

9 MR. ADELMAN: Yes. How is the  
10 association aggrieved or impacted by the  
11 proposed development?

12 MR. BERTINATTI: I'm sorry, I did  
13 not hear your question.

14 MR. ADELMAN: How is the  
15 association aggrieved or impacted by the  
16 proposed development?

17 MR. BERTINATTI: We, as I said,  
18 have 165 acres of open space. The creek runs  
19 from Crebilly Farm through our properties,  
20 about 20 different locations, and we are  
21 concerned with the impervious surfaces that  
22 will be put in place when the development is  
23 done and the impact that will have on the  
24 quality and quantity of water going through.

1                   I mean, we have got some concerns  
2                   about traffic, but that's not really our main  
3                   concern. Our concern is the environment and  
4                   the impact on the environment.

5                   MR. ADELMAN: I have no objection  
6                   to the association being a member -- being a  
7                   party based upon its members interests.

8                   MR. BERTINATTI: Thank you.

9                   MR. MCKENNA: Thank you, Mr.  
10                  Bertinatti. The HOA will be admitted as a  
11                  party. Do I have it correct, it is the Radley  
12                  Run III HOA?

13                  MR. BERTINATTI: Yeah, exactly.

14                  MR. MCKENNA: Yes, sir, your  
15                  name, please.

16                  MR. BEVILACQUA: Good evening.  
17                  Gary Bevilacqua, 109 Macroom Avenue. I'm  
18                  representing two organizations tonight. The  
19                  first one is the West Glen Homeowners  
20                  Association. It's the development of 52 homes  
21                  directly behind the Amish Market. I'm the  
22                  president of the homeowners association. I  
23                  have been there for 25 years.

24                  MR. MCKENNA: Can you tell me the

1 name of the HOA again. I'm sorry.

2 MR. BEVILACQUA: West Glen HOA.

3 MR. MCKENNA: Is that two words?

4 MR. BEVILACQUA: Two words.

5 MR. MCKENNA: Did the HOA  
6 authorize you to appear and ask for party  
7 status here this evening?

8 MR. BEVILACQUA: They have, but I  
9 need to follow up with them. It's a board of  
10 five members. I'll do that this week.

11 MR. MCKENNA: Did any of your HOA  
12 members or the HOA itself receive the notice in  
13 the mail for the hearing?

14 MR. BEVILACQUA: The Board did  
15 not receive a letter for some reason, even  
16 though we are in the proximity of the limits  
17 that should have. But homeowners, specific  
18 ones may have. But I'm not aware.

19 MR. MCKENNA: Okay. As I heard  
20 there were two organizations. We will start  
21 with the HOA. Mr. Adelman.

22 MR. ADELMAN: Just a quick  
23 question. How is the HOA aggrieved or impacted  
24 by the proposed application?

1                   MR. BEVILACQUA: Fair question.  
2           The one road we have that cuts through the  
3           neighborhood of four cul-de-sacs, Dalmally is  
4           the street directly behind the Amish Market.  
5           It is kind of a cut-through road now. We are  
6           concerned about traffic flow since it is  
7           parallel to 202, in the future it will be  
8           worsened.

9                   MR. ADELMAN: I have no objection  
10          to the HOA based on its members' interests.

11                  MR. MCKENNA: All right. The  
12          West Glen HOA will be admitted as a party.

13                  Mr. Bevilacqua, what was the  
14          second organization?

15                  MR. BEVILACQUA: Second  
16          organization is the West Chester Area School  
17          Board. I'm here tonight representing the  
18          school board. I'm a school board member, and  
19          I'm also the chairman of the property and  
20          finance committee, and the chair of the  
21          redistricting committee that we did two years  
22          ago.

23                  MR. MCKENNA: Mr. Bevilacqua, did  
24          the school board authorize you to appear this

1 evening and seek party status on its behalf?

2 MR. BEVILACQUA: The  
3 superintendant and I spoke about it, but I  
4 don't have anything formally in writing. I'm  
5 happy to provide something either from the  
6 school board or from the administration,  
7 whoever is required. I would obtain that very  
8 quickly, like tomorrow.

9 MR. MCKENNA: Mr. Adelman.

10 MR. ADELMAN: I don't have any  
11 objection provided that an additional  
12 authorization is supplied.

13 MR. BEVILACQUA: Thank you. I  
14 will obtain that tomorrow.

15 MR. MCKENNA: All right. So, Mr.  
16 Bevilacqua, we have a conditional objection and  
17 we'll ask you to bring that written  
18 authorization to the hearing in March. For  
19 purposes of this evening you will be admitted  
20 conditionally as a party for the school board.

21 MR. BEVILACQUA: Thank you. I'll  
22 turn it into the township tomorrow.

23 MR. MCKENNA: Thank you.

24 MR. CRAWFORD: Mr. McKenna,

1 members of the Board, Fronefield Crawford. I'm  
2 a lawyer in West Chester, and I'm designated by  
3 the Birmingham Township Board of Supervisors to  
4 appear on their behalf in this proceeding. I  
5 have a letter of authorization.

6 MR. MCKENNA: Would you mind  
7 giving the letter to my assistant.

8 MS. BOWDEN: Thank you.

9 MR. MCKENNA: Good evening, Mr.  
10 Crawford. As part of the party status form did  
11 the Board make a motion at any of its meetings,  
12 or is there a resolution or anything that they  
13 authorized you to appear on their behalf?

14 MR. CRAWFORD: There has not been  
15 a resolution at a public meeting. That will be  
16 ratified at the next stated meeting of the  
17 Birmingham Board of Supervisors. Two of the  
18 Supervisors individually signed the  
19 authorization for this evening, subject to that  
20 ratification.

21 MR. MCKENNA: Understood. Mr.  
22 Adelman.

23 MR. ADELMAN: Frone, I have your  
24 party to public hearing request form. Thank

1       you for supplying it. Can you please state for  
2       the record, what are the bases that Birmingham  
3       Township is seeking party status in this  
4       application?

5                       MR. CRAWFORD: Sure. First of  
6       all, the township border is approximately, I  
7       think right on your 1,000-foot line is the  
8       entire eastern boundary of Birmingham Township.  
9       Birmingham Township Board of Supervisors is the  
10      trustee of the public resources of its  
11      township, and we are concerned or the Board is  
12      concerned about three components of this  
13      application:

14                      One relating to the traffic  
15      because both Street Road and New Street as they  
16      pass from the subject property go into  
17      Birmingham Township.

18                      Also, Birmingham Township owns  
19      property for its township building right on  
20      Street Road, about a quarter of a mile, I would  
21      say, from the subject property.

22                      Secondly, Birmingham has done  
23      substantial efforts to preserve portions of its  
24      township that were designated as part of the



1 Brandywine Battlefield, and that is, the  
2 integrity of that would be affected by this  
3 application if the area designated by the  
4 County Planning Commission were not preserved  
5 or largely preserved in the subject property.

6 And lastly, the streams that run  
7 through the subject property flow downstream  
8 through Birmingham Township, and, hence, any  
9 pollutants that will enter the streams from  
10 this development would affect the water quality  
11 of the streams in Birmingham as well.

12 MR. ADELMAN: Thank you. I have  
13 no objection to their party status.

14 MR. MCKENNA: All right. Mr.  
15 Crawford, thank you. Birmingham Township will  
16 be admitted as a party.

17 MR. CRAWFORD: Thank you. Thank  
18 you, Mr. Adelman.

19 MR. MCKENNA: Good evening, Mr.  
20 Oeste.

21 MR. OESTE: Good evening, members  
22 of the Board, Mr. McKenna. My name is Tom  
23 Oeste. I'm the solicitor for Pennsbury  
24 Township, Chester County. Pennsbury Township

1 is requesting party status. Pennsbury is  
2 located to the southwest of the subject tract.  
3 It is approximately two and a quarter miles  
4 away via State Route 926. A substantial amount  
5 of the traffic which will be generated by this  
6 property and this development will travel on  
7 926 to and through Pennsbury Township on its  
8 state and township roads in order to access  
9 Route 1 and other points south.

10 Therefore, based on that  
11 substantial interest, the township requests  
12 party status.

13 MR. MCKENNA: Mr. Adelman?

14 MR. ADELMAN: I object to the  
15 township's request for party status on the  
16 basis that it is not proximate enough to the  
17 subject property, being over two miles away.  
18 Under Pennsylvania law, I believe that is too  
19 far. And I assume Mr. Oeste -- by the way,  
20 good evening. Sorry I forgot to say.

21 MR. OESTE: Good evening, Mr.  
22 Adelman.

23 MR. ADELMAN: Pennsbury doesn't  
24 own any property in the immediate vicinity.

1 MR. OESTE: No, it does not.

2 MR. ADELMAN: I would object on  
3 the basis that Pennsbury Township is located  
4 too far away from the subject property in order  
5 to confer it party status in this proceeding.

6 MR. OESTE: And I do not have  
7 written authorization from the Board, but the  
8 Board will be meeting on the third Wednesday of  
9 March, at which time they will pass a  
10 resolution authorizing my appearance.

11 MR. MCKENNA: All right. Thank  
12 you, Mr. Oeste. The Board will reserve its  
13 decision on party status for Pennsbury, noting  
14 the objection of the applicant at this time.

15 MR. OESTE: Thank you very much.

16 MR. MCKENNA: Ms. Camp, good  
17 evening.

18 MS. CAMP: Good evening. Kristin  
19 Camp. I'm here representing the Westtown  
20 Township Planning Commission. The Board of  
21 Supervisors at their I believe organizational  
22 meeting did approve the expenditure of funds  
23 for me to represent the Planning Commission at  
24 all the Planning Commission meetings where Toll

1 Brothers appeared and I assisted the Planning  
2 Commission in their recommendation which is one  
3 of the Board exhibits.

4 The Planning Commission would  
5 like to request party status to, again, examine  
6 the applicant's witnesses in terms of  
7 compliance with the Zoning Ordinance criteria,  
8 as well as make clear their recommendations  
9 through the township consultants.

10 MR. MCKENNA: Thank you, Ms.  
11 Camp. Mr. Adelman.

12 MR. ADELMAN: Good evening,  
13 Kristin. How are you?

14 MS. CAMP: Good evening.

15 MR. ADELMAN: First of all, thank  
16 you very much for your assistance through the  
17 Planning Commission process. Toll Brothers did  
18 appreciate it greatly.

19 As a matter of record, I just  
20 wanted to lodge an objection to the Planning  
21 Commission seeking party status. I do not  
22 believe the Municipalities Planning Code  
23 expressly provides that the Planning Commission  
24 as a municipal agency under Section 913.3 is

1 authorized as a party appellant before the  
2 Board in this proceeding.

3 The statute specifically lists  
4 what actions a municipal agency can have party  
5 status before the Board, and it specifically  
6 exempts special exceptions and conditional  
7 uses. They are not listed.

8 Prior case law, Mr. McKenna, that  
9 I believe you had supplied me was rendered  
10 before the 1988 amendments to the MPC. The  
11 section that they relied upon was repealed and  
12 replaced by current 913.3, and as a statutory  
13 creature, the Planning Commission only has  
14 those powers conferred to it by that statute.

15 On that basis I would object to  
16 the Planning Commission having party status. I  
17 would not object to the Planning Commission,  
18 obviously, rendering public comment or  
19 participating in the proceedings in any other  
20 fashion.

21 MS. CAMP: Section 603.C.2 of the  
22 Municipalities Planning Code does contemplate a  
23 role for the Planning Commission in issuing  
24 recommendations with respect to conditional use

1 applications.

2 The Westtown Township Zoning  
3 Ordinance also contemplates the Planning  
4 Commission's role in Section 170-2009.C(3),  
5 with respect to recommendations and serving in  
6 an advisory capacity to the Board in a  
7 conditional use application.

8 The Pennsylvania appellate courts  
9 have specifically stated that even though the  
10 Municipalities Planning Code may not  
11 specifically call out the Planning Commission  
12 as an appropriate party, that they have  
13 recognized party status of the Planning  
14 Commission.

15 And I'm not going to dispute what  
16 Mr. Adelman said with respect to those cases  
17 that Mr. McKenna had provided. There are  
18 three. In Re: Stagebrush Promotions, which is  
19 a Commonwealth Court decision in 1986; Snyder  
20 versus Railroad Borough, which is also a  
21 Commonwealth Court decision in 1985; and the  
22 third one is In Re, I'm not sure I can  
23 pronounce it, it's B-L-O-U-C-H, which is also a  
24 1976 Commonwealth Court decision.

1           Those were rendered prior to the  
2           amendments to the MPC in 1988.  However, in  
3           those cases the Commonwealth Court indicated  
4           that even without the MPC specifically calling  
5           the Planning Commission as a party or  
6           recognizing it statutorily as a party, they  
7           have accepted them as a party in conditional  
8           use hearings.

9           I have not found any cases since  
10          the 1988 amendment that have specifically  
11          stated that the Planning Commission is not an  
12          appropriate party.  So I would ask that the  
13          Board take that into consideration and reserve  
14          its decision on that for a future meeting.

15                 MR. MCKENNA:  Thank you, Ms.  
16          Camp.  We will treat the Planning Commission as  
17          if it is a party for this evening.  We will  
18          reserve the decision of the Board until the  
19          March meeting, noting the objection of the  
20          applicant.

21                 MR. ADELMAN:  Thank you.

22                 MR. MCKENNA:  Anyone else?  Yes,  
23          sir.  Your name?

24                 MR. JONES:  I'm sorry.  Phillip

1 Jones, 1007 Jennifer lane. It is approximately  
2 a little less than a quarter of a mile from  
3 Crebilly Farm.

4 MR. MCKENNA: Sir, do you own the  
5 property?

6 MR. JONES: Yes, with my wife.

7 MR. MCKENNA: And can you tell  
8 the Board the reasons why you are seeking party  
9 status, how you are affected by the  
10 application.

11 MR. JONES: Concerns over  
12 significant traffic congestion which may  
13 decrease property values in the area,  
14 significant safety issues related to that  
15 property, related to the traffic congestion,  
16 negative impacts on taxes in the township.

17 MR. MCKENNA: Thank you, Mr.  
18 Jones. Mr. Adelman.

19 MR. ADELMAN: Mr. Jones, could  
20 you please show for me on Exhibit A-0, the  
21 aerial, where your property is located.

22 MR. JONES: Right here.  
23 (Indicating). Just outside your quarter mile  
24 mark.



1                   MR. ADELMAN: I have no  
2                   objection.

3                   MR. MCKENNA: All right. Mr.  
4                   Jones, you will be admitted as a party. Did  
5                   you give your form to my assistant?

6                   MR. JONES: Yes, I did.

7                   MR. MCKENNA: Thank you very  
8                   much.

9                   Anyone else at this time? Yes,  
10                  sir. Your name and address.

11                  MR. FOX: I'm Caleb Fox. I'm  
12                  actually not here on behalf of me or myself.  
13                  I'm not an attorney. I'm a real estate broker.  
14                  But my client intended to be here, but has been  
15                  held up, and he is the most affected neighbor,  
16                  Vasilios Moscharis. And I don't know if you  
17                  want to process me at this point or just have  
18                  them join in later.

19                  MR. MCKENNA: Is he coming this  
20                  evening?

21                  MR. FOX: Probably. But I'm not  
22                  sure why he wasn't already here.

23                  MR. MCKENNA: Okay. I'm familiar  
24                  with Mr. Moscharis and where his property is.

1 I would presume he received notice of the  
2 hearing. But with him not being here, I would  
3 assume -- I won't assume. Mr. Adelman, do you  
4 have any objection unless and until he is here?

5 MR. ADELMAN: I saw him earlier.

6 MR. FOX: There you go.

7 MR. ADELMAN: I assume he is  
8 coming back. I don't have an objection. As an  
9 adjacent property owner, clearly he is under  
10 the law deemed to have party status.

11 MR. MCKENNA: Sir, can you remind  
12 me of Mr. Moscharis' address, if you know?

13 MR. FOX: 1150 Old Wilmington  
14 Pike.

15 MR. ADELMAN: Pat the only caveat  
16 is I would request that he actually submit a  
17 party status request form, so it is done on his  
18 behalf, not necessarily done by an agent who  
19 may or may not be authorized.

20 MR. FOX: Sure. Within the next  
21 day we will make sure. That's fine. Thank  
22 you.

23 MR. MCKENNA: So he will be  
24 conditionally admitted. If he is here this

1 evening, please ask him to fill out the form  
2 and hand it to my assistant.

