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

VOLUME 2

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

Hearing was held at the Bayard
Rustin High School, Auditorium, 1100 Shiloh
Road, West Chester, Pennsylvania, on
Wednesday, March 29, 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

ELEANOR J. SCHWANDT, RMR
COURT REPORTER

ORIGINAL

1 APPEARANCES:

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

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

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

9 THOMAS OESTE, Esquire
10 on behalf of Pennsbury Township

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

13 MARK THOMPSON, Esquire
14 on behalf of Neighbors for Crebilly, LLC

15 - - - - -

16 THE CHAIRMAN: Good evening
17 everyone. Welcome to our conditional use
18 hearing for the Crebilly tract and Toll
19 Brothers developers. If you would please rise
20 for our Pledge of Allegiance to the flag.

21 (Pledge of Allegiance takes
22 place.)

23 THE CHAIRMAN: Thank you. Let me
24 introduce the Westtown Township Board of
25 Supervisors. I would like to introduce Carol
26 DeWolf, vice chair; Mr. Tom Haws, police
27 commissioner; myself, Chair, Mike DiDomenico.

1 To my left is Mr. Rob Pingar, our Township
2 Manager; and Mr. Pat McKenna, counsel,
3 solicitor. And at this time I will turn the
4 hearing over to Mr. Pat McKenna who is kind of
5 moving around.

6 MR. MCKENNA: Thank you, Mr.
7 Chairman. Can everyone hear us okay so far?

8 All right. Thank you. Good
9 evening. Welcome to tonight's hearing, which
10 is a continuation from the hearing in February.
11 We have a number of preliminary matters that we
12 have to get through relative to last month's
13 hearing, so I would ask everyone to just bear
14 with us as we get through some housekeeping
15 matters.

16 I have provided copies already to
17 the applicant and to Ms. Camp and to Mr.
18 Thompson and others of Board Exhibit 26, which
19 we are marking this evening, which is
20 Willistown Township Resolution 11 of 2017,
21 dated February 27th, 2017. That expresses
22 concerns of the township relative to the
23 conditional use application. So that's the
24 first matter to get through this evening.

1 The second I would like to go
2 through with the applicant is relative to the
3 numerous requests we had for party status last
4 month. There were a number of parties that
5 were objected to, the bulk of which were not,
6 but some that were and some that were
7 conditionally objected to, the first being
8 Westminster Presbyterian Church. The church
9 has since provided a resolution to the
10 applicant.

11 Mr. Adelman, are you okay then
12 with that paperwork to admit them as a party?

13 MR. ADELMAN: Yes, I am.

14 MR. MCKENNA: Same situation for
15 the Quarry Swimming Association, which handed
16 up a letter this evening authorizing
17 Christopher Feryo to represent the association
18 at the hearing. Are you okay with the swimming
19 association now becoming a party?

20 MR. ADELMAN: Yes, we are.

21 MR. MCKENNA: Additionally, West
22 Glen HOA, Mr. Bevilacqua handed up a resolution
23 from the HOA this evening. Any objection to
24 their being a party?

1 MR. ADELMAN: No objection.

2 MR. MCKENNA: There is a
3 resolution that was provided today by Gary
4 Bevilacqua as well for the West Chester Area
5 School District, authorizing Mr. Bevilacqua or
6 Mr. Scanlon to appear on their behalf. Any
7 objection to the school district being a party?

8 MR. ADELMAN: No objection.

9 MR. MCKENNA: Thank you. There
10 was an objection conditional last time we were
11 here for Neighbors for Crebilly. I believe Mr.
12 Thompson has provided additional information to
13 the applicant. Is there any objection to
14 Neighbors for Crebilly at this point becoming a
15 party?

16 MR. ADELMAN: Not on the basis of
17 what was supplied.

18 MR. MCKENNA: Thank you. All
19 right. That leaves a number of parties that
20 were objected to from the last hearing that are
21 not stipulated to at this point. The Board has
22 asked me to make a motion on their behalf
23 relative to those individuals. The first for
24 the Board's consideration is a motion to deny

1 party status for the following that requested
2 it: Pennsbury Township, Patrick McDonough,
3 William Worth, Cece Whomsley and Sally
4 Hammerman. Is there anyone on the Board that
5 would like to make that motion?

6 MR. HAWS: So move.

7 THE CHAIRMAN: Second.

8 MR. MCKENNA: Any further
9 discussion?

10 All in favor?

11 MR. HAWS: Aye.

12 MS. DEWOLF: Aye.

13 THE CHAIRMAN: Aye.

14 MR. MCKENNA: The Board has asked
15 me to make another motion relative to
16 additional party status requests. They have
17 asked me to make a motion to permit party
18 status for the following: Westtown Township
19 Planning Commission, Mr. Jim Cahill, and Megan
20 Bruns. Is there anyone on the Board that would
21 like to make that motion?

22 MR. HAWS: So moved.

23 MR. MCKENNA: Second?

24 THE CHAIRMAN: Second.

1 MR. MCKENNA: Any further
2 discussion? All in favor?

3 MR. HAWS: Aye.

4 MS. DEWOLF: Aye.

5 THE CHAIRMAN: Aye.

6 MR. MCKENNA: Thank you. So that
7 is the party status issues from last month.
8 Between the time of the hearing last month and
9 this evening some additional communication was
10 received by the township relative to party
11 status. I want to see if those individuals are
12 here this evening. The first is Carol Weller.
13 Is Ms. Weller here, 1150 Lake Drive?

14 Okay. Not hearing, I'm going to
15 move on from that one. How about anyone for
16 the Arborview HOA? We received an e-mail from
17 Michele Barbacane.

18 Yes, ma'am. Can you come
19 forward, please. Thank you, ma'am. Mr. Pingar
20 has just handed me a party request form for the
21 Arborview Homeowners Association and it appears
22 to be appointing William Hoffman. Is Mr.
23 Hoffman here?

24 MR. HOFFMAN: Yes.

1 MR. MCKENNA: Let me share this
2 with the applicant real quick.

3 Mr. Hoffman, do you have a title
4 or position with the HOA?

5 MR. HOFFMAN: No, I do not.

6 MS. HOFFMAN: I do. This is
7 Lauren Hoffman. I'm the treasurer of the HOA.

8 MR. MCKENNA: Is the HOA
9 appointing you, Mr. Hoffman?

10 MS. HOFFMAN: We are appointing
11 Mr. Hoffman.

12 MR. ADELMAN: Ms. Hoffman, was
13 the authorization the letter that you submitted
14 done pursuant to a board meeting?

15 MS. HOFFMAN: Yes, it was.

16 MR. ADELMAN: Can we have some
17 type of confirmation of the board meeting at
18 which it was done? It just looks like it was
19 just a regular letter as opposed to a formal
20 resolution, so to speak, voted on by the board.

21 MS. HOFFMAN: To have him
22 appointed versus one of the board members?

23 MR. ADELMAN: Yes.

24 MS. HOFFMAN: That's not a

1 problem. We had some -- I was originally going
2 to serve, but I am an attorney and my
3 compliance department, I'm in-house, doesn't
4 approve of these types of designations.

5 MR. ADELMAN: Totally fine.

6 MS. HOFFMAN: Had to do it last
7 minute.

8 MR. ADELMAN: Understood.

9 MR. MCKENNA: Mr. Adelman, is it
10 safe to assume conditional approval by getting
11 further documentation from the HOA?

12 MR. ADELMAN: That's correct.

13 MR. MCKENNA: Thank you.

14 MS. HOFFMAN: Thank you.

15 MR. MCKENNA: Patricia and Dennis
16 McFadden, are either of the McFaddens here?
17 Good evening.

18 MR. MCFADDEN: Hi.

19 MR. MCKENNA: Mr. Adelman, the
20 McFaddens sent us an e-mail. Did you fill out
21 a party status form?

22 MR. MCFADDEN: Yes, we did. We
23 went with the Neighbors for Crebilly, submitted
24 in there.

1 MR. MCKENNA: It is included in
2 that packet as well?

3 MR. MCFADDEN: Yes.

4 MR. MCKENNA: They reside at 1010
5 General Greene Drive. Mr. Adelman, any
6 objection to the McFaddens being a party?

7 MR. ADELMAN: I don't have an
8 objection based on the location of the
9 property.

10 MR. MCKENNA: Thank you. You
11 will be admitted as parties.

12 Matthew and Linda Reichert, are
13 the Reicherts here this evening?

14 I'm not seeing the Reicherts.

15 Jennifer and Edmund Stafford, 951
16 South New Street, are the Staffords here?

17 The Staffords do not appear to be
18 here. Give me one moment, please.

19 Mr. Adelman, I didn't ask, but is
20 there any stipulation as to the Wellers,
21 Stafford or Reichert?

22 MR. ADELMAN: Well, no. I mean
23 they are not present to testify this evening,
24 so we would object at this time. And I did

1 note that the Staffords' property I think is
2 even --

3 MS. DEWOLF: Can you speak up,
4 please.

5 MR. ADELMAN: I'm sorry. This
6 microphone is a little sensitive. I'm going to
7 have to stick it up to my lips, but I wasn't
8 planning on that.

9 MS. DEWOLF: That's better.

10 MR. ADELMAN: The Staffords I
11 believe are located four-fifths of a mile away,
12 so I definitely would object on that basis. In
13 their actual form requesting party status they
14 stated that. So based on proximity, I would
15 certainly object to the Staffords being granted
16 party status as not being close enough to the
17 property.

18 With respect to the other
19 parties, they are not here to enter their
20 appearance so I can't ask them any questions.
21 So I object at this time based on that.

22 And, Pat, just for the record,
23 again, I would note my objection as to
24 continual party status requests even though the

1 hearing has started and the record has been
2 opened.

3 MR. MCKENNA: Understood. We did
4 have some people recently come in and I want to
5 make sure, is Carol Weller here, Jennifer
6 Stafford, or Linda or Matt Reichert?

7 MR. REICHERT: I am.

8 MR. MCKENNA: I'm sorry, sir,
9 your name?

10 MR. REICHERT: Matt Reichert.

11 MR. MCKENNA: Mr. Reichert, Mr.
12 Adelman may have some questions for you. Mr.
13 Reichert lives on West Pleasant Grove Road.

14 MR. REICHERT: 301, 705. We also
15 have a lot. So three pieces of property.

16 MR. MCKENNA: He did submit a
17 party status form.

18 MR. ADELMAN: Right. I don't
19 have any objection, based on the location of
20 their property, that they are here to enter
21 their appearance this evening.

22 MR. REICHERT: Thank you.

23 MR. MCKENNA: Mr. Reichert, you
24 would be admitted as a party.

1 MR. REICHERT: Thank you.

2 MR. MCKENNA: Is Carol Weller
3 here, or Edmond and Jennifer Stafford?

4 As to the Wellers and the
5 Staffords, then, does the Board want to make a
6 motion one way or the other?

7 MR. HAWS: I make a motion to
8 deny both applicants.

9 MR. MCKENNA: For party status?

10 MR. HAWS: Yes.

11 MR. MCKENNA: Is there a second?

12 THE CHAIRMAN: Second.

13 MR. MCKENNA: Any discussion?

14 MS. DEWOLF: I would prefer to
15 wait and find out and identify what the
16 situation is, given that the Wellers are very
17 close on Lake Drive and the Staffords are on
18 South New Street. If my Board is opposed to
19 that, that's --

20 MR. MCKENNA: According to Ms.
21 Weller's e-mail, she was also a member of the
22 Neighbors for Crebilly group. She was
23 concerned the Neighbors for Crebilly would not
24 receive party status and was doing this as a

1 back-up. Correct.

2 MS. DEWOLF: Okay. I'm fine with
3 that one. Is that true for Stafford as well?

4 MR. MCKENNA: No.

5 A VOICE: Can't hear you.

6 MR. MCKENNA: I apologize. We
7 only have two microphones. We are going to do
8 the best we can.

9 No, it is not true for Staffords.

10 MS. DEWOLF: Okay.

11 THE CHAIRMAN: The question is
12 can we deny --

13 MR. HAWS: We have a motion
14 denying both on the table right now.

15 MS. DEWOLF: We have a first and
16 a second. That's fine. I have done my
17 comment. You can go ahead and vote.

18 THE CHAIRMAN: The question is,
19 since they are part of the party status of the
20 Neighbors for Crebilly --

21 MS. DEWOLF: Oh.

22 THE CHAIRMAN: -- they are
23 automatic.

24 MR. HAWS: We are denying their

1 individual?

2 THE CHAIRMAN: We are denying
3 individual, that was my question.

4 MR. MCKENNA: That's correct.
5 Yes, that is correct. The motion has been made
6 and seconded to deny party status to Weller and
7 Stafford. Any further discussion? If not, we
8 will call a vote.

9 MS. DEWOLF: I'm fine.

10 MR. MCKENNA: All in favor of the
11 motion?

12 MR. HAWS: Aye.

13 MS. DEWOLF: Aye.

14 THE CHAIRMAN: Aye.

15 MR. MCKENNA: Anybody opposed?

16 MS. WELLER: Hi. I'm Carol
17 Weller. I just got here. I'm sorry.

18 MR. MCKENNA: Ms. Weller,
19 welcome.

20 MS. WELLER: Hi. How are you? I
21 have been to every meeting.

22 MR. MCKENNA: All right. Let's
23 go back a second. Thank you for speaking up.
24 I appreciate that.

1 MS. WELLER: Yes, yes.

2 MR. MCKENNA: We almost got
3 through that.

4 Mr. Adelman, coming back to Ms.
5 Weller, she lives on Lake Drive, which I will
6 note is very close proximity.

7 MS. WELLER: And Radley Run runs
8 through my property.

9 MR. MCKENNA: Ma'am, have you
10 filled out a party status form as part of the
11 Neighbors for Crebilly application?

12 MS. WELLER: Yes, I did. And I
13 also wrote a letter to Chris Patriarca.

14 MR. MCKENNA: That's what I'm
15 referring to.

16 MS. WELLER: Okay.

17 MR. MCKENNA: Mr. Adelman, based
18 on that, any objection to Ms. Weller since she
19 is here?

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

22 MR. MCKENNA: Is the Board okay
23 amending your motion to permit Ms. Weller to be
24 a party?

1 MR. HAWS: So moved.

2 THE CHAIRMAN: Seconded.

3 MR. MCKENNA: All in favor?

4 MR. HAWS: Aye.

5 MS. DEWOLF: Aye.

6 THE CHAIRMAN: Aye.

7 MR. MCKENNA: Ms. Weller, you
8 will be admitted as a party.

9 MS. WELLER: Thank you.

10 MR. MCKENNA: Last call on the
11 Staffords then. Any of the Staffords here this
12 evening? All right.

13 To confirm for the record then,
14 is the Board in agreement to deny the Staffords
15 the party request, as you have already voted?

16 MR. HAWS: Yes.

17 MR. MCKENNA: All right. So
18 anything further, Mr. Adelman, from any
19 housekeeping status?

20 MR. ADELMAN: I don't believe so,
21 no.

22 MR. MCKENNA: Okay.

23 MR. OESTE: Mr. McKenna, if I
24 may.

1 MR. MCKENNA: Sorry. Would you
2 like a microphone?

3 MR. OESTE: No, I don't think I
4 need it. I would just like the record to note
5 my objection to the Board's denial of
6 Pennsbury's Township's request for party
7 status.

8 And I was also requested, I sent
9 to you, Mr. McKenna, a copy of a Pennsbury
10 Township Resolution, No. 2017-03-15-1, which I
11 copied to Mr. Adelman, and I would request that
12 that be made part of the record as a Board
13 exhibit.

14 It is similar in some respects to
15 the Willistown resolution.

16 MR. MCKENNA: Mr. Adelman, do you
17 have any objection to that becoming a Board
18 exhibit?

19 MR. ADELMAN: So long as the
20 statements which are in there are offered by
21 the truth or accepted by the Board or based on
22 any decision, I don't have any objection.

23 MR. OESTE: I didn't hear you
24 object to Willistown's resolution on that

1 basis.

2 MR. ADELMAN: I haven't gotten
3 there. It hasn't been offered yet.

4 MR. OESTE: Nothing has been
5 offered yet.

6 MR. ADELMAN: That's right. He
7 just asked me, so I had to answer. But at the
8 end, when the Board will offer moving its
9 exhibits into the record, I will be objecting
10 to such resolutions, Mr. Oeste.

11 MR. OESTE: Thank you.

12 MR. ADELMAN: I don't treat them
13 any differently.

14 MR. MCKENNA: Having spoken with
15 the Board, we will admit the Pennsbury
16 resolution, that will be Board Exhibit 27.

17 MR. OESTE: Thank you.

18 MR. MCKENNA: All right. Ladies
19 and gentlemen, I'm going to apologize. We only
20 have two microphones here this evening. We are
21 going to do the best we can to pass the
22 microphones back and forth. I'm going to ask
23 for your patience. Mr. Adelman, I'm going to
24 remind you to move right up into that

1 microphone as much as you can.

2 Last time we were here the
3 applicant provided the testimony of two
4 witnesses, Emily Stewart and Jeff Madden. We
5 got through the direct examination of those two
6 witnesses. We held off on any
7 cross-examination of those witnesses, A, due to
8 time constraints, and, B, to resolve the party
9 status request, which has now been completed.
10 So unless there is anything further, Mr.
11 Adelman, I would suggest that we go through our
12 list of parties, maybe have Ms. Stewart go
13 first, and start the cross-examination.

14 MR. ADELMAN: That's acceptable.
15 Emily, if you would come take the stand and
16 take the mike, please.

17 MR. MCKENNA: I'm going to turn
18 the microphone over to the audience, and I'm
19 going to try to keep my list, and we are going
20 to go in the order that we have our list.

21 (EMILY STEWART, having been
22 previously duly sworn, was examined and
23 testified further as follows:

24 MS. CAMP: Am I first?

1 MR. MCKENNA: So I'm going to
2 talk as loud as I can. I have a list of
3 everyone that has been granted party status,
4 and we are going to simply go down that list in
5 the order that we have them. If you are here
6 this evening, you will be given the opportunity
7 to ask questions of the witness. I want to
8 stress that this is the time to ask questions
9 for the members of the public who were granted
10 party status. This is not an opportunity to
11 give your opinion or to make public comment.
12 It is to ask questions based upon the testimony
13 that the witness presented the last time.

14 If I call your name, please let
15 me know if you would like to ask any questions.
16 You do not have to do so. Do not feel
17 compelled to do so. But you have the right to
18 do so.

19 We are going to start first with
20 the Westtown Township Planning Commission, Ms.
21 Camp.

22 CROSS-EXAMINATION

23 BY MS. CAMP:

24 Q. Good evening, Ms. Stewart.

1 A. Good evening.

2 Q. How are you? The only client you do
3 work for is Toll Brothers; is that correct?

4 A. Correct.

5 Q. And for the last 16 years your work as
6 a land planner has been limited to work for
7 Toll Brothers and entities affiliated with Toll
8 Brothers; is that correct?

9 A. Yes.

10 Q. And you were responsible for the layout
11 of the development on the conditional use plan
12 which has been marked Exhibit A-3?

13 A. Yes.

14 Q. Were you involved in the preparation of
15 sketch plans that were presented by Toll
16 Brothers to the township in the summer of 2016?

17 A. Yes.

18 Q. And in those sketch plans didn't Toll
19 propose to provide a connector road as
20 contemplated by the Township's Comprehensive
21 Plan?

22 A. What was the question? Sorry.

23 Q. In those sketch plans that Toll
24 presented to the township in the summer of

1 2016, isn't it true that those plans
2 contemplated a connector road through the
3 development?

4 A. Yes.

5 Q. Are you familiar with the approved land
6 development plans for the Orvis tract which is
7 located to the north and west of the Crebilly
8 Farm?

9 A. No, I am not.

10 Q. Are you familiar with the prior
11 approved concept plan for the Bozzuto Apartment
12 development which provided a connector road
13 through the Crebilly tract?

14 A. Generally familiar.

15 Q. And why has the connector road been
16 eliminated on the plan that's been marked
17 Exhibit A-3, if you know?

18 A. Based on traffic information provided
19 by our consultant, it did not appear to provide
20 any significant improvement to the intersection
21 of Street Road and Wilmington Pike.

22 Q. You reviewed the Township Zoning
23 Ordinance prior to submitting the conditional
24 use application and plans; did you not?

1 A. Yes.

2 Q. Are you familiar with the Township's
3 Comprehensive Plan?

4 A. Yes.

5 Q. And are you familiar with the fact the
6 Township's Comprehensive Plan proposes that a
7 connector road would traverse the Crebilly
8 property and connect West Pleasant Grove Road
9 to Route 926?

10 A. Yes.

11 Q. And you are familiar with Section
12 170-902.D of the Township Zoning Ordinance
13 which states that the location and conformity
14 of an area proposed for flexible development
15 shall be consistent with the Township
16 Comprehensive Plan?

17 A. Yes.

18 Q. And so that Exhibit A-3 that you have
19 submitted, without providing the connector
20 road, would then not be consistent with the
21 Township Comprehensive Plan in that regard?

22 A. We are providing a connection from
23 Street Road down through, to, or up through
24 West Pleasant Grove Road. It is not exactly as

1 the Township's Comprehensive Plan, but it still
2 provides a connection through the site from one
3 street to the other, and out to Wilmington
4 Pike.

5 Q. Are you familiar with the Planning
6 Commission's recommendation which was stated,
7 in a letter to the Board dated February 16th,
8 2017, that recommended that the plans be
9 revised to provide a more continuous connector
10 road?

11 A. Yes.

12 Q. And could the plans be revised to
13 comply with that condition?

14 A. Possibly.

15 Q. How did you determine the location of
16 the access driveways into the development?

17 A. We propose that the, tried to bring
18 them at the intersections and safe sight
19 condition.

20 Q. Is the proposed location of the
21 easternmost access driveway from Pleasant Grove
22 Road, is that in an area that will require the
23 removal of dense, mature trees?

24 A. Yes.

1 Q. And does this stand of mature trees,
2 does it currently provide a natural screen or
3 buffer for houses on West Pleasant Grove and
4 the Arborview development?

5 A. Yes.

6 Q. Are you familiar with Section 170-905.F
7 of the Zoning Ordinance which requires maximum
8 preservation of existing vegetation of the
9 site?

10 A. Yes.

11 Q. And does the removal of this mature
12 stand of trees that we are talking about then
13 contradict that particular section of the
14 Zoning Ordinance?

