



**WARRINGTON TOWNSHIP BOARD OF SUPERVISORS
MINUTES FOR JULY 12, 2011**

The regular meeting of the Warrington Township Board of Supervisors was held on July 12, 2011, 7:30 p.m., at the Township Building located at 852 Easton Road, Warrington, PA 18976, followed by the pledge of allegiance. The members present were as follows:

ATTENDANCE:

John Paul, Chairperson; Gerald Anderson, Vice Chairperson; Marianne Achenbach, Secretary; Michael W. Lamond, Jr., Assistant Secretary; and Paul Plotnick, Member. Staff Present were Timothy J. Tieperman, Township Manager; William R. Casey, Esq., Township Solicitor; Richard Wieland, P.E., Township Engineer; and Vivian Bell, Finance Director.

EXECUTIVE SESSION REPORT

Mr. Casey said there was no executive session report.

APPROVAL OF BILL LIST:

1. **June 28, 2011 to July 12, 2011 - \$753,739.38**

Mr. Anderson motioned, seconded by Mr. Lamond, to approve the bill list from 6/28/11 to 7/12/11 totaling \$753,739.38. This motion passed by a roll call vote of 5-0.

APPROVAL OF MINUTES:

2. **May 10, 2011**

Mr. Anderson motioned, seconded by Mrs. Achenbach, to approve the May 10, 2011 Meeting Minutes. The motion passed by a vote of 5-0.

3. **May 24, 2011**

Mr. Anderson motioned, seconded by Mrs. Achenbach, to approve the May 24, 2011 Meeting Minutes. The motion passed by a vote of 4-1. Mr. Lamond abstained.

4. **June 14, 2011**

Mr. Anderson motioned, seconded by Mrs. Achenbach, to approve the June 14, 2011 Meeting Minutes. The motion passed by a vote of 5-0.

MINUTES FOR POSTING:

5. **June 28, 2011**

Mr. Anderson motioned, seconded by Mrs. Achenbach, to approve the posting of the minutes of the June 28, 2011 Meeting. The motion passed by a vote of 5-0.

PUBLIC COMMENT

Mr. Mike Kelly of 135 Muirfield Lane inquired about TEVA's assignment of its pending land development application to Eureka Stone Quarry, Inc.

Joe Stryjewski of 502 Hanley Court commented on the Katz bankruptcy and the status of escrow monies being held for Lamplighter Village.

Mr. Anderson motioned, seconded by Mr. Lamond to adjourn the regular meeting at 7:40 p.m. The motion passed unanimously.

6. PUBLIC HEARING:

- a. To discuss and consider a conditional use application by Penrose Walk (formerly Sunrise Court Associates, LP) to allow the property to be developed with a two family semi-detached dwelling cluster development. This is a conditional use requirement under Section 803 (a) of the Warrington Township Zoning Ordinance (Chapter 27) as amended.

The full edited transcript of this public hearing is attached to these minutes as **Attachment A**.

7. MANAGER'S REPORT:

Mr. Tieperman highlighted the following bulleted items in his report:

- a. **Consent Item: RFP for Custody Services**

Mr. Plotnick motioned, seconded by Mr. Lamond, to approve the selection of TD Ameritrade as custodian for the Warrington Township Police and Non-Uniformed Pension Plans with the provision that Board receive proof of all steps that were taken to make sure we're in compliance with Act 44 to be provided by our Plan Administrator. The motion passed unanimously. [**Attachment B** includes a copy of the RFP background materials utilized by the Township's pension advisor.]

8. ENGINEER'S REPORT:

- a. **Road Improvements Program**

Mr. Wieland reported that the bid opening for the 2011 Road Improvement Program is scheduled for July 29 at 10:00 a.m. Bid results will be prepared for the Board's consideration at its August 9, 2011 program.

NEW BUSINESS (ACTION/DISCUSSION ITEMS):**9. Ted Dorand, External Affairs Manager from PECO/Bucks County to present the Green Region Open Space Grant in the amount of \$10,000 for the Dempsey property acquisition.**

Mr. Ted Dorand, External Affairs Manager from PECO/Bucks County, presented to the Board a facsimile check of \$10,000 from PECO's Green Region Open Space Grant. This grant will go toward defraying the Township's acquisition cost for the 7-acre Dempsey Tract.