3 Yes, ma'am.

4 MS. CORCORAN: Allison Corcoran,  
5 1007 Dunvegan Road.

6 MR. MCKENNA: Do you own the  
7 property there?

8 MS. CORCORAN: I do.

9 MR. MCKENNA: How long have you  
10 lived there?

11 MS. CORCORAN: Approximately ten  
12 years.

13 MR. MCKENNA: Can you explain to  
14 the Board how you are affected by the  
15 application?

16 MS. CORCORAN: Sure. Due to the  
17 obvious traffic concerns. I also have concerns  
18 with the ability of the schools to accommodate  
19 the influx of students. I have concerns about  
20 the public safety, the burden it will put on  
21 the police department, the fire departments.

22 Also, as a resident of the  
23 Commonwealth, the Pennsylvania Constitution,  
24 Article I, Section 27 says: The people have a

1 right to clean air, pure water and preservation  
2 of the natural, scenic, historic and aesthetic  
3 values of the environment.

4 MR. MCKENNA: Ma'am, I'm sorry,  
5 your last name again?

6 MS. CORCORAN: Corcoran,  
7 C-O-R-C-O-R-A-N.

8 MR. MCKENNA: Mr. Adelman.

9 MR. ADELMAN: I have no objection  
10 based on the location of her property.

11 MR. MCKENNA: Ma'am, you will be  
12 admitted as a party. Thank you.

13 MR. SKUPP: My name is Ben Skupp.  
14 Address, 1015 Dunvegan Road. I'm a homeowner  
15 concerned on traffic, concerned on schools.  
16 Actually, my children are here today.  
17 Concerned on their safety. And seeking party  
18 status.

19 MR. MCKENNA: Sir, I'm sorry, I  
20 didn't catch your name. Can you say it for me  
21 one more time?

22 MR. SKUPP: Ben Skupp.

23 MR. MCKENNA: Spell your last  
24 name for me.

1 MR. SKUPP: S-K-U-P-P.

2 MR. MCKENNA: Thank you, sir.

3 Mr. Adelman.

4 MR. ADELMAN: No objection based  
5 on the location of his property.

6 MR. MCKENNA: Mr. Skupp, you will  
7 be admitted as a party. Thank you.

8 MS. LERARIS: My name is Deanna  
9 Leraris, 1054 Dunvegan Road, West Chester  
10 Pennsylvania. I have the same concerns as  
11 every homeowner in the area. Of course,  
12 traffic and possible cut-through of our quiet  
13 neighborhood, taxes, well water.

14 MR. MCKENNA: Ma'am, do you own  
15 the property on Dunvegan Road?

16 MS. LERARIS: Yes, I do.

17 MR. MCKENNA: Can you spell your  
18 last name for me, please.

19 MS. LERARIS: L-E-R-A-R-I-S.

20 MR. MCKENNA: Thank you. Mr.  
21 Adelman.

22 MR. ADELMAN: I have no objection  
23 based on the location of their property.

24 MR. MCKENNA: Thank you, Ms.

1       Leraris. Make sure you give your form to my  
2       assistant, if you haven't done so.

3               Yes, sir.

4               MR. BOYER: My name is Ed Boyer.  
5       I reside at 1059 Dunvegan Road. I also have  
6       concerns with the traffic. We, where my name  
7       is, you drive in my driveway now, if I look up  
8       at the road I can see the proposed entrance off  
9       of West Pleasant Grove Road into the new  
10      development. So I certainly have concerns for  
11      the cut-through traffic. I have concerns for  
12      my property value as well, being as close to a  
13      development where, I don't know whether they  
14      will be building the townhomes there.

15              MR. MCKENNA: Mr. Boyer, do you  
16      own the property?

17              MR. BOYER: I do.

18              MR. MCKENNA: Mr. Adelman.

19              MR. ADELMAN: Again, no objection  
20      based on the location of the property.

21              MR. MCKENNA: Thank you. Mr.  
22      Boyer, you would be admitted as a party.

23              Yes, ma'am.

24              MS. MURNANE: Hi. I'm Amy

1 Murnane. I live at 1046 West Niels Lane.

2 MR. MCKENNA: Ma'am, do you own  
3 the property?

4 MS. MURNANE: Yes.

5 MR. MCKENNA: Did you receive a  
6 copy of the notice of the hearing?

7 MS. MURNANE: I did not.

8 MR. MCKENNA: About how far away  
9 from the property are you?

10 MS. MURNANE: I live on the  
11 cul-de-sac. Want me to point it out on the  
12 map --

13 MR. MCKENNA: I believe that's  
14 probably what Mr. Adelman will ask you to do  
15 anyway. So yes, please.

16 (Indicated.)

17 MR. MCKENNA: Mr. Adelman, can  
18 you see that?

19 MR. ADELMAN: Yes, I can. I have  
20 good vision.

21 MS. MURNANE: It is just within  
22 the quarter mile.

23 MR. ADELMAN: Thank you.

24 MR. MCKENNA: Spell your last

1 name again.

2 MS. MURNANE: M-U-R-N-A-N-E.

3 MR. MCKENNA: How are you  
4 affected, ma'am, by the application?

5 MS. MURNANE: I'm affected  
6 because I'm worried about traffic on West  
7 Pleasant Grove in and around our development,  
8 and New Street. I have five children. They  
9 stand at the bus stop at West Pleasant Grove,  
10 and the amount of traffic that comes in and out  
11 every day.

12 The schools, over crowded. Of  
13 course, my five kids will be in these schools,  
14 which I am worried about redistricting,  
15 traffic, and increased taxes, and negative  
16 impact on the environment.

17 MR. MCKENNA: Thank you. Mr.  
18 Adelman.

19 MR. ADELMAN: I have no objection  
20 based on the location of her property.

21 MR. MCKENNA: Thank you, ma'am.  
22 You will be admitted. Can you please make sure  
23 you give your form to my assistant. Thank you.

24 MS. MURNANE: Thank you.



1 MR. MCKENNA: Yes, sir, your  
2 name?

3 MR. WOLTER: My name is Kirk  
4 Wolter.

5 MR. MCKENNA: Your address, sir?

6 MR. WOLTER: I'm here on behalf  
7 of the property owned at Westtown Village,  
8 northeast corner of 202 and 926.

9 MR. MCKENNA: What is your  
10 relationship to the property owner?

11 MR. WOLTER: General partner of  
12 the limited liability corporation that owns the  
13 property.

14 MR. MCKENNA: What is the name of  
15 the entity that owns the property?

16 MR. WOLTER: Westtown Village,  
17 LLC.

18 MR. MCKENNA: Mr. Adelman.

19 MR. ADELMAN: Did you receive  
20 notice of the hearing?

21 MR. WOLTER: Our property  
22 management company did, yes.

23 MR. ADELMAN: I have no  
24 objection.

1 MR. MCKENNA: Thank you, Mr.  
2 Wolter. The LLC, are you seeking party status  
3 for the LLC?

4 MR. WOLTER: I'm sorry, your  
5 question?

6 MR. MCKENNA: Are you seeking  
7 party status on behalf of the LLC?

8 MR. WOLTER: That's correct.

9 MR. MCKENNA: So the LLC will be  
10 admitted as a party.

11 Yes, sir, your name, please.

12 MR. CROGNALE: Ches Crognale,  
13 C-H-E-S, C-R-O-G-N-A-L-E.

14 MR. MCKENNA: Your address?

15 MR. CROGNALE: 609 John Anthony  
16 Drive. We are adjacent to Dunvegan.

17 MR. MCKENNA: Did you get notice  
18 of the hearing, sir?

19 MR. CROGNALE: I did not, not in  
20 the mail. I'm about 2,000 feet away from  
21 Crebilly, pass it every day on the way to work,  
22 to and from. My kids go to the school  
23 district.

24 MR. MCKENNA: I'm going to ask

1       you to get real close to that mike. Mr.  
2       Adelman, do you have any questions for this  
3       property owner?

4                   MR. ADELMAN: Yes, sir. Could  
5       you please locate on the aerial, Exhibit A-0,  
6       where your property is located?

7                   I'm sorry, where is it located?

8                   MR. CROGNALE: Cul-de-sac, it is  
9       at the intersection of Dunvegan and John  
10      Anthony.

11                  A VOICE: There it is.

12                  MR. CROGNALE: Right there.

13                  MR. ADELMAN: Is that it?

14                  MR. CROGNALE: Actually, right  
15      here.

16                  MR. ADELMAN: I have no objection  
17      based on the location of his property.

18                  MR. MCKENNA: Sir, you will be  
19      admitted as a party. Thank you.

20                  Yes, sir, your name?

21                  MR. DAULL: Yes, Robert Daull, D,  
22      as in delta, A-U-L-L. Address is 1163 Lake  
23      Drive in Westtown Township.

24                  MR. MCKENNA: Sir, do you own the

1 property?

2 MR. DAULL: Yes, I do own the  
3 property.

4 MR. MCKENNA: About how far away  
5 from Crebilly?

6 MR. DAULL: We are within a  
7 quarter mile boundary.

8 MR. MCKENNA: How are you  
9 affected by the application?

10 MR. DAULL: Primarily by traffic.  
11 We already have a very serious problem with our  
12 neighbors trying to make a left-hand turn off  
13 Lake Drive onto 926, going eastbound, because  
14 of the volume of traffic, and because we set 60  
15 feet west of a crest and a dip in 926 and  
16 traffic in the dip is out of our sight for  
17 about four seconds. And with the approval of  
18 the Toll Brothers project, that's just going to  
19 exacerbate an already serious problem for us.

20 The problem is primarily at rush  
21 hour, in the morning in the evening. It is not  
22 so bad right now because they closed the bridge  
23 in Pocopson, so we have got a six-month  
24 reprieve. Come September 1st we are going to

1 be back to the same problem.

2 MR. MCKENNA: Understood. The  
3 applicant had nothing to do with the bridge  
4 closing either, so we can't take credit for  
5 that. Mr. Adelman, do you have a position on  
6 this request?

7 MR. ADELMAN: Just for my own  
8 edification, sir, could you point out on  
9 Exhibit A-0 the area where your property is  
10 located?

11 MR. DAULL: Yes. (Indicated)

12 MR. ADELMAN: Thank you. I have  
13 no objection.

14 MR. MCKENNA: Sir, you will be  
15 admitted. Please turn your form into my  
16 assistant. Thank you.

17 Yes, sir, your name and address,  
18 please.

19 MR. MCDONOUGH: Patrick McDonough  
20 7 Oakbourne Road, West Chester.

21 MR. MCKENNA: Can you spell your  
22 last name, Mr. McDonough. I'm sorry.

23 MR. MCDONOUGH:  
24 M-C-D-O-N-O-U-G-H.

1 MR. MCKENNA: Sir, do you own the  
2 property?

3 MR. MCDONOUGH: Yes, I do.

4 MR. MCKENNA: About how far away  
5 are you from Crebilly?

6 MR. MCDONOUGH: I would say just  
7 about a quarter mile outside of the boundary,  
8 just outside the boundary line they have there,  
9 so about a quarter a mile away.

10 MR. ADELMAN: Which boundary  
11 line, sir?

12 MR. MCDONOUGH: Outermost  
13 boundary line.

14 MR. MCKENNA: Is your property  
15 noted on that map; do you know?

16 MR. MCDONOUGH: It is just  
17 outside the boundary.

18 MR. MCKENNA: Can you please  
19 identify where it is located.

20 MR. MCDONOUGH: Right about,  
21 right in here.

22 MR. ADELMAN: Please let the  
23 record reflect that the gentleman pointed to  
24 the white border on the aerial, Exhibit A-0.

1                   MR. MCKENNA: All right. Mr.  
2 McDonough, how are you affected by the  
3 application?

4                   MR. MCDONOUGH: Yes, the loss of  
5 township historic resources and landscaping,  
6 including historic structures and the  
7 Revolutionary battlefield.

8                   Several other residents said the  
9 increased student enrollment in local schools.  
10 I have two children in the West Chester Area  
11 School District, which actually I have a child  
12 in one of the schools within the boundaries of  
13 the Toll Brothers development there.

14                   Obviously, the increased traffic,  
15 congestion within the adjacent neighborhoods.  
16 Also, the increased workload and stress on  
17 local police and emergency services, and also  
18 possible increase of taxes within the township.

19                   MR. MCKENNA: Mr. Adelman.

20                   MR. ADELMAN: I would object to  
21 the gentleman's request for party status on two  
22 bases. One, the location of the property is  
23 located over half a mile away from the  
24 outermost perimeter of the subject property,

1 and, two, the bases for requesting party status  
2 are nothing more than those of the generalized  
3 concern of the municipality and they are not  
4 particular to the individual's property  
5 ownership interest.

6 MR. MCKENNA: Mr. McDonough, what  
7 we will do is we will take your request under  
8 advisement. If you don't mind, if you haven't  
9 already, give your form to my assistant. And  
10 the Board will rule on the objection and your  
11 request at the next Board meeting. Thank you.

12 MR. MCDONOUGH: Thank you.

13 MR. MCKENNA: Yes, sir, your  
14 name, please.

15 MR. WORTH: William Worth.

16 MR. MCKENNA: Your address?

17 MR. WORTH: 1075 Meetinghouse  
18 Road, Birmingham Township.

19 MR. MCKENNA: Sir, do you own the  
20 property?

21 MR. WORTH: Yes, I do, with my  
22 two brothers. It has been in the family since  
23 1938. I grew up there. 115-acre farm. It is  
24 under conservation easement. It is on the



1 Battle of Brandywine Battlefield, and there are  
2 two streams running through it, and my concern  
3 is possible pollution of the streams.

4 I would say the corner of the  
5 property would be roughly a quarter of a mile  
6 from Crebilly's property line.

7 MR. MCKENNA: Mr. Adelman.

8 MR. ADELMAN: Sir, could you  
9 please locate your property on Exhibit A-0, the  
10 aerial, for me.

11 Let the record reflect that the  
12 gentleman is pointing outside of the half-mile  
13 radius on Exhibit A-0. I would object on the  
14 basis that his property is located beyond the  
15 half-mile radius and is not proximate enough to  
16 confer standing.

17 In addition, I believe his stated  
18 bases for party status are nothing more than  
19 the generalized concern of township residents.

20 MR. MCKENNA: Thank you, Mr.  
21 Adelman.

22 MR. ADELMAN: Thank you.

23 MR. MCKENNA: Mr. Worth, the  
24 Board will take your request into consideration

1 and will render its decision at next month's  
2 meeting, noting the objection from the  
3 applicant.

4 MR. WORTH: Thank you, sir.

5 MS. BOWDEN: Form?

6 MR. WORTH: I need to sign it.

7 MR. MCKENNA: Yes, ma'am. Good  
8 evening.

9 MS. WHOMSLEY: Good evening. My  
10 name is Stacey Whomsley. I'm a resident at 989  
11 Regimental Drive, West Chester. Before you ask  
12 me to reference the map, I'm pretty sure my  
13 property is about 1.5 miles off the corner of  
14 the parcel, so I don't believe it would be on  
15 the aerial. I realize that will probably be  
16 objected to. But the reason I wanted to  
17 represent myself is that I did submit as part  
18 of the Neighbors of Crebilly, and in the event  
19 that that LLC is denied participation as a  
20 party, I would like individual consideration on  
21 behalf of myself and my husband who are the  
22 property owners.

23 Our particular concern is of a  
24 traffic nature, as many have referenced

1        tonight.  What I would like to specifically  
2        call out as residents who live off of the  
3        Birmingham Road, who have recently experienced  
4        a yearlong closure of that road due to a bridge  
5        closure, our only means in and out of the area  
6        was New Street and 926 in order to access many  
7        of the local facilities, including  
8        Starkweather, EBS Children's Institute and many  
9        other institutions in the area.  That was quite  
10       a burden.  The traffic congestion was  
11       unbelievable for what is just one small bridge  
12       and one small county road.

13                    While I appreciate there have  
14       been many traffic studies, the reality is these  
15       are two main roads, we are not going to be  
16       widening them, there will be limitations to  
17       what we can do with the congestion.  We know  
18       from these recent experiences that there is  
19       already a population density that is not very  
20       sustainable given our current infrastructure.  
21       Adding 300 homes or up to 400 is going to add  
22       another minimum 300 to 600 cars.

23                    My children already spend 45  
24       minutes traveling the three miles from my home

1 to Starkweather Elementary, and I can only  
2 imagine what that is going to look like with an  
3 additional increase just in the car value, let  
4 alone the additional buses that may be needed  
5 for the additional capacity to accommodate that  
6 neighborhood.