15 A. We are permitted to disturb up to 50
16 percent of any secondary resource, based on the
17 code.

18 Q. You are familiar with the Planning
19 Commission's recommendation that the
20 easternmost access on the West Pleasant Grove
21 Road that right now it is proposed to be
22 directly across from Hidden Pond Way, the
23 Planning Commission wanted that to be relocated
24 to be more in the location of a connector road;

1 are you familiar with that condition?

2 A. Yes.

3 Q. And is Toll, would they be willing to
4 consider that or investigate relocation of that
5 easternmost access?

6 A. I believe that they will.

7 Q. The Planning Commission and the
8 township's traffic consultant, Al Federico,
9 recommended that the access that you have on
10 Exhibit A-3 that leads to Route 202, that be
11 eliminated. Is Toll willing to comply with
12 that condition?

13 A. Yes.

14 Q. You talked about a proposed emergency
15 access road from the development to New Street.
16 How wide is that proposed emergency road?

17 A. It is about 15 feet wide.

18 Q. Are you familiar with the fact that the
19 largest apparatus used by the Fame Fire Company
20 is 44 feet 7 inches and the wheel base is 245
21 inches and has a height of 12 feet?

22 A. I just recently became aware of that
23 based on the letter.

24 Q. And is the emergency access road

1 designed to accommodate that type of vehicle?

2 A. I can't answer that. But we can
3 accommodate for that if need be.

4 Q. What improvements is Toll proposing to
5 make to that emergency access road?

6 A. We haven't gotten to that detail yet.
7 During the land development process we can
8 design that to accommodate emergency access
9 vehicles.

10 Q. And it would be something that as part
11 of the development, Toll would make those
12 improvements so that it would be available for
13 use by emergency vehicles as soon as the
14 development was opened?

15 A. Yeah, if the township said the
16 emergency accesses are needed and they want
17 them, we can provide for them.

18 Q. And how do we, how does the township
19 assure that that access road will be properly
20 maintained so that in years in the future it
21 can be used by emergency vehicles?

22 A. It would be owned and maintained by the
23 HOA.

24 Q. Would there be some sort of condition

1 or restriction within the HOA covenants that
2 would require them to do sort of annual
3 inspections to make sure that the emergency
4 road is being properly maintained?

5 A. Yes.

6 MR. ADELMAN: I'm going to
7 object. I think that's beyond the scope of her
8 direct.

9 MS. CAMP: Okay. She did talk
10 about emergency access road.

11 MR. ADELMAN: The HOA documents
12 and maintenance are beyond the scope of her
13 direct.

14 MS. CAMP: To the extent she can
15 explain how Toll typically handles the road, I
16 don't think it is too far beyond the scope.

17 BY MS. CAMP:

18 Q. What is the thought process of Toll in
19 not providing any access onto New Street?

20 A. We were trying to maintain a visual
21 corridor along that street.

22 Q. Focusing on the plan sheet, so, again,
23 Exhibit A-3, sheet 3 E of the plan shows the
24 primary conservation areas. Can you explain, I

1 was a little confused with your testimony about
2 what is being proposed as far as disturbance in
3 the primary conservation areas.

4 A. This plan, sheet 3 A --

5 Q. 3 E we were referring to. I'm sorry.

6 A. 3 E shows areas that we are proposing
7 disturbance of secondary resources and of
8 limited primary resources, such as wetland
9 crossings, to gain access to the developable
10 areas of the site.

11 Q. So just so I'm clear, the disturbance
12 to primary conservation areas is limited to
13 wetlands for purposes of crossings?

14 A. Correct.

15 Q. Okay. And then I guess this sheet also
16 shows areas of secondary conservation areas?

17 A. Yes.

18 Q. What in those areas is being disturbed
19 specifically?

20 A. Sorry, what was the question?

21 Q. I was a little confused with your
22 testimony on what specifically is being
23 disturbed and what is identified on this sheet
24 as secondary conservation areas.

1 A. They are the precautionary slope areas.
2 They are noted in several locations due to road
3 grading.

4 Q. And precautionary slopes are what
5 percentage? Is it 15 to 25?

6 A. Correct.

7 Q. Is anything on the property greater
8 than 25 percent slope?

9 A. Yeah, we have a small amount of area
10 that's 25 percent and greater. They are shown
11 on the existing features plan, sheet 3.

12 Q. And are any of those slopes that are
13 greater than 25 percent grade proposed to be
14 disturbed?

15 A. No.

16 Q. You stated in your testimony that
17 specimen trees greater than 18 inches in
18 diameter have been surveyed and are shown in
19 the limit of disturbance?

20 A. Correct.

21 Q. And which specimen trees, are there any
22 that are of great significance, that you would
23 prefer not or that you would suggest that Toll
24 not remove because of their significance or

1 size?

2 A. If we, once we get into fine-tune
3 grading, there may be one or two we can save.
4 I don't think there is any that are worth
5 saving over a significant chunk of woodlands or
6 another resource.

7 Q. There is nothing that really stands out
8 as far as a specimen tree that you feel is
9 really worthy of conservation?

10 A. No.

11 Q. Okay. Sheet 4 C of Exhibit A-3 was an
12 open space plan. Would you agree with me that
13 the open space areas don't provide a large
14 amount of contiguous land? They are sort of
15 like little swatches throughout, but there is
16 not really any large area of contiguous open
17 space?

18 A. I think the majority of it is
19 contiguous.

20 Q. Well, let me look at sheet 4 C.

21 Well, I should it this way: The
22 open space areas that are on 4 C that are not
23 otherwise disturbed with infiltration areas and
24 effluent disposal areas, are those areas large

1 contiguous areas?

2 A. Yes.

3 Q. And will those areas be left in natural
4 state or will they be used by the HOA for
5 development, for recreational purposes?

6 A. The areas that are highlighted with the
7 plus hatch are going to be preservation areas,
8 which will not be disturbed.

9 Q. So the 93 acres that have a little --

10 A. Correct.

11 Q. -- cross hatching. There is a pond on
12 the property. Will that be preserved?

13 A. Yes.

14 Q. And that will be conveyed to the HOA?

15 A. It will be a part of the open space for
16 the HOA.

17 Q. On the same sheet you have identified
18 natural areas, the proposed natural areas of 93
19 acres. Will those 93 acres be deed restricted
20 to prohibit any further disturbance?

21 A. I believe they will.

22 Q. How did Toll arrive at the unit mix
23 between the single-family dwellings and the
24 carriage homes?

1 A. We tried to maximize the single-family
2 lots and reach the yield of 319, which is the
3 permitted density.

4 Q. And will that unit mix change at all
5 based on market conditions, or could it, I
6 guess?

7 A. I believe it could.

8 Q. Have you received and reviewed the
9 Chester County Planning Commission review
10 letter which was dated December 7th, 2016, and
11 has been marked as Exhibit B-12?

12 A. What was that again?

13 Q. Are you familiar with the County
14 Planning Commission review letter of December
15 7th?

16 A. Right, yes.

17 Q. And in that the County Planning
18 Commission recommended that Toll consider the
19 site plan in which the development activity is
20 located to the greatest extent on the eastern
21 portion of the site. Are you familiar with
22 that recommendation of the county planning?

23 A. You are saying the keystone portion of
24 the site?

1 Q. I'm just asking if you are familiar
2 with County Planning Commission's
3 recommendation to shift more of the development
4 activity further east, towards Route 202?

5 A. Yes, I am aware of that.

6 Q. And if that were to occur, wouldn't
7 that provide a larger area closer to New Street
8 as in its natural state, left preserved?

9 A. Yes. There are a number of ways that
10 the site could be slightly reconfigured.

11 Q. And that would also be consistent with
12 the Planning Commission's recommendation that
13 the area that the county identifies as the
14 Brandywine Battlefield swath be preserved?

15 A. Partially. Partially.

16 Q. Okay. So is that something that Toll
17 would consider, shifting more development to
18 the east?

19 A. I would have to defer to Toll on that.

20 Q. Okay. The County Planning Commission
21 also recommended that the applicant consider
22 providing more townhouse lots or carriage house
23 lots and fewer single families because that
24 would promote more clustering and potentially

1 more open space, and also allow the goal of
2 shifting the development to the east. Is that
3 something that Toll will consider?

4 A. I believe that would be a question for
5 Andrew.

6 Q. The plans that you presented do not
7 provide any trail connections to adjacent
8 properties or adjacent trails. Is that
9 correct?

10 A. We are assuming that pedestrians would
11 also use the sidewalks located on our streets.
12 And Road L provides a sidewalk up through to
13 Hidden Pond Way, which could connect to the
14 trail adjacent, across the street.

15 Q. What about connections into Thornbury,
16 would you propose any for that?

17 A. We do not have any proposed at this
18 time.

19 Q. Would you consider doing that?

20 A. That would be a question for Toll.

21 Q. Are you familiar with the Township's
22 Comprehensive Plan and Open Space Plan which
23 proposes a perimeter public trail?

24 A. I am aware of that.

1 Q. Are you also aware of the Planning
2 Commission's recommendation that the plans be
3 revised to provide a perimeter trail?

4 A. I'm aware of that.

5 Q. And why was not a perimeter trail
6 proposed on the conditional use plans?

7 A. We were trying to preserve views from
8 the outside of the site, and not propose
9 disturbance to these areas, because there is a
10 lot of the woodlands along the southern portion
11 of the site that I don't think will be
12 conducive to trails.

13 Q. So Toll is still objecting to placing a
14 permanent trail around this property?

15 A. I'm not saying that. But I would state
16 my opinion.

17 Q. In your testimony you suggested that
18 some of the trails, well, that all of the
19 trails were proposed to be dedicated to the
20 HOA, but that Toll would discuss possible
21 transfer of some trails to the township. Have
22 you had any further dialogue as to what
23 proposed trails would be dedicated for public
24 use or could be dedicated for public use?

1 A. I have not been involved if there is
2 any conversations.

3 Q. Okay. So we haven't come to that yet.

4 You touched briefly in your
5 testimony on screening, and you said that a
6 landscape plan had been submitted. Can you go
7 into a little bit more detail about what type
8 of screening, if you are at that level yet,
9 what type of screening, if any, is proposed
10 along West Pleasant Grove Road?

11 A. We are proposing a permanent landscape
12 buffer behind the townhome lots along West
13 Pleasant Grove Road, this consists of
14 evergreen, mixtures of evergreens, shade trees
15 and understory trees, to help screen the views
16 from our site to the road and from the
17 neighbors to our site.

18 Q. Is there any berm involved in that
19 landscaping plan?

20 A. We aren't showing one, but we could
21 provide one.

22 Q. The Planning Commission had a
23 recommendation, it was condition 44, that the
24 applicant shall add a landscape berm along West

1 Pleasant Grove Road from Hidden Pond Way to a
2 point approximately 350 feet west of Dunvegan
3 Road. Is that something that Toll would
4 consider?

5 A. I believe so.

6 Q. Is any landscaping or buffering
7 proposed between the Toll property and the
8 property owned by Mr. Moscharis?

9 A. Yes, we are.

10 Q. Do you intend to preserve the existing
11 trees along the property boundary with the
12 Moscharis property?

13 A. That is the intent.

14 Q. What is the width of the proposed
15 streets?

16 A. 25 feet.

17 Q. And is it your intention that these
18 streets be dedicated to the township?

19 A. I believe they are going to be offered
20 up for dedication.

21 Q. Are these streets wide enough to
22 accommodate on-street parking?

23 A. No.

24 Q. Where does Toll propose overflow

1 parking for residents in instances where the
2 homeowners have large events or parties at
3 their home?

4 A. We have driveway parking.

5 Q. Is that sufficient for a large party
6 such as a Super Bowl party when you have many
7 guests?

8 A. We could provide additional off-street
9 parking. We haven't gotten into that level of
10 detail yet. But we can provide additional
11 off-street parking.

12 Q. After some of your developments are
13 designed and built out, are you familiar with
14 existing residents in Toll developments
15 complaining about lack of parking for those
16 type of events?

17 A. Not personally. I have not heard any.

18 Q. I think it was just one of the
19 recommendations that there be other, McCormick
20 Taylor's letter, which was dated March 23rd,
21 2017, recommended that you identify more areas
22 for overflow parking. Is that something Toll
23 is willing to do?

24 A. Yes, I believe so.

1 Q. And is the proposal to have sidewalks
2 on one side of the street, or both?

3 A. We haven't gotten to that level of
4 detail yet, but there will be sidewalks.

5 Q. Does Toll have a preference for one
6 side or both?

7 A. It is typically we do one side.

8 Q. Section 170-407 of the ordinance
9 requires a 75-foot setback from perennial
10 streams?

11 A. Correct.

12 Q. Do the conditional use plans comply
13 with that requirement?

14 A. Yes.

15 MS. CAMP: That's all I have.
16 Thank you.

17 MR. MCKENNA: Thank you, Ms.
18 Camp.

19 Next on my list was Birmingham
20 Township, Frone Crawford, who I do not believe
21 is here this evening.

22 Next would be Thornbury, Ms.
23 Labrum. Do you have any questions for this
24 witness?

1 MS. LABRUM: I don't have any
2 questions of this witness, Mr. McKenna.

3 MR. MCKENNA: Thank you. No
4 questions from Ms. Labrum.

5 Mr. Thompson, for Neighbors for
6 Crebilly, any questions for the witness?

7 MR. THOMPSON: I do not have any
8 questions.

9 MR. MCKENNA: Thank you.
10 Brandywine at Thornbury, Mr. DuFault, are you
11 here? Do you have any questions for this
12 witness?

13 MR. DUFAULT: Yes, I am here.
14 And I have no questions. Thank you.

15 MR. MCKENNA: Radley Run III HOA,
16 John Bertinatti. Mr. Bertinatti, do you have
17 any questions for this witness?

18 MR. MARTIN: I am here for Radley
19 Run Homeowners Association. I do have a quick
20 question. My name is Tom Martin. I signed the
21 application.

22 MR. MCKENNA: Hang on a second.
23 I need to get your name. If you wouldn't mind
24 speaking into the microphone. I'm not sure who

1 you are.

2 MR. MARTIN: My name is Tom
3 Martin. I signed the application for party
4 status.

5 MR. MCKENNA: You got to get
6 right up into that mike.

7 MR. MARTIN: Tom Martin is my
8 name. I signed the application for party
9 status. I'm a director of the HOA.

10 MR. MCKENNA: Who is Mr.
11 Bertinatti?

12 MR. MARTIN: He is a co-director
13 with me. I happened to have been out of town.
14 He appeared on our behalf.

15 MR. ADELMAN: That's fine.

16 MR. MCKENNA: You are okay?

17 MR. ADELMAN: Go ahead.

18 MR. MARTIN: Check the
19 application for party status. It has got my
20 name on it.

21 MR. MCKENNA: That's fine. Mr.
22 Martin, what is your position with the HOA?

23 MR. MARTIN: I'm a director.

24 MR. MCKENNA: What is your

1 question, sir?

2 MR. MARTIN: Is it true that you
3 just testified, paraphrasing, that there is no
4 general access to the development from New
5 Street in order to preserve views?

6 THE WITNESS: Correct.

7 MR. MARTIN: Was there ever any
8 consideration of, quote, no New Street access
9 because of an agreement, written or otherwise,
10 with the land owner selling the property to
11 Toll?

12 THE WITNESS: I'm not privy to
13 any of the agreement of sale documents, so I
14 don't know.

15 MR. MARTIN: Thank you.

16 MR. MCKENNA: Thank you, Mr.
17 Martin.

18 MR. MARTIN: You are welcome.

19 MR. MCKENNA: Arborview HOA.
20 Michele Barbacane, are you here this evening?
21 Any questions?

22 I'm sorry, I apologize. I have
23 the wrong name.

24 MR. ADELMAN: Hoffman.

1 MR. MCKENNA: Mr. Hoffman?

2 MR. HOFFMAN: No questions at
3 this time. Thank you.

4 MR. MCKENNA: Thank you. West
5 Glen HOA, Mr. Bevilacqua. Any questions?

6 MR. BEVILACQUA: I don't have any
7 questions at this time.

8 MR. MCKENNA: Would that be the
9 same then, Mr. Bevilacqua, for the school
10 district?

11 MR. BEVILACQUA: We have none at
12 this time.

13 MR. MCKENNA: Thank you. Mr.
14 McFalls, any questions for Westminster
15 Presbyterian church for the witness?

16 MR. MCFALLS: No. No.

17 MR. MCKENNA: Thank you. Quarry
18 Swimming Association, any questions? Is there
19 anyone here this evening?

20 MR. BARRY: We do not have any
21 questions.

22 MR. MCKENNA: I'm sorry?

23 MR. BARRY: No questions.

24 MR. MCKENNA: What was your name,

1 Spackman.

2 Bradley and Amy Harkins. Any
3 questions for this witness?

4 MS. HARKINS: No questions.

5 Thank you.

6 MR. MCKENNA: Laura Mammucari,
7 any questions for this witness?

8 MR. MAMMUCARI: Not at this time.

9 MR. MCKENNA: Mr. Gadaletto from
10 Gadaletto Seafood Market, any questions? Is Mr.
11 Gadaletto here?

12 Phillip Jones of Jennifer Lane,
13 any questions?

14 MS. JONES: He is not here. I'm
15 his wife, Susan. I'm the co-owner.

16 MR. MCKENNA: Ma'am, do you have
17 any questions for this witness.

18 MS. JONES: No.

19 MR. MCKENNA: Thank you. Mr.
20 Moscharis, are you here this evening? Do you
21 have any questions?

22 Allison Corcoran, do you have any
23 questions for the witness?

24 MS. CORCORAN: I do not.

1 MR. MCKENNA: Thank you.

2 Benjamin Skupp, any questions for the witness?

3 Is Mr. Skupp here? I'm not hearing anything.

4 Deanna Leraris of Dunvegan Road?

5 I apologize if I'm mispronouncing your name.

6 Any questions for the witness?

7 MS. LERARIS: No questions.

8 MR. MCKENNA: Thank you, ma'am.

9 Ed Boyer also of Dunvegan Road, any questions?

10 MR. BOYER: I do have a question.

11 MR. MCKENNA: Thank you. Please

12 come forward.

13 (Discussion off the record.)

14 MR. BOYER: My name is Ed Boyer.

15 I'm a resident of Dunvegan Road.

16 There was mention about the
17 visual border along New Street, as well as
18 moving the easternmost entrance into the
19 development from -- what was the name of that
20 street there? Arbor --

21 MS. CAMP: Arborview.

22 MR. BOYER: There was a proposal
23 at the last meeting we were at about moving the
24 entrance from Dunvegan Road into your

1 development. Is that still under
2 consideration?

3 THE WITNESS: That I am not sure.

4 MR. BOYER: Okay. Has there been
5 any discussion as to how that entrance would
6 make its way onto West Pleasant Grove? It is
7 my understanding it was directly across the
8 entrance to our street, and we have concerns in
9 our development for the traffic, so I'm curious
10 to know if there has been any consideration
11 about how that, how that setup is now.

12 THE WITNESS: That would be a
13 question for the traffic consultant.

14 MR. BOYER: Okay. Thank you.

15 MR. MCKENNA: Thank you, Mr.
16 Boyer.

17 Amy Murnane, Murmane of Niels
18 Lane? Any questions? Not hearing anything.

19 Kurt Wolter of Westtown Village,
20 LLC, Mr. Wolter, any questions? Not hearing
21 any from Mr. Wolter.

22 Mr. Crognale of John Anthony
23 Drive, any questions? Mr. Crognale does not
24 appear to be here.

1 Robert Daull of Lake Drive, Mr.
2 Daull, any questions?

3 MR. DAULL: I have no questions.

4 MR. MCKENNA: Thank you, sir.

5 Scott Sobers of Hidden Pond Way,
6 any questions? Mr. Sobers is not here.

7 Mr. Pavelchek, do you have any
8 questions for the witness?

9 MR. PAVELCHEK: No questions.

10 MR. MCKENNA: Thank you, Mr.
11 Pavelchek.

12 Phillip Yeager, any questions for
13 the witness?

14 MR. PAVELCHEK: Not here.

15 MR. MCKENNA: Thank you again,
16 Mr. Pavelchek.

17 Mr. Cahill, do you have any
18 questions for the witness?

19 MR. CAHILL: Yes, I do.

20 MR. MCKENNA: Would you mind
21 coming forward to the microphone.

22 MR. CAHILL: Thank you. Jim
23 Cahill, resident of Jacqueline Drive.

24 I understand, I believe you said

1 that there will be no entrance from the
2 development onto South New Street; is that
3 correct?

4 THE WITNESS: Not at this time.
5 An emergency access has been shown on the
6 plans.

7 MR. CAHILL: Just an emergency
8 access, which would be, what, 15 feet wide?

9 THE WITNESS: Which would what?

10 MR. CAHILL: Okay. I think he
11 mentioned something about extending Tigue Road,
12 using that which is also part of a Toll
13 Brothers development on Tigue Road, 91 homes?

14 THE WITNESS: I can't hear what
15 you are saying.

16 MR. CAHILL: Can you hear me now?
17 I believe you mentioned something about using
18 Tigue or Tigue Road.

19 THE WITNESS: Tigue Road.

20 MR. CAHILL: T-I-G-U-E as an
21 access point onto New Street?

22 THE WITNESS: I don't believe
23 that's adjacent to this site.

24 MR. CAHILL: I thought I heard

1 you said Tigue or Tigue Road.

2 THE WITNESS: No.

3 MR. CAHILL: You do have a
4 development on Tigue Road of 91 homes, right?

5 MR. MCKENNA: Mr. Cahill, that's
6 a different application. I don't believe she
7 is testifying anything as to --

8 MR. CAHILL: My thought is at
9 this point, as a resident of Jacqueline Drive,
10 we are seeing an enormous amount of cut-through
11 traffic. My understanding is that if there is
12 no entrance onto South New Street, Jacqueline
13 Drive is the first road off of 202 and is
14 probably going to be subjected to a tremendous
15 amount of traffic coming off of 202 through
16 Jacqueline Drive to South New Street.

17 MR. MCKENNA: Sir, is that a
18 question for the witness?

19 MR. CAHILL: Yes it is.

20 MR. MCKENNA: Which is what?
21 What is the question?

22 MR. CAHILL: Has a study been
23 done -- I believe it is condition No. 6 or 7 --
24 on Jacqueline Drive?

1 THE WITNESS: If it was regarding
2 traffic, that would be a question for the
3 traffic engineer.

4 MS. CAMP: They are going to
5 present a traffic engineer.

6 MR. CAHILL: Okay. Help me
7 understand if the development itself is going
8 to have an entrance on, the development, onto
9 South New Street other than just an emergency
10 road.