10. Review and consider proposed remedy to address the Pickertown sight distance issue and provide a definitive update on the alternative access route for the Garges Farm.

As a result of the Board's discussion with the Arbor Ridge residents at their June 28, 2011 meeting, Mr. Tieperman sent a letter to Victory Garden's counsel, Herbert Sudfeld, legal counsel to prepare definitive plans and timelines to resolve the Pickertown Road sight distance as well as a secondary access onto Folly and Bristol Roads.

Regarding the sight distance issue, Mr. Sudfeld reported that Victory Gardens has employed Gilmore & Associates to prepare some design alternatives to improve the turning radius onto Pickertown Road. They are actively sharing these design plans with the Township Engineer and incorporating his feedback into a final alternative. The goal is to facilitate an increased turning radius onto Pickertown without crossing the yellow line. Additionally, he stated that there will be some clearing on Pickertown's left side to improve the sight distance.

Mr. Wieland confirmed that CEC has asked for additional detail for the construction widening for the right turn movement. He has also asked for detail plans for improving the access to Folly Road.

During this design work, Sudfeld stated the Victory Gardens is recommending a traffic pattern plan for the truck traffic, which would essentially remove the trucks from Pickertown Road between the hours of 6:00 a.m. and 8:00 a.m. and again between the hours of 6:00 p.m. and 9:00 p.m. During these times trucks will be diverted to the Folly Road exit, then onto the signalized intersection at Bristol Road, where they will turn right to access Route 611.

Between the hours of 8:00 a.m. and 6:00 p.m., Victory Gardens is suggesting that truck traffic be allowed back onto Pickertown. After 6:00 p.m., only Victory Garden employees would be permitted to use this access. Mr. Sudfeld stated that during the busy mulching season, Mike Butler will try and disperse his trucks so that they do not depart at concentrated times.

Mr. Anderson inquired whether any consideration was given to a one-entrance in, one-exit out solution, whereby trucks would enter Pickertown and exit onto Folly, thereby dispersing the traffic volume on Pickertown Road. He inquired further about a permanent access onto Bristol Road.

Mr. Anderson asked if Mr. Sudfeld had considered if one entrance was made in and one entrance was made for going out of the site. He said by doing that you are actually cutting the traffic in half and eliminating the stacking of trucks. He would like to explore the idea of using the entrance off of Bristol Road and asked that he check this out with Gilmore & Associates.

Mr. John McConnell (206 Trellis Drive) still wanted to know the number of trucks that would be using the Pickertown Road entrance. Mr. Sudfeld said 15-20 tractor trailer and/or dump trucks leave the site in the morning hours between 6:00 AM and 8:00 AM.

Mr. Paul asked Mr. Sudfeld to investigate also a pull-off area to relieve some of the traffic congestion on Pickertown Road. Mr. Sudfeld agreed to investigate where pull-offs could be implemented and would confer with Mr. Wieland. He anticipated that all these options should be ready for the Board's review and consideration at its August 9, 2011 Board meeting. He agreed to keep Mr. Tieperman apprised as to its progress.

Mr. Casey asked if the suggested changes made tonight by Mr. Sudfeld were going to go into effect immediately. Mr. Sudfel expected these changes to be fully implemented within 60 days.

11. Review and consider Preliminary/Final Land Development Plan for Polysciences, Inc., located at 400 Valley Road.

Mr. Steve Harris, attorney for the applicant Polysciences, Inc., reviewed the proposed preliminary/final land development plan for Polysciences, Inc., located at 400 Valley Road.

Mr. Harris introduced Garret Cook, EIT with Newton Engineering Group, PC. The 7.01 acres site is located in the PI-1 Planned Industrial Zoning District. The existing 51,328 sq. ft. building located on the property was constructed in 1968 and expanded in 1983. He said Polysciences is proposing to expand the existing building by constructing a 9,067 sq. ft. addition to the front of the building.

Mr. Anderson motioned, seconded by Mrs. Achenbach to approve the resolution for the preliminary/final land development plan for Polysciences, Inc., located at 400 Valley Road with the one revision that the applicant has agreed to send out a notification letter to residents along Valley Road about this project. The motion passed unanimously.

SUPERVISORS' COMMENTS

Philadelphia Avenue Park

Mr. Lamond asked about moving the existing park on Philadelphia