7                   So in the event that the  
8 Neighbors for Crebilly are denied  
9 participation, I would like for personal  
10 consideration. We have been six-year  
11 residents. I personally am a 34-year resident  
12 of this area. I grew up in Radley Run, which  
13 is represented here tonight along with  
14 Birmingham Township.

15                   I also live in a property, I am a  
16 party to the recent Tighe development that is  
17 also being considered over in East Bradford  
18 Township. And just for general awareness, I  
19 would like everyone to understand that the  
20 conditional use has been approved for that  
21 development. The township is now facing a  
22 potential lawsuit because they have, Toll  
23 Brothers has not necessarily agreed to the  
24 conditions of that.

1                   So this isn't just about traffic.  
2                   It is quality of life. It is about the burden  
3                   on our resources and our townships.

4                   MR. MCKENNA: Thank you, ma'am.  
5                   Mr. Adelman.

6                   MR. ADELMAN: I would object on  
7                   the same basis as the objections to the prior  
8                   individual seeking party status. One, the  
9                   location of the individual's property is more  
10                  than a mile and a half away, based on her own  
11                  testimony. And the concerns that --

12                  MS. WHOMSLEY: Well, I believe it  
13                  is at --

14                  MR. MCKENNA: Hang on, ma'am.  
15                  Let him finish.

16                  MR. ADELMAN: And the concerns  
17                  she has stated are nothing more than those of  
18                  the generalized concerns of township residents.

19                  MR. MCKENNA: Okay. Ma'am, the  
20                  Board will take your request under advisement  
21                  and render its decision next month, noting the  
22                  objection from the applicant.

23                  MS. WHOMSLEY: Good. Thank you.

24                  MR. MCKENNA: Thank you. Yes,

1 your name, please.

2 MR. SOBERS: Scott, S-C-O-T-T,  
3 last name Sobers, sober with an S makes it  
4 easier, S-O-B-E-R-S.

5 MR. MCKENNA: Your address?

6 MR. SOBERS: 108 Hidden Pond Way.

7 MR. MCKENNA: Did you receive a  
8 copy of the notice for tonight?

9 MR. SOBERS: Via Facebook, yes.

10 MR. MCKENNA: In the mail, I  
11 should have been more specific. Sorry. Did  
12 you receive a copy in the mail?

13 MR. SOBERS: No.

14 MR. MCKENNA: Okay. Do you own  
15 the property?

16 MR. SOBERS: Yes, I do.

17 MR. MCKENNA: Sir, about how far  
18 away from the property are you?

19 MR. SOBERS: I'm within the first  
20 yellow line.

21 MR. MCKENNA: Can you tell the  
22 Board how you are affected by the application?

23 MR. SOBERS: Just I think a lot  
24 has been covered tonight, increase in traffic,

1 noise pollution, water pollution, light  
2 pollution, depreciation of real estate value,  
3 increasing crime, negative impact on the  
4 wildlife.

5 Obviously, it has been stated it  
6 is a hallowed battleground, which I think  
7 should be protected. Negative impact on  
8 schools, fire department, police department,  
9 increase in accidents. Generally, I just don't  
10 want to look at the homes every morning.

11 MR. MCKENNA: Thank you. Mr.  
12 Adelman.

13 MR. ADELMAN: Thank you. I have  
14 no objection based on the location of his  
15 property.

16 MR. MCKENNA: Mr. Sobers, you  
17 will be admitted as a party. Thank you.

18 Yes, sir.

19 MR. PAVELCHEK: Walter R.  
20 Pavelchek, P-A-V-E-L-C-H-E-K. I own the  
21 property 1050 South New Street for 57 years.

22 My primary concern is the  
23 traffic, access to 926 is bad enough already,  
24 and to 202, and, of course, just general

1 traffic on New Street.

2 I share in the financial concerns  
3 other people have expressed. I won't repeat  
4 them.

5 MR. MCKENNA: Thank you, Mr.  
6 Pavelchek. Mr. Adelman?

7 MR. ADELMAN: Sir, I'm sorry to  
8 do this to you. Would you please locate on  
9 Exhibit A-0 -- thank you -- where your property  
10 is located.

11 MR. PAVELCHEK: Next to that red  
12 corner there.

13 Please forgive my assistant.

14 A VOICE: I thought I would help.

15 MR. MCKENNA: Sorry, Mr.  
16 Pavelchek. I blame the applicant on that one.

17 MR. ADELMAN: That's my fault.  
18 Thank you, sir. I have no objection based on  
19 the location of his property.

20 A VOICE: So is mine. I'm next.

21 MR. MCKENNA: Mr. Pavelchek, you  
22 will be admitted as a party. Please give your  
23 party status form to my assistant. Thank you.

24 Yes, sir, your name?



1                   MR. YEAGER: My name is Phillip  
2                   Yeager, Y-E-A-G-E-R. I live at 1048 South New  
3                   Street, right next to him.

4                   I'm concerned about the traffic  
5                   impact, the impact on the safety of the people  
6                   around it, basically because of increase in  
7                   traffic and residents, and what it is going to  
8                   do affecting our police force.

9                   MR. MCKENNA: Thank you, Mr.  
10                  Yeager. Mr. Adelman.

11                  MR. ADELMAN: Sir, based on your  
12                  representation of where your property is  
13                  located, I don't have any objection.

14                  MR. MCKENNA: Mr. Yeager, you  
15                  will be admitted as a party. Thank you.

16                  Anyone else this evening seeking  
17                  party status? All right. I'm not seeing  
18                  anyone approaching the microphone.

19                  Two quick things. The township  
20                  received party status requests forms from  
21                  individuals who have not yet approached us this  
22                  evening. Jim Cahill of 9 Jacqueline Drive.  
23                  Mr. Cahill, are you here this evening? Would  
24                  you please approach the microphone, if you

1 wouldn't mind, sir, confirming you are still  
2 seeking party status.

3 MR. CAHILL: Yes, I am.

4 MR. MCKENNA: Can you, first of  
5 all, sir, do you own the property on Jacqueline  
6 Drive?

7 MR. CAHILL: Yes, I am. Yes, I  
8 do. And I'm applying for status under  
9 condition 14, item C, cut-through traffic on  
10 Jacqueline Drive, very significant. I believe  
11 two years ago traffic studies revealed that  
12 there is approximately 10,000 vehicles per  
13 month going through Jacqueline Drive. Any  
14 additional traffic on that road, as it is, the  
15 first turn off of 202 will impact severely on  
16 the entire neighborhood, and as a cut-through  
17 from 202 out onto South New Street.

18 MR. MCKENNA: Sir, so I'm clear,  
19 the condition you are referring to was from the  
20 conditions of the Planning Commission?

21 MR. CAHILL: I'm sorry?

22 MR. MCKENNA: The condition you  
23 referenced earlier, 14, was that a  
24 recommendation of the Planning Commission?

1 MR. CAHILL: One of 47 or 49  
2 conditions.

3 MR. MCKENNA: Mr. Adelman.

4 MR. ADELMAN: Sir, could you  
5 please indicate on Exhibit A-0 the area where  
6 your property is located.

7 MR. MCKENNA: Without knocking it  
8 over, preferably.

9 MR. CAHILL: Can you tell me  
10 which one is half mile?

11 MR. ADELMAN: The furthest yellow  
12 dashed line.

13 MR. CAHILL: This?

14 MR. ADELMAN: The one all the way  
15 on the perimeter is the half line, the top.

16 MR. CAHILL: Right off of 202,  
17 Jacqueline Drive.

18 A VOICE: Jacqueline Drive is off  
19 the top.

20 MR. MCKENNA: Hang on, folks.  
21 This is part where I have got to have only one  
22 person talking.

23 MR. CAHILL: Right there. At the  
24 top.

1 MR. ADELMAN: I would object just  
2 based on the proximity of the gentleman, the  
3 location beyond the half-mile radius.

4 A VOICE: He didn't point to the  
5 right spot. Can I show you where it is?

6 MR. ADELMAN: The gentleman has  
7 to do it on his behalf.

8 A VOICE: He is my neighbor. I  
9 can show you where he lives.

10 MR. ADELMAN: I understand, sir.

11 MR. MCKENNA: We have an  
12 objection. We can confirm it. In the interim  
13 we will take a look. Mr. Cahill, we will  
14 reserve decision of the Board, noting the  
15 objection, and render a decision at the next  
16 month's meeting. Thank you.

17 MR. PRYZE: My name is David  
18 Pryze. I reside at 1050 Dunvegan Road, one  
19 block south of Jacqueline Drive, within the  
20 quarter of a mile.

21 Sadly enough, I have to use  
22 Jacqueline Drive as my cut-through to 202 at  
23 this point because there is no way to get to it  
24 unless I am making a u-turn off of 202 to go

1 north. I'm seeking party status currently with  
2 the Crebilly LLC, but I'd also like to reserve  
3 the right to have it on my own. I do own my  
4 own home.

5 My concerns are traffic, majorly.  
6 There are lots of little kids running in the  
7 neighborhood, in a quiet neighborhood at this  
8 point. Well water is a big concern. Just  
9 preservation of the historic views and  
10 everything else.

11 MR. MCKENNA: Thank you, sir.  
12 Mr. Adelman.

13 MR. ADELMAN: I don't have an  
14 objection based on the location of his  
15 property.

16 MR. PRYZE: Thank you.

17 MR. MCKENNA: Sir, did you turn  
18 in a party status form?

19 MR. PRYZE: Yes, I did.

20 MR. MCKENNA: Thank you. You  
21 will be admitted for the hearing.

22 MR. PRYZE: Thank you.

23 MR. MCKENNA: I also have a  
24 request from a lady by the name of Sally



1 MR. ADELMAN: It is not located  
2 on the plan, is that correct?

3 MS. HAMMERMAN: Right, it is not.  
4 But I would like to state that even though a  
5 good number of us are not on the half-mile  
6 route, we are all affected by what is happening  
7 with a huge bunch of houses going up at that  
8 property.

9 MR. ADELMAN: Understood, ma'am.  
10 I would object on the basis that her property  
11 interest is located beyond the half-mile radius  
12 and that the stated concerns are nothing more  
13 than the generalized concerns of township  
14 residents.

15 MS. HAMMERMAN: My house falling  
16 down, it is just a generalized concern? Thank  
17 you.

18 MR. MCKENNA: Thank you. Your  
19 request will be considered by the Board, noting  
20 the objection of Mr. Adelman, and the decision  
21 will be rendered at next month's meeting.

22 Yes, ma'am.

23 MS. KRAMER: Hello. My name is  
24 Jennifer Kramer, 1046 Dunvegan Road. I

1 submitted my application with Neighbors for  
2 Crebilly, but I would also like to do party  
3 status.

4 MR. MCKENNA: I apologize. Can  
5 you tell me your address again.

6 MS. KRAMER: 1046 Dunvegan Road.

7 MR. MCKENNA: Ma'am, do you own  
8 the property?

9 MS. KRAMER: I do not. I'm a  
10 resident. My father owns it.

11 MR. MCKENNA: What is your  
12 father's name?

13 MS. KRAMER: Geoffrey,  
14 G-E-O-F-F-R-E-Y, K-R-A-M-E-R.

15 MR. MCKENNA: Mr. Adelman.

16 MR. ADELMAN: I'm sorry, Mr.  
17 McKenna. I didn't hear. Are you a permanent  
18 resident at that location?

19 MS. KRAMER: Yes, I am.

20 MR. ADELMAN: I have no objection  
21 based on her residency at that location.

22 MR. MCKENNA: Thank you. Ms.  
23 Kramer, you will be admitted as a party. Do  
24 you have a party status form? Have you filled



1 one out?

2 MS. KRAMER: I gave it to the  
3 Neighbors of Crebilly.

4 MR. MCKENNA: So that's included  
5 in the packet we already have. Thank you,  
6 ma'am.

7 MS. KRAMER: Thank you.

8 MR. MCKENNA: Yes, ma'am.

9 MS. BRUNS: Megan Bruns,  
10 B-R-U-N-S, at 4 Jacqueline Drive. I submitted  
11 my paperwork for Neighbors for Crebilly as well  
12 but would like to request individual party  
13 status.

14 MR. MCKENNA: Good evening, Ms.  
15 Bruns. Do you own the property?

16 MS. BRUNS: Yes.

17 MR. MCKENNA: Could you please  
18 state how you are affected by the application.

19 MS. BRUNS: Sure. Being on  
20 Jacqueline Drive, like was mentioned before by  
21 other residents, it is a major cut-through. It  
22 affects the safety of the residents in  
23 Westtown, as well as the traffic. It has  
24 already been under study by the township, and

1 it has not yet been rectified. We have  
2 concerns with over 700 vehicles traveling per  
3 day. So with this new development and the  
4 influx of cars and traffic adding to Jacqueline  
5 is just going to be a nightmare, as well as the  
6 influx in an already crowded elementary school,  
7 Starkweather, which was currently redistricted,  
8 and at the point -- at this point, as far as I  
9 know, has no available empty classrooms for an  
10 increase in population.

11 MR. MCKENNA: Thank you. Mr.  
12 Adelman.

13 MR. ADELMAN: Good evening,  
14 ma'am. Could you please indicate on Exhibit  
15 A-0 the area where your property is located?

16 MS. BRUNS: I see Dunvegan. I'm  
17 looking for the light here. Oh, here I am.

18 MR. ADELMAN: Please let the  
19 record reflect that she has indicated beyond  
20 the half-mile mark. On that basis I would  
21 object again on the basis that her property  
22 interest is beyond half a mile from the  
23 perimeter of the property, as well as the  
24 stated concerns being of a generalized nature.

1 MS. BRUNS: I would also like to  
2 state that the property at Jacqueline Drive is  
3 right on the cusp of that yellow line and that  
4 half-mile mark and is a huge area of concern.

5 MR. MCKENNA: Thank you, ma'am.  
6 Your request will be taken under advisement by  
7 the Board, under the objection of the  
8 applicant, and we will make a decision at the  
9 meeting in March.

10 MS. BRUNS: Thank you.

11 MR. MCKENNA: Ladies and  
12 gentlemen, I have no other party status forms  
13 in front of me. One final call for party  
14 status.

15 All right. Not hearing any and  
16 noting it is about quarter to 8:00, why don't  
17 we go ahead and take our break now.

18 Mr. Adelman, you are telling me  
19 no.

20 MR. ADELMAN: No, I just have one  
21 point of a question as to any party trying to  
22 get future party status at subsequent hearings  
23 I would object to on the basis that it would be  
24 prejudicial to introduce new parties at

1 subsequent hearings.

2 MR. MCKENNA: We will note the  
3 objection. If it comes up, we can raise it  
4 again at that time.

5 MR. ADELMAN: Thank you.

6 MR. MCKENNA: All right. So we  
7 are going to take about a 15-minute break and  
8 we will start back up again at 8:00 o'clock.  
9 Mr. Adelman will begin presenting his evidence  
10 for his case in chief. Thank you.

11 (Recess taken.)

12 MR. MCKENNA: Ladies and  
13 gentlemen, we are going to go back on the  
14 record. I noticed a number of people furiously  
15 filling out party forms during our break, so  
16 before Mr. Adelman begins his case in chief let  
17 me make one final request for this evening. Is  
18 there anybody else who would like to request  
19 party status tonight?

20 Yes, sir. Please come on up.

21 MR. SKROS: Ed Skros, 1146

22 Fielding --

23 THE COURT REPORTER: I'm sorry,  
24 sir?

1 MR. MCKENNA: Hold on. Slow  
2 down. Last name again, please.

3 MR. SKROS: Skros, S-K-R-O-S.

4 MR. MCKENNA: Address?

5 MR. SKROS: 1146 Fielding Drive  
6 in Pleasant Grove.

7 MR. MCKENNA: Sir, do you own  
8 your property?

9 MR. SKROS: Yes.

10 MR. MCKENNA: Can you tell the  
11 Board how you are affected by the application,  
12 please.

13 MR. SKROS: One of the conditions  
14 that the Planning Commission recommended is  
15 tapping into public sewer. The recommendation  
16 is to have a line go down 926 east, and then  
17 tap into the sewer at the Tower Course Drive.  
18 However, the other option that was noted in the  
19 Carroll Engineering letter is the potential to  
20 tie in at Wilmington Pike and Piedmont. That  
21 option could potentially mean replacement of  
22 the sewer line through Pleasant Grove, which  
23 would be, as noted in the letter, 4,000 feet of  
24 street potentially having to be dug up, and

1 significant impact not only to my home, which  
2 is Pleasant Grove, Fielding Drive, where one of  
3 the gravity line goes through, but all the  
4 other neighbors as well.