11 THE WITNESS: There is not
12 proposed at this time.

13 MR. CAHILL: Where are all those
14 folks going to go?

15 THE WITNESS: What was the
16 question?

17 MR. CAHILL: Where are the
18 residents of those homes going to enter and
19 exit from?

20 THE WITNESS: They are going to
21 enter and exit on West Pleasant Grove Road and
22 on New Street.

23 We have an entrance on Wilmington
24 Pike, but it has been requested to be

1 eliminated. So we might probably, possibly
2 remove that entrance, which is proposed as a
3 right in/right out only.

4 MR. CAHILL: Okay. Are we
5 talking about outwards of 400 homes?

6 THE WITNESS: 319.

7 MR. CAHILL: So that's going to
8 approximately produce 7-, 800 people per day,
9 7-, 800 vehicles per day.

10 MR. ADELMAN: I'm going to
11 object. I'm going to object. Again, I think
12 this is traffic consultant testimony.

13 MR. MCKENNA: Mr. Cahill, you
14 have got a lot of good questions but not to
15 this witness. She is not a traffic expert.

16 MR. CAHILL: Thank you very much.

17 MR. MCKENNA: Thank you.

18 David Pryze, are you here this
19 evening and do you have any questions? I'm not
20 hearing anything from Mr. Pryze.

21 Jennifer and Jeffrey Kramer, do
22 you have any questions?

23 MS. KRAMER: No questions. Thank
24 you.

1 MR. MCKENNA: Thank you. Ms.
2 Bruns, Megan Bruns, here with any questions?

3 MS. BRUNS: No, thank you.

4 MR. MCKENNA: Ed Skros, Skros,
5 S-K-R-O-S, from Fielding Drive?

6 MR. SKROS: No questions.

7 MR. MCKENNA: Thank you. Sir,
8 can you tell me how to pronounce your name.

9 MR. SKROS: Skros.

10 MR. MCKENNA: Skros, thank you.
11 Eileen Carey, do you have any
12 questions for the witness? Ms. Carey is not
13 here.

14 Jim McDermott, do you have any
15 questions for the witness? Mr. McDermott is
16 not here.

17 Dennis and Patricia McFadden, do
18 you have any questions for the witness?

19 MR. MCFADDEN: Yes, I do. Hi.
20 Dennis McFadden, 1010 General Greene Drive.

21 You stated that Toll Brothers
22 would consider an overflow parking lot for
23 parties and whatever. Would that mean taking
24 up some of the open space if you had to do

1 overflow parking lots?

2 THE WITNESS: It would be
3 provided within the existing or the proposed
4 street's right-of-way.

5 MR. MCFADDEN: I didn't hear
6 that.

7 MR. MCKENNA: Ma'am, could you
8 repeat? He couldn't hear you.

9 THE WITNESS: The overflow
10 parking would be provided on the proposed
11 street's right-of-way, so it would not encroach
12 on the open space, or it could encroach on the
13 open space in several locations.

14 MR. MCFADDEN: Okay. Thank you.

15 MR. MCKENNA: Ms. Weller, Carol
16 Weller, do you have any questions?

17 MS. WELLER: No. No. Thank you.

18 MR. MCKENNA: Linda and Matthew
19 Reichert, any questions?

20 MR. REICHERT: No.

21 MR. MCKENNA: Thank you. All
22 right. Mr. Adelman, I'm back to you, I
23 believe. Do you have any redirect?

24 MR. ADELMAN: Does the Board have

1 any questions?

2 MR. MCKENNA: I'm sorry. Go
3 ahead, Ms. DeWolf. Would you like the
4 microphone.

5 MS. DEWOLF: I would like to know
6 a little bit about the buffer setback on Radley
7 Run and the three tributaries and, in respect
8 to the layout plan, what is the setback that
9 you used from the stream side to any of your
10 lots.

11 THE WITNESS: We show a minimum
12 of 75-foot setback from the top of bank of all
13 those streams, and we show a 50-foot setback
14 from all wetlands. And that area is on a
15 dashed line. You can't really see it well on
16 that. But that's the areas that we are showing
17 as preserved.

18 MS. DEWOLF: Do you have a
19 75-foot setback on the three tributaries other
20 than the main Radley Run that goes through the
21 site?

22 THE WITNESS: Yes, we do.

23 MS. DEWOLF: What kind of
24 vegetation do you expect to see in that 75-foot

1 buffer area?

2 THE WITNESS: Are you asking, are
3 we doing a buffer or stream restoration?

4 MS. DEWOLF: Up, excuse me --

5 THE WITNESS: What are you
6 asking?

7 MS. DEWOLF: I'm asking you what
8 is the vegetation height, since you are going
9 to be reconstructing the site in that 75-foot
10 buffer area, what do you see as the
11 vegetation's height?

12 THE WITNESS: We will have to
13 design that later on, once we figure that out.

14 MS. DEWOLF: Are you familiar
15 that the streams that are in this development
16 are compromised at this time and impaired?

17 THE WITNESS: Yes, I am aware of
18 that.

19 MS. DEWOLF: Okay. On your site
20 plan are several resources, in addition to the
21 conservation resources, the historic resources.
22 And I would like to know what kind of
23 protection you have provided as setbacks for
24 each of the resources on the site.

1 THE WITNESS: For the historic
2 resources?

3 MS. DEWOLF: I would like to know
4 from your perspective what resources are on the
5 site and what their setbacks have been in
6 respect to those buildings and/or resources on
7 the site.

8 THE WITNESS: There is several
9 historic resources. The old Westtown Inn on
10 the corner. I can't give you a numerical
11 setback for that.

12 We have natural resource
13 setbacks. I don't believe there is any other
14 setbacks that are required by code. And we
15 have varying dimensions from other resources.

16 MS. DEWOLF: Are you familiar
17 with the approval process for your development
18 in respect to the historic resources, per the
19 state regulations?

20 THE WITNESS: Yes.

21 MS. DEWOLF: Could you list those
22 for me, please.

23 THE WITNESS: The approval
24 process?

1 MS. DEWOLF: Could you list the
2 process that you are familiar with that your
3 historic resources on the site, before your
4 development, will have to move through in
5 respect to your approval?

6 THE WITNESS: I believe that's a
7 question for our historic preservation expert.

8 MS. DEWOLF: We will be handling
9 that later, perhaps?

10 THE WITNESS: Right.

11 MS. DEWOLF: I'll hold the rest
12 of that question, then.

13 Are you familiar with the
14 document, the Economic Value of Open Space?
15 And it describes the value of open space and
16 trails to development, and the cost of homes,
17 and the value that it creates. It was created
18 by DVRPC and the Growing Green Coalition, I
19 believe.

20 THE WITNESS: I'm not aware of
21 that specific document, but I understand the
22 value of open space.

23 MS. DEWOLF: Do you know who the
24 Delaware Valley Regional Planning Commission

1 is?

2 THE WITNESS: Yes.

3 MS. DEWOLF: Have you dealt with
4 them in your plans in the past?

5 THE WITNESS: Not personally, but
6 I believe Toll Brothers has.

7 MS. DEWOLF: Are you familiar
8 that we are in their planning area?

9 THE WITNESS: Yes.

10 MS. DEWOLF: And have you done a
11 lot of conservation development in your past?

12 THE WITNESS: Yes.

13 MS. DEWOLF: Are you familiar
14 that Radley Run exits this property and what
15 happens on it impacts other historic resources
16 that are immediately west of this site?

17 THE WITNESS: Yes, I understand
18 that.

19 MS. DEWOLF: What are they?

20 THE WITNESS: That any runoff
21 that the site currently is proposing may impact
22 developments downstream or areas downstream.

23 MS. DEWOLF: Are you familiar
24 with the quarry association and/or other

1 properties specifically west of there that this
2 development will impact?

3 THE WITNESS: I don't know what
4 you mean specifically, how it will impact.

5 MS. DEWOLF: In terms of a
6 planning question, when you are entering
7 west -- excuse me -- when you are traveling
8 west from the east entrance, say, off of 202
9 and you are coming into your site, your road
10 kind of is moving past all the backyards, and I
11 would like to get your feedback as to the
12 layout that you chose there in that area.

13 THE WITNESS: Can you say which
14 road you are referring to? Road D and Road B?

15 MS. DEWOLF: This particular area
16 here, this road, whatever it is. I can't read
17 it. It comes up here, and you are traveling
18 into your site, and what you are seeing is the
19 backyards here and a whole lot of space here
20 where it really isn't utilized by, getting back
21 to the same concept of where your major
22 building lots are, you have a lot of open space
23 right here.

24 THE WITNESS: Mm-hmm.

1 MS. DEWOLF: But it is all
2 backyards. I'm wondering, why did you create
3 this space here of open space, with a lot of
4 backyards here, as your kind of entry? Did you
5 think about that as a planner? And why, why
6 that sort of approach right there?

7 THE WITNESS: Well, there may not
8 be -- you may not see the backyards if we
9 propose landscaping in the back. And there may
10 be -- there is existing vegetation in that
11 area.

12 MR. MCKENNA: Mr. Adelman, real
13 quick for the record, would you mind clarifying
14 what the road is that Ms. DeWolf was just
15 referencing. It is on the record that it comes
16 off of 202, but I believe it is labeled. We
17 just can't read it.

18 THE WITNESS: It is road, she is
19 referring to the entrance Road B and the
20 adjacent I guess connection road of Road D to
21 lots, she is referring to 120 and 127.

22 MR. ADELMAN: That's on Exhibit
23 A-6 for the record.

24 MR. MCKENNA: Thank you.

1 MS. DEWOLF: That's all I have
2 for right now.

3 MR. HAWS: Just a couple
4 questions here. So in regards to the open
5 space on plans C 3 and 4 C in Exhibit, I think
6 it is A-3, walk me through exactly the total
7 calculation of open space and the uses that are
8 being proposed.

9 THE WITNESS: The total required
10 open space is 60 percent, and we are providing
11 a total of 61 percent. And the areas that are
12 in the plus hatch is 93 acres, which will
13 remain undisturbed. And we are proposing
14 several infiltration areas, which consist of
15 about eight acres. And then there is an
16 additional 25.5 acres of the effluent spray
17 area.

18 MR. HAWS: That's in addition to
19 the 93 acres that are being proposed to be
20 undisturbed, you have an additional eight acres
21 for infiltrate?

22 THE WITNESS: Correct.

23 MR. HAWS: 25 I think I heard for
24 the effluent?

1 THE WITNESS: Correct.

2 MR. HAWS: And then back to I
3 guess the plan that we heard from the Planning
4 Commission, from the traffic engineer, that
5 there was the potential to remove the road
6 coming in off of 202, as well as some general
7 road replacement, like placement areas. Is
8 that something that Toll is willing to
9 consider?

10 THE WITNESS: I believe so.

11 MR. HAWS: And then the final
12 question is: What is Toll's position on that
13 collector road that was shown in the
14 Comprehensive Plan, as well as previous
15 application that was submitted before this
16 Board?

17 THE WITNESS: That would be a
18 question for Toll.

19 MR. HAWS: Okay. No further
20 questions.

21 MR. MCKENNA: Mr. DiDomenico, any
22 questions?

23 THE CHAIRMAN: I do not.

24 MR. MCKENNA: Mr. Adelman, I'll

1 turn the microphone over to you. Do you have
2 any redirect?

3 MR. ADELMAN: No, I don't.

4 MR. MCKENNA: I'm not going to
5 give you the microphone.

6 MR. ADELMAN: Wait, Pat. I do
7 have a question. Andrew just reminded me. I'm
8 sorry. It is quick.

9 REDIRECT EXAMINATION

10 BY MR. ADELMAN:

11 Q. Emily, I believe you may have misspoken
12 in one of your answers. Can you again refresh
13 my recollection where the access is from the
14 property?

15 A. We have two access points from West
16 Pleasant Grove Road. We have one right
17 in/right out on Wilmington Pike. And one
18 access from Street Road.

19 Q. No New Street access, is that correct,
20 other than the emergency?

21 A. No New Street access.

22 MR. ADELMAN: Okay. I have
23 nothing further.

24 MR. MCKENNA: Okay.

1 MR. MCKENNA: Ms. Camp, any
2 further questions?

3 MS. CAMP: I can be loud.

4 RECROSS-EXAMINATION

5 BY MS. CAMP:

6 Q. If Toll revises the plans to remove the
7 entrance onto 202, would you think you need to
8 add any other ingress or egress to the plan?

9 A. No, I don't believe so.

10 MS. DEWOLF: Are we going to have
11 the opportunity to question the planner later?

12 MR. ADELMAN: I'm sorry, to?

13 MS. DEWOLF: Our planner here.

14 MR. MCKENNA: No. Once she is
15 done, she is done.

16 MS. DEWOLF: I have a question in
17 regard to the Robinson property and his son who
18 is living there. What kind of setback have you
19 provided those two owners as well? In other
20 words, the Robinson tract seems to be so many
21 feet from the little trib there, but on the
22 other side of that you have all those homes.
23 What is the setback between those two?

24 THE WITNESS: I can't tell you

1 numerically, but there is a drainage way that
2 goes through there that we are providing the
3 75-foot minimum setback, and there is some
4 wetlands behind there that we are providing
5 additional 50 feet.

6 MS. DEWOLF: In terms of your
7 development in the northeast corner, how are
8 you accommodating the church site, in respect
9 to your layout?

10 THE WITNESS: We are proposing a
11 50-foot tract setback, which we are proposing a
12 landscape buffer between the church and our
13 property as well.

14 MS. DEWOLF: And in respect to
15 the neighbors who live immediately across the
16 street on the north side, across from West
17 Pleasant Grove Road, what are you doing to
18 accommodate the viewshed and what they
19 experience now in respect to what they will
20 experience in the future?

21 THE WITNESS: Are you referring
22 directly north of the Road M and N?

23 MS. DEWOLF: I can't hear you.
24 I'm sorry.

1 THE WITNESS: I said are you
2 referring to the area along West Pleasant Grove
3 Road, directly north of M and N?

4 There is existing vegetation that
5 we intend to preserve along that area.

6 MS. DEWOLF: Right now those
7 folks can see right into the site. And what
8 will they have as their viewshed with your
9 plan?

10 THE WITNESS: Right now there is
11 the existing trees in that corner which we
12 intend to preserve.

13 MS. DEWOLF: I'm talking about
14 the northeast corner. I can't hear.

15 THE WITNESS: Yeah, the north,
16 the northeastern corner there is existing
17 trees.

18 MS. DEWOLF: Okay.

19 THE WITNESS: That we intend to
20 preserve.

21 MS. DEWOLF: I'm speaking of the
22 corner of South New Street to where Arborview
23 begins, in that area --

24 THE WITNESS: We are proposing a

1 hundred-foot berm and landscape buffer.

2 MS. DEWOLF: Thank you. How high
3 will that buffer be?

4 THE WITNESS: It will vary. It
5 is a mixture of evergreens, shade trees and
6 ornamental trees.

7 MS. DEWOLF: Will we see a
8 landscape plan later where we will be able to
9 comment on?

10 THE WITNESS: Yes. I provided a
11 general landscape plan as part of the
12 submission. There will be a more detailed
13 landscape plan provided once we have more
14 detailed engineering and information.

15 MS. DEWOLF: All right.

16 MR. HAWS: One other final
17 question. I don't think I need a microphone.
18 Just on the preserved overflow parking that was
19 referenced earlier, would there be a way for
20 you to provide a mockup of what that may look
21 like in this layout and development?

22 THE WITNESS: Sure.

23 MR. HAWS: Thank you.

24 THE CHAIRMAN: Emily, I have a

1 question. It gets back to one Mrs. DeWolf
2 asked about setbacks and the Robinson family
3 homes. How will those setbacks, will they be
4 affected when and if the Historic Commission
5 gets involved in the Battle of the Brandywine
6 there? Will that change setbacks?

7 THE WITNESS: Potentially. I'm
8 not sure what information, new information will
9 be provided.

10 THE CHAIRMAN: Thank you.

11 MR. MCKENNA: Any other questions
12 from the Board?

13 Mr. Adelman, do you have any
14 further questions?

15 MR. ADELMAN: No, I don't.

16 RE-CROSS-EXAMINATION

17 BY MS. CAMP:

18 Q. Can I ask a clarification? The more
19 detailed landscaping plan you are not proposing
20 to submit as part of this process? That's
21 something you are thinking is land development
22 related, correct?

23 A. Correct. I provided a general
24 landscape plan as part of the submission just

1 illustrating areas that we intend to provide
2 landscape screening and planting associated
3 with the lots and the infiltration areas.

4 Q. In your opinion, that landscaping plan
5 complies with the Zoning Ordinance criteria?

6 A. As the general, general requirements,
7 yes. But it is not very detailed.

8 Q. And the hundred-foot-long buffer you
9 were speaking of along Pleasant Grove, that's a
10 hundred feet long, is that starting from South
11 New Street?

12 A. It is a hundred feet wide and it starts
13 along, it is the -- it starts I guess along
14 where our development starts and goes all the
15 way down to where the existing vegetation
16 remains on West Pleasant Grove Road.

17 Q. When you say where the development
18 starts, you mean where Road K hits West
19 Pleasant Grove?

20 A. Correct.

21 Q. And then goes a hundred feet wide into
22 the site? I'm looking at Exhibit A-6. I'm
23 just trying to understand the berm and what the
24 width and length is along West Pleasant Grove.

1 A. If you look at sheet 44 A, that's where
2 we are showing the proposed landscaping.

3 Q. And that's in A-3?

4 A. Yes, A-3.

5 Q. What did you say, 43 A? 43 A did you
6 say?

7 A. I'm sorry, 44 A.

8 Q. Okay. Does that stop, then, where Road
9 L hits West Pleasant Grove?

10 A. It stops where the, either L or we are
11 trying, going to try to preserve some of the
12 trees along the Road L.

13 MS. CAMP: Okay.

14 MR. MCKENNA: Anything further,
15 Ms. Camp?

16 MS. CAMP: No.

17 MR. MCKENNA: Thank you then.

18 (Witness excused.)

19 MR. MCKENNA: I think at this
20 time we would like to recall Jeff Madden for
21 cross-examination. Mr. Madden, I'll remind you
22 you are still under oath.

23

24

1 (JEFFREY M. MADDEN, having been
2 previously duly sworn, was examined and
3 testified further as follows:

4 MR. MCKENNA: As before I'll go
5 through our list of parties and ask if you have
6 any questions. Ms. Camp, for the Planning
7 Commission, any questions?

8 MS. CAMP: Yes, please. Thank
9 you.

10 CROSS-EXAMINATION

11 BY MS. CAMP:

12 Q. Good evening, Mr. Madden.

13 A. Good evening.

14 Q. In your testimony you referenced the
15 use of best management practices in the design
16 of the stormwater management facilities and for
17 protection of riparian buffers. Explain how
18 the conditional use plans use best management
19 practices and protect the riparian buffers.

20 A. Sure. The conditional use plan
21 protects the riparian buffers with a 75-foot --
22 hopefully everybody can hear me -- with a
23 75-foot buffer that we are proposing to remain
24 undisturbed, and as well as on our site the

1 BMPs we used are also to cluster the
2 development, use of through connection, plant
3 species, protect sensitive buffers and natural
4 features. Those are some of the nonstructural
5 BMPs we are proposing, as well as additional
6 structural BMPs on our site that would be
7 located either on the lots or in the basins
8 themselves, infiltration basins, and then
9 ultimately landscape berms and buffering and
10 street trees that would be needed as well.

11 MR. MCKENNA: Mr. Madden, I'm
12 going to ask you to speak up as much as you
13 can, as if you are talking to the person in the
14 last row, into that microphone for me, please.

15 THE WITNESS: I will try to do my
16 best.

17 MR. MCKENNA: Thank you.

18 BY MS. CAMP:

19 Q. Have you reviewed Cedarville
20 Engineering's review letter of February 22nd,
21 2017, which was marked Board Exhibit 25?

22 A. Yes, I have.

23 Q. And do you agree with Cedarville
24 Engineering's assessment that the project is

1 located entirely within the Radley Run
2 watershed and its tributaries?

3 A. Majority is located within the Radley
4 Run watershed. There is roughly ten, plus or
5 minus, acres that would drain towards the east
6 to the Chester Creek watershed.

7 Q. Do you agree with Cedarville
8 Engineering's assessment that the Radley Run
9 and its tributary are classified as impaired?

10 A. Yes, I do.

11 Q. Do you agree with Cedarville's
12 assessment that implementation of best
13 management practices can reduce sediment
14 entering Radley Run?

15 A. Yes, I do.

16 Q. And do you agree with Cedarville's
17 assessment that stream restoration activities
18 would have a significant positive impact on
19 water quality and help the township achieve its
20 pollutant reduction plan under its MS4 permit?

21 A. That is one alternative. Our
22 proposition is to provide BMPs on site that
23 would meet the BMP requirements of the DEP.

24 Q. Cedarville Engineering recommends that

1 the applicant explore ways in which to enhance
2 the proposed buffer around the streams with
3 trees and shrub plantings to create a minimum
4 35-foot forested buffer. Is that possible for
5 Toll to implement that recommendation?

6 A. It is a possibility. But like I said,
7 my design at this point shows that we think we
8 can do everything on our site and keep the
9 natural buffers and stream intact as possible.
10 But it is possible to do.

11 Q. Is it something that Toll would be
12 willing to investigate during land development?

13 A. It is a possibility, yes.

14 MS. CAMP: Nothing further.

15 MR. MCKENNA: Mr. Crawford is not
16 here.

17 Ms. Labrum, for Thornbury, any
18 questions?

19 MS. LABRUM: No. Thank you.

20 MR. MCKENNA: Thank you. Mr.
21 Thompson, for Neighbors for Crebilly, any
22 questions?

23

24

1 CROSS-EXAMINATION

2 BY MR. THOMPSON:

3 Q. Good evening, Mr. Madden.

4 A. Good evening.

5 Q. I believe you stated that the
6 stormwater would be conveyed to nine stormwater
7 basins on the property; is that a correct
8 statement?

9 A. That is correct.

10 Q. And that the water quality would be
11 maintained by best management practices
12 throughout the site; is that correct?

13 A. That's correct.

14 Q. Now, you also stated that the best
15 management practices, you have yet to determine
16 those best management practices; is that
17 correct?18 A. The ones that I previously stated are
19 ones that I imagine would be used on this site,
20 but nothing has yet been designed and that
21 would be during the design process.22 Q. And so that would be during land
23 development?

24 A. Correct.

1 Q. So you can't state right now how water
2 quality will be maintained?

3 A. I cannot state right now how it will be
4 maintained or will be done. But we have rules
5 and regulations from both the township and the
6 conservation district, as well as the DEP, that
7 we would have to adhere to, and those are
8 guidances that we need to design our site for.

9 Q. But that design has not been done yet,
10 correct?

11 A. Correct.

12 MR. THOMPSON: That's all I have.

13 MR. MCKENNA: Mr. DuFault, for
14 Brandywine of Thornbury HOA, any questions?

15 MR. DUFAULT: No questions.

16 MR. MCKENNA: Mr. Martin, for
17 Radley Run III HOA, any questions?

18 MR. MARTIN: Yes. Hi. Good
19 evening. What is the best way to monitor
20 stormwater?

21 THE WITNESS: I guess I will ask
22 for a little more information on where.

23 MR. MARTIN: Okay. I think this
24 is part of 167 plan, the stormwater management;

1 is that correct?

2 THE WITNESS: Yes.

3 MR. MARTIN: Doesn't that plan
4 necessarily have to not increase the volume of
5 stormwater and not decrease the quality of
6 stormwater runoff?

7 THE WITNESS: Yes. For the
8 two-year storm we must mitigate and infiltrate
9 the, I call the delta two, the difference
10 between the post-developed and the
11 pre-developed flow for the two-year storm must
12 not leave the site either through infiltration,
13 evaporation or different techniques, and as
14 well as the volume, it is a rate control for
15 all the storms that is in the township
16 requirements that the two-year must be reduced
17 down to the one-year pre. But all the rest of
18 the storms will be the rate as they were for
19 storms, typically ten to the ten, 25 to the 25
20 will need to be adhere to with our design of
21 our basins.

22 So no more water can leave the
23 site in any one storm than there was before.

24 MR. MARTIN: So that's about as

1 clear as Radley Run is going to be after this
2 development.

3 Do you have a benchmark of what
4 the flow rates are and the quality is now of
5 Radley Run?

6 THE WITNESS: There is different
7 benchmarks for every different storm. So I'm
8 trying to grasp what you are looking for and
9 trying to answer your question.

10 But there is, we have different
11 flow rates from, anywhere from the one-year
12 storm we studied up to a hundred-year storm.

13 MR. MARTIN: Okay. Here is my
14 concern: I'm from Radley Run Homeowners
15 Association, which is a quarter mile away. I
16 don't want any junk coming down through Radley
17 Run Homeowners Association via Radley Run. So
18 I would like to see the best monitoring, not
19 just, you know, you dig some swales and you run
20 a lot of water in and you put a stand pipe in.
21 I would like to see some monitoring. I'm sure
22 there is some really sophisticated stuff.
23 Can't you do that?

24 THE WITNESS: It is a

1 possibility. But one of the requirements of
2 the DEP in the design is to remove 85 percent
3 of the total suspended solids, the total
4 pollutants, and 50 percent of the nitrates that
5 are leaving the site as of today. So there is
6 thresholds that we need to adhere to.

7 MR. MARTIN: So you have
8 measurements of all those things that you want
9 to reduce?

10 THE WITNESS: There will be
11 calculations done during the design process
12 that we will be submitting to the conservation
13 district and DEP, and ultimately the townships
14 will review as well, that show the pollutants
15 and nitrates and total suspended solids that
16 the calculations show that leave the site.

17 MR. MARTIN: Okay. So this
18 monitoring, this will go on on a 24-hour basis,
19 and as a downstream riparian owner I'll be
20 informed when something is amiss?

21 THE WITNESS: I didn't say I was
22 going to be doing any monitoring. I just said
23 that is a calculation that the DEP requires.
24 It is a spreadsheet, you may not be familiar

1 with, that shows there is X amount of pounds of
2 sediment leaving the site at this time. We
3 will not be able to increase that. We have to
4 reduce that by a certain percentage.

5 MR. MARTIN: Sure. So you would
6 want to keep track of that to make sure that
7 you reduce it; is that correct?

8 I mean, wouldn't the best
9 management practice be to monitor it on a
10 continual basis?

11 THE WITNESS: Well, the
12 requirements of the DEP and the guidance from
13 the DEP, if we do certain BMPs, they give you
14 the guidance of what a typical swale will
15 remove for pollutants, total suspended solids,
16 total nitrates. Those are implemented on our
17 site.

18 The calculation on after the fact
19 will show the decrease of those suspended
20 solids and pollutants and nitrates. So there
21 is no -- right now there is no monitoring that
22 needs to be done for the DEP. It is a
23 calculation that if these BMPs are implemented
24 show the guidance has been met.

1 MR. MARTIN: Thanks.

2 MR. MCKENNA: Thank you, Mr.
3 Martin.

4 MR. MARTIN: You are welcome.

5 MR. MCKENNA: Mr. Hoffman for
6 Arborview HOA, any questions?

7 MR. HOFFMAN: No questions.

8 MR. MCKENNA: Mr. Bevilacqua for
9 West Glen HOA, any questions?

10 MR. BEVILACQUA: No questions.

11 MR. MCKENNA: Mr. Bevilacqua, for
12 the school district, any questions?

13 MR. BEVILACQUA: No questions.

14 MR. MCKENNA: Mr. McFalls, for
15 Westminster Presbyterian Church, any questions?

16 MR. MCFALLS: No.

17 MR. MCKENNA: Sorry?

18 MR. MCFALLS: No.

19 MR. MCKENNA: Mr. Feryo, for the
20 Quarry Swimming Association, any questions?

21 MR. FERYO: We do not.

22 MR. MCKENNA: Mr. Spackman, for
23 Thornbury Farm Trust, any questions?

24 MR. SPACKMAN: Yes, I have one

1 question, please, maybe two. Do the
2 calculations -- thank you.

3 Do your calculations include for
4 the sidewalks and the porous surface of the
5 site right now for one or two sidewalks on the
6 streets?

7 THE WITNESS: Yes, the
8 calculations for proposed improvements do
9 include impervious as one of the calculations
10 in the volume, rate and the pollutant runoff
11 calculations.

12 MR. SPACKMAN: And one of the
13 other things is for I guess additional parking
14 or for sidewalks, has Toll Brothers ever used
15 Eco pavers, the other penetrable surfaces,
16 bring rain water, filter down through?

17 THE WITNESS: I believe in some
18 sites they have done some, maybe not the Eco
19 pavers themselves.

20 MR. SPACKMAN: Right, yes.

21 THE WITNESS: But something,
22 pervious paving I'll call it. There has been
23 some good scenarios and some bad scenarios.

24 I'll talk about a bad scenario

1 where it is a lot of maintenance. A homeowner
2 that's not savvy will seal coat it so,
3 therefore, you are choking off the pervious
4 part of it and creating a runoff. So that's a
5 detriment to the area. So it is a lot of
6 maintenance for such a technique.

7 MR. SPACKMAN: I have installed
8 those for the Brandywine Conservancy, and, you
9 are right. With monitoring, though, they can
10 be very effective.

11 THE WITNESS: Sure.

12 MR. SPACKMAN: Would that be a
13 consideration for additional parking areas or
14 off-street or even for the access road?

15 THE WITNESS: It is possible.

16 MR. SPACKMAN: Okay. Thank you.

17 MR. MCKENNA: Amy and Bradley
18 Harkins, do you have any questions for the
19 witness?

20 MS. HARKINS: No questions.

21 MR. MCKENNA: Thank you. Laura
22 Mammucari, do you have any questions?

23 MR. MAMMUCARI: One question.

24 MR. MCKENNA: Sir, I'm sorry, can

1 you tell me your name again.

2 MR. MAMMUCARI: I'm Leonard, on
3 behalf of Laura.

4 I believe on Pleasant Grove Road
5 there is an area that is in the floodplain; is
6 that correct? South of the church, I guess?

7 THE WITNESS: Not that I'm aware
8 of. No, not on the hundred-year floodplain,
9 no.

10 MR. MAMMUCARI: There is an area
11 that is prone to flooding there, tree area
12 that's not a floodplain?

13 THE WITNESS: Not on the
14 hundred-year floodplain. The only areas on the
15 FEMA floodplain are located in the southwest
16 quadrant of the site.

17 MR. MAMMUCARI: I'm calling it a
18 floodplain. Maybe it is something different.
19 Is that going to be preserved or enhanced at
20 all? I don't believe there can be any
21 construction there. It is prone to flooding,
22 water accumulation. South of, right across the
23 street from Arborview.

24 MR. ADELMAN: I'm going to

1 object. I think it is beyond the scope of this
2 witness' testimony.

3 MR. MAMMUCARI: I'm sorry, I
4 can't hear you.

5 MR. ADELMAN: I'm going to
6 object. I believe the witness only testified
7 to stormwater. He didn't testify to, I think
8 the question, you were asking about disturbance
9 or construction in a certain area. If it is
10 related to stormwater he can answer the
11 question.

12 MR. MCKENNA: Well, it sounds
13 like to me it is related to it because of the
14 stormwater that produces flooding in a certain
15 area. Mr. Mammucari is suggesting in his view
16 a floodplain. I believe I'm hearing from the
17 witness it is not considered a floodplain by
18 FEMA.

19 Sir, are you able to answer his
20 question? Let's start with that.

21 MR. MAMMUCARI: Directly across
22 from --

23 MR. MCKENNA: Hang on, Mr.
24 Mammucari. You have asked a question. Sir,

1 are you able to answer the question?

2 THE WITNESS: I can answer it
3 generally that the wetlands and streams located
4 in one, what I'm assuming is the area right
5 behind the church, are being undisturbed. So
6 we are not impacting that design right now.
7 That's the best I can do.

8 MR. MAMMUCARI: We are calling it
9 a wetlands, then? Is that what we are doing?

10 MR. MCKENNA: You are going to
11 have to ask the witness.

12 MR. MAMMUCARI: Is that what we
13 will call it now, a wetlands? It is directly
14 across the street from where the wasteland
15 pumping station is from Arborview.

16 THE WITNESS: Sorry, just to
17 clarify --

18 MR. MAMMUCARI: About 300 yards.
19 It goes into the property pretty thick.

20 THE WITNESS: In the vicinity I'm
21 showing right now, which is roughly a few
22 hundred feet directly behind the church, is
23 that --

24 MR. MAMMUCARI: I guess it is

1 going south from the church on Pleasant Grove
2 Road, directly across the street from the
3 pumping station, on the way down to Dunvegan.

4 THE WITNESS: The best I can say
5 is we are not impacting that area of streams or
6 wetlands with our development. So if there is
7 any flooding at that point, we are not going to
8 be producing volume in that area, any amount.

9 MR. MAMMUCARI: My curiosity is
10 that, let's call it a wetlands, I hope there is
11 no intention of ever building a retention basin
12 in that area or anything, taking down all the
13 trees in the area.

14 THE WITNESS: In the wetlands
15 themselves and the stream, there is a 75-foot
16 buffer we have shown. So we are not proposing
17 to install any basins in that area.

18 MR. MAMMUCARI: Are there going
19 to be any basins anywhere near there?

20 THE WITNESS: Right now we have a
21 few basins located upstream, up slope of the
22 wetlands. I don't believe they can get any
23 closer as they will then impact the 75-foot
24 buffer from the streams and wetlands.

1 MR. MAMMUCARI: My concern is if
2 there is ever a connecting road between
3 Pleasant Grove Road and New Street or, pardon
4 me, 926, will that be impacted, what I'll call
5 wetlands, whatever you would like to call it?

6 MR. MCKENNA: Sir, I'm not sure
7 that they can answer that yet because it is not
8 currently proposed, so we don't know where it
9 would be located. So I don't think that's
10 something he can answer at this time.

11 MR. MAMMUCARI: The connecting
12 road is not, we have no designation on it right
13 now?

14 MR. MCKENNA: No, sir. It is not
15 noted on their plans currently, that's correct.

16 MR. MAMMUCARI: But it is
17 proposed?

18 MR. MCKENNA: No, sir. It is not
19 on their plans or proposed currently.

20 MR. MAMMUCARI: There is no
21 proposed connecting road between Pleasant Grove
22 Road and New Street?

23 MR. MCKENNA: Mr. Mammucari, what
24 is in front of you -- do me a favor and look up

1 at that plan. That's the one that's proposed.
2 It is not showing a connector road. That's
3 correct.

4 MR. MAMMUCARI: Does not the
5 township expect a connecting road to be there
6 some day?

7 MR. ADELMAN: Objection. We are
8 talking a witness here.

9 MR. MCKENNA: I agree.

10 MR. ADELMAN: He needs to direct
11 his questions to the witness.

12 MR. MCKENNA: I appreciate your
13 concerns, but I need you to ask their witness
14 questions instead of asking me questions.

15 MR. MAMMUCARI: I am asking him
16 the question really.

17 MR. ADELMAN: Well, I object.

18 MR. MAMMUCARI: Is there ever
19 going to be a connecting road on the Toll
20 Brothers, on the Crebilly property between
21 Pleasant Grove Road and New Street?

22 MR. ADELMAN: I object. It is
23 beyond the scope of the witness' direct.

24 MR. MAMMUCARI: Beyond the scope

1 right now. Thank you.

2 MR. MCKENNA: Mr. Gadaletto, do
3 you have any questions? Mr. Gadaletto is not
4 here.

5 Phillip Jones, do you have any
6 questions?

7 MS. JONES: No.

8 MR. MCKENNA: Thank you. Mr.
9 Moscharis, do you have any questions?

10 Allison Corcoran, do you have any
11 questions for the witness?

12 MS. CORCORAN: No. Thank you.

13 MR. MCKENNA: Thank you. Mr.
14 Skupp, do you have any questions for the
15 witness?

16 MR. SKUPP: No. Thank you.

17 MR. MCKENNA: Deanna Leraris, do
18 you have any questions for the witness?

19 MS. LERARIS: No questions.

20 MR. HAWS: She said no.

21 MS. LERARIS: No questions.

22 MR. MCKENNA: Thank you. Mr.
23 Boyer, do you have any questions for the
24 witness?

1 MR. BOYER: No questions.

2 MR. MCKENNA: Amy Murnane, do you
3 have any questions for the witness?

4 Does not appear she is here.

5 Mr. Wolter from Westtown Village,
6 do you have any questions? Mr. Wolter is not
7 here.

8 Mr. Crognale, do you have any
9 questions for the witness? Mr. Crognale is not
10 here.

11 Mr. Daull, Robert Daull, do you
12 have any questions for the witness?

13 MR. DAULL: No questions.

14 MR. MCKENNA: Thank you. Scott
15 Sobers, do you have any questions for the
16 witness? Mr. Sobers is not here.

17 Mr. Pavelchek, do you have any
18 questions for the witness?

19 MR. PAVELCHEK: No.

20 MR. MCKENNA: Thank you. Phillip
21 Yeager, do you have any questions for the
22 witness?

23 MR. PAVELCHEK: Not here.

24 MR. MCKENNA: Mr. Cahill, do you

1 have any questions for the witness?

2 MR. CAHILL: Yes, I do. Is he
3 able to answer questions regarding the sewer
4 system?

5 MR. ADELMAN: No. We have
6 another witness who will testify on that
7 subject.

8 MR. CAHILL: That will be on
9 later?

10 MR. ADELMAN: Yes.

11 MR. CAHILL: Thank you.

12 MR. MCKENNA: David Pryze, do you
13 have any questions for the witness? Mr. Pryze
14 is not present.

15 Jennifer or Jeffrey Kramer, do
16 you have any questions?

17 MS. KRAMER: No questions. Thank
18 you.

19 MR. MCKENNA: Thank you. Megan
20 Bruns, do you have any questions?

21 MS. BRUNS: No. Thank you.

22 MR. MCKENNA: Mr. Skros, do you
23 have any questions?

24 MR. SKROS: No questions.

1 MR. MCKENNA: Eileen Carey, do
2 you have any questions? Ms. Carey is not here.

3 Jim McDermott, do you have any
4 questions? Mr. McDermott is not here.

5 Dennis or Patricia McFadden, do
6 you have any questions?

7 MR. MCFADDEN: No questions.

8 MR. MCKENNA: Thank you. Carol
9 Weller, do you have any questions?

10 MS. WELLER: Yes.

11 MR. MCKENNA: Yes, ma'am. Would
12 you mind if you can grab the microphone.

13 MS. WELLER: I'm sorry if I
14 didn't understand, but my pond is fed by the
15 Radley Run, you know, very close to the
16 Crebilly Farm. Did you say there was going to
17 be any monitoring of silt or anything that was
18 going to flow down the stream from the
19 construction site? Because that's going to go
20 right into my pond.

21 THE WITNESS: As of this time
22 none is proposed. It is a possibility. But
23 the calculations that we have to submit to the
24 conservation district and DEP show, and we will

1 need to show, that we will be reducing the
2 total suspended solids, total pollutants, and
3 ultimately the nitrates to a certain threshold
4 that they were previously, so it will not
5 impact downstream homeowners any more than
6 necessary.

7 MS. WELLER: Okay. And when the
8 construction is going on with the earth exposed
9 and everything, there will be something in
10 place to keep that from getting into the
11 waterway?

12 THE WITNESS: Yes. We will need
13 to obtain a permit from the conservation
14 district and DEP for the erosion and sediment
15 control, and there will be numerous erosion and
16 sedimentation techniques used on the site, silt
17 fence, sediment basins, what have you, to
18 control the sediment that is generated on the
19 site.

20 MS. WELLER: Okay.

21 MR. MCKENNA: Thank you, ma'am.

22 Linda or Matthew Reichert, do you
23 have any questions?

24 MR. REICHERT: No questions.

1 MR. MCKENNA: Thank you. Does
2 the Board have any questions at this point?
3 Why don't we do those first.

4 MS. DEWOLF: How many basins do
5 you have on your plan?

6 THE WITNESS: Right now we
7 propose nine basins on our site.

8 MS. DEWOLF: Could you tell me
9 which ones are retention basins and which are
10 detention basins?

11 THE WITNESS: They are all
12 designed to be infiltration basins which will
13 be a detention technique.

14 MS. DEWOLF: Did I understand
15 you, you said they are, all nine are detention
16 basins?

17 THE WITNESS: At this time we are
18 proposing to be detention basins, with
19 infiltration in them as well.

20 MS. DEWOLF: Did you say "at this
21 time"?

22 THE WITNESS: At this time, yes.

23 MS. DEWOLF: Can you tell me, can
24 you describe what those basins are like?

1 THE WITNESS: They are
2 infiltration basins, so the proposed basins are
3 flat bottom, with vegetation supporting
4 infiltration techniques.

5 The sides will be planted with
6 lawn, which will be cut and maintained as
7 necessary through the HOA maintenance
8 requirements. They will be planted with
9 landscaping around them, and outlet structures
10 to control the water flow in and out of the
11 basins.

12 MS. DEWOLF: Are you familiar
13 with green infrastructure practices? And are
14 you using any green infrastructure on any of
15 your nine detention basins?

16 THE WITNESS: If you can clarify
17 green infrastructure.

18 MS. DEWOLF: I'm asking you if
19 you know what green infrastructure is.

20 THE WITNESS: If you are talking
21 about infiltration techniques --

22 MS. DEWOLF: In respect to
23 stormwater management basins.

24 THE WITNESS: I don't know if

1 infiltration is considered a green technique.
2 But that's what we are proposing to use on our
3 site to meet the requirements.

4 MS. DEWOLF: And did I hear you
5 say that they would be in grass?

6 THE WITNESS: The side slopes
7 will be in grass, and the bottom is proposed to
8 be flat bottom, with water-tolerant vegetation,
9 as there may be water in those basins for a day
10 or two until it is infiltrated into the ground.

11 MS. DEWOLF: Are you using any
12 kind of landscape material, vegetation that has
13 the ability, other than grass, to infiltrate
14 better, a type of plant material? Any other
15 materials other than grass?

16 THE WITNESS: Throughout the site
17 we are proposing to use native trees for both
18 our buffer and our street trees, which the DEP
19 manual gives a credit for a certain amount of
20 uptake that each of those native trees will
21 handle. And that will help to keep the trees
22 vibrant, as well as be reduction in the volume
23 leaving the site. Whether it is infiltration
24 or evaporation through the trees, that is a

1 technique that can be credited for the DEP
2 requirements.

3 MS. DEWOLF: And in respect to
4 the stormwater basins, again, what best
5 management practices are you using?

6 THE WITNESS: In the basins
7 themselves, right now it is proposed to have
8 infiltration techniques on the basins. But
9 during the design process we will have to hit
10 and maintain the requirements of the DEP
11 pollutant removals for suspended solids,
12 nitrates and total pollutants. So there might
13 be some other techniques that need to be added
14 during the design phase.

15 But as of right now we are
16 proposing infiltration, and we think with these
17 and a couple minor processes throughout the
18 site, both structural and nonstructural, we are
19 able to hit those requirements. But the
20 calculations to date have not been fine-tuned.

21 MS. DEWOLF: Right, I understand
22 that. Are you familiar with the fact that the
23 township is going to have an MS4 permit
24 requirement process that is different now and

1 regulations which are a lot more stringent to
2 adhere to?

3 THE WITNESS: I have heard that
4 all townships have an MS4 that has been I guess
5 ramped up. I have not heard of, but I know
6 that the townships do have an MS4 that they
7 have to adhere to.

8 MS. DEWOLF: And on the western
9 side of Radley Run, before it exits the
10 property that you have your layout on, there is
11 animals there. Do you still intend to have
12 animals on the site after the development?

13 THE WITNESS: I don't know how I
14 can answer that question. Yes. I can't
15 prohibit, and I don't think that anybody would
16 want to prohibit animals.

17 MS. DEWOLF: Well, I don't find
18 it humorous, because animals and animals in
19 streams impact the water quality. So I'm
20 asking now, with stormwater right now that it
21 actually impacts that stream, and whatever you
22 have going on is going to impact the future of
23 what happens there with such a significant
24 development.

1 So my question is, number one, do
2 you intend to have any animals and what type?
3 And if you don't know, fine.

4 THE WITNESS: I see your
5 viewpoint now, and I apologize for not
6 answering it sooner.

7 We are not going to and cannot
8 degrade the water in any way, shape or form
9 for our permits. So if there is any vegetation
10 and animals down in that vicinity, we will not,
11 hopefully, be impacting them with our design
12 and permits accordingly.