5 So that is my significant concern  
6 about traffic disruption, bus disruption. We  
7 just had Piedmont, the street paved this past  
8 year. Township paid for that. That could  
9 potentially be dug up.

10 I'm very concerned about if this  
11 goes to public how the tie-in is going to work.  
12 That would impact Dalmally, West Glen, as well  
13 as Pleasant Grove.

14 MR. MCKENNA: Mr. Adelman.

15 MR. ADELMAN: Could you please  
16 indicate on Exhibit A-0 the area where your  
17 property is located.

18 MR. SKROS: My property is right  
19 here. It backs up to Chester Creek, right this  
20 line.

21 MR. ADELMAN: I have no objection  
22 based on the location of his property as  
23 indicated on the exhibit.

24 MR. MCKENNA: All right. Sir,

1 you would be admitted as a party. Thank you  
2 for turning in your form.

3 MR. SKROS: Thank you.

4 MR. MCKENNA: I did see Mr.  
5 Moscharis come in. Would you mind coming up to  
6 the microphone for just one minute, sir. Your  
7 broker had requested party status on your  
8 behalf. There had been a conditional objection  
9 since you weren't here. Would you mind  
10 confirming your name, address and whether or  
11 not you would like party status.

12 MR. MOSCHARIS: My name is  
13 Vasilios Moscharis, 1150 Old Wilmington Pike.

14 MR. MCKENNA: Would you like him  
15 to spell that?

16 THE COURT REPORTER: Please.

17 MR. MCKENNA: Would you mind  
18 spelling your name.

19 MR. MOSCHARIS: V-A-S-I-L-I-O-S,  
20 last name is M-O-S-C-H-A-R-I-S.

21 MR. MCKENNA: Sir, are you  
22 seeking party status in the hearing?

23 MR. MOSCHARIS: Yes.

24 MR. MCKENNA: Thank you. Mr.

1 Adelman, I think you are well acquainted with  
2 Mr. Moscharis' property. Any objection?

3 MR. ADELMAN: No objection based  
4 on the location of his property.

5 MR. MCKENNA: Thank you. Mr.  
6 Moscharis, I would ask you please to fill out  
7 one of the party status forms that are out  
8 there and hand it to my assistant before you  
9 leave this evening.

10 MR. MOSCHARIS: Thank you very  
11 much.

12 MR. MCKENNA: Thank you. Final  
13 call, ladies and gentlemen, anyone else for  
14 party status this evening?

15 All right. Yes, ma'am. That's  
16 why I asked.

17 MS. CAREY: Sorry. My name is  
18 Eileen Carey.

19 MR. MCKENNA: Spell your last  
20 name, please.

21 MS. CAREY: C-A-R-E-Y.

22 MR. MCKENNA: Your address?

23 MS. CAREY: 1106 Fielding Drive.

24 MR. MCKENNA: You live in close



1 proximity to Mr. Skros who was just up here a  
2 minute ago?

3 MS. CAREY: Well, we both live on  
4 Fielding Drive. But I'm 1106. I think he said  
5 he was 1133. But yes.

6 MR. MCKENNA: Mr. Adelman, do you  
7 have any objection based on the location?

8 MR. ADELMAN: Could you just  
9 please indicate on the exhibit where your  
10 property is located.

11 MS. CAREY: (Indicating).

12 MR. ADELMAN: I have no objection  
13 based on where their property is located on the  
14 exhibit.

15 MR. MCKENNA: Thank you. Ms.  
16 Carey, you will be admitted as a party. Would  
17 you please turn in your party status form to my  
18 assistant as soon as you are able. Thank you.

19 Anyone else this evening, last  
20 and final call, going once.

21 All right. We are sold on party  
22 status. Let's go off the record for a minute  
23 to let Mr. Adelman get readjusted here for his  
24 hearing.

1 (Discussion off the record.)

2 MR. MCKENNA: Mr. Adelman,  
3 whenever you are ready.

4 MR. ADELMAN: Jeff, are you ready  
5 back there? Thumbs up. Okay. Back on the  
6 record.

7 MR. MCKENNA: Please proceed.

8 MR. ADELMAN: Thank you very  
9 much, Mr. McKenna. I would like to call my  
10 first witness this evening, Emily Stewart, and  
11 have her sworn, please.

12 EMILY STEWART,  
13 the witness herein, having first been  
14 duly sworn on oath, was examined and  
15 testified as follows:

16 DIRECT EXAMINATION

17 BY MR. ADELMAN:

18 Q. Make sure you are close to the  
19 microphone, Emily, so everyone can hear you.

20 A. Okay.

21 Q. If you could please state your name and  
22 business address for the record.

23 A. My name is Emily Stewart. And my  
24 business address is 250 Gibraltar Road,

1 Horsham, Pa.

2 Q. And please let the record reflect that  
3 I have distributed to the Board, as well as  
4 some of the counsel present, a booklet of or a  
5 binder of exhibits. And, Emily, do you also  
6 have a binder in front of you?

7 A. Yes.

8 Q. Okay. So let's start with Exhibit A-1.  
9 Could you identify that for the record, please.

10 A. Okay. It is a copy of my resume.

11 Q. And could you please tell the Board  
12 about your educational background?

13 A. I have a bachelor's degree in landscape  
14 architecture from Penn State University.

15 Q. Could you also please tell the Board  
16 about your professional experience?

17 A. I have been practicing in the field of  
18 landscape architecture and land planning for  
19 the past 19 years. My experience includes  
20 compilation and analysis of existing site  
21 conditions, review and application of state,  
22 local and national regulations as it pertains  
23 to particular sites.

24 I have experience preparing

1 master plans and site layouts for various  
2 different communities such as traditional  
3 subdivisions, mixed-use communities, urban  
4 in-fill sites, golf course communities, active  
5 adult communities, traditional communities, and  
6 transit-oriented development sites. I also  
7 have experience with site planning and design  
8 for amenity and recreational areas, and  
9 preparing landscape plans and construction  
10 details. I also have experience writing zoning  
11 text amendments and overlays as they pertain to  
12 particular projects.

13 Q. Are you a registered or licensed  
14 landscape architect in the Commonwealth of  
15 Pennsylvania?

16 A. Yes.

17 Q. And how about a land planner, are you  
18 registered or licensed or have a certification?

19 A. I am a Certified Land Planner with the  
20 American Institute of Certified Land Planners.

21 Q. By whom are you currently employed and  
22 in what capacity?

23 A. I'm a project planner for ESE  
24 Consultants.

1 Q. And as part of your regular employment  
2 duties do you design site plans and layouts for  
3 subdivision and land developments?

4 A. Yes.

5 Q. And in doing those designs do you  
6 interpret and apply ordinances and regulations?

7 A. Yes.

8 MR. ADELMAN: At this time I  
9 would offer Ms. Stewart as an expert in  
10 landscape architecture and land planning and  
11 open her to questions from the Board and the  
12 other parties.

13 MR. MCKENNA: Thank you, Mr.  
14 Adelman. Quick question, Ms. Stewart, is ESE a  
15 subsidiary of Toll Brothers?

16 THE WITNESS: Yes.

17 MR. MCKENNA: Thank you. Does  
18 any member of the Board have any questions for  
19 Ms. Stewart based on her qualifications?

20 Do any of the entities or  
21 individuals who have requested party status  
22 have any questions for this witness based upon  
23 her qualifications?

24 Yes, sir. Would you mind coming

1 up to the microphone and identifying yourself  
2 and what your question will be.

3 MR. ADELMAN: Pat, this is going  
4 to be difficult with the microphone.

5 MR. MCKENNA: I understand.

6 MR. JONES: Just a quick  
7 question.

8 MR. MCKENNA: Come over here in  
9 front of the court reporter so we can all hear.  
10 Your name again?

11 MR. JONES: Phil Jones. I just  
12 wanted to follow up. Is that a hundred percent  
13 controlled entity of Toll Brothers that she  
14 works for?

15 THE WITNESS: Yes.

16 MR. JONES: Thank you.

17 MR. MCKENNA: Thank you. Anyone  
18 else with a question for the qualifications of  
19 this witness?

20 All right. Not hearing any, not  
21 hearing an objection, she will be admitted as  
22 an expert.

23 MS. HAMMERMAN: Oh, I object.  
24 Okay. Go ahead.

1                   MR. MCKENNA: Thank you, ma'am.  
2 She is going to be admitted at this point as an  
3 expert. Thank you.

4 BY MR. ADELMAN:

5           Q. Emily, are you the project land planner  
6 for the proposed development?

7           A. Yes.

8           Q. Are you familiar with the township's  
9 zoning ordinances and the flexible development  
10 procedure?

11          A. Yes.

12          Q. I would like to show you what I have  
13 marked as Exhibit A-2 in the binder.

14                   And, Jeff, if you can follow  
15 along on the overhead. If we have Exhibit A-2  
16 available, just the first page.

17                   Would you please identify  
18 Exhibit A-2 for the record, Emily. You can  
19 open it up there, whatever is easier, whether  
20 to look at it from the binder or on the  
21 overhead.

22                   MR. MCKENNA: Ma'am, if you  
23 wouldn't mind too getting that microphone right  
24 down into your mouth real close so we can all

1 hear you. We are having a little bit difficult  
2 time doing so.

3 THE WITNESS: Okay.

4 MR. MCKENNA: Thank you.

5 THE WITNESS: The Exhibit A-2 is  
6 titled Plan A/Proposed Development for Crebilly  
7 Farm, Westtown Township, Chester County,  
8 Pennsylvania, dated 7 -- October 7th, 2016,  
9 sheets 1 of -- 45 total sheets.

10 Q. And it is prepared by?

11 A. ESE Consultants.

12 Q. Are you familiar with this plan set?

13 A. Yes.

14 Q. And were you involved in the  
15 preparation or did you prepare this plan set?

16 A. Yes.

17 Q. Was Exhibit A-2 submitted with the  
18 conditional use application?

19 A. Yes.

20 Q. I would like to direct your attention  
21 to the next exhibit, Exhibit A-3. If you could  
22 identify that for the record as well?

23 A. This is also Plan A/Proposed  
24 Development, originally dated 7 -- 10/7/16,



1 last revised 12/8/2016 based on a review letter  
2 provided by the town.

3 Q. Does this consist of all of the plan  
4 sheets?

5 A. Yes.

6 Q. Are you familiar with this plan as  
7 well?

8 A. Yes.

9 Q. And were you involved in its  
10 preparation?

11 A. Yes.

12 Q. Why, again, were these plan sheets  
13 revised?

14 A. Additional information was added in  
15 response to the township's comments regarding  
16 completeness.

17 Q. If we could go to sheet A-2 of  
18 Exhibit A-3, Jeff.

19 MR. MCKENNA: Sorry, Mr. Adelman,  
20 what page are you referring to?

21 MR. ADELMAN: Sheet 2 of that  
22 exhibit, A-3, sheet 2 of 45.

23 MR. MCKENNA: Sheet 2 of 45.

24 MR. ADELMAN: Yes.

1 MR. MCKENNA: Thank you.

2 BY MR. ADELMAN:

3 Q. Emily, for the record, can you please  
4 tell the Board where the property is located?

5 A. The property is located in the  
6 southwest corner of Westtown Township. It is  
7 bordered by four streets on each side. One to  
8 the north, it is bound by West Pleasant Grove  
9 Road. To the east it is bound by Route 202,  
10 Wilmington Pike.

11 It is bound to the west -- I'm  
12 sorry -- bound to the west by New Street, and  
13 to the south by Street Road.

14 Q. Okay. What is the state designation  
15 for Street Road?

16 A. 926.

17 Q. And how is the property zoned?

18 A. Property is zoned Agricultural/Cluster  
19 Residential, and R-1, Rural Suburban  
20 Residential.

21 Q. What is the approximate total acreage  
22 of the properties?

23 A. 322.26 acres.

24 Q. Okay. I would like to direct your

1 attention to Exhibit A-4, which I don't believe  
2 we have on the overhead, but if you could  
3 identify that for the record, please.

4 A. They are the deeds for the property.

5 Q. Okay. And according to the deeds who  
6 are the legal owners of the property?

7 A. The Robinson family and related  
8 entities.

9 Q. I would like to show you what I have  
10 marked as Exhibit A-5. Could you identify that  
11 for the record?

12 A. That is a copy of the redacted  
13 agreement of sale.

14 Q. And who is the equitable owner of the  
15 property?

16 A. Toll Brothers.

17 Q. And what entity specifically for Toll?

18 A. Toll PA, XVII, L.P.

19 Q. And is it your understanding Toll is  
20 purchasing the entire property?

21 A. Yes.

22 Q. What use is Toll proposing to develop  
23 on the subject property?

24 A. They are proposing a residential

1 community using a flexible development option.

2 Q. Okay. And is the flexible development  
3 option a permitted use in the zoning districts?

4 A. Yes, by conditional use.

5 Q. What is the design process that the  
6 ordinance requires for a flexible development?

7 A. Section 170-1670 requires the  
8 conservation design process.

9 Q. Does that design process require an  
10 analysis of natural resources?

11 A. Yes.

12 Q. And in addition to that analysis, what  
13 else does the flexible development procedure  
14 require Toll to analyze in terms of natural  
15 features?

16 A. We are required to analyze slopes,  
17 areas 15 to 25 percent, and 25 percent and  
18 greater which we have on site, and areas of the  
19 slopes 15 to 25 percent is approximately 12.42  
20 acres. They are noted in the medium gray area.

21 Q. And you are referring again to sheet

22 2 --

23 A. Yes.

24 Q. -- of Exhibit A-3?

1           A.    Yes.

2           Q.    It is a little difficult to tell based  
3           on the aerial the different shades of gray,  
4           correct?

5           A.    Yes.   The existing features plan  
6           doesn't show it very well.

7           Q.    So if you can for the audience, as well  
8           as for the Board, try to just describe where  
9           the locations are as well, given that the  
10          colors aren't coming up as clear on the aerial.

11          MR. MCKENNA:   Mr. Adelman, what  
12          exhibit are we referring to, for the record?

13          MR. ADELMAN:   This is sheet 2 of  
14          Exhibit A-3.

15          MR. MCKENNA:   Thank you.

16          MR. ADELMAN:   You are welcome.

17          BY MR. ADELMAN:

18          Q.    Go ahead.

19          A.    We also have slopes that are greater  
20          than 25 percent, which equal approximately 1.74  
21          acres.   The slopes are generally located in  
22          multiple locations through the site, which  
23          generally lie along the water courses which are  
24          right here, along Route 926, centralized

1 watercourse through the center, and down near  
2 the Radley Run area on the corner of 926 and  
3 South New Street.

4 Q. What else, what other natural features?

5 A. Flood hazard area. This area is the  
6 hundred-year floodplain, located along Radley  
7 Run on the southwest corner.

8 Q. Okay. Keep going, please.

9 A. Also we are required to identify any  
10 water bodies or water courses. The site has  
11 four fingers of water courses that drain across  
12 the site.

13 The northern one located at the  
14 very top; the second, minor secondary one,  
15 located a little bit further south; and then  
16 the third one located south of that; and then  
17 another watercourse located just above Street  
18 Road.

19 Generally the site, this portion,  
20 majority of the site drains into Radley Run,  
21 which is a portion, then it drains into the  
22 Brandywine Creek Watershed. This smaller  
23 portion of the site, located along 202, drains  
24 into the Chester Creek Watershed.

1 Q. Is there also a pond on the property?

2 A. Yes, the pond is located along Route  
3 926, in front of the existing barn.

4 Q. Okay. And what about wetlands on the  
5 property?

6 A. There are several wetland locations  
7 which are generally associated with these four  
8 wetland or the watercourse features on the  
9 site.

10 Q. Are they delineated on the property?

11 A. Yes.

12 Q. Okay. What other natural features did  
13 you analyze?

14 A. Soil types. The whole property shows  
15 every soil and its boundaries with a dashed  
16 line. We are showing a chart on the right-hand  
17 side which shows soil class, and also showing  
18 seasonal high water tables soils, which are in  
19 this darker area along the northernmost  
20 watercourse.

21 Q. What else did you look at?

22 A. We looked for geological  
23 characteristics and rock formations, which none  
24 are found on this site. Existing vegetation,

1 tree masses, tree lines, hedgerows, trees over  
2 six inches in diameter, wetland vegetation,  
3 meadow, pasture, cropland, orchard, cultivated,  
4 ornamental garden areas are all identified, if  
5 we have any on the site.

6 Q. Generally, where are the most wooded  
7 areas located on the property?

8 A. The most densely wooded areas are to  
9 the north, along West Pleasant Grove Road, and  
10 to the south, along the Radley Run, along Route  
11 926.

12 Q. What other -- I'm sorry, go ahead.

13 A. I was going to say, this plan also  
14 shows all existing structures, driveways,  
15 manmade features, as well as paths and  
16 topography.

17 Q. And did the applicant do an inventory  
18 of historic resources or structures on the  
19 property?

20 A. Yes.

21 Q. And was that submitted as a separate  
22 report?

23 A. Yes.

24 Q. Will another individual be testifying



1 about that in the future?

2 A. Yes.

3 Q. So let's go back to the conservation  
4 design process. What conservation areas did  
5 you have to determine and analyze under the  
6 ordinance?

7 A. We are required to provide an analysis  
8 of the existing site features plan and identify  
9 areas listed as primary conservation areas,  
10 which are wetlands, hundred-year floodplain,  
11 slopes 15 to 25 percent, and slopes 25 percent  
12 and greater.

13 Q. So let's look at sheet 3A on  
14 Exhibit A-3, which is now on the aerial and is  
15 also in your binder, if you can just turn to  
16 that as well.

17 Could you please tell the Board  
18 what is depicted on sheet 3A of Exhibit A-3.

19 A. This plan illustrates all the primary  
20 resources located on the site.

21 Q. Let's again go over them so that  
22 everyone knows what is shown on the plan, if  
23 you could highlight them for me, please.

24 A. The primary resources include wetlands,

1 floodplains, and slopes 15 to 25 percent, and  
2 25 percent and greater, which generally fall  
3 along the four fingers of the watercourse  
4 areas.

5 Q. Okay. And those watercourses again run  
6 from where to where on the property?

7 A. Generally from the north to south.

8 Q. Okay. If you could then turn to sheet  
9 3B on Exhibit A-3. What does that depict?

10 A. This shows the secondary conservation  
11 areas. This includes wood line, the woodlands,  
12 tree lines, large specimen trees over 18 inches  
13 in diameter, scenic views, approximate location  
14 of seasonal high water table, and adjacent  
15 parklands and trails.

16 Q. Approximately how many acres of  
17 secondary conservation areas are there on the  
18 property?

19 A. 27.28.

20 Q. And let's turn to sheet 3C of  
21 Exhibit A-3. What does that depict?

22 A. This shows both the primary and  
23 secondary conservation areas together on one  
24 map.

1 Q. So just a combination of the prior two  
2 sheets?

3 A. Correct.

4 Q. Under the ordinance are you allowed to  
5 disturb those conservation areas?

6 A. Yes, you are permitted up to 50 percent  
7 disturbance of those secondary conservation  
8 areas.

9 Q. How about the primary conservation  
10 areas?

11 A. You are limited disturbance based on  
12 permitting.

13 Q. If we turn to sheet 3D of A-3.

14 MR. MCKENNA: 3D, as in dog?

15 MR. ADELMAN: As in dog or David.  
16 What does sheet 3D --

17 MR. MCKENNA: Hang on, Mr.  
18 Adelman. We are having a hard time hearing you  
19 because we are behind the speaker. The  
20 audience can probably hear better than we can.  
21 Can you have her repeat the answer to the last  
22 question?

23 MR. ADELMAN: Sure. I believe  
24 the question was: What does the ordinance

1 permit or does the ordinance permit disturbance  
2 of the conservation areas?

3 THE WITNESS: We are permitted 50  
4 percent of disturbance of the secondary  
5 conservation areas, and limited disturbance  
6 based on permitting for the primary  
7 conservation areas.

8 MR. MCKENNA: Thank you.

9 MR. ADELMAN: May I proceed, Pat?  
10 We are good?

11 MR. MCKENNA: Thank you, Gregg.  
12 Thank you.

13 BY MR. ADELMAN:

14 Q. If he could go to sheet 3D, as in  
15 David, what does this depict, Emily?

16 A. This plan indicates potential  
17 development areas for the site, and these are  
18 located outside of the primary resource areas.

19 Q. And they are indicated in what type of  
20 legend?

21 A. The broken hatched pattern.

22 Q. And let's go to the next sheet, sheet  
23 3E. What does this depict?

24 A. Potential development areas, including

1 the permitted areas that we are allowed to  
2 disturb by code.

3 Q. Let's look at some of those areas that  
4 you are permitted to disturb by code. Could  
5 you highlight them on sheet 3E of Exhibit A-3,  
6 please.

7 A. You are allowed to disturb some  
8 woodland areas, tree lines, seasonal high water  
9 table soils, which many are located up in the  
10 corner.

11 Q. Let's describe them so the record is  
12 clear.

13 A. Along West Pleasant Grove there is some  
14 woodlands, seasonal high water table soils.

15 Q. How about any potential road crossings?

16 A. Yes. This area is identified as a  
17 potential road crossing.

18 Q. Where is that located on the plan?

19 A. That is located on the southernmost  
20 watercourse near Street Road, Route 926.

21 MR. MCKENNA: Mr. Adelman, I just  
22 want to real quick clarify for the record. So  
23 the primary disturbed areas that are permitted  
24 according to the plan have the I guess

1 hexagonal shape to them; is that right?

2 MR. ADELMAN: The brick -- oh,  
3 the primary is hexagonal.

4 THE WITNESS: No, that's the  
5 potential development areas.

6 MR. ADELMAN: Right.

7 MR. MCKENNA: Okay.

8 THE WITNESS: It does not contain  
9 any identified resource, does not contain any  
10 protected resource.

11 MR. ADELMAN: I'm a little  
12 confused on the description you were saying on  
13 hexagonal.

14 MR. MCKENNA: "Primary Disturbed  
15 Areas (Permitted)" is noted on the legend on  
16 the plan on the right.

17 MR. ADELMAN: Correct.

18 MR. MCKENNA: Those shapes are --

19 MR. ADELMAN: That's a hexagon.

20 MR. MCKENNA: That's what I was  
21 talking about.

22 MR. ADELMAN: I'm with you now.

23 MR. MCKENNA: All right. We are  
24 done geometry. The "Secondary Disturbed Areas

1 (Permitted)" appears to be that hatched area.  
2 Is that right?

3 MR. ADELMAN: Looks like a  
4 weaving.

5 MR. MCKENNA: Correct.

6 MR. ADELMAN: The weaving.  
7 Emily?

8 THE WITNESS: Correct.

9 MR. MCKENNA: Can you just  
10 identify those two different areas so we can  
11 all understand, those are the areas of  
12 permitted disturbance?

13 THE WITNESS: This area, this  
14 area is the potential development.

15 MR. MCKENNA: I understand that.  
16 But let's talk about the areas permitted per  
17 disturbance of the natural features we were  
18 talking about. So the weaved areas and the  
19 hexagons, can you identify where those are on  
20 the plan.

21 BY MR. ADELMAN:

22 Q. It is kind of hard to see on the  
23 aerial. Emily, if you turn to sheet 3 on your  
24 plan, on your Exhibit A-3, and then if you

1 could answer Mr. McKenna's question.

2 A. This proposed crossing area, disturbing  
3 primary resource area, right here, is proposing  
4 disturbing of steep slopes to provide access  
5 across the watercourse. And the small area  
6 over here grading into a precautionary slope.

7 Q. Emily, if you could locate that on the  
8 plan for the record too and describe where that  
9 is.

10 A. It is actually identified with a note  
11 here, and it is in the I guess central  
12 watercourse, in the center of the site.

13 Q. Are there any other primary  
14 conservation areas that might be disturbed as  
15 well in the development?

16 A. An additional crossing on the  
17 northernmost watercourse, closest to West  
18 Pleasant Grove Road, this would be a potential  
19 wetlands crossing and/or possibly slopes.

20 Q. And then I believe Mr. McKenna wanted  
21 you to identify the secondary conservation  
22 areas that could be potentially developed as  
23 well. Can you do that, please.

24 A. There are some individual trees and



1 woodlands located on Route 202. There are some  
2 woodland areas along West Pleasant Grove Road  
3 to the north. There is some additional trees  
4 near the Radley Run and center watercourse  
5 area, north of the existing barn. There are  
6 some trees located in that location.

7 Q. Anything else?

8 A. Not that I see.

9 MR. MCKENNA: Thank you, Mr.  
10 Adelman. Real quick followup. On the plan  
11 note when it says on the area of the road  
12 crossing, "(Precautionary Slope Disturbance) or  
13 Permitted by Commonwealth," what is the  
14 reference to "or Permitted by Commonwealth,"  
15 please?

16 THE WITNESS: It would require  
17 wetlands permitting, for disturbance of the  
18 wetlands.

19 MR. MCKENNA: That's not a  
20 permissive action by the Township Zoning  
21 Ordinance necessarily? It is by obtaining the  
22 appropriate permit from the Commonwealth, is  
23 that right?

24 THE WITNESS: Correct.

1                   MR. MCKENNA: All right. Thank  
2 you.

3 BY MR. ADELMAN:

4           Q. So, Emily, if we continue on to sheet  
5 3F of Exhibit A-3, what is the next step that  
6 you would look at here in doing your design  
7 process?

8           A. Laying out streets for vehicular access  
9 and pedestrian access, accessing the streets  
10 and trails, and potential development areas.

11          Q. Can you tell the Board what factors  
12 went into your design of the streets and  
13 trails?

14          A. We took into account, our goal was to  
15 provide a safe, efficient road network that  
16 connected building sites within the development  
17 area, taking into account existing topo to  
18 minimize cut and fill and potential  
19 disturbances to existing resources.

20          Q. And if you could indicate just for the  
21 audience where the trails are located versus  
22 where the streets are located? Because they  
23 are sitting pretty far away.

24          A. The streets are the wider, this black

1 line running across the site. The trail,  
2 proposed trail network is the smaller lines,  
3 interconnecting the streets and the entire  
4 community.

5 Q. Are there sidewalks proposed as part of  
6 the streets?

7 A. Yes.

8 Q. Let's turn to the next sheet, sheet 3G.

9 MR. MCKENNA: Hang on, Mr.  
10 Adelman. Sorry, real quick, we have a couple  
11 of questions, the first question from the  
12 Board. Are these trails, if you know, to be  
13 dedicated or opened to the public for use?

14 MR. ADELMAN: Two different  
15 questions.

16 MR. MCKENNA: Understood. Take  
17 them in order, please.

18 THE WITNESS: That would be  
19 determined by the Township Board, Board of  
20 Supervisors.

21 MR. MCKENNA: Is the applicant  
22 planning to offer them for dedication? Are you  
23 contemplating opening them up to the public or  
24 for just use by the homeowners in the

1 development?

2 MR. ADELMAN: The current plan is  
3 to have them privately owned and maintained by  
4 association. As to whether they are opened up  
5 to the public, that's something the applicant  
6 is open to discussing. But no determination  
7 has been made at this time.

8 MR. MCKENNA: Hang on one second.  
9 (Board members conferring.)

10 MR. MCKENNA: The other question,  
11 based on your design, ma'am, one of the  
12 Supervisors would like to know why there is no  
13 access shown to South New Street.

14 THE WITNESS: We are proposing an  
15 emergency access to South New Street from this  
16 location. There is an existing drive, and we  
17 intend to maintain that existing drive as an  
18 emergency access. And it will also provide  
19 access to the existing Lot A, which is to the  
20 north on South New Street, and existing Lot B,  
21 which is to the south on New Street.

22 MR. MCKENNA: Thank you. Do you  
23 have any idea why a full access isn't proposed  
24 out to South New Street?

1 THE WITNESS: Can you repeat the  
2 question?

3 MR. MCKENNA: Yes. Why isn't  
4 there a full access road proposed out to South  
5 New Street as you have denoted for West  
6 Pleasant Grove Road, you have one out to 202  
7 and one out to 926?

8 THE WITNESS: We are trying to  
9 minimize impact along the viewshed for that  
10 particular area of the site.

11 MR. MCKENNA: Thank you.

12 MR. ADELMAN: Pat, may I proceed?

13 MR. MCKENNA: Another quick  
14 question. Gregg, my apologies.

15 MR. ADELMAN: No problem.

16 MR. MCKENNA: Is there any  
17 reason, ma'am, that you are aware of why there  
18 is only one access out to Street Road? Is that  
19 correct, Tom?

20 MR. HAWS: The access on Street  
21 Road, why is it so north to the whole space of  
22 the property?

23 THE WITNESS: Are you referring  
24 to this access on Street Road?

1 MR. HAWS: Yes.

2 THE WITNESS: We were proposing  
3 it to be in between Bridlewood Lane and Caleb  
4 Drive. If we push it further south we enter  
5 into steeper topo and floodplain areas.

6 MR. MCKENNA: I have a little  
7 clarification. I apologize. This plan is not  
8 showing the connector road out of the  
9 neighborhood to 926 lining up with Bridlewood.  
10 It is showing the connector coming out on 926  
11 farther east to 202. And I think that's what  
12 the Supervisors are asking for clarification  
13 on. Why is it shown there as opposed to lining  
14 up with Bridlewood Boulevard?

15 MR. ADELMAN: Let me jump in.  
16 That was something that was discussed at the  
17 Planning Commission, which we will be dealing  
18 with in a later witness. At this point we are  
19 testifying just based on what was initially  
20 submitted with the conditional use application.  
21 Those are comments that we intend to address  
22 further in the testimony. So we are trying to  
23 start from the beginning and work our way  
24 forward.

1 MR. MCKENNA: Fair enough. Thank  
2 you, Mr. Adelman.

3 MR. ADELMAN: You are welcome.

4 BY MR. ADELMAN:

5 Q. Emily, what other aspects did you take  
6 into account when laying out the site plan  
7 under the conservation design process?

8 A. I took a look at access points was one.  
9 Building lot areas, the intent was to cluster  
10 lots and minimize impacts to the resources, and  
11 to create larger contiguous areas of open  
12 space.

13 Our goals were to try and protect  
14 views from adjacent roadways onto the site and  
15 to help create, use primary building lots to  
16 the protected resources --

17 Q. How about -- I'm sorry.

18 A. -- to minimize disturbance to both  
19 primary and secondary resources.

20 Q. Okay. When you are laying out the plan  
21 did you take into consideration other aspects  
22 of development?

23 A. Are you referring to stormwater?

24 Yes, we took into account

1 stormwater, percing areas, trails, landscaping,  
2 lighting, screening, utilities.

3 Q. Okay. And are those aspects contained  
4 in Exhibit A-3?

5 A. Yes.

6 Q. So let's turn to sheet 3G on  
7 Exhibit A-3. What does this plan depict in a  
8 conservation design process?

9 A. This area, this plan illustrates the  
10 areas shown for building lots.

11 Q. If you can just generally indicate  
12 where those building lots are shown on this  
13 plan?

14 A. We tried to centrally locate them,  
15 cluster them into the center of the site.

16 Q. And how does that respect the  
17 conservation areas that you showed on the prior  
18 plan sheets?

19 A. We tried, yeah, we tried to minimize  
20 disturbance to secondary view or secondary  
21 resources.

22 Q. How about primary?

23 A. And primary as well.

24 Q. Okay. And it is hard to see on the



1       aerial, but are all of the developable areas  
2       being used?

3             A.    No.

4             Q.    What developable areas are not being  
5       used, if you can highlight them and indicate  
6       them on the plan?

7             A.    The corner of Street Road and 202 is  
8       developable.  There are some other lands in  
9       between the homes, the townhome area.  There is  
10       another, a larger portion on the corner of West  
11       Pleasant Grove Road and South New Street.  And  
12       some other areas, smaller areas located  
13       internally within the community.

14            Q.    What forms of residential use are  
15       proposed to be constructed on the property?

16            A.    We are proposing single-family detached  
17       homes and townhomes.

18            Q.    And are they permitted under the  
19       ordinance?

20            A.    Yes, under Section 170-903.A and C.

21            Q.    What about accessory uses?

22            A.    We are proposing a clubhouse and  
23       community recreation facilities, and they are  
24       permitted under Section 170-903.I.

1 Q. Let's look at Exhibit A-6, so that can  
2 depict what you are talking about. If you  
3 could identify it for the record once it comes  
4 up on the screen.

5 A. The accessory uses, yeah.

6 Q. And if you could identify the exhibit,  
7 please.

8 A. Oh, I'm sorry. It is Exhibit A-6 that  
9 is the overall lot layout Plan A, Proposed  
10 Development, and it is dated 10/7/2016, last  
11 revised 12/8/2016.