13 MS. DEWOLF: Will you have any
14 horses retained on site?

15 THE WITNESS: That I am unaware
16 of.

17 MS. DEWOLF: And will your design
18 calculations reflect any animals?

19 THE WITNESS: To answer the
20 question of horses, that I am unaware of in the
21 proposed condition.

22 MS. DEWOLF: Okay. Back to that
23 same area of Radley Run before it exits your
24 property, my question here is layout. There is

1 a bridge there, and it is an old bridge, and we
2 have some questions, let's say, on the impacts
3 and the changes, and the flow regime, and the
4 hydrological aspects of that water prior to
5 flowing into that area.

6 Have you looked at any
7 calculations for the flow regime and how you
8 might have to make any accommodations to that
9 bridge?

10 THE WITNESS: We have not looked
11 at the accommodations of that bridge at this
12 time. What our design has done at this point
13 is to meet the requirements of the codes, which
14 is for the hundred year, which is the worst
15 case scenario, that no more water, rate wise,
16 leaves this site post-development than in
17 pre-development.

18 So it will not have a detrimental
19 effect on that area.

20 MS. DEWOLF: Have you looked at
21 or had discussions with the township on the
22 routes yet?

23 THE WITNESS: Not to my
24 knowledge, no.

1 MS. DEWOLF: Do you know the flow
2 regime and the calculations of flow at this
3 time immediately prior to that crossing there?

4 THE WITNESS: I can look at the
5 stormwater board to get the flows I've
6 calculated, if that will help you.

7 At this time during the
8 pre-developed condition for forest and meadow
9 as pre-developed cover types, I have calculated
10 that 988 CSF will leave the site in the
11 hundred-year storm.

12 MR. MCKENNA: Mr. Madden, can you
13 tell me what document or exhibit you are
14 referring to so that we can be clear for the
15 record, please?

16 THE WITNESS: Sure. That is the
17 conditional use Stormwater Management Narrative
18 for Crebilly Farm that was originally submitted
19 in October 2016 and revised December 2016.

20 MR. MCKENNA: Mr. Adelman --

21 THE WITNESS: I don't know the
22 exact --

23 MR. MCKENNA: Mr. Adelman, is
24 that one of your exhibits?

1 MR. ADELMAN: It is Exhibit A-13,
2 is the narrative, and I believe the
3 calculations were included in the application.

4 MR. MCKENNA: Thank you.

5 MS. DEWOLF: Question on that.

6 You used a meadow and forest as your
7 calculation. Did you consider the farmland
8 portion that is in corn and beans every year?

9 THE WITNESS: No. The ordinance
10 requirement is to have the higher rate, which
11 is usually considered a meadow. The road crop,
12 as it is listed in the stormwater manual,
13 generates, generally generates a higher flow of
14 runoff leaving the site. So most of the
15 townships have enacted that the meadow
16 condition be the basis for your pre-development
17 flows.

18 MS. DEWOLF: What did you say,
19 the most?

20 THE WITNESS: Most townships.

21 MS. DEWOLF: Thank you. That's
22 all the questions I have.

23 THE WITNESS: Okay.

24 THE CHAIRMAN: Mr. Madden, I have

1 a question. Are the nine detention basins that
2 are designated part of the 60 percent open
3 space?

4 THE WITNESS: Yes, they are.

5 THE CHAIRMAN: Okay. Are they
6 wet all the time or semi wet?

7 THE WITNESS: They are wet, they
8 are infiltration, so they are proposed to be
9 infiltration basins. Infiltration basins to
10 meet the requirement are required to infiltrate
11 the volume within three days of the cessation
12 of a rain event. So for no more than three
13 days after a rain event would any water be in
14 those basins. So if you want to call them
15 partial.

16 THE CHAIRMAN: They are wet to
17 dry?

18 THE WITNESS: Correct.

19 THE CHAIRMAN: My next question
20 then was can these basins become mosquito
21 incubators?

22 THE WITNESS: I don't believe so.
23 The infiltration practice will infiltrate the
24 water into the ground and will not breed

1 mosquitos.

2 THE CHAIRMAN: Thank you.

3 MR. HAWS: Yes, I have a couple
4 quick questions, just to confirm what you had
5 just said, because the previous witness
6 actually stated something different when I
7 asked about the calculation of open space and
8 it being 93 acres, and that were these
9 infiltration basins part of that calculation,
10 she had stated no, they were an additional, I
11 can't remember if it was either eight or 25
12 acres.

13 And you are saying that that is,
14 so it was 25 acres. So now what you are
15 telling me is that 61 percent of open space
16 calculation, those 25 acres are part of that
17 calculation?

18 THE WITNESS: Yes, I guess just
19 to take a step back. We are proposing a 197
20 acres, which is roughly 61 percent. We are
21 required 193 acres. The 93 acres that I think
22 Ms. Stewart talked about previously were the
23 natural resources that we are not going to
24 touch at all. These basins are located outside

1 of those 93 acres.

2 MR. HAWS: But it is still part
3 of the 61 percent of our open space?

4 THE WITNESS: That's correct.
5 Part of your ordinance, if there is
6 infiltration basin, that can be counted as part
7 of your open space.

8 MR. HAWS: Okay. And then I
9 think I heard, but I want to just get it
10 clearly on the record and for me, that
11 infiltration basins, the nine of them that are
12 on Exhibit A-13 reference DR 40.02, page 2,
13 those will be owned, maintained and operated by
14 the HOA; is that correct?

15 THE WITNESS: The basins are to
16 be owned and maintained by the HOA, that's
17 correct.

18 MR. HAWS: Okay. And then
19 throughout some of the questioning that you
20 were responding to Ms. DeWolf here you were
21 stating that best practices and all will go
22 towards the DEP, and she had mentioned about
23 the MS4 permit. Also as part of land
24 development, would you also make sure that you

1 are in compliance with our MS4 permit? You
2 referred only to DEP requirements. And I just
3 need to know that also encompass our MS4
4 permitting at that time?

5 THE WITNESS: I'm sorry, I don't
6 know if I can talk, I'm not up to speed on the
7 MS4 for the township.

8 But from what I remember, from
9 what I know of the DEP, our site design is part
10 of the township's MS4 permit. So as long as we
11 design our site to meet the requirements that
12 is not a hindrance to your MS4 permit, as if
13 the site is designed accordingly that will only
14 help, if not remain status quo to your MS4
15 requirements for the township and not hinder it
16 in any way, shape or form, because with the
17 requirements it would be met per the DEP from
18 our site.

19 MR. HAWS: So it is really just a
20 simple yes or no. Will you meet the
21 requirements of our MS4 permit as part of this
22 stormwater management plan?

23 THE WITNESS: I don't know what
24 your MS4, specifically, requirements are. The

1 only thing I am able to definitively say right
2 now is that we meet the DEP requirements for
3 the NPDES ratios, which I believe are part of,
4 a minor part of the MS4 for the overall
5 township's perspective.

6 MR. HAWS: Again, I'm not trying
7 to be obstinate here. It is a simple yes or
8 no. Will you meet our MS4 permit or no? Or
9 you do not know? They are the three options.

10 THE WITNESS: I'll go with the
11 third of I do not know.

12 MR. HAWS: When can we get
13 clarification on Toll Brothers' position on
14 that question? Would you be willing to write a
15 memo and have that be a supplement to your A-13
16 exhibit?

17 THE WITNESS: The only thing, we
18 can read the township's MS4 requirements, but
19 at this time the site is designed for the DEP
20 requirements. I'm not trying to skirt the
21 issue. I'm unfamiliar with your MS4
22 requirements.

23 MR. HAWS: No, and I understand
24 that. And the problem that we are facing is

1 every year that permit changes or there is
2 different requirements. So when construction
3 starts, what I'm asking is, besides what the
4 DEP is requiring for new home developments,
5 will you be in compliance with our MS4 permit?

6 THE WITNESS: We will be in
7 compliance with the DEP requirements, and it is
8 a possibility that additional things could be
9 implemented. But at this time we are, we need
10 to adhere to the DEP requirements.

11 (Board members conferring.)

12 MR. HAWS: Then just one other
13 final question. So previously, I believe it
14 was Emily had commented on the fact that they
15 could provide some additional off-site parking.
16 If that does become part of the plan, would the
17 stormwater plan be updated to calculate the
18 additional impervious surfaces that would be on
19 the property?

20 THE WITNESS: Yes. During the
21 land development process, any additional
22 modifications would have to adhere, be adhered
23 to in the design of the stormwater basins.

24 MR. HAWS: Thank you very much.

1 MS. DEWOLF: Are the detention
2 basins a net-out for the open space?

3 THE WITNESS: The infiltration
4 basins, the nine infiltration basins that we
5 have in this site are included in the 61
6 percent of the open space.

7 MS. DEWOLF: Does our regulation
8 require them to be net out?

9 THE WITNESS: No, it does not, as
10 there is an inclusion that infiltration basins
11 can be added, part of the open space.

12 MR. MCKENNA: Mr. Adelman, I know
13 Ms. Camp has some additional questions. Do you
14 want to ask any before?

15 RE-CROSS-EXAMINATION

16 BY MS. CAMP:

17 Q. Mr. Madden, Cedarville Engineering was
18 retained by the township specifically to assist
19 them with their MS4 requirements, and that's
20 why they were asked to generate the letter
21 which they did, which was Exhibit B-25, and
22 that's really what my questions to you are
23 focused on. And I had asked you previously,
24 and I think this might help Mr. Haws, the

1 question was that Cedarville Engineering
2 recommended that although the applicant does
3 not have to comply with MS4 permit
4 requirements, to the extent that your
5 stormwater design can do some of the things
6 that Cedarville is recommending, that then
7 helps the township meet its MS4 permit
8 requirements. And that's why it was
9 recommended by Cedarville that the applicant
10 consider enhancing the proposed buffer around
11 the streams to create a 35-foot forested
12 buffer. And that's why it would be very
13 helpful for such a large development to be able
14 to be familiar with the township's MS4 permit
15 requirements, so that then you can, you have to
16 do best management practices, you have to do
17 stormwater anyway, you know, in your design
18 now, if you could assist the township in
19 meeting their MS4 permit requirements. I think
20 that's what Mr. Haws was trying to get at.

21 And I think your testimony was
22 that during land development that would be
23 something that you would, that you could
24 potentially recommend Toll to do; is that

1 correct?

2 A. Yes, we could potentially do that, yes.

3 Q. That also goes to the condition, the
4 Planning Commission recommended, and that's
5 condition 35. The Planning Commission asked
6 that applicant, or recommended, excuse me, that
7 the Board impose a condition that applicant
8 coordinate with the township engineer during
9 land development to select vegetation and
10 landscaping that will best assist the township
11 to reach the goals and requirements of its MS4
12 program, and that such provisions will address
13 concerns regarding water quality and phosphorus
14 reduction in the watersheds.

15 So I will ask you if Toll would
16 be willing to accept that condition 35, if you
17 know?

18 A. Potentially we will. We will look at
19 that during the design.

20 Q. Does that make sense, now that I put
21 that in context, to help you understand I think
22 what Mr. Haws was asking about as far as the
23 MS4 permit requirements?

24 A. No, it did before, and I wasn't trying

1 to skirt the issue. I was just trying to show
2 what my knowledge was of the MS4. I don't have
3 the complete knowledge of ultimately what they
4 are looking for. But from my recollection is
5 that our NPDES permit is part of the overall
6 MS4 permit, so as long as we are not deterring
7 our site in any way, shape or form that
8 ultimately is status quo and/or helps the MS4
9 permit.

10 Q. Right, but I think the Cedarville
11 Engineering and the Planning Commission are
12 asking you to go a little bit beyond just what
13 the minimum standards are, understanding the
14 significant costs of trying to comply with MS4
15 requirements, understanding that you have to
16 design stormwater management anyway, and you
17 are going to be doing vegetation, landscaping,
18 etcetera, if you could become familiar with the
19 township's requirements, that would be very
20 helpful in the design of your stormwater.

21 Your preliminary design was based
22 on the amount of impervious cover that's
23 proposed on the plans that were presented, the
24 conditional use, correct?

1 A. The proposed design, yes.

2 Q. And how does Toll monitor, after the
3 development is built out, that the homeowners
4 don't go over what the maximum impervious cover
5 is? And that I guess would be specific to the
6 carriage homes where it is a maximum 45
7 percent?

8 A. Generally, on a majority of their
9 sites, they give a design impervious amount
10 that each lot is designed for.

11 What we usually do is to design
12 it for the site and some additional X amount of
13 additional impervious that would be located and
14 put on specific plot plan for each lot.

15 Q. But then how is it enforced that once
16 Toll is out of the development and it is just
17 the homeowners there, what safeguards are put
18 in place to make sure that homeowners don't go
19 and try to get permits to do additional
20 impervious cover with patios and pools and
21 everything else? Is that taken care of through
22 the HOA declaration?

23 A. That I am unaware of.

24 Q. The HOA will ultimately be responsible

1 to maintain all of the stormwater detention
2 basins; is that correct?

3 A. That's correct.

4 Q. And does Toll provide any guidance when
5 they are transitioning from being a declarant
6 under the declaration to the HOA taking
7 control, do they provide guidance on what is
8 the proper maintenance for these storm
9 facilities?

10 A. As part of the conservation district
11 and the DEP regulations and permit process, we
12 are required to put maintenance and operation
13 step by step procedures on our plans, that the
14 applicant and the HOA are privy to and can
15 share that with them.

16 Q. Yeah, I mean I understand. I also
17 understand that under the township's Act 167
18 ordinance there is a stormwater O&M agreement
19 that gets recorded that ultimately the HOA is
20 responsible for.

21 I'm asking specifically, and if
22 you know, is there education that the Toll
23 employees provide to the HOA, you know, people
24 that step up for that job, do they provide

1 guidance on exactly what has to be done to
2 properly maintain it, beyond just looking at
3 the plans?

4 A. I will leave that go. I believe it is
5 in the HOA. But, again, I'm not too familiar
6 with the overall HOA documents that are
7 performed.

8 Q. I wasn't asking about your familiarity
9 with the documents. I'm asking about, because
10 you have only ever worked, at least in your
11 most recent career, for Toll, if you have been
12 involved in that transition stage and
13 understanding the maintenance obligations of
14 the basins, if that type of education occurs
15 between Toll staff and the HOAs?

16 A. I believe it does.

17 MS. CAMP: Thank you.

18 RECROSS-EXAMINATION

19 BY MR. THOMPSON:

20 Q. Mr. Madden, you testified that the nine
21 basins that are proposed on the property are
22 proposed to be infiltration basins; is that
23 correct?

24 A. That's correct.

1 Q. Have you done any testing to determine
2 whether or not they would be able to meet that
3 three-day threshold that you had testified to?

4 A. Yes, we have. We have had a soil
5 consultant, GTA, do several infiltration tests
6 throughout the site. And I believe that's
7 included as part of our exhibits.

8 Q. So the basins are generally located
9 adjacent to streams and tributaries; is that
10 correct?

11 A. That's correct.

12 Q. Have you determined whether or not
13 there is any hydric soils in those locations?

14 A. We do not believe there is hydric soils
15 in those locations as there is good
16 infiltration rates in those locations.

17 Q. If there were hydric soils or soils
18 generally close to bodies of waters, streams,
19 tributaries, they have lower infiltration rate;
20 is that true?

21 A. That's a valid general statement. But
22 we also have a 75-foot buffer from the streams
23 and a 50-foot buffer from the wetlands. So it
24 is not directly adjacent to any of those

1 waterbodies or streams.

2 Q. Okay. You testified to a design
3 impervious amount per lot that Toll generally
4 has for its developments. You just testified
5 to that. What is that amount generally? Do
6 you know?

7 A. There is no specific amount per site.
8 It is on a site-by-site case basis.

9 What the township requirement is,
10 and ultimately what the stormwater design is,
11 is designed for.

12 Q. Well, this would be an amount of
13 impervious that individual homeowners would be
14 permitted to construct and that would be
15 controlled. You don't have any general amounts
16 like of percentages that that would fall into?

17 A. At this time we have designed our
18 tentative stormwater design which we submitted
19 to the township, which is their requirement.
20 But there could be more, there could be less
21 impervious at the end of the day when the
22 design is implemented.

23 Q. Well, when you are designing the
24 impervious is there a safety factor that is

1 involved? Do you design for the additional
2 impervious that would potentially be put on by
3 individual homeowners?

4 A. Generally, we do have, what we
5 typically have, allotted for our lots or
6 houses. And then we do do an additional
7 certain percentage of impervious for future
8 homeowner improvements, such as decks and
9 patios.

10 Q. Is there a range for that percentage?

11 A. Off the top of my head there is no
12 range.

13 Q. 5 percent? 10 percent?

14 A. It all depends on the type of product,
15 as well as the location throughout the U.S.

16 Q. But there is always an overage amount?

17 A. Yes.

18 MR. THOMPSON: Okay.

19 MR. MARTIN: Mr. Madden, my name
20 is Tom Martin. I'm with the Radley Run
21 Homeowners Association.

22 THE CHAIRMAN: Can't hear you.

23 MS. CAMP: Now we can.

24 MR. MARTIN: The nine retention

1 or the infiltration basins, you say they are
2 subject to maintenance requirements; is that
3 correct?

4 THE WITNESS: Yes, there is a
5 maintenance, operation and maintenance
6 procedure that would be put on the plans for
7 all of our BMPs.

8 MR. MARTIN: Okay. If such a
9 maintenance schedule were not maintained, the
10 infiltration basins would not perform as you
11 said they would? Okay. Don't answer.

12 MR. MCKENNA: Hang on. Let him
13 answer the question. It is a good question.

14 MR. MARTIN: I thought he didn't
15 understand. I'm sorry.

16 THE WITNESS: It is a potential
17 for it, but the infiltration even with no
18 maintenance is still a possibility to be
19 maintained.

20 A VOICE: Huh?

21 MR. MARTIN: Could you clarify
22 that, please.

23 THE WITNESS: The infiltration is
24 not necessarily contingent upon maintenance.

1 If there is lawn, if there is -- if the lawn is
2 higher than it should be, that necessarily
3 doesn't mean that the infiltration is going to
4 be increased in any way, shape or form, as an
5 example.

6 It is not really a correlation.
7 You can draw some inferences, but it is not a
8 direct correlation.

9 MR. MARTIN: So if you don't
10 maintain them they will still drain in three
11 days?

12 THE WITNESS: It is a
13 possibility, yes.

14 MR. MARTIN: Is it possibility
15 that they won't drain in three days?

16 THE WITNESS: Sure, that's a
17 possibility as well.

18 MR. MARTIN: Do you know what the
19 breeding cycle is of mosquitos?

20 THE WITNESS: No, I do not.

21 MR. MARTIN: Then how can you say
22 in three days or in five or in ten, if they
23 fail because of lack of maintenance, there
24 won't be mosquitos?

1 THE WITNESS: The three-day
2 threshold is a requirement from the DEP, and
3 what we are required to do to maintain
4 infiltration in our basin so there is not a
5 large amount of water that cannot be
6 infiltrated in that certain threshold of time.

7 MR. MARTIN: So without knowing
8 the breeding cycles of mosquitos, you really
9 can't say that there won't be mosquito
10 breeding; is that correct?

11 THE WITNESS: Sure, that's a
12 statement, yes.

13 MR. MARTIN: Okay. There was,
14 and, Mr. McKenna, if you would please tell me
15 the party inquiring, cross-examining,
16 cross-examining party was before the Reicherts,
17 because his response to that question is one of
18 my follow-ups.

19 MR. MCKENNA: Sir, I'm sorry, I
20 can't really tell you.

21 MR. MARTIN: It is in the list.
22 It preceded Reichert.

23 MR. MCKENNA: I understand that.
24 Everyone preceded Reichert. Reichert was at

1 the end.

2 MR. MARTIN: The next
3 preceding --

4 MR. MCKENNA: Hang on. You can't
5 talk when I'm talking. You've got to stop
6 doing that.

7 There was Carol Weller. There
8 was Dennis McFadden. There was Jim McDermott.
9 I don't know which of those people that
10 preceded spoke. I don't know. I can't answer
11 your question.

12 MR. MARTIN: Okay. There was a
13 response by Mr. Madden that we don't want to
14 impair or affect downstream owners, quote, any
15 more than is necessary, close quote. So what
16 is necessary?

17 THE WITNESS: What I was
18 referring to was the total pollutants, the
19 total suspended solids and the total nitrate
20 requirement in calculation that I was talking
21 to, about at that time, required to reduce
22 total pollutants and total suspended solids by
23 85 percent of the pre-development rate, and
24 total nitrates 50 percent of the

1 pre-development rates.

2 So that is the requirement that
3 we need to adhere to in order to obtain our
4 permit.

5 MR. MARTIN: So what did you mean
6 when you said we don't want to affect
7 downstream owners, quote, any more than is
8 necessary?

9 MR. ADELMAN: Objection. I think
10 he just answered the question.

11 MR. MARTIN: I didn't understand
12 it. Could you clarify that for me? So you
13 will affect us, and it won't be either a
14 diminution in quantity -- or increase in
15 quantity, or a diminution in quality, if you
16 are going to affect us.

17 MR. ADELMAN: Objection. I don't
18 think that's a question. It is a statement.

19 MR. MCKENNA: Well, I think there
20 was a question in there. I think you asked for
21 clarification of his last answer; is that
22 right?

23 MR. MARTIN: I did.

24 MR. ADELMAN: Then I object. It

1 is a statement.

2 MR. MARTIN: If plan 167 says
3 there won't be any diminution in quality or
4 increase in quantity, how are you going to
5 affect us downstream, necessarily, if neither
6 of those is met?

7 THE WITNESS: The calculations
8 require us to have the total pollutants and
9 total suspended solids and total nitrates
10 reduced by a certain percentage of the
11 pre-development rates versus the
12 post-development rates.

13 MR. MARTIN: Would the applicant
14 be willing to implement 24-hour monitoring on
15 the Radley Run stream and its tributaries?

16 THE WITNESS: I cannot answer
17 that question.

18 MR. MARTIN: Let's see. Your
19 history I think has been working for Toll for
20 awhile; is that correct?

21 THE WITNESS: That's correct.

22 MR. MARTIN: Have you designed
23 similar infiltration basins and stormwater
24 plans for the applicant?

1 THE WITNESS: Yes.

2 MR. MARTIN: In the Commonwealth
3 of Pennsylvania?

4 THE WITNESS: Yes, as well as
5 others.

6 MR. MARTIN: Have any of those
7 developments that you have worked on been
8 subject to the EPA action against Toll and the
9 settlement of three-quarters of a million
10 dollars?