12 Q. Again, how many units are being  
13 proposed here?

14 A. We are proposing 317 new units, and two  
15 existing homes to remain, for a total of 319.

16 Q. And how did you calculate the permitted  
17 base density under the ordinance?

18 A. The adjusted tract acreage of the site  
19 times 1.1 raw units per acre.

20 Q. Using that formula, what is the maximum  
21 density possible?

22 A. 319 dwelling units.

23 Q. What is the maximum net residential  
24 density per acre for single-family detached

1 dwellings?

2 A. 4 dwelling units per net acre. And we  
3 are providing 2.2 dwelling units per net acre.

4 Q. What is the maximum net residential  
5 density per acre for townhomes?

6 A. The maximum permitted is 10 building  
7 units per net acre, and we are proposing 6.7  
8 dwelling units per net acre.

9 Q. And under the flexible development  
10 procedure could a development of this property  
11 also be eligible for bonus density?

12 A. Yes.

13 Q. What is the maximum bonus density  
14 permitted under the ordinance?

15 A. 1.5 dwelling units per acre, which  
16 would be about 435 dwelling units.

17 Q. And what does the flexible development  
18 procedure require Toll Brothers to do in order  
19 to be eligible for bonus density?

20 A. There are three ways. There are three  
21 ways that the property would be eligible for a  
22 bonus density. One would be providing  
23 additional open space. The second option would  
24 be to provide substantial public improvements.

1 And the third option would be to provide  
2 historic landscape preservation.

3 Q. Who determines how much bonus density  
4 should be awarded?

5 A. The Board of Supervisors.

6 Q. Does the flexible development procedure  
7 provide a formula or objective criteria to  
8 determine those density bonuses?

9 A. Yes and no.

10 Q. Please explain.

11 A. The open space additional density is  
12 calculated based on a need for every additional  
13 5 percent open space provided above the  
14 required, an additional .075 dwelling units per  
15 acre can be awarded.

16 And for each individual historic  
17 landscape preserved, the Board may grant  
18 additional four dwelling units per site.

19 And for the substantial public  
20 improvements, the Board may grant up to .3  
21 units per acre, but there is no calculation  
22 that specifically calculates what is to be  
23 provided and for how much density.

24 Q. And that's with respect to the public

1 improvements?

2 A. Correct.

3 Q. So is that up to the Board then to  
4 determine?

5 A. Yes.

6 Q. Let's look at open space. What is the  
7 percentage gross tract area that needs to be  
8 set aside for open space under a flexible  
9 development?

10 A. Under 170-904.C we are required 60  
11 percent open space.

12 Q. Does the proposed plan comply?

13 A. Yes. We are providing 61 percent,  
14 197.15 acres.

15 Q. Okay. And what is the maximum  
16 permitted impervious coverage for the  
17 development?

18 A. We are permitted up to 45 percent for  
19 multi-family or townhouse development area.

20 Q. And what are you providing with respect  
21 to that portion of the development?

22 A. 37 percent.

23 Q. Is there a maximum impervious coverage  
24 for single-family detached homes?

1 A. No.

2 Q. What is the maximum permitted building  
3 height in the development?

4 A. 38 feet.

5 Q. Will all the homes be 38 feet or less?

6 A. Yes.

7 Q. What other dimensional requirements  
8 does the flexible development procedure provide  
9 with respect to the single-family detached and  
10 townhomes?

11 A. Single-family detached are also  
12 required to provide 30-foot building  
13 separation, and are to be set back from the  
14 curb 30 feet. Single-family detached dwellings  
15 can also not be closer than 50 feet from the  
16 perimeter.

17 For townhomes the requirement is  
18 they are to be separated by 60 feet, and they  
19 are also required 30 feet from the curb. The  
20 tract setback for a multi-family or townhome  
21 use is a hundred feet.

22 Q. Is Toll requesting a modification of  
23 the building-to-building spacing for townhomes?

24 A. Yes.

1 Q. What are they requesting?

2 A. We are requesting to be reduced to 30  
3 feet from 60 feet.

4 Q. I would like to show you what I have  
5 marked as Exhibit A-7. If you can put that on  
6 the overhead.

7 Emily, if you could identify  
8 Exhibit A-7 for the record, please.

9 A. Exhibit A-7 is titled Plan A  
10 Alternative Proposed 30' Spacing Development.  
11 The original date 10/7/2016, last revised  
12 12/8/2016.

13 Q. What does this plan depict?

14 A. This plan shows a more clustered  
15 development for the multi-family townhome  
16 section and the more contiguous open space.

17 Q. Just generally, can you explain to the  
18 Board and the audience, how did the site plan  
19 get modified as a result of a 30-foot spacing  
20 modification?

21 A. We are able to provide more efficient  
22 use of the land by clustering the units closer  
23 together and provide a larger contiguous area  
24 of open space.

1 Q. Can you indicate on Exhibit A-7 where  
2 that larger contiguous open space is located?

3 A. Particularly along Route 202, the  
4 northern end of Route 202 on the site.

5 Q. So if we could go back to Exhibit A-6  
6 for a second, just to compare, and then look at  
7 that area again. Would you highlight that,  
8 please, Emily. What is depicted there?  
9 Townhomes?

10 A. Correct.

11 Q. And then back to Exhibit A-7. And then  
12 that area again is now open; is that correct?

13 A. Yes.

14 Q. Has the density changed as a result of  
15 the 30-foot spacing modification?

16 A. No.

17 Q. So it is the same number of units?

18 A. Correct.

19 Q. With respect to the open space, is at  
20 least 50 percent of it outside of floodplain  
21 areas, wetlands and slopes greater than 25  
22 percent?

23 A. Yes.

24 Q. And what is the minimum width of the



1       qualifying open space areas?

2             A.   75 feet, and 1/2 acre size.

3             Q.   How much open space is required to be  
4       active recreation?

5             A.   The Board may require up to 10 percent  
6       of the site to be provided for active  
7       recreation.

8             Q.   Let's go back to Exhibit A-3.  And  
9       let's look at sheet 4D, as in David.  Can you  
10      please tell the Board and the audience what is  
11      sheet 4D, as in David, depicting?

12            A.   It is depicting our active recreation  
13      areas, potential active recreation areas.

14            Q.   And how are those areas indicated on  
15      sheet 4D of 45 on Exhibit A-3?

16            A.   They are shown with the dotted hatch  
17      area.

18            Q.   I think you might have touched on this  
19      earlier, but where are the trails proposed to  
20      be constructed?  Do they go through open space?

21            A.   Yes.

22            Q.   I think you can see it on this plan,  
23      correct.  Where are they located again?

24            A.   We are proposing the reuse of any

1 existing driveways or paths and converting them  
2 to trails where possible, primarily located  
3 near the barn area and the access road near  
4 Street Road, and the existing driveways in the  
5 center of the site will be reused as fitness  
6 trails, walking trails. Additional trails have  
7 been added in order to provide connectivity  
8 through the community and the access to the  
9 open space areas.

10 And the additional trails are  
11 located in this area along, in the open space  
12 closest to Route 202.

13 Q. What is your understanding with respect  
14 to who will own and maintain the open space?

15 A. The HOA.

16 Q. What type of maintenance will be  
17 provided by the association?

18 A. We will provide an open space  
19 maintenance plan as part of the HOA docs.

20 Q. Will that be subject to the township's  
21 review and approval during land development?

22 A. Yes.

23 Q. Let's talk about some of the other  
24 aspects of the conditional use application.

1 How is sewer service proposed to be provided to  
2 the development?

3 A. We are proposing on-site treatment  
4 consistent with the town's Act 537 plan.

5 Q. Will another witness be testifying in  
6 more detail about that on-site sewer?

7 A. Yes.

8 Q. But just to give a general overview, if  
9 we look at Exhibit A-6, let's go back to the  
10 color plan. Can you, Emily, on Exhibit A-6  
11 indicate for the Board and the public the areas  
12 proposed for sewer treatment and disposal?

13 A. The two primary areas are located on  
14 the corner of West Pleasant Grove Road and  
15 South New Street. The other primary area is  
16 located along Route 202 and Street Road. And  
17 there are three several alternative or  
18 additional areas provided internally within the  
19 community.

20 Q. Where is the potential treatment  
21 located, treatment site located?

22 A. Potentially located along the access  
23 drive closest to Street Road.

24 Q. Could that also be located somewhere

1 else on the property?

2 A. Potentially.

3 Q. Okay. Who will ultimately be required  
4 to permit and approve any of the on-site sewage  
5 system?

6 A. The DEP.

7 Q. I would like to show you what I have  
8 marked as Exhibit A-8. If you could  
9 identify -- it is a letter. If you could  
10 identify it for the record, please.

11 A. It is a letter prepared by  
12 Geo-Technology Associates, dated October 11th,  
13 2016, addressing on-site wastewater disposal  
14 feasibility.

15 Q. Okay. And was this letter submitted  
16 with the conditional use application?

17 A. Yes.

18 Q. And has GTA evaluated the feasibility  
19 of providing wastewater treatment and disposal  
20 on site?

21 A. Yes.

22 MR. MCKENNA: Mr. Adelman, real  
23 quick question. Can you or Ms. Stewart clarify  
24 for the public, because the issue is going to

1       come up -- and if it is going to be discussed  
2       with another witness, that's fine -- what the  
3       Act 537 plan is. In other words, who governs  
4       that, why it has to be on site as opposed to  
5       public sewer?

6                       MR. ADELMAN: There will be  
7       another witness.

8                       MR. MCKENNA: Thank you.

9                       MR. ADELMAN: But we will discuss  
10      it, certainly.

11     BY MR. ADELMAN:

12             Q. Emily, is providing public sewer to the  
13      development an option?

14             A. It is only if the township agrees to  
15      update the public sewer service area to include  
16      the Crebilly property.

17             Q. And another witness, as Mr. McKenna  
18      just talked about, will discuss that in more  
19      detail, correct?

20             A. Correct.

21             Q. However, I would like to show you what  
22      is marked as Exhibit A-9. If you could  
23      identify this letter for the record, please.

24             A. This is a letter prepared by Carroll

1 Engineering, dated January 6, 2017, regarding  
2 the Act 537 plan.

3 Q. And what subject matter does that deal  
4 with?

5 A. Sewer.

6 Q. And is Carroll Engineering the township  
7 sewer engineer?

8 A. Yes.

9 Q. On page 2 of Exhibit A-9 what does  
10 Carroll Engineering recommend for sewer service  
11 with the proposed development?

12 A. They recommend public sewer as an  
13 option.

14 Q. Okay. And according to Carroll, is  
15 there sufficient capacity in the public sewer  
16 system for the proposed development?

17 A. Yes.

18 Q. What is your understanding with respect  
19 to how water will be provided for the proposed  
20 development?

21 A. It will be provided by Aqua PA.

22 Q. And has the applicant confirmed with  
23 Aqua whether there is adequate supply to  
24 service the development?

1 A. Yes.

2 Q. And is there adequate supply, according  
3 to Aqua?

4 A. Yes.

5 Q. Did Toll submit other information with  
6 the conditional use application?

7 A. Yes. We submitted a traffic impact  
8 study, a fiscal impact study, a stormwater  
9 feasibility report, and historic resources and  
10 inventory.

11 Q. Did the applicant submit anything  
12 dealing with the geology?

13 A. Yes.

14 Q. What study was that?

15 A. The geotechnical report.

16 Q. And will the applicant be calling other  
17 experts to discuss all of those other reports  
18 and studies?

19 A. Yes.

20 Q. Do you know whether the township has  
21 reviewed the conditional use application?

22 A. Yes.

23 Q. I would like to show you what I have  
24 marked as Exhibit A-10, which is another

1 letter. If you could identify it for the  
2 record, please.

3 A. This letter was prepared by McCormick  
4 Taylor, dated December 9th, 2016, as a response  
5 letter to our application.

6 Q. And is McCormick Taylor the township  
7 engineer?

8 A. Yes.

9 Q. Are you familiar with this letter?

10 A. Yes.

11 Q. I would like to show you what we have  
12 marked as Exhibit A-11, which is another  
13 letter. Would you identify that for the  
14 record, please.

15 A. This is a response letter from,  
16 prepared by ESE, dated January 31st, 2017.

17 Q. Does it include a series of  
18 attachments?

19 A. Yes, it does.

20 Q. If you could turn to page 8 of  
21 Exhibit A-11, could you please highlight what  
22 attachments were attached with this response  
23 letter.

24 A. PDF plan sheets 1 through 4D, 5 through



1 23, and 44A through 45 of residential  
2 subdivision dated 10/7/16, last revised  
3 12/8/16, prepared by ESE Consultants.

4 Q. Just let me interrupt you. Is that the  
5 same as Exhibit A-3 that was previously  
6 introduced?

7 A. Yes.

8 Q. Please continue.

9 A. PDF plans of the Overall Boundary  
10 Survey sheets 1 through 5, dated 8/22/16, last  
11 revised 10/3/16, prepared by TWT Consultants.

12 Q. Please go ahead.

13 A. PDF set of a partial report of  
14 stormwater narrative, last revised December  
15 2016, prepared by ESE Consultants.

16 Q. Let me stop you there. Was there an  
17 initial stormwater narrative submitted with the  
18 conditional use application?

19 A. Yes.

20 Q. Okay. And I believe the conditional  
21 use application was introduced by Mr. McKenna  
22 as Exhibit B, as in boy, 6, correct?

23 A. Yes.

24 Q. So is that stormwater narrative an

1 update, the one that was attached to  
2 Exhibit A-11?

3 A. Yes, it is additional information.

4 Q. Okay. What else was attached to  
5 Exhibit A-11?

6 A. PDF plan sheets 1 through 5, Westtown  
7 Residential Development, dated 12/20/2016, last  
8 revised 12/28/2016, the lighting plan prepared  
9 by Philips Lighting.

10 Q. Go ahead.

11 A. And the last thing was a PDF plan set  
12 of the Preliminary and Final Subdivision and  
13 Lot Consolidation Plans, sheets 1 through 8,  
14 dated 8/19/2015, last revised 10/16/2015,  
15 prepared by T&M Associates.

16 Q. Was Exhibit A-11, together with all the  
17 attachments, submitted to the township?

18 A. Yes.

19 Q. Did this letter, in your opinion,  
20 adequately address the zoning issues that were  
21 cited in the township engineer's --

22 A. Yes.

23 Q. -- December 9th letter, correct?

24 A. Yes.

1 Q. Okay. What other issues were  
2 outstanding or remain outstanding based on the  
3 December 9th review letter and ESE's January  
4 31st response?

5 A. There are some outstanding issues  
6 regarding requirements beyond what is normally  
7 required under a conditional use submission,  
8 which we intend to address during the land  
9 development process.

10 Q. Okay. Let's go through that response  
11 letter so we can explain to the Board and to  
12 the public what issues were raised by the  
13 township engineer and how they have been  
14 addressed.

15 Starting on Exhibit A-11, on the  
16 first page, Zoning, the first comment, could  
17 you please explain what that comment was? And  
18 I think you have already testified to it this  
19 evening.

20 A. This comment regards the maximum  
21 permitted net density for single-family  
22 detached and for proposed townhomes.

23 Q. Mm-hmm.

24 A. We are calculating the areas under the

1 permitted density for the site.

2 Q. Okay. And No. 2 is similar, but it is  
3 for which type of residential use?

4 A. The single-family detached.

5 Q. So the first one was for?

6 A. Townhomes.

7 Q. And the second one was for?

8 A. Single-family.

9 Q. Okay. And you have already testified  
10 with respect to what the maximum net  
11 residential density is, correct?

12 A. Correct.

13 Q. Turning to page 2 of Exhibit A-11, if  
14 you could explain what comment No. 3 was and  
15 how the applicant responded?

16 A. The comment was the acreage set aside  
17 for common open space rights-of-way of public  
18 streets shall not be used for computation of  
19 net residential density for any residential  
20 use. And the response was that we did not  
21 include these areas of common open space or  
22 rights-of-ways in our calculation.

23 Q. Okay. And the next comment No. 4, what  
24 was that and how was it responded to?

1           A. Not more than 45 percent of the gross  
2 area of the tract shall be covered by  
3 impervious surfaces, and our response was that  
4 we calculated the area provided under the  
5 townhome section, and it was at 37 percent, and  
6 so we comply with the 45.

7           Q. Okay. No. 5 looks like it deals with  
8 parking. I don't know if you testified to this  
9 previously. So if you could go over what the  
10 parking requirements are and how they have been  
11 satisfied.

12          A. The parking requirement has been  
13 satisfied. On the individual lots, we are  
14 providing a minimum of two parking spaces per  
15 driveway, in addition to minimum two-car garage  
16 spaces on each lot.

17          Q. What is the requirement of the  
18 ordinance?

19          A. 2.5 spaces per dwelling unit.

20          Q. And how does the ordinance count garage  
21 spaces?

22          A. As a .5 space.

23          Q. So it doesn't give it a full parking  
24 space?

1 A. Correct.

2 Q. Let's go to comment No. 6. What is the  
3 comment and how, or will it be addressed, I  
4 guess is the best question?

5 A. To create architectural interest in the  
6 layout and character of housing fronting  
7 streets, variations in building line shall be  
8 encouraged.

9 And the applicant has taken note  
10 of this request and we will consider this  
11 during the land development planning process.

12 Q. Okay. And No. 7 deals with building  
13 height?

14 A. Correct.

15 Q. I think you testified to that. What  
16 was the maximum building height?

17 A. 38 feet.

18 Q. No. 8, what is that comment?

19 A. No structure shall be within 30 feet of  
20 the curb of access roads.

21 Q. Does the plan comply?

22 A. The plans do comply.

23 Q. No. 9 deals with the historic resource.  
24 I believe you testified earlier that a report

1 was submitted with the application and  
2 subsequent to the application?

3 A. Correct.

4 Q. Will another witness be testifying to  
5 that report?

6 A. Yes.

7 Q. Okay. Nos. 10, 11, 12 and 13 of  
8 Exhibit A-11, pages 2 and 3, they all deal with  
9 stormwater, correct?

10 A. Correct.

11 Q. Will another witness be testifying with  
12 respect to the stormwater management?

13 A. Yes.

14 Q. Okay. So he will address those  
15 comments?

16 A. He will.

17 Q. Okay. No. 14 on page 3 of  
18 Exhibit A-11, what is that comment and what is  
19 the response?

20 A. An erosion and sedimentation control  
21 plan shall be filed and implemented in  
22 accordance with the regulations of the  
23 Pennsylvania Department of Environmental  
24 Protection and the requirements of Chapter 149

1 of the Subdivision and Land Development.

2 Q. So that's an E&S control, as we like to  
3 call it?

4 A. Correct.

5 Q. Who permits that?

6 A. The Pennsylvania DEP.

7 Q. So is that a land development issue?

8 A. Correct.

9 Q. Comment No. 15 deals with signs. Has  
10 the applicant designed any sign at this point?

11 A. Not at this point in time.

12 Q. When will the applicant do that?

13 A. During the land development process.

14 Q. No. 16 deals with lighting. Did the  
15 applicant submit a lighting plan?

16 A. Yes.

17 Q. And No. 17 deals with screening. Was a  
18 screening plan submitted?

19 A. Yes, as part of the landscape plans.

20 Q. And what plan sheets were those?

21 A. Sheets 44A through E.

22 Q. Nos. 18 and 19 deal with open space and  
23 active rec area. What do those comments state  
24 and how is it responded to?



1           A.    That we are required to provide at  
2    least 10 percent of the net tract acreage to  
3    serve active recreation.  And we have provided  
4    a plan sheet 4D to allocate areas of 10  
5    percent.

6           Q.    Turning to No. 20, what is that comment  
7    and what was the response?  This is on page 4  
8    of Exhibit A-11.

9           A.    The area of common open space shall be  
10   interconnected with common open space areas on  
11   abutting parcels wherever possible, including  
12   provisions for pedestrian pathways for general  
13   public to use to create linked pathway systems  
14   within the Township.

15          Q.    And where, if possible, has the  
16   applicant proposed a connection of trail or  
17   pedestrian pathways?

18          A.    We are proposing the Road L sidewalk is  
19   adjacent to the existing trail on the north  
20   side of West Pleasant Grove Road.

21          Q.    21, if you could just summarize that  
22   comment.  I don't believe it requires a  
23   response, but just for the record.

24          A.    The area of common open space shall be

1 made subject to such agreement with the  
2 Township and such deed restrictions, duly noted  
3 or duly recorded in the office of Chester  
4 County Recorder of Deeds, as they may be  
5 required by the Board of Supervisors for the  
6 purposes of preserving the common open space  
7 for such use.

8 Q. And will the applicant do that during  
9 land development?

10 A. Correct.

11 Q. Same with 22, if you could inform the  
12 Board what the comment was and whether the  
13 applicant is willing to do that during land  
14 development?

15 A. 22, the developer shall provide to the  
16 Township a description of the organization,  
17 including its bylaws and documents governing  
18 common open space maintenance and use  
19 restrictions.

20 Q. Will the applicant do that?

21 A. Yes. They will provide HOA documents  
22 during the land development process.

23 Q. What about comment 23, what does that  
24 require?

1           A.    There shall be no plantings, ground  
2 covers or other objects placed within the road  
3 rights-of-way above 18 inches in height.

4           Q.    And will the applicant's plans comply?

5           A.    We will comply.

6           Q.    24 deals with wetlands.  Could you  
7 please summarize the comment and what the  
8 applicant has done with respect to wetlands on  
9 the property?

10          A.    The wetlands shall be based on the  
11 professional analysis and identification of the  
12 individual who completed such analysis in  
13 accordance with 170-401 B of this chapter.  The  
14 applicant shall provide the curriculum vitae of  
15 the proposed wetlands consultant.

16                   The wetlands JD application has  
17 been submitted to the Army Corps, and we will  
18 forward the Army Corps' response once we have  
19 received it to the Township.

20          Q.    What is a wetlands JD application?

21          A.    Jurisdictional determination.

22          Q.    And who has jurisdiction over  
23 determining wetlands?

24          A.    The Army Corps of Engineers.

1 Q. 25 deals with the street layout. I  
2 believe you testified to that earlier; is that  
3 correct?

4 A. Correct.

5 Q. And what sheet shows the street  
6 layouts?

7 A. Plan, well, one of them is 4C.

8 Q. And there was also a street layout as  
9 part of the design process?

10 A. Correct.

11 Q. 26, I think that's a repeat. What does  
12 that deal with and what was the response?

13 A. The required parking for townhomes,  
14 apartments and multi-family dwellings.

15 Q. Does the plan comply?

16 A. Yes, it does.

17 Q. 27, what is that comment regarding?

18 A. Strong consideration shall be given to  
19 incorporation of LEED, Leadership in Energy and  
20 Environmental Design, certified building design  
21 principles recommended by the U.S. Green  
22 Building Council.

23 Q. That was just a comment from the  
24 township engineer?

1 A. Yes.

2 Q. 28, to the extent that it is  
3 applicable, is the plan compliant with the  
4 Township Comprehensive Plan?

5 A. Generally complies where applicable.

6 Q. And 29, what is that comment and how  
7 has the applicant addressed it?

8 A. 29, the demand created by the proposed  
9 use upon public services, facilities, such as  
10 water supply, sewage disposal, police, fire  
11 protection, emergency services, open space and  
12 recreational facilities, and the public school  
13 system has been considered and, where  
14 necessary, adequate arrangements for expansion  
15 or improvements are assured.

16 Q. What did the applicant do to address or  
17 at least analyze those issues?

18 A. They provided a physical impact  
19 analysis.

20 Q. And is that performed and will be  
21 testified to by another expert?

22 A. Yes.

23 Q. And what is remaining on the rest of  
24 the letter, it looks like --

1 A. General comments.

2 Q. Pages 5, 6, 7 to the top of 8 of  
3 Exhibit A-11; is that correct?

4 A. Yes.

5 Q. Okay. And has ESE addressed those  
6 comments?

7 A. Yes.

8 Q. And rather than going word for word  
9 through all of that, those responses, are they  
10 set forth clearly in Exhibit A-11?

11 A. Yes.

12 MR. ADELMAN: I have nothing  
13 further for Ms. Stewart at this time.

14 MR. MCKENNA: Let's take a  
15 five-minute recess for the court reporter's  
16 sake and then we will begin some questioning by  
17 those who requested party status, keeping in  
18 mind our end time of 10:00 o'clock. Thank you.

19 (Recess taken.)

20 MR. MCKENNA: Let's go back on  
21 the record. One real quick housekeeping  
22 matter. We had one additional request for  
23 party status from Jim McDermott of 1025  
24 Dunvegan Road. Mr. McDermott lives about a

1 half mile from the site. He is already a part  
2 of the Neighbors for Crebilly party request,  
3 but he has asked for it individually.

4 Mr. Adelman, you had chance to  
5 speak to him and review the party status form.  
6 Do you have any objection?

7 MR. ADELMAN: No objection based  
8 on his property location.

9 MR. MCKENNA: All right. Thank  
10 you. Mr. McDermott, you will be admitted as a  
11 part.

12 One other housekeeping matter.  
13 Typically at this point with Ms. Stewart we  
14 would begin cross-examination of the witness by  
15 anyone who is a party, for purposes of tonight  
16 whoever has requested party status. It is 9:35  
17 and there is no way we would finish that this  
18 evening.

19 In lieu of beginning the  
20 cross-examination, the applicant has offered to  
21 sort of go out of order and to offer their  
22 stormwater witness for this evening, and Mr.  
23 Adelman promises me he will finish at or close  
24 to 10:00 o'clock with that witness. He will

1       then bring both of those witnesses back with  
2       him in March so that any party will have an  
3       opportunity to cross-examine and question those  
4       witnesses, so you will not lose that chance. I  
5       would like to go ahead and allow him to do so.  
6       I've spoken with the Board and they are in  
7       agreement with that process.

8                       So, Mr. Adelman, if you wouldn't  
9       mind going ahead and calling your stormwater  
10      witness, please.

11                      MR. ADELMAN: Sure, absolutely.  
12      Thank you. I would like to call Jeff Madden to  
13      testify, please, and be sworn.

14                      JEFFREY M. MADDEN,  
15                      the witness herein, having first been  
16                      duly sworn on oath, was examined and  
17                      testified as follows:

18                      DIRECT EXAMINATION

19      BY MR. ADELMAN:

20                      Q. Jeff, please state your name and  
21      business address for the record.

22                      A. I do.

23                      Q. Please state your name and business  
24      address for the record.



1           A.   Jeffrey Madden.   Business address is  
2   250 Gibraltar Road, Suite 2E, Horsham, Pa.,  
3   19044.

4                   MR. MCKENNA:   Mr. Madden, get  
5   real close to that microphone, please.

6           Q.   Make sure you speak slowly, please.  
7   Thank you.

8                   Jeff, I would like to show you in  
9   the binder in front of you what I have marked  
10  as Exhibit A-12.   Would you identify that for  
11  the record, please.

12          A.   That is my curriculum vitae.

13          Q.   And could you please tell the Board  
14  about your educational background.

15          A.   I have a civil engineering degree from  
16  Drexel University.

17          Q.   And would you please tell the Board  
18  about your professional experience.

19          A.   My professional experience is 20 years  
20  of civil engineering, working in several states  
21  on large residential subdivisions, and  
22  pertaining to roads, grading, storm sewer,  
23  stormwater and E&S.

24          Q.   Are you a registered or licensed

1 professional engineer in the Commonwealth of  
2 Pennsylvania?

3 A. Yes, I am.

4 Q. And by whom are you employed and in  
5 what capacity?

6 A. ESE Consultants, Inc. I'm a senior  
7 project engineer.

8 Q. How long have you been with ESE?

9 A. Roughly 20 years.

10 Q. As part of your regular employment  
11 duties do you design and engineer site plans  
12 and layouts for subdivisions and land  
13 developments?

14 A. Yes, I do.

15 Q. In doing so do you interpret and apply  
16 the ordinances and regulations?

17 A. Yes, I do.

18 Q. Do you also, I think you also  
19 testified, design and engineer and permit  
20 stormwater management systems?

21 A. Yes, I do.

22 MR. ADELMAN: I would offer Jeff  
23 Madden as an expert in civil engineering and  
24 site design, and open him up for questioning.

1 MR. MCKENNA: Thank you, Mr.  
2 Adelman. I don't believe the Board has any  
3 qualifications questions for the witness. Does  
4 any member or potential party? Yes, Mr.  
5 Crawford.

6 MR. CRAWFORD: Will the testimony  
7 be limited to stormwater? Or the other factors  
8 as well?

9 MR. ADELMAN: It will be limited  
10 to stormwater at this time.

11 MR. MCKENNA: Anyone else?

12 Hearing none, Mr. Madden will be  
13 admitted as an expert. It was in civil  
14 engineering and site design?

15 MR. ADELMAN: That's correct.

16 MR. MCKENNA: Thank you.

17 MR. ADELMAN: Thank you.

18 BY MR. ADELMAN:

19 Q. Jeff, what is your involvement in the  
20 proposed development?

21 A. I am the lead preparer of the plans for  
22 the subdivision.

23 Q. You are the project engineer?

24 A. Correct.

1 Q. Did you engineer the stormwater  
2 management system for the conditional use plan?

3 A. Yes, I did.

4 Q. And what ordinances and regulations did  
5 you review in preparing the stormwater  
6 management design?

7 A. Chapter 144 of the Stormwater  
8 Management Ordinance, the PA DEP Chapter 102  
9 stormwater regulations.

10 Q. I would like to show you what I have  
11 marked as Exhibit A-13. Can you identify that  
12 for the record, please?

13 A. That is the Stormwater Management  
14 Narrative for Crebilly Farm, dated October  
15 2016.

16 Q. And is that your seal on the first  
17 page?

18 A. Yes, it is.

19 Q. So did you prepare this Stormwater  
20 Management Narrative?

21 A. Yes, I did.

22 Q. And was it submitted with the  
23 conditional use application?

24 A. Yes, it was.

1 Q. And was it subsequently revised?

2 A. Yes, it was.

3 Q. Why was it revised?

4 A. In regards to the township engineer's  
5 response.

6 Q. Are you referring to, I think it is  
7 Exhibit A-10, December 9, 2016, McCormick  
8 Taylor letter?

9 A. That's correct.

10 Q. And was the revision included as part  
11 of Exhibit A-11 that Ms. Stewart previously  
12 testified to, the ESE January 31 response  
13 letter?

14 A. That's correct.

15 Q. If you could give the Board and the  
16 public a general overview of how you went about  
17 designing the stormwater management system for  
18 the proposed development. And if you need to  
19 refer to any plans that were previously  
20 submitted, please let us know and we will have  
21 them put up on the aerial.

22 A. Sure. This plan is fine. This is  
23 Exhibit A-6, the rendered sheet 4A of the plan  
24 set. The subdivision itself 322 acres,

1 majority of the site drains toward the western  
2 property to a culvert under South New Street.  
3 Roughly 300 plus acres drain to that.

4 And the other portion of the site  
5 for stormwater management is roughly ten plus  
6 acres which drain to the east, to, again, to a  
7 culvert which is underneath Route 202,  
8 Wilmington Pike.

9 The site characteristics are  
10 generally woods and road crops. They will be  
11 used as the cover for the stormwater management  
12 of the pre-developed existing conditions.  
13 Woods will be used as part of the ordinance  
14 requirement. The road crops were converted to  
15 meadow to classify for the pre-development  
16 flows.

17 Q. And what watershed or watersheds is the  
18 property located in?

19 A. The property to the, again, the large  
20 portion of the property to the west, it goes  
21 under South New Street, drains to the Radley  
22 Run, which is part of the Brandywine Creek  
23 Watershed. That's classified as warm water  
24 fisheries and migratory fisheries.

1 THE COURT REPORTER: I'm sorry,  
2 that's classified as?

3 A. Sorry. Warm water fishing and  
4 migratory fishing. I'll try to slow down.

5 And the eastern portion of the  
6 site drains to the Chester Creek, which is part  
7 of the Chester Creek Watershed, and those are  
8 trout stocking fisheries and migratory  
9 fisheries.

10 Q. Okay. So neither of the watersheds are  
11 high quality or exceptional value?

12 A. That is correct.

13 Q. And did you consider the suitability of  
14 the soils on the site for stormwater purposes?

15 A. Yes, we did, we considered the soils  
16 for infiltration.

17 Q. I would like to direct your attention  
18 to what I have marked as Exhibit A-14. And  
19 could you identify that document for the  
20 record, please.

21 A. That is a report of preliminary  
22 geotechnical exploration of Crebilly Farm by  
23 GTA Associates, dated October -- sorry -- dated  
24 August 2016.

1 Q. And what did GTA evaluate and what did  
2 they conclude?

3 A. They evaluated the infiltration  
4 testing. And the, in generality, the overall  
5 site is conducive to infiltration.