11 THE WITNESS: Not that I'm aware
12 of, no.

13 MR. MARTIN: So you don't know
14 whether any that you worked on were part of the
15 violations of the EPA?

16 THE WITNESS: To my knowledge,
17 there is none that has been part of that, yes.

18 MR. MARTIN: Thank you.

19 MR. HAWS: Just one follow-up
20 additional question. I know we had spoken
21 about the nine infiltration basins being owned
22 by the homeowners association. Does that also
23 extend to any additional stormwater management
24 structures that will be part of the

1 development? That will probably come out in
2 land development? Will any structure that has
3 to do with stormwater management be owned and
4 maintained and operated by the homeowners
5 association?

6 THE WITNESS: That is a
7 possibility, depending on where it is on the
8 site.

9 Another alternative is the
10 homeowner, but that will be determined when the
11 plant is designed. But we are proposing the
12 majority of our BMPs to be in or around the
13 infiltration basins, so that would be part of
14 the HOA.

15 MR. HAWS: One additional
16 clarification. So along the long streets that
17 we have here, there are no plans for any
18 stormwater runoff I guess collection systems
19 along the roadways, to collect any rain water
20 on those roads?

21 THE WITNESS: If you are
22 referring to the inlets --

23 MR. HAWS: Yes.

24 THE WITNESS: -- located on the

1 roads, yes, there will be inlets themselves
2 located in the road which will ultimately be
3 piped to the infiltration basins themselves, so
4 the rain water can be conveyed to infiltration
5 basins.

6 MR. HAWS: So to that question,
7 is that going to be owned, maintained and
8 operated by the HOA, or no?

9 THE WITNESS: I believe the
10 streets at this time are proposed to be owned
11 and maintained by the HOA. So I believe that
12 the storm sewer flow would be owned and
13 maintained by the HOA.

14 MR. HAWS: Thank you.

15 MR. MCKENNA: Mr. Thompson, I
16 think you had another question.

17 RECROSS EXAMINATION

18 BY MR. THOMPSON:

19 Q. I have one more question. Mr. Madden,
20 I believe you testified earlier that the Act
21 167 plan for the township required a 50 percent
22 reduction in the standards concerning nitrates
23 for Chester Creek and 85 percent for suspended
24 solids; is that a fair statement?

1 A. Yes.

2 Q. Have you done the baseline testing to
3 determine where those standards are now?

4 A. We have not.

5 Q. Okay. So you can't testify whether or
6 not you can meet that reduction level?

7 A. The infiltration techniques that are
8 proposed on the site are, majority of the
9 requirements are getting close to the 85
10 percent. Once we do our, the full design, some
11 additional smaller techniques may need to be
12 implemented. But the infiltration basins
13 definitely get us a majority to that, to that
14 number.

15 Q. But as far as the delta between the 100
16 percent, I guess, and the 50 percent and 85
17 percent, you don't have the numbers to
18 determine whether or not you can meet those
19 calculations at this point; is that correct?

20 A. At this point we do not.

21 MR. THOMPSON: Okay. That's it.

22 MR. MCKENNA: Sir, did you have a
23 question? Do you mind coming up front,
24 identifying yourself again, and ask the

1 question from the microphone.

2 MR. MCFADDEN: Denny McFadden,
3 1010 General Greene Drive.

4 Are drains required at the bottom
5 of the infiltration?

6 THE WITNESS: No. That's a
7 possibility that, one, that an underdrain could
8 be added as a future possible alternative. But
9 as of this time our infiltration, and we've had
10 very good infiltration rates on the site, that
11 we will not need any additional underdrains
12 located in the basins.

13 MR. MCFADDEN: So if something
14 happens somewhere, it gets a clog and the water
15 is just sitting there, are you saying that the
16 HOA will be responsible for going out and
17 cleaning those?

18 THE WITNESS: At this moment,
19 yes.

20 MR. MCFADDEN: So I hate to, but
21 my -- we have drain basins in my neighborhood,
22 and my neighbor is responsible for that. I
23 find it difficult for someone --

24 MR. ADELMAN: Objection.

1 MR. MCFADDEN: -- living in an
2 \$800,000 drain to go down and there clean those
3 drains.

4 MR. ADELMAN: It is not a
5 question.

6 MR. MCKENNA: I need you to ask a
7 question.

8 MR. MCFADDEN: I'm sorry. I
9 apologize.

10 MR. MCKENNA: That's okay.

11 MR. MCFADDEN: The HOA will be
12 responsible for cleaning out those drains, I
13 mean the basins when they become clogged?

14 THE WITNESS: Yes, the HOA will
15 be required to maintain the facilities.

16 MR. MCFADDEN: I apologize.

17 MR. MCKENNA: That's okay. Thank
18 you.

19 Mr. Adelman, do you have any
20 questions? If you say one I'm going to hold
21 you to it only being one.

22 MR. ADELMAN: I do have a couple.

23 MR. MCKENNA: Thank you. After
24 that we are going to take a break for the

1 benefit of our court reporter.

2 REDIRECT EXAMINATION

3 BY MR. ADELMAN:

4 Q. Mr. Madden, there was some testimony,
5 some questions asked and you had some testimony
6 regarding impairment to the streams; is that
7 correct?

8 A. That's correct.

9 Q. Does the farming currently being
10 conducted on the property impair the stream?

11 A. Yes, it does.

12 Q. How severely does farming and
13 agricultural activities impair the stream?

14 A. Farming is a very, a very large
15 impairment to the stream as there is no, there
16 is no lawn or the other stabilization on the
17 materials, so dust, pollutants, what have you,
18 easily run off from the farm fields into the
19 streams.

20 Q. What kind of pollutants go into a
21 stream as a result of farming?

22 A. The silt and sediments themselves, as
23 well as any pesticides that could be used on
24 the crops.

1 Q. And does taking the property out of
2 farming help the township in terms of its MS4
3 compliance?

4 A. Yes, it would.

5 Q. And how would it do that?

6 A. The lawn is a better stabilization of
7 any sediment or silts that would leave the
8 site. So there will be less total suspended
9 solids leaving the site with lawn as the cover
10 to it.

11 Q. I believe Attorney Camp made mention to
12 a requirement for stormwater operations and
13 maintenance agreements. Do you recall those
14 questions?

15 A. Yes.

16 Q. And I believe you had testified that
17 you would put operations and maintenance notes
18 on the plans; is that correct?

19 A. That's correct.

20 Q. Do you know whether those plans get
21 attached to the stormwater operation and
22 maintenance agreement?

23 A. Yes, they do.

24 Q. And is there a DEP and/or township

1 requirement that that agreement be recorded
2 against the property?

3 A. Yes, it is.

4 Q. I believe you testified regarding the
5 streets in response to Supervisor Haws'
6 question regarding inlets and stormwater; is
7 that correct?

8 A. That's correct.

9 Q. Are the streets offered for dedication?

10 A. At this time I believe they are offered
11 for dedication.

12 Q. Okay. So if the township were to
13 accept them, who would own and operate the
14 stormwater facilities in the streets?

15 A. The township would.

16 Q. If the township didn't accept
17 dedication then who would own and operate the
18 stormwater facilities in the streets?

19 A. Then the HOA would.

20 MR. ADELMAN: I have no further
21 questions.

22 MR. HAWS: Just one follow up on
23 redirect. That's directly in, that's an
24 opposite opinion of what I had just asked. I

1 had asked who would be responsible for the
2 stormwater inlets.

3 MR. ADELMAN: The purpose of my
4 question was to clarify.

5 MR. HAWS: So I just wanted to
6 make sure, if I ask it again, if it would come
7 back.

8 MR. ADELMAN: The question was if
9 it is offered for dedication and accepted.

10 THE WITNESS: Correct, then it
11 would be the responsibility of the township.

12 MR. HAWS: If we don't accept it
13 then it resides with the homeowners
14 association?

15 THE WITNESS: That's correct.
16 That's what I believe I stated earlier as well.

17 MR. ADELMAN: I wanted to clarify
18 the statement because I wasn't sure either.

19 MR. HAWS: Thank you. I have no
20 further questions.

21 MR. MCKENNA: We are going to
22 take a 15-minute recess. We will come back and
23 start again with the next witness.

24 (Recess taken.)

1 MR. MCKENNA: Let's go back on
2 the record. Earlier this evening the Board
3 asked and considered a request for party status
4 from Jennifer and Edmond Stafford. At the time
5 of the motion, the motion of the Board was to
6 deny party status for the Staffords. Mr.
7 Stafford has since shown up and I believe he is
8 here right now. Mr. Stafford's property is
9 located at 951 South New Street.

10 So my first question for the
11 Board is -- and I believe Mr. Adelman has an
12 objection to Mr. Stafford as a party; is that
13 correct?

14 MR. ADELMAN: Yes, that's
15 correct.

16 MR. MCKENNA: Is that based upon
17 the location of the property?

18 MR. ADELMAN: Yes, that's
19 correct.

20 MR. MCKENNA: All right. So my
21 first question to the Board is: Do you wish to
22 reconsider your motion, which was to deny Mr.
23 Stafford party status, or are you okay with the
24 motion as it is?

1 MR. HAWS: So I guess I just have
2 a question for you. We have initially denied
3 it based on him not being present. Do we need
4 to make a new motion denying him based on
5 location?

6 MR. MCKENNA: It is entirely up
7 to you.

8 MR. HAWS: I'm fine as it stands.

9 MS. DEWOLF: Honestly, we have
10 prior to this in our discussions about who
11 could be having party status --

12 A VOICE: Speak up.

13 MS. DEWOLF: Sorry. In our prior
14 discussions about who would be granted party
15 status, we discussed that house location, north
16 of Jacqueline Drive, and we felt like there was
17 enough representation closer and in the
18 immediate area to represent the concerns of an
19 individual there. So we decided as a group,
20 and I didn't associate the location with the
21 name, so we all had agreed at that time, before
22 we came here, not to grant that particular
23 house location and party status.

24 MR. MCKENNA: So what I'm hearing

1 the Board, please confirm, is that the motion
2 to deny stands and the rationale is based upon
3 the location of the property essentially being
4 too remote and it concerns being too general?

5 MS. DEWOLF: Not like it is too
6 remote, but it is outside the defined area.

7 MR. MCKENNA: Okay. So that
8 would be the motion of the Board. That will
9 stand. I believe Ms. DeWolf wanted to ask one
10 additional question of the land planner. We
11 are going to go ahead and do that, if that's
12 all right, Mr. Adelman.

13 MR. ADELMAN: Yes, that's fine.

14 MS. DEWOLF: I forgot to ask you
15 where you are with the recreating, if you could
16 just kind of show me how you are satisfying the
17 recreation requirements for the site?

18 MS. STEWART: Okay. Can we put
19 up sheet 4 D of Exhibit A-3. Okay.

20 This is our active recreation
21 plan. We are proposing 10 percent of our net
22 tract area, the area that we are considering
23 active rec is highlighted in this hatched
24 pattern. It is a little difficult to read on

1 the screen.

2 But we are proposing this area
3 here, they are all labeled with A through J,
4 from amenity center, which is located in the
5 central location, we also have proposed
6 swimming pool, tennis, bocci in this location,
7 where we are utilizing the existing barns as
8 the amenity area. This existing barn down here
9 along New Street we are proposing as a
10 community center. We are refurbishing the
11 existing barn.

12 MS. DEWOLF: Excuse me one
13 second. My Board is saying that's 926 you
14 meant to say, not New.

15 MS. STEWART: Oh, okay. Sorry.
16 I keep saying New Street. 926, this area right
17 here.

18 We are proposing a picnic area as
19 well, in addition to some fitness trails which
20 connect this area up to this, this street, and
21 then up to this portion of the development.

22 We are proposing several pocket
23 parks, one of them being up here in the
24 carriage home area, another one being in the

1 central green space.

2 And we are proposing a tot-lot in
3 this little area of open space. And then over
4 in this townhome is section we are proposing
5 fitness trails and multi-purpose fields.

6 MS. DEWOLF: How long is the
7 trail that you have proposed on your site?

8 MS. STEWART: I don't have that
9 information at this time.

10 MS. DEWOLF: Thank you.

11 MR. MCKENNA: Thank you, ma'am.

12 Mr. Adelman, do you want to call
13 your next witness. We are going to go off the
14 record so he can hand out exhibits.

15 (Discussion off the record.)

16 MR. ADELMAN: Okay. If we could
17 go back on the record. Pat, are you all right?
18 Pat?

19 MR. MCKENNA: I'm sorry. Go
20 ahead.

21 MR. ADELMAN: I've handed out
22 updated table of contents. But just as an
23 administrative matter, I marked as my first
24 exhibit Exhibit A-15. There is no witness to

1 testify to it. It is just an updated will
2 serve letter from Aqua regarding the water
3 availability for the farm. That's dated
4 February 27, 2017. We received it, and I just
5 wanted to update that information.

6 I do have my next witness, Mr.
7 Paul Scott, and I would like to have him sworn
8 at this time.

9 PAUL S. SCOTT,
10 the witness herein, having first been
11 duly sworn on oath, was examined and
12 testified as follows:

13 DIRECT EXAMINATION

14 BY MR. ADELMAN:

15 Q. Paul, we are having microphone
16 difficulties, okay, so please speak slowly and
17 as close as you can to the microphone.

18 Paul, I would like to show you
19 what I have marked as Exhibit A-16. Is this a
20 copy of your resume, curriculum vitae?

21 A. It is.

22 MR. ADELMAN: I don't know what
23 the Board's pleasure is. I can certainly go
24 through Mr. Scott's qualifications. However,

1 he is a licensed professional geologist in the
2 Commonwealth of Pennsylvania, and I'm offering
3 him as an expert in geology. I don't know if
4 the other parties would like me to go through
5 any of his qualifications as well.

6 MR. MCKENNA: Well, maybe just a
7 little bit so that everyone here can understand
8 what it is that Mr. Scott actually does.

9 MR. ADELMAN: Sure, absolutely.

10 BY MR. ADELMAN:

11 Q. Paul, are you a registered licensed
12 professional geologist in the Commonwealth of
13 Pennsylvania?

14 A. Yes.

15 Q. I'm going to hand you this microphone
16 after I ask this question. Could you please
17 describe your professional and work experience
18 and what your regular employment duties consist
19 of.

20 A. I am a hydrogeologist and vice
21 president of Geo-Technology Associates. I
22 perform and manage hydrogeologic evaluations,
23 groundwater resource evaluations, on-site soil
24 and wastewater evaluations, and stormwater

1 evaluations.

2 MR. ADELMAN: Do you want me to
3 go any further?

4 MR. MCKENNA: No. That's fine.
5 Is there any objection by any of the attorneys
6 or the parties to admitting Mr. Scott as an
7 expert in hydrogeology?

8 MS. CAMP: No objection.

9 MS. LABRUM: No objection.

10 MR. THOMPSON: No objection.

11 MR. MCKENNA: He will be so
12 admitted.

13 MR. ADELMAN: Thank you very
14 much.

15 BY MR. ADELMAN:

16 Q. Paul, I think the best thing for me to
17 do is to hand back and forth the microphone so
18 everybody can hear. Would you please describe
19 your involvement in Toll Brothers' proposed
20 develop of the Crebilly Farm?

21 A. I was involved in the wastewater
22 disposal evaluation for drip irrigation
23 feasibility. Also, we looked at geotechnical
24 and stormwater management issues.

1 Q. I would like to direct your attention
2 to what has been already marked as
3 Exhibit A-14, which is GTA's August 11, 2016
4 preliminary geotechnical report. Are you
5 familiar with this exhibit?

6 A. Yes.

7 Q. And were you involved in its
8 preparation?

9 A. Yes.

10 Q. What did GTA examine on the Crebilly
11 Farm with respect to the underlying geology of
12 the property?

13 A. We evaluated depth to rock, depth to
14 water, soil properties for infiltration and
15 engineering evaluations. I'm sorry.

16 Q. Can you repeat your answer, please.

17 A. We evaluated depth to rock, depth to
18 soil -- I'm sorry -- depth to water, soil
19 properties for engineering and infiltration
20 purposes.

21 Q. Did you also analyze the property with
22 respect to on-site wastewater feasibility?

23 A. We did.

24 Q. As a result of your testing what did

1 you determine or conclude regarding the soils
2 on the property?

3 A. For stormwater we evaluated again
4 infiltration properties and soil, depth to rock
5 and so forth, depth to groundwater, and found
6 that it is suitable for stormwater
7 infiltration.

8 For wastewater we evaluated
9 aquifer permeability, infiltration rates, soil
10 structure and texture, and concluded that it is
11 feasible for drip irrigation system.

12 Q. What areas of the property did GTA
13 test?

14 A. We tested throughout the site with
15 geotechnical borings and test pits, conducted
16 infiltration testing on many different areas of
17 the site, basically throughout the site. We
18 focused also on the northwestern portion of the
19 site with test pits and borings to evaluate the
20 soils for wastewater disposal in that area, and
21 looked generally at the soil information we got
22 and the groundwater information we obtained
23 through the geotechnical evaluation in that
24 wastewater evaluation as well.

1 Q. Well, will additional soils testing be
2 required as part of any stormwater or
3 wastewater design?

4 A. Yes.

5 Q. And what entities regulate and review
6 the soils testing for stormwater?

7 A. PA DEP and conservation district.

8 Q. Will the township also review soils and
9 stormwater testing?

10 A. That's my understanding, yes.

11 Q. How about with respect to the
12 wastewater treatment and disposal, who would
13 review that?

14 A. It will be PA DEP.

15 Q. Okay. I would like to show you what I
16 have previously marked as Exhibit A-8. And for
17 the record, again, that's the GTA October 11,
18 2016, on-site wastewater disposal feasibility
19 letter. Do you recognize this letter?

20 A. Yes.

21 Q. And were you involved in the
22 preparation of this letter?

23 A. Yes.

24 Q. I would like to show you what I have

1 now marked as Exhibit A-17. I'm going to hand
2 you the mike too. Would you identify what has
3 been marked as A-17?

4 A. This is our report of preliminary
5 on-site wastewater feasibility evaluation,
6 dated March 2017.

7 Q. And does this report provide the basis
8 for your October 11th, 2016 wastewater
9 feasibility letter?

10 A. Yes.

11 Q. What did you examine on the property to
12 determine whether it was feasible to provide
13 on-site wastewater disposal for the proposed
14 development?

15 A. Again, we looked at test pits, soil
16 profile evaluations, to evaluate the
17 infiltration capacity of the soil for
18 wastewater disposal, performed infiltrometer
19 testing, also looked at the aquifer conditions
20 there, the thickness of the aquifer, the depth
21 to groundwater, the permeability of the
22 aquifer, and performed a preliminary
23 groundwater mounding analysis, which led us to
24 the conclusion that drip irrigation is

1 feasible.

2 Q. How would wastewater treatment be
3 provided here as opposed to just wastewater
4 disposal?

5 A. Treatment could, would be provided in a
6 pre-treatment type of scenario where, beyond
7 just settling out the solids, as you might have
8 on a standard domestic system at a house and
9 then leaching into the groundwater, there would
10 be an advanced pre-treatment system, possibly a
11 biological nutrient reduction or enhanced
12 nutrient reduction, which would dramatically
13 reduce the nutrient load and other
14 contaminants.

15 Q. And what regulations would be applied
16 with respect to the design of the wastewater
17 treatment facility?

18 A. They would have to go through the Act
19 537 process and also obtain a water quality
20 management permit.

21 Q. And again, what entity regulates and
22 issues those approvals?

23 A. The Pennsylvania Department of
24 Environmental Protection.

1 Q. When would the wastewater system likely
2 be fully designed and engineered for this
3 project?

4 A. At the time of preliminary plan.

5 Q. Is there adequate disposal area to
6 accommodate the wastewater generated by the
7 proposed development? And what gallons per day
8 per unit did you assume in reaching those
9 conclusions?

10 A. We assumed a 250 gallon per day volume
11 rate of flow and, yes, there would be
12 sufficient area shown, about 25 and a half
13 acres shown. It should take up less than that.

14 Q. Based on all your analysis, preliminary
15 analysis, do you have an opinion as to whether
16 an on-site wastewater treatment and disposal
17 system is feasible here, and what is your
18 opinion?

19 A. Yes, we did come to that conclusion.
20 And it is my opinion that it is feasible.

21 MR. ADELMAN: I have no further
22 questions for Mr. Scott. And I guess I should
23 bring the mike back over to you guys.

24 MR. MCKENNA: Thank you, Mr.

1 Adelman. Ms. Camp, for the Planning
2 Commission.

3 MS. CAMP: Thank you.

4 CROSS-EXAMINATION

5 BY MS. CAMP:

6 Q. Thank you. Mr. Scott, as part of your
7 expertise do you do any analysis of
8 developments connected to a public sewer
9 system, or is it strictly geotechnical
10 evaluation for community drip systems?

11 A. Yes, subsurface evaluations, not public
12 tie-in.

13 Q. Okay. So you couldn't speak to any
14 comparison of relative timeframes or difficulty
15 in obtaining permits for a community system
16 versus connecting to a public system?

17 A. That would be beyond my testimony, yes.

18 Q. Would you agree with me, though that
19 there is an extensive permitting process to
20 permit, to obtain all the necessary permits
21 from DEP for this type of community system?

22 A. I would agree that it is an extensive
23 process, yes.

24 Q. It is very time consuming for the

1 applicant to do that type of process, go
2 through that type of process?

3 A. It takes time, yes.

4 Q. And there is a lot of analysis of the
5 soils and what would be disposed into those
6 soils as part of that process?

7 A. There is extensive analysis of the
8 soils, yes.

9 Q. After the system, and I don't know if
10 this is something that you are involved in, but
11 after the system, assuming the proper permits
12 are obtained and the system is constructed by
13 Toll, is it then the obligation of the
14 homeowners association to maintain the
15 community system?

16 A. That would be beyond my testimony also.

17 Q. You are not familiar with how Toll
18 handles that?

19 A. That would be answered by a Toll
20 representative.

21 MS. CAMP: I have nothing
22 further.

23 MR. MCKENNA: Mr. Crawford is not
24 here. Ms. Labrum, any questions for Thornbury

1 Township of this witness?

2 CROSS-EXAMINATION

3 BY MS. LABRUM:

4 Q. Does your expertise go to the actual
5 sewer?

6 A VOICE: Can't hear you.

7 Q. Sorry. Does your expertise go to the
8 sewer system itself or only to the hydrogeology
9 necessary to support the sewer system?