6 Q. And how did those findings relate to  
7 your proposed stormwater management design?

8 A. We used their testing results to design  
9 the basins with the minimum infiltration of a  
10 half of an inch per hour, and in meeting the  
11 department, the DEP and the township regs.

12 Q. Did you include this report in your  
13 Stormwater Management Narrative submitted to  
14 the Township?

15 A. Yes, we did.

16 Q. How does your stormwater management  
17 system or how does the proposed stormwater  
18 management system function?

19 A. On the global scale, in generality, the  
20 lots and the roads would be conveyed through  
21 storm sewer or overland flow to the stormwater  
22 basins. There are nine of them on the site,  
23 which are generally located at the lower  
24 portions of the site along the stream, along



1 the watersheds, and once the water gets to the  
2 basins, they are then routed through the basins  
3 and discharged so that the flows and the  
4 volumes are reduced to the township and DEP  
5 regulations.

6 Q. What about infiltration, are they  
7 designed to infiltrate the basins?

8 A. All nine basins are designed to  
9 infiltrate, with a minimum infiltration  
10 capacity of a half an inch per hour.

11 Q. Where do those regulations come from?

12 A. They are from the DEP manual.

13 Q. What manual?

14 A. The NPDES manual.

15 Q. You talked about the discharge. What  
16 do the basins discharge?

17 A. The discharge of the basins would drain  
18 toward the watercourses on the site and  
19 ultimately go either underneath Radley Run,  
20 over by South New Street, or to the culvert  
21 underneath Route 202, Wilmington Pike.

22 Q. Does the stormwater management system  
23 address water quality?

24 A. Yes, it does.

1 Q. How?

2 A. The basins themselves will treat the  
3 water for water quality to either infiltrate  
4 into the ground, which will then help cleanse  
5 the water through the soils, and also contact  
6 time in the basin, and help the solids to  
7 settle out into the basins before discharging  
8 into the watercourses.

9 Q. And will the stormwater system  
10 implement what is called best management  
11 practices?

12 A. Yes, they will.

13 Q. What is a best management practice?

14 A. Best management practice is a DEP term  
15 that effectively treats stormwater management  
16 that is used to protect the water quality of  
17 the site.

18 Q. And can you give me some examples of  
19 best management practices that may be  
20 implemented as part of this stormwater system?

21 A. Sure. The site for structural or  
22 qualitative uses, that's infiltration basins  
23 and landscape restoration, both of those would  
24 have a qualitative amount of total suspended

1 solids, total pollutants and nitrates that  
2 could be removed using these techniques  
3 throughout the site.

4 Other implementations of BMPs on  
5 the site include some nonstructural and hard to  
6 quantify, the protecting of sensitive and  
7 special features on the site, the protection of  
8 the riparian buffers, clustering of the  
9 development, rooftop disconnection overland,  
10 and planting of native species on the site.

11 Q. And when will you decide what best  
12 management practices to implement?

13 A. We will decide that during the land  
14 development process.

15 Q. Do you have an opinion as to whether  
16 the proposed stormwater management system is  
17 feasible?

18 A. Yes, the overall stormwater management  
19 system will control the required rate and  
20 volume of both the township and DEP  
21 regulations.

22 Q. Okay. And you just touched on it, but  
23 who will have to review, approve and permit the  
24 stormwater management system?

1           A.    The Township, the Conservation District  
2           and ultimately the DEP.

3           Q.    Do you know if the township engineer  
4           has preliminarily reviewed the stormwater  
5           management system?

6           A.    Yes, he has.

7           Q.    And was his review included in the  
8           review letter, I think it is Exhibit A-10?

9           A.    Yes, it was.

10          Q.    If I could turn to Exhibit A-11, I  
11          think there were three or four comments that  
12          were responded to in there.  So if we look at  
13          A-11, I believe starts on comment No. 10 on  
14          page 2 of A-11.  Do you have that in front of  
15          you?

16          A.    Yes, I do.

17          Q.    Could you please summarize what comment  
18          10 involved and what their response was?

19          A.    Comment 10 in generality asks that the  
20          applicant has provided a stormwater management  
21          narrative for the site.  Although the subject  
22          stormwater system proposed demonstrates the  
23          feasibility of everything, there could be some,  
24          some changes to the stormwater management

1 during the land development process.

2 Q. What was our response? What was the  
3 applicant's response?

4 A. At this time no response is required.  
5 But the stormwater system will be fully  
6 designed and permitted during the land  
7 development process.

8 Q. Okay. The next comment, comment No. 11  
9 on page 3 of Exhibit A-11, what did that  
10 pertain to and how was it addressed?

11 A. Comment No. 11 pertained, was  
12 requesting that we change some verbiage that we  
13 erroneously put in there for, in reference to  
14 what we called one time the Darby Crum Creek  
15 Watershed, which we later clarified to be part  
16 of the Chester Creek Watershed.

17 This requirement of the Chester  
18 Creek Watershed requires that there be 50  
19 percent reduction in flows for each design  
20 storm from post-development to pre-development.

21 Q. And was that addressed in your revised  
22 narrative submitted with the January 31st  
23 response?

24 A. Yes, it was.

1 Q. If we can go to No. 12, as a general  
2 comment, and what was the response?

3 A. No. 12 is that, in concept, the  
4 stormwater along 202 is applicable, but a more  
5 detailed plan for the area will be done during  
6 the land development process. And ultimately,  
7 that's what our response is, that the townhouse  
8 area along Route 202 will be designed fully  
9 during the land development process.

10 Q. Okay. And comment No. 13 I think dealt  
11 with access to the basins. Could you summarize  
12 that and how that access was addressed?

13 A. Yes. Each of the basins is required to  
14 have access down to the basins themselves, and  
15 majority of the basins themselves are in close  
16 proximity to the roads, so what we will do is  
17 create a basin access path from a particular  
18 road down to the closest basin and an easement  
19 toward the open space.

20 Q. When would those accesses be fully  
21 designed?

22 A. They, again, would be done during the  
23 land development process.

24 Q. And I think a couple of minutes ago you

1 testified that there may be changes during land  
2 development in terms of the stormwater design.  
3 Is that typical?

4 A. Yes, that is very typical, as more  
5 information is gathered and reviewing agencies  
6 get more information as well.

7 Q. So you would likely go through a review  
8 process during land development?

9 A. That's correct.

10 Q. I think today we received a letter from  
11 the township consultant. It was introduced as  
12 Exhibit B, as in boy, 25. If we can turn to  
13 that. I don't know if you have that in front  
14 of you. I'll give it to you.

15 A. I do have it here.

16 Q. Could you identify that letter for the  
17 record, please?

18 A. Sure. The letter, dated February 22nd,  
19 2017, from Cedarville Engineering Group, LLC,  
20 to the Westtown Township Board of Supervisors,  
21 attention: Rob Pingar.

22 Q. Did you have an opportunity to review  
23 this letter today?

24 A. Yes, briefly.

1 Q. And generally, what does this letter  
2 relate to or address?

3 A. It relates and requests some  
4 information that the township uses as part of  
5 their MS4 permit.

6 Q. What is an MS4 permit?

7 A. An MS4 permit is the township's arm of  
8 the NPDES permit which requires the township to  
9 meet certain standards for water quality into  
10 their watercourses through their township.

11 Q. And what is an NPDES permit?

12 A. An NPDES is a National Pollutant  
13 Discharge Elimination System permit that the  
14 DEP requires the applicant for each site to do.

15 One of the requirements of the  
16 NPDES permit is to reduce the two-year  
17 post-development volume down to the two-year  
18 pre-development volume for infiltration  
19 practices or other BMPs throughout the site.

20 Q. Will the applicant have to address the  
21 MS4 requirements when they are doing through  
22 NPDES application?

23 A. For the site itself, we will do our  
24 portion to obtain our NPDES permit for our



1 site.

2 Q. What was being suggested here by the  
3 township consultant in terms of the best  
4 stormwater management system?

5 A. Their recommendation was stream  
6 restoration along the four, just assuming the  
7 four corridors of watersheds throughout the  
8 site. And then another technique was the use  
9 of a forested riparian buffer, forested.

10 Q. Will the applicant analyze whether  
11 those aspects are feasible?

12 A. Yes, we will.

13 Q. And that's done during what stage?

14 A. Again, during the land development  
15 process.

16 MR. ADELMAN: All right. I have  
17 nothing further for Mr. Madden.

18 MR. MCKENNA: All right. Unless  
19 the Board has any questions they want to ask  
20 now, I would suggest we wrap up the proceedings  
21 for this evening.

22 All right. Mr. Adelman, do you  
23 have any other housekeeping issues for this  
24 evening?

1                   MR. ADELMAN:  None at this time,  
2           Mr. McKenna.

3                   MR. MCKENNA:  All right.  Ladies  
4           and gentlemen, we are going to continue the  
5           hearing tonight.  As I mentioned earlier, both  
6           the witnesses for stormwater and the land  
7           planner that you heard this evening will be  
8           back in March.  Any of the parties will have  
9           the opportunity to cross-examine those  
10          witnesses.  Mr. Adelman will have the chance to  
11          rebut any cross-examination.  And then I  
12          presume he would have other witnesses for us  
13          that evening as well.

14                   Another quick housekeeping issue.  
15          I have extra copies of the Board exhibits, B-1  
16          through B-25, for anyone who sought party  
17          status here this evening who is interested.  I  
18          will tell you that we are going to try to  
19          figure out a way to get all of the Board  
20          exhibits and the Applicant's exhibits up on the  
21          township's website so you will be able to view  
22          it electronically.  Nevertheless, I have extra  
23          copies of mine here.  If you are so inclined,  
24          you are welcome to take one.

1                   We are going to continue the  
2                   hearing this evening until March 29th. That  
3                   hearing will be at Rustin. I apologize for the  
4                   fact that we keep switching locations. You are  
5                   going to hear that more than once. And we are  
6                   subject to the availability of the room by the  
7                   School District and we've had a difficult time  
8                   securing the room.

9                   So we are going to continue the  
10                  hearing until March 29th at Rustin, and we will  
11                  start again at 6:00 o'clock, we will go until  
12                  10:00 p.m. No new notice will be run in the  
13                  newspaper for the hearing. However, I am sure  
14                  it will be on the township website. It will go  
15                  out on the LISTSERV multiple times before then.

16                  Anything further from the Board?

17                  MS. DEWOLF: I would just explain  
18                  how to get on the LISTSERV if they are not on  
19                  there already.

20                  MR. MCKENNA: If you are not on  
21                  the LISTSERV, I would contact the township.  
22                  They will explain to you how to do so. The  
23                  website itself lists how to become a part of  
24                  the LISTSERV. The LISTSERV sends e-mails out

1 from the township on a regular basis so you can  
2 stay informed on what is going on.

3 Thank you, all. Appreciate you  
4 being here this evening. We will stand in  
5 continuance.

6 (Proceedings conclude at 9:58  
7 p.m.)

8 - - - - -

9  
10 I N D E X

11	<u>WITNESS</u>	<u>DIRECT</u>
12	Emily Stewart	114
13	Jeffrey M. Madden	176
14		
15		

16 E X H I B I T S

17 BOARD OF SUPERVISORS EXHIBITS

18 B-1 - Notice of hearing  
19 B-2 - Proof of publication of notice *Daily*  
20 *Local News*, on 2/1, 2/8/2017  
21 B-3 - Affidavit of posting of notice by Chris  
22 Patriarca, Westtown Township Zoning Officer,  
23 2/3/2017, with list of property owners  
24 receiving notice

1        BOARD OF SUPERVISORS EXHIBITS

2        B-4 - Tax parcel map depicting location of  
3        subject 11 parcels

4        B-5 - Westtown Township Code, Chapter 170,  
5        Zoning (by reference)

6        B-6 - Conditional use application, 10/2016

7        B-7 - Letters, 11/3/2016, 1/18/2017, 1/19/2017,  
8        from Gregg Adelman, granting extensions to  
9        conduct conditional use hearing .

10       B-8 - Letter, 11/3/2016, from Gregg Adelman,  
11       requesting the recusal of John Snook, Westtown  
12       Township planning consultant

13       B-9 - Letter, 11/29/16, from myself, denying  
14       request for recusal of John Snook

15       B-10 - Conditional use application completeness  
16       review letters from Chris Patriarca, Township  
17       Zoning Officer, 11/17/2016 12/22/2016

18       B-11 - Pocopson Township Resolution No. 2017-4,  
19       1/23/2017, expressing concerns with conditional  
20       use application

21       B-12 - Review letter from Chester County  
22       Planning Commission, 12/7/2016

23       B-13 - Review letter from McCormick Taylor,  
24       Township Civil Engineer, 12/9/2016

1        BOARD OF SUPERVISORS EXHIBITS

2        B-14 - Review letter from Carroll Engineering  
3        Corporation, Township sanitary sewer  
4        consultant, 1/6/2017

5        B-15 - Historical Aspects of Crebilly Farm  
6        presentation, Westtown Township Historical  
7        Commission, 12/2016

8        B-16 - Review letter from John Snook,  
9        Brandywine Conservancy, 12/15/2016

10       B-17 - Fiscal Impact Analysis and Peer Review,  
11       Todd Poole, 4Ward Planning, 2/3/2017

12       B-18 - Review letters, Al Federico, Kimley  
13       Horn, Township Traffic Engineer, 12/27/2016,  
14       2/6/2017

15       B-19 - Review from the Westtown-East Goshen  
16       Police Chief Brenda Bernot, 1/23/2017

17       B-20 - E-Mail review, Daniel Matthews, Jr.,  
18       Fame Fire Company, 2/12/2017

19       B-21 - Letter from Kristin Camp, 2/16/2017,  
20       recommendation of Westtown Township Planning  
21       Commission for the conditional use application  
22  
23  
24

1        BOARD OF SUPERVISORS EXHIBITS

2        B-22 - Transportation Impact Study Scoping  
3        Meeting Application, prepared by McMahon  
4        Transportation Engineers and Planners,  
5        11/7/2016

6        B-23 - Pennsylvania Department of  
7        Transportation Preliminary Review of the  
8        Transportation Impact Study Scoping Meeting  
9        Application, 12/6/2016

10       B-24 - Five-page presentation of Battle of  
11       Brandywine - Flanking Movement of Cornwallis  
12       Impacting Crebilly, prepared by Sean Moir,  
13       Western Heritage Mapping

14       B-25 - Review letter, Cedarville Engineering  
15       Group, Westtown Township Stormwater Management  
16       Consultant, 2/22/2017

17

18       APPLICANT'S EXHIBITS

19       A-0 - Aerial map of subject property

20       A-1 - Emily Stewart CV

21       A-2 - Plan A/Proposed Development, plan set, 45  
22       sheets, 10/7/16

23       A-3 - Plan A/Proposed Development, plan set, 45  
24       sheets, 10/7/16, last revised 12/8/2016

1        APPLICANT'S EXHIBITS

2        A-4 - Deeds

3        A-5 - Redacted Agreement of Sale

4        A-6 - Sheet 4A of 45, plan set, Plan A

5        A-7 - Plan A Alternative Proposal 30' Spacing  
6        Development

7        A-8 - Geo-Technology Associates, Inc., 10/11/16  
8        letter report

9        A-9 - Carroll Engineering Corporation, 1/6/17  
10       letter report

11       A-10 - McCormick Taylor 12/9/16 letter report

12       A-11 - ESE 1/31/17 response letter, with  
13       attachments

14       A-12 - Jeffrey M. Madden CV

15       A-13 - Stormwater Management Narrative,  
16       Oct. 2016

17       A-14 - GTA Report of Preliminary Geotechnical  
18       Exploration, August 2016

19

20       CERTIFICATE OF REPORTER

PAGE 201

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24



1 Commonwealth of Pennsylvania )  
2 Chester County )

3

4

5 CERTIFICATE OF REPORTER

6

7 I, Eleanor J. Schwandt, Registered  
8 Merit Reporter and Notary Public, do hereby  
9 certify that the foregoing record, pages 1 to  
10 200 inclusive, is a true and accurate  
11 transcript of my stenographic notes taken on  
12 February 22, 2017, in the above-captioned  
13 matter.

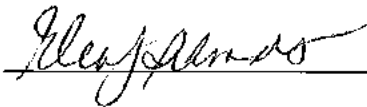
14

15 IN WITNESS WHEREOF, I have hereunto  
16 set my hand and seal this 4th day of March,  
17 2017.

18

19

20

  
\_\_\_\_\_  
Eleanor J. Schwandt

21

22

23

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