10 A. I am focused on the subsurface
11 conditions at the site, hydrogeology and soils.

12 Q. And is it within your expertise to
13 ascertain whether heavy metals and other
14 contaminants would enter into the soil with a
15 drip irrigation system?

16 A. No. That would be, that would not be
17 my evaluation, no.

18 Q. So those questions would be more
19 properly directed to the person designing the
20 sewer system itself?

21 A. What I can tell you is that a system
22 that is designed and permitted would have to
23 adhere to the quality standards that are issued
24 in the permit. They will have some strict and

1 stringent water quality provisions that would
2 need to be adhered to through the design and in
3 the permitting process. That's really all I
4 can say to that. And it would be administered
5 through the Department of Environmental
6 Protection.

7 MS. LABRUM: I have no further
8 questions.

9 MR. MCKENNA: Mr. Thompson, for
10 Neighbors for Crebilly, any questions?

11 CROSS-EXAMINATION

12 BY MR. THOMPSON:

13 Q. Good evening, Mr. Scott. I believe you
14 testified that you focused on the northwestern
15 area of the site for testing, for wastewater
16 testing; is that correct?

17 A. That was a focus of test pits for soil
18 profile evaluation and borings for groundwater
19 monitoring. But we also looked at, we had 40
20 borings throughout the site, and for
21 geotechnical purposes, which we evaluated the
22 soils encountered there, and also 20
23 conditional test pits, I believe 13 of which
24 were tested for infiltration. So we had a

1 pretty good body of information.

2 But, yes, we did also evaluate
3 that northwestern portion of the site
4 intensively.

5 Q. Pretty safe to say you focused on the
6 northwestern area of the property?

7 A. I would say for wastewater testing that
8 we did. That is correct. But we were able to
9 glean a good bit of information through the
10 other soil information that we obtained and the
11 soil mapping. For example, Glenelg soils and
12 Chester soils are throughout the site, and
13 Wissahickon schist. And so taking that
14 information and drawing conclusions throughout
15 the site on a preliminary basis as appropriate.

16 Q. Were you directed by Toll Brothers to
17 focus on the northwestern area of the site?

18 A. Initially, yes.

19 Q. So that was your primary focus?

20 A. I think I have answered that question.

21 Q. And you gave less attention to the
22 other areas of the property; is that a fair
23 statement?

24 A. No. I don't -- I think I have answered

1 the question.

2 Q. Let's talk about the treatment facility
3 that you had discussed. You talked about an
4 enhanced pre-treatment? You testified to that?

5 A. I was asked what types of systems may
6 be required for treatment of a wastewater prior
7 to entry into the ground, and I did mention
8 enhanced nutrient removal as a, kind of a
9 common practice that's out there now to
10 dramatically reduce the drain levels.

11 Q. Are you a wastewater treatment expert?

12 A. I am not.

13 Q. Okay. So you don't have any knowledge
14 as to whether or not those systems are
15 experimental or whether or not there are any
16 systems like that in Pennsylvania, do you?

17 A. I can't comment any further on this.

18 MR. THOMPSON: That's all I have,
19 Mr. McKenna.

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

22 Mr. DuFault, for Brandywine at
23 Thornbury HOA, any questions?

24 MR. DUFAULT: No questions.

1 Thank you.

2 MR. MCKENNA: Mr. Martin, for
3 Radley Run III HOA, any questions? Mr. Martin
4 does not appear to be here any longer.

5 Mr. Hoffman, for Arborview HOA,
6 any questions? Mr. Martin has left for this
7 evening. Excuse me. Mr. Hoffman has left.

8 Mr. Bevilacqua, for West Glen
9 HOA, any questions?

10 MR. BEVILACQUA: No, I do not.

11 MR. MCKENNA: Any questions of
12 Mr. Scott for the school district?

13 MR. BEVILACQUA: No, I do not.

14 MR. MCKENNA: Mr. McFalls, any
15 questions for Westminster Church?

16 MR. MCFALLS: No.

17 MR. MCKENNA: Mr. Feryo, any
18 questions by the Quarry Swimming Association?

19 MR. FERYO: Yes. Sir, you are
20 aware that the Quarry Swimming Association is
21 directly west of the development?

22 THE WITNESS: I am now.

23 MR. FERYO: Okay. So are you
24 saying that there will be no negative impact to

1 the Quarry Swimming Association, which is a
2 swimming association of a natural body of
3 water?

4 THE WITNESS: In my opinion, I
5 don't believe there would be. I would say to
6 you, again, what I have said already, that
7 there is extensive testing done for these
8 on-site wastewater systems, and extensive
9 permitting and involvement by the regulatory
10 agencies, and very stringent treatment
11 requirements that are put on to these systems.

12 MR. FERYO: Do you know if the
13 serpentine barren continues across New Street
14 into the property?

15 THE WITNESS: My understanding is
16 it may be along the western fringe of the site,
17 but predominantly it is the Wissahickon schist.

18 MR. FERYO: Does any of the
19 treatment facilities touch that serpentine
20 barren that may infringe on the property?

21 THE WITNESS: Not to my
22 knowledge, no.

23 MR. FERYO: Thank you.

24 MR. MCKENNA: Thank you, Mr.

1 Feryo.

2 Mr. Spackman, any questions on
3 behalf of Thornbury Farm Trust?

4 MR. SPACKMAN: Yes, please.
5 Thank you. With the installation for one of
6 these drip irrigation systems, what is the
7 disturbance for something like that, especially
8 for the west end of the property? How is that
9 applied or the depth of it?

10 THE WITNESS: A drip irrigation
11 system, again, they have shown on their plan
12 about 25 and a half acres. Whether or not it
13 would consume all that remains to be seen.

14 As far as drip, the tubing that's
15 put in is rather small diameter and it is
16 usually put in relatively shallow, maybe 12 to
17 24 inches, somewhere in there.

18 MR. SPACKMAN: Okay. Because my
19 question was, was the site disturbance of that
20 area, because of perhaps past artifacts or
21 things like that, if that would be able to be
22 pulled up or able to see during the
23 installation.

24 THE WITNESS: I wouldn't be able

1 to comment on that.

2 MR. SPACKMAN: The only other
3 question would be with a system like that, what
4 would the use, end use be for that area? Would
5 it be mowed grass? Or what do you use that
6 area for?

7 THE WITNESS: It could have grass
8 growing.

9 MR. SPACKMAN: What is the intent
10 of that area?

11 THE WITNESS: To dispose of
12 wastewater.

13 MR. SPACKMAN: So it would be
14 barren dirt? What is the surface?

15 THE WITNESS: I think there would
16 be some kind of cover up there. That remains,
17 again, to be designed. I'm not a design
18 engineer.

19 But from my understanding of
20 other systems, you could grow grass. In fact,
21 that's a beneficial use because of the
22 evapotranspiration, some of the water, and
23 there is some potential nutrient uptake there.

24 MR. SPACKMAN: One of the

1 questions would be, in order to, as a possible
2 option would it ever be possible and has it
3 been done to be able to put light cropping in
4 that area, as in a no drill, perhaps like hay
5 or forage crops?

6 THE WITNESS: I guess that's a
7 potential. I really wouldn't be able to
8 comment on it, on what all could go there.

9 MR. SPACKMAN: Thank you. I was
10 just trying to pursue some end game options for
11 the space. Thank you.

12 MR. MCKENNA: Thank you, Mr.
13 Spackman.

14 Bradley and Amy Harkins, any
15 questions for the witness?

16 MS. HARKINS: No questions.

17 MR. MCKENNA: Mr. Mammucari, any
18 questions for the witness? It appears he has
19 left for the evening.

20 Mr. Gadaletto? I don't think he
21 has been here this evening, but I'll ask, any
22 questions for the witness?

23 Mr. Phillip Jones, any questions
24 for the witness?

1 MS. JONES: No.

2 MR. MCKENNA: Thank you. Mr.
3 Moscharis, any questions? I don't believe Mr.
4 Moscharis is here.

5 Allison Corcoran, any questions
6 for the witness? Ms. Corcoran is not here.

7 Mr. Skupp, any questions for the
8 witness? Mr. Skupp is not present.

9 Ms. Leraris, any questions for
10 the witness? She is not here this evening.

11 Mr. Boyer, any questions for the
12 witness?

13 MR. BOYER: No questions.

14 MR. MCKENNA: Thank you. Amy
15 Murnane, any questions for the witness? She is
16 not present.

17 Mr. Wolter, Kurt Wolter, any
18 questions for the witness? He is not present.

19 Mr. Crognale, any questions for
20 the witness? He is not present.

21 Robert Daull, any questions for
22 the witness?

23 MR. DAULL: Yeah, I have one.

24 I'm Bob Daull. I live on Lake Drive, which is

1 located about 2/10ths of a mile from South New
2 Street. And my question is this: The
3 residents of Lake Drive and Serpentine Drive,
4 which is part of that small development, are
5 all on wells. Do you foresee any scenarios
6 where runoff from the proposed development
7 could have an adverse impact on the well system
8 for those folks that live on Lake Drive and
9 Serpentine Drive?

10 THE WITNESS: As far as runoff
11 from the development, I believe that was
12 addressed by the engineer through the
13 stormwater management basin, so I wouldn't have
14 any comment on that.

15 MR. MCKENNA: Well, Mr. Scott,
16 let me ask a follow-up on that if I can. Based
17 upon the wastewater treatment, the on-site
18 that's proposed, do you foresee any impacts
19 from the on-site treatment relative to the
20 wells on Lake Drive and Serpentine Drive?

21 THE WITNESS: That's a different
22 question.

23 MR. MCKENNA: It is.

24 THE WITNESS: No, in my opinion,

1 no. And again, I just reiterate that it is a
2 very, as someone alluded to previously, a very
3 detailed and lengthy process, testing soils and
4 testing groundwater and designing to standards,
5 a treatment system.

6 MR. DAULL: Okay.

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

9 Scott Sobers, any questions for
10 the witness? Mr. Sobers is not present.

11 Mr. Pavelchek, any questions for
12 the witness?

13 MR. PAVELCHEK: No.

14 MR. MCKENNA: Thank you, Mr.
15 Pavelchek.

16 Phillip Yeager, any questions for
17 the witness?

18 MR. PAVELCHEK: Not here.

19 MR. MCKENNA: Mr. Yeager is not
20 present.

21 Mr. Cahill, any questions for the
22 witness?

23 MR. CAHILL: Yes. Mr. Scott, I
24 believe you mentioned that 25 acres --

1 MR. HAWS: Can you please speak
2 up. I cannot hear you.

3 MR. CAHILL: Okay. I'll talk a
4 little bit louder. I believe you mentioned
5 that 25 acres is what the system would require.

6 THE WITNESS: I mentioned that on
7 their plan they show about 25 and a half acres.
8 I believe it would take up less area, just
9 based on preliminary calculations that we
10 performed.

11 MR. CAHILL: Is that 25 acres
12 part of the 61 percent that's on the land or is
13 that separate?

14 THE WITNESS: That's really
15 outside my testimony. I'm sorry.

16 MR. MCKENNA: Well, it is a
17 different answer. Do you know, first of all?

18 THE WITNESS: I don't know.

19 MR. MCKENNA: That's better.

20 MR. CAHILL: From your knowledge,
21 sir, is there a possibility that individuals
22 living in those homes can drop toxic materials
23 into the septic systems, which would then in
24 turn be flowing to the 25 acres? I'm talking

1 about materials such as oil, gasoline,
2 materials like that?

3 THE WITNESS: I don't know.

4 MR. CAHILL: I don't either.
5 That's why I asked.

6 MR. MCKENNA: Mr. Cahill, let him
7 answer the question.

8 THE WITNESS: There are existing
9 systems around the area, private wastewater
10 disposal systems, so I suppose that could
11 happen anywhere.

12 You know, a system is designed
13 and constructed properly, if it is, then it
14 should operate properly. If people abuse it,
15 then there could be issues. But there will be
16 a maintenance component to that as well. So
17 that's all I can offer you.

18 MR. CAHILL: Are there safeguards
19 within the system itself to determine if
20 homeowners will be dumping into the system?
21 For example, whether it be clean-out sections
22 or pipes going out of control?

23 THE WITNESS: I really don't --
24 I'm not at the design end. My testimony is for

1 feasibility with respect to a system being able
2 to put water into the ground. I don't have any
3 comment that I could offer that would be
4 helpful on that.

5 MR. CAHILL: What about
6 individuals who have medications, will those
7 medications, upon release from the individual's
8 homes, go into the 25 acres of septic system?

9 THE WITNESS: Well, again, the
10 system would be designed to current standards
11 at the time and DEP requirements for treatment.
12 And that's really all I can add to that as
13 well.

14 MR. CAHILL: Okay. Thank you,
15 sir.

16 MR. MCKENNA: Thank you, Mr.
17 Cahill.

18 David Pryze, any questions for
19 the witness? Mr. Pryze is not present.

20 Jennifer or Jeffrey Kramer, any
21 questions for the witness?

22 MS. KRAMER: No questions. Thank
23 you.

24 MR. MCKENNA: Thank you. Megan

1 Bruns, any questions for the witness?

2 MS. BRUNS: No, thanks.

3 MR. MCKENNA: Ed Skros, any
4 questions for the witness?

5 MR. SKROS: No questions.

6 Thanks.

7 MR. MCKENNA: Eileen Carey, any
8 questions for the witness? Ms. Carey is not
9 present.

10 Jim McDermott, any questions for
11 the witness? Mr. McDermott is not present.

12 Dennis or Patricia McFadden, any
13 questions for the witness?

14 MR. MCFADDEN: No questions.

15 MR. MCKENNA: Carol Weller, any
16 questions for the witness?

17 MS. WELLER: No questions.

18 MR. MCKENNA: Linda or Matt

19 Reichert, any questions for the witness?

20 Appears the Reicherts have left.

21 Does the Board have any questions
22 for the witness?

23 MS. DEWOLF: Yes, I do.

24 MR. MCKENNA: Can we have the

1 microphone back, please.

2 MS. DEWOLF: In respect to our
3 Act 537 plan, what does the current Act 537
4 require for this particular site?

5 THE WITNESS: I am not -- I did
6 mention that the process would have to be
7 followed through, and also the water quality
8 permit process. But I would not, I would not
9 be able to comment any further on that. I
10 presume a civil engineer would carry through
11 that process.

12 MS. DEWOLF: I will follow up
13 then with your civil engineer on that one. How
14 many wells are on site?

15 THE WITNESS: How many wells are
16 at the site? I don't know.

17 MS. DEWOLF: On this whole site,
18 how many wells?

19 THE WITNESS: I don't know.

20 MS. DEWOLF: You tested some
21 wells, and I looked at your nitrate, nitrate
22 and Kjeldahl levels. Explain, did any of those
23 levels exceed the nutrient recommendations for
24 the wells at this time?

1 THE WITNESS: We, just to your
2 point, we didn't test wells that were existing
3 at the site. So I presume the farmer has a
4 well, etcetera.

5 We drilled borings to groundwater
6 and were able to pick the samples out of those
7 borings. My understanding is that the, and I
8 could go back and look and give you the exact
9 numbers, but the nitrate values were somewhere
10 around five to six milligrams per liter. The
11 drinking water standard is ten.

12 MS. DEWOLF: Okay. So that data
13 that you provided was from what you call well
14 boring, then, not the actual wells?

15 THE WITNESS: Soil borings but
16 that encounter groundwater.

17 MS. DEWOLF: So do you know how
18 many homes are on the site?

19 THE WITNESS: I don't.

20 MS. DEWOLF: Have the wells been
21 tested?

22 THE WITNESS: I don't know.

23 I'm sorry. I mean, we, again,
24 not to -- I just, I don't know how many wells

1 serve that property, from the standpoint of a
2 domestic supply well or irrigation well. It
3 wasn't part of our study.

4 We drilled borings. We
5 encountered groundwater. And we closed the
6 borings back up. So there is nothing remaining
7 there.

8 MS. DEWOLF: Okay. And you are
9 recommending a community system which, what are
10 the benefits of a community system versus
11 storing and bringing your sewage elsewhere?

12 THE WITNESS: I'm merely here to
13 testify that based on our testing and
14 evaluation, a system appears feasible. I'm not
15 making any recommendation regarding choosing
16 between an off-site or on-site.

17 MS. DEWOLF: In respect to a
18 community system, does that improve the
19 groundwater recharge?

20 THE WITNESS: Community system?

21 MS. DEWOLF: How would that
22 impact, second to that --

23 THE WITNESS: In a very local
24 sense --

1 MS. DEWOLF: -- the soil
2 structures and aquifer underground?

3 THE WITNESS: You are taking the
4 water out from somewhere for the people to use,
5 and then they are putting it back in the
6 ground. So I'm guessing it is almost a
7 neutral.

8 MS. DEWOLF: Tell me about the
9 impact to the wells and what you would do if
10 you had a community system. Do you do testing,
11 further testing on the wells at all, other than
12 just your borings for where that system is?

13 THE WITNESS: Well, GTA, our
14 extent of our involvement and proceeding with a
15 full evaluation for, toward obtaining a permit
16 to actually design and build a system there, we
17 would do additional test pit work, additional
18 infiltrometer testing. We would put wells in,
19 monitor water levels, do additional testing,
20 permeability of the soils. And we would
21 perform groundwater flow modeling and prepare a
22 report which summarized that, and then we would
23 basically be finished.

24 MS. DEWOLF: Can you point out

1 where those 25.5 acres are, where your proposed
2 area is on the site plan?

3 THE WITNESS: It is the, if you
4 look on that plan there, it is the hatched
5 areas. So up in the upper left-hand corner,
6 northwest corner, and then in the lower right
7 corner or southeast corner is predominant.

8 MR. ADELMAN: Just for the
9 record, the witness is referring to Exhibit
10 A-6.

11 THE WITNESS: And then in the
12 east central portion there is an acre and a
13 half or a couple acres of that same hatched
14 area shown.

15 MS. DEWOLF: Did you study the
16 aquifers of that particular area?

17 THE WITNESS: Yes. We evaluated
18 in general the Wissahickon, Piedmont aquifer
19 system with residual soils, and at some point
20 you hit rock, and so you have groundwater table
21 in those soils and in that rock. So, yes, we
22 did evaluate that as part of this.

23 MS. DEWOLF: What was the
24 groundwater table feet? Where did you first

1 meet -- what did you establish as the
2 groundwater table, what footage?

3 THE WITNESS: It varied across
4 the site. Of course, when you are near a
5 stream it is going to be much shallower. So in
6 one of our borings we had depth to water about
7 four feet. And then as you climb up the hill
8 slopes, toward the knobs of the hills it is
9 going to be much deeper, and it was.

10 So we had, on a side slope we had
11 up to 16 feet in depth to water, and I presume
12 it gets even greater as you continue up that
13 soil.

14 MS. DEWOLF: Did you check for
15 any springs in this area?

16 THE WITNESS: No, I didn't go
17 hunting for springs.

18 MS. DEWOLF: In respect to your
19 groundwater, does that seem like a very high
20 groundwater level?

21 THE WITNESS: No.

22 MS. DEWOLF: A deep groundwater
23 level?

24 THE WITNESS: Normal, I would

1 say.

2 MS. DEWOLF: Did you say, can you
3 give me that groundwater figure again? Four
4 feet?

5 THE WITNESS: Well, again, it is
6 in the report. But it is just a couple of
7 borings that we, four borings that we did in
8 that area. But one was pretty near to the
9 stream, relatively low lying elevation, and it
10 was about four feet that we observed.

11 And then as we climbed up the
12 side slope in another location was about 16
13 feet to water.

14 MS. DEWOLF: Are there any
15 associated environmental issues with community
16 systems in that location to the wells, given
17 that the groundwater is so high? I mean, it is
18 within four feet in places.

19 THE WITNESS: Well, not that I'm
20 aware of, I mean particular environmental
21 issues where we evaluated.

22 I would say that a system would
23 be positioned based on the data that we
24 collect. So I would not recommend putting a

1 system five feet from a stream. We would
2 position it in an area where the soils are
3 suitable, the depth to water was suitable, and
4 all of our calculations indicated that it would
5 function properly.

6 MS. DEWOLF: So your system would
7 not have any negative impact to the wells that
8 are immediately west that draw any water to
9 serve the community pool?

10 THE WITNESS: In my opinion, if a
11 system is installed there and installed
12 properly and designed properly, and it will
13 have to meet state regulations, water quality
14 treatment standards, if they have, then it
15 should operate without adversely impacting.

16 MS. DEWOLF: What about noise, is
17 that your expertise?

18 THE WITNESS: No.

19 MS. DEWOLF: What about smells,
20 is that your expertise?

21 THE WITNESS: No.

22 MS. DEWOLF: Are you familiar
23 with the Thornbury plant that is immediately
24 south of us, which is also a land application?

1 THE WITNESS: I am not.

2 MS. DEWOLF: I guess that's all
3 for now.

4 Can you show me where you did
5 your borings?

6 THE WITNESS: Sure. Where is it?

7 MR. MCKENNA: Mr. Scott, as best
8 you can, can you describe the areas for the
9 court reporter while you are pointing to them.

10 THE WITNESS: I'm sorry?

11 MR. MCKENNA: Can you describe
12 the area, north, south, east, west of the
13 property.

14 THE WITNESS: Sure. Oh, yeah,
15 verbally you mean.

16 MR. MCKENNA: Yes, please.

17 THE WITNESS: So, again -- is
18 this thing turned on? What does it do? Oh, it
19 is this. I'm not an engineer.

20 Okay. So I don't know if it is
21 the exact same rendition of the plan that we
22 had.

23 MS. CAMP: Gregg, do you want to
24 give him the microphone? I think it is going

1 to be difficult for people to hear him.

2 MR. ADELMAN: I don't have it.

3 THE WITNESS: I'll try to speak
4 louder. Is that better? Is that okay?

5 MS. CAMP: Maybe face the court
6 reporter. She is the one that has to hear you
7 most.

8 THE WITNESS: We did borings
9 throughout the site, along the roadways, all
10 winding through the site. We did test pits in
11 the proposed infiltration areas, all throughout
12 the site.

13 We did test pits along this area
14 and borings in this area as well.

15 MR. MCKENNA: Can you tell me
16 what "this area" is?

17 THE WITNESS: I'm sorry. Again,
18 this is at the northwestern, north central
19 portion of the site that I was just pointing
20 to.

21 And prior to that I was pointing
22 all through the site. Okay. So that's
23 generally where we evaluated.

24 MS. DEWOLF: Can you also

1 explain, I would like to know, I would like to
2 have a map of where you did that, just to
3 understand. Because I did look over your data,
4 but I don't know where you did it. How many
5 test pits did you do again?

6 THE WITNESS: Again, I would
7 refer you to the two reports that we have which
8 should be --

9 MS. DEWOLF: That doesn't help my
10 record here. How many test pits did you --

11 THE WITNESS: I'm sorry. You
12 were asking for a plan. I was just going to
13 say that there are plans in those documents,
14 the geotechnical report and hydrogeologic
15 report, that show where all the test pits and
16 borings were.

17 To answer your question about
18 number, we -- I'm going from recollection, so
19 if I'm off a little, I could be, but I believe
20 there were 40 soil borings done for
21 geotechnical purposes. 20 test pits. An
22 additional ten test pits for, in connection
23 with the other report, the wastewater
24 evaluation, and an additional four soil

1 borings. So a total of 44 and 50.

2 MS. DEWOLF: What is the distance
3 from your proposed community system and those
4 houses that are in this plan?

5 THE WITNESS: I'm sorry, I cannot
6 tell you from looking here.

7 MS. DEWOLF: Where is your
8 infrastructure for your proposed community
9 system? Other than your land application,
10 where were you planning that?

11 THE WITNESS: Well, the system
12 would be laid out in those hatched areas,
13 again, assuming that it would be in place. The
14 treatment works itself, I mean, it is early to
15 have a design for that.

16 MS. DEWOLF: I guess that's all
17 for now.

18 MR. HAWS: Can everyone hear me?
19 I don't want to hold the microphone. Just a
20 couple other follow-up questions. So the first
21 question is, since I just got a copy of the
22 report tonight, are we able to ask additional
23 questions of this witness at a subsequent
24 hearing, so that we have time to digest the

1 report?

2 MR. ADELMAN: We weren't planning
3 on bringing the witness back. However, if the
4 Board has questions, we can do that.

5 MR. HAWS: Okay. Thank you.
6 Another question, just something I had heard.
7 You were saying that they would be optimal
8 depth. Let me see. You were talking about the
9 systems would be placed in an area where the
10 groundwater was at an optimal depth from the
11 surface. What is considered an optimal
12 sub-water depth?

13 THE WITNESS: I think the way I
14 phrased it is we would thoroughly evaluate,
15 more test pits, more wells, more borings, the
16 suitable areas of the site. And we would
17 locate a system in what appeared to be the most
18 suitable area that was available for wastewater
19 disposal.

20 I think I did mention just as an
21 example, I wouldn't recommend putting a system
22 like this right adjacent to a stream, and I
23 don't think we could anyway.

24 MR. HAWS: Sure.

1 THE WITNESS: You don't want
2 water to be in the system. You want to
3 maintain the treatment.

4 MR. HAWS: I guess to just get on
5 to the record, what is a more objective measure
6 versus a subjective? When you are saying
7 suitable, what do you mean by suitable? Is
8 that five feet? Six feet? Seven? I just need
9 to understand.

10 THE WITNESS: Okay. I think I
11 understand the question. So for drip
12 irrigation system, my understanding is a
13 limiting zone, which would be characterized by
14 an impervious rock layer or ground, mounded
15 groundwater, seasonal high groundwater, could
16 be anywhere from 24 to 48 inches, depending on
17 what your treatment limitations are. So we
18 would maintain that distance below the system
19 as a minimum.

20 MR. HAWS: Okay. And then just
21 one final question. Earlier when you were
22 pointing out where you had done the boring, the
23 various test pits and so forth and so on, I
24 noticed that you specifically did not mention

1 the two areas on the northwest and the
2 southeast portions, that you did any test
3 boring there. Was there any particular reason
4 why those areas were excluded, if that's where
5 the proposed majority of the drip irrigation
6 will be placed?

7 THE WITNESS: Well, we did do, I
8 thought I did circle that area to the, in the
9 northwest corner there. We did evaluate that.

10 The southeastern portion, I
11 believe there are a few geotechnical borings
12 down there that we observed. We also again
13 looked at the soil mapping and the geologic
14 information that indicated that they were
15 similar soils. So...

16 MR. HAWS: Then just one final
17 question. I know in the cover page of A-17,
18 your report, it just says March 2017, and then
19 on the subsequent page it is dated March 27th.
20 Just so I know, is that what the date of this
21 document generation was?

22 THE WITNESS: Yes.

23 MR. HAWS: Okay. Thank you. No
24 further questions.

1 MS. DEWOLF: One more. I just
2 noticed your area down there in the southeast.
3 You are beside the Moscharis property. You are
4 changing the use of what it is now to something
5 else. How would you mitigate that, given that
6 it is a spray irrigation immediately adjacent
7 to his property line?

8 THE WITNESS: I don't think that
9 I am -- I think that's outside of my testimony.

10 MS. DEWOLF: Does Paul have any
11 answer to that disconnect of uses, versus, a
12 new use for that property right beside Toll?
13 It doesn't seem to have much of a setback.

14 MR. MCKENNA: Mr. Adelman, quick
15 question to follow up on Ms. DeWolf. Will you
16 be calling an engineer that will be qualified
17 to answer the types of questions that Mr. Scott
18 is not able to answer this evening?

19 MR. ADELMAN: I will consider it.

20 MR. MCKENNA: I would highly
21 encourage you to do so.

22 MS. DEWOLF: Thank you.

23 MR. ADELMAN: I'd just like to
24 correct one thing. I don't believe the witness

1 testified about the spray irrigation. Only
2 drip.

3 MR. MCKENNA: Agreed.

4 MS. DEWOLF: Okay. Same comment
5 holds.

6 THE CHAIRMAN: Mr. Scott, my
7 question, if you can answer it, the 25.5 acres
8 where the drip system would be located is in
9 one location, or is it in multiple locations?

10 THE WITNESS: It is spread in
11 multiple locations. Again, we have the
12 northwestern hatched area on the plan, and then
13 to the southeast. And I think they are pretty
14 even. They are 11 or 12 acres each. And there
15 is a couple smaller areas in the east central
16 portion.

17 THE CHAIRMAN: So what I'm
18 getting to on my question is, the drip
19 irrigation system usually, I believe, and you
20 can correct me, or I'll ask the question: It
21 is a plant, it is a pump station, and it is a
22 drip system, so there is going to be multiple
23 pump stations and drip system plants throughout
24 this development, to the best of your

1 knowledge?

2 THE WITNESS: That is a
3 possibility.

4 THE CHAIRMAN: Thank you.

5 MR. HAWS: Can I ask one other
6 quick follow-up question? To your knowledge,
7 the hatched area in the direct center of the
8 map, I could be wrong, I haven't pulled out and
9 looked, there seems to have been some active
10 recreation planned for that area. To the best
11 of your knowledge, is that correct? Or am I
12 mistaken?

13 THE WITNESS: I'm not sure which
14 area --

15 MR. HAWS: The direct center,
16 next to the one infiltration pit, right dead
17 center of the middle of the plan, there is like
18 that, that right there. So that is a proposed
19 drip irrigation system. But I thought I had
20 heard earlier tonight that there was testimony
21 put onto record that there is also purposes of
22 active recreation there.

23 THE WITNESS: I'm sorry, I can't
24 -- I'm not familiar with that, so I can't help

1 you there.

2 MR. HAWS: I guess a more general
3 question. When you did your analysis and
4 looked at where the potential locations for
5 these drip irrigations could be, did you or did
6 you not look to see where the passive and
7 active recreation would be in those spaces?

8 THE WITNESS: I looked at it from
9 a standpoint of feasibility from a soils
10 standpoint, actually, putting water into the
11 ground and being transmitted away in the
12 groundwater. I think it is early in the
13 planning process. So that's where my focus
14 was.

15 MR. HAWS: Okay.

16 MR. MCKENNA: Sir, a quick
17 follow-up question to Mr. Haws. Is it
18 commonplace to have active recreation in a drip
19 irrigation area, to your knowledge?

20 THE WITNESS: I'm not sure that
21 there is active recreation there. I would say
22 that there are -- I would just say this, I
23 mean, for homes, for example, you can have drip
24 irrigation systems in a backyard. Kids go out

1 and play. As long as the system is put in
2 properly and maintained properly, you can use
3 that area for walking around or throwing a ball
4 or whatever.

5 MR. HAWS: One other quick
6 follow-up to that. Are these drip irrigation
7 locations part of the open space calculations
8 that we heard of earlier, to your knowledge?

9 THE WITNESS: I don't know.

10 MR. MCKENNA: Mr. Adelman, are
11 you able to clarify? That's the second time
12 we've had that question. Do you know the
13 answer to that?

14 MR. ADELMAN: I can't, but our
15 witnesses can probably.

16 MR. MCKENNA: I need to know if
17 you knew from presenting the exhibit that had
18 the areas of the open space on them.

19 MR. ADELMAN: I believe Ms.
20 Stewart can.

21 MR. MCKENNA: Ms. Stewart, are
22 you aware?

23 MS. STEWART: Yes, the drip
24 irrigation is included in the open space.

1 MR. MCKENNA: Thank you.

2 A VOICE: Would you repeat her
3 answer?

4 MR. MCKENNA: She said: Yes, it
5 is included in the area of open space.

6 A VOICE: Thank you.

7 MS. DEWOLF: I have a question.
8 I'm having a little trouble hearing over here.
9 But can you really define a recreation area in
10 an overlapping drip irrigation area? Is it
11 allowed under your understanding of that?

12 THE WITNESS: Is a rec -- are you
13 saying that there is a recreation area proposed
14 here over the top of the drip area?

15 MS. DEWOLF: Let me try something
16 else here.

17 MS. CAMP: Patrick, if the Board
18 looks at 4 D.

19 MS. DEWOLF: You have your open
20 space here, which somebody, your plan has
21 defined. There is a drip irrigation area
22 defined where you are actually having a sewer
23 process onto the ground. What is your opinion
24 as to activities that can occur on a defined

1 community system drip irrigation area?

2 Not your infrastructure and your
3 buildings. I don't have a question on that.

4 THE WITNESS: I would say a
5 couple things. I think I can try to explain my
6 answer previously, which is drip irrigation
7 systems are not on the surface. They are below
8 the surface. You have them in people's yards.
9 You have -- and so people can walk over them.
10 You can grow grass on them. You can have a
11 catch over them.

12 I would say this, I think that's
13 a relatively small portion of the overall
14 proposed area that you are looking at and
15 focusing on there.

16 If, and again, we calculated
17 based on a relatively conservative estimate of
18 about one and a quarter inches per week, which
19 is lower than we think the infiltration rates
20 are out there at the site, that you may need
21 about 20 acres. They have 25 and a half acres
22 shown out there. So if there is a major issue
23 with a half an acre or .75 acres that comes up
24 through this design and planning process, my

1 opinion on the soils out there is two-fold.
2 One, you may not even need that area. And,
3 two, you can probably move it if you have to.

4 MS. DEWOLF: Well, I think that
5 we are going to have to question more on the
6 allowance of use in a drip irrigation and the
7 coordinated allowance for the calculation of
8 open space.

9 And my other question then is:
10 How many of the infrastructure structural
11 elements of this type of system are also in the
12 open space calculation?

13 THE WITNESS: I'm sorry, I can't
14 answer that question. I didn't prepare the
15 plan.

16 MS. DEWOLF: All right. So we
17 will need to have a lot of answers on some of
18 what we have just heard, which some other
19 person or consultant is going to have to answer
20 for us.

21 MR. MCKENNA: Mr. Adelman, do you
22 have any redirect?

23 MR. ADELMAN: No, I don't.

24 MR. MCKENNA: Mr. Thompson, I

1 think you have other questions; is that
2 correct?

3 MR. THOMPSON: I just have one or
4 two questions. I'm sorry.

5 RE-CROSS-EXAMINATION

6 BY MR. THOMPSON:

7 Q. So in the center of the plan there is a
8 drip irrigation area located directly adjacent
9 to an infiltration basin; is that accurate?

10 A. Where are you --

11 Q. Right in the center of the property,
12 directly in the center there is an
13 infiltration, stormwater infiltration basin
14 directly next to a drip irrigation area. Is
15 that correct?

16 A. There is a piece there, yes.

17 Q. Does that present any issues relative
18 to the ability for that drip irrigation system
19 to work as well as the stormwater infiltration
20 area, the basin?

21 A. When we get to the point where we would
22 evaluate this in much more detail, if we would
23 put wells in, we would monitor groundwater
24 levels. I can say if the groundwater depth

1 there is, let's say -- well, I won't even
2 speculate. If it is sufficiently deep to
3 accommodate infiltration of stormwater, we
4 would calculate the volume rate of flow
5 associated with that, the volume rate of flow
6 associated with the drip irrigation system, and
7 we would analyze that. If it would appear that
8 those two would conflict, then we would alter
9 the plan.

10 Q. So it could present a problem, having
11 them directly adjacent to each other, those two
12 uses?

13 A. I'm not going to say whether it would
14 or would not. I don't think it has been
15 evaluated at this point.

16 Q. You would have to do further testing to
17 make that determination?

18 A. Yes, there will be substantial
19 additional testing done.

20 Q. So you can't say whether or not the way
21 it is shown on the plan would work; is that
22 correct?

23 A. I believe it would, just based on the
24 topography. Again, what we have done so far is

1 a preliminary evaluation of the site. And so
2 from the standpoint of soils and infiltration
3 capacity, and the volumes that we anticipate,
4 my opinion is that the plan as presented would
5 be feasible.

6 Q. If you did further testing?

7 A. It is going to be -- no, it is not what
8 I'm saying. I said that we would do further
9 testing and it would be required, and that
10 would be part of the overall plan process
11 leading to the permit.

12 And so there may be things along
13 the way that would be influenced by that
14 additional testing as far as sizing and
15 configuration. But based on the work that we
16 have done so far, I believe the plan as
17 presented is feasible.

18 Q. So we know that the systems don't break
19 down chemicals and compounds, pharmaceuticals,
20 things of that nature, before they get to the
21 drip irrigation system, I guess that you have
22 been testing the soils for. Where do those
23 compounds go; do you know?

24 MR. ADELMAN: Objection. I don't

1 believe there was any testimony to that effect
2 in the record.

3 Q. Well, do you have knowledge as to
4 whether or not the systems that are being
5 proposed would break down those compounds?

6 A. Can you repeat the compounds that you
7 are talking about?

8 Q. Chemicals, pharmaceuticals, things that
9 may get fleshed down the toilet.

10 A. Again, I would just offer the same
11 response I have offered already as far as there
12 will be a system, assuming that a system is
13 permitted at this site through the DEP, that
14 will have to comply with their water quality
15 treatment standards, and they are stringent,
16 and they will have to comply with those.

17 Q. Just so that I'm clear, the areas that
18 are drip irrigation that are shown in the
19 northwest and the southeast, those could be
20 used for some type of active recreation?

21 A. I didn't say that. I presume that they
22 are, what they are proposed as on that plan are
23 as wastewater, treated wastewater disposal
24 fields.

1 Q. But you had indicated that in the
2 backyards of houses it is commonplace to have
3 these types of systems, and kids play in the
4 backward, is that --

5 A. Somebody asked me what in general drip
6 irrigation fields might be used for, and I
7 conjectured and offered some past observations
8 that I've had. I didn't make any statement
9 about what is proposed for these areas in that
10 context.

11 Q. Well, you have got a drip irrigation
12 field that's proposed directly in the backyard
13 of probably ten houses. Could you assume that
14 people would want to walk in their backyards
15 and do certain things in the backyard on that
16 area?

17 A. I assume people would walk in their
18 backyards.

19 Q. Kids could play back there?

20 A. In their backyards?

21 Q. Correct.

22 A. I would agree that that is a
23 possibility that kids would play in their
24 backyard.

1 Q. Would that present an issue or be
2 inconsistent with there being a drip irrigation
3 area in that location?

4 A. I believe that this plan as proposed is
5 feasible, and that as the design proceeds, and
6 more of this gets fleshed out, it will be a
7 plan that meets requirements of DEP, and they
8 will make whatever permit requirements they
9 feel is necessary to protect public health. We
10 will have to agree to them.

11 Q. Do the drip irrigation areas require
12 certain annual or monthly maintenance?

13 A. My understanding is there will be an
14 extensive maintenance and operations component
15 to the operation of these systems and the
16 longevity of them.

17 Q. So they do require maintenance?

18 A. Yes.

19 Q. And if that maintenance isn't performed
20 then issues could arise; is that correct?

21 A. I don't want to speculate on what may
22 happen if somebody does not do their job. I
23 mean, that's outside of -- let me put it this
24 way: There will be a operations and

1 maintenance requirement for this site, and if
2 the system and the site -- if the system at the
3 site is designed properly, constructed
4 properly, implemented properly and maintained
5 properly, it should function well, such that it
6 does not cause adverse impacts. In fact, it is
7 a beneficial use in some ways.

8 MR. THOMPSON: I don't have
9 anything further.

10 MR. MCKENNA: Ms. Camp, do you
11 have any questions?

12 MR. HAWS: Just one additional
13 follow-up. You are talking about the design,
14 construction and maintenance. Whose purview is
15 it to oversee that the maintenance is being
16 handled accordingly? Is that the DEP?

17 THE WITNESS: I am not certain of
18 how that component of it is ultimately agreed
19 upon. I believe there will be a maintenance
20 and operations agreement that would have to be
21 entered into for the system, and it will have
22 to go through the DEP permit process.

23 MR. HAWS: Okay.

24 MR. MCKENNA: Any more questions

1 from the Board?

2 Mr. Adelman, do you have any
3 questions for Mr. Scott?

4 MR. ADELMAN: No, I do not.

5 MR. MCKENNA: Thank you, sir.

6 THE WITNESS: Thank you.

7 A VOICE: I have a question.

8 MR. MCKENNA: Yes, sir. Come on
9 forward.

10 MR. FERYO: Sir, am I correct in
11 understanding that you are saying that the
12 proposal is the southeast corner, northwest
13 corner, but that the plan could change because
14 the soil does allow for it to change based on
15 the soil conditions; is that correct?

16 THE WITNESS: I think what I said
17 was we will go through an extensive testing
18 process and permitting process, and it is
19 possible that the configuration of these areas
20 may change based on that.

21 MR. FERYO: So earlier I asked
22 you if the serpentine barren crossed New
23 Street, and you said it did, but the current
24 proposal is not to put a drip field near that

1 serpentine barren, but are you saying that it
2 could go near that serpentine barren?

3 THE WITNESS: I think I testified
4 it is on the western margin of the site and
5 there is nothing, to my knowledge, we are not
6 proposing to do anything in that area.

7 MR. FERYO: So you are saying
8 that you cannot do anything in that area?

9 THE WITNESS: I didn't say that.

10 MR. FERYO: So if you did decide
11 to do something in that area, how do you feel
12 it would affect the serpentine barren, knowing
13 that the serpentine is a brittle stone, and
14 then affect the swimming quarry?

15 THE WITNESS: My experience is
16 significant, and, again, we haven't evaluated
17 that portion of it, and I think it is very
18 limited, what you are talking about, this
19 geologic formation, and predominantly the site
20 is underlain by schist. So I don't think it is
21 going to be a factor.

22 But in my experience in dealing
23 with serpentine in the past, it doesn't always
24 lend itself to wastewater disposal because the

1 soil is going to be relatively shallow. So,
2 but I have no idea if it is even there.

3 Again, any location on the site
4 that we propose an irrigation system would have
5 to be heavily studied and evaluated for
6 feasibility of putting the water in and how it
7 is going to function.

8 MR. FERYO: And how it would
9 affect properties that are contiguous to your
10 property?

11 THE WITNESS: I believe that the
12 DEP, when they go through a permit process,
13 evaluates those things, how it is going to
14 impact public health, and they have their
15 stringent requirements they put on treatment
16 for those reasons.

17 MR. FERYO: Thank you.

18 MR. MCKENNA: Thank you, Mr.
19 Feryo.

20 All right, Mr. Scott, I believe
21 that's all the questions for this evening. I
22 thank you for your time.

23 (Witness excused.)

24 MR. MCKENNA: Mr. Adelman, I

1 believe you had one other witness ready to go
2 for this evening, but it is five minutes of
3 10:00, so I believe it is the preference of the
4 Board that we wrap up for this evening. Can
5 you tell us and the public who you anticipate
6 calling at the next meeting?

7 MR. ADELMAN: Not at this time.
8 I will be able to do that, though, in the next
9 couple of weeks.

10 MR. MCKENNA: Okay. Ladies and
11 gentlemen, we are going to continue the hearing
12 this evening. The new date is April 19th, at
13 6:00 p.m. Please note that that hearing, and I
14 apologize to you, but we are moving locations
15 yet again, is at Westtown School. We will not
16 be at Stetson. We will not be at Rustin. We
17 will be at the Westtown School, in their
18 auditorium, on their campus, on April 19th at
19 6:00 p.m.

20 Thank you, ladies and gentlemen.
21 (Proceedings conclude at 9:58
22 p.m.)
23
24

I N D E X

	<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
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2					
3	<u>WITNESS</u>				
4	Emily Stewart				
5	By Ms. Camp		221		267
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7	By Mr. Adelman			226	
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9	Jeffrey Madden				
10	By Ms. Camp		274		313
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15	Paul S. Scott				
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E X H I B I T S

TOWNSHIP EXHIBITS

- B-26 - Westtown Township Resolution 11 of 2017
- B-27 - Pennsbury Township Resolution
2017-03-15-1

APPLICANT'S EXHIBITS

- A-15 - Aqua water availability letter, 2/27/17
- A-16 - Paul S. Scott CV
- A-17 - GTA Report of Preliminary On-Site
Wastewater Feasibility Evaluation, March 2017

CERTIFICATE OF REPORTER

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1 Commonwealth of Pennsylvania)
2 Chester County)

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CERTIFICATE OF REPORTER

I, Eleanor J. Schwandt, Registered Merit Reporter and Notary Public, do hereby certify that the foregoing record, pages 201 to 406 inclusive, is a true and accurate transcript of my stenographic notes taken on March 29, 2017, in the above-captioned matter.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 3rd day of April, 2017.



Eleanor J. Schwandt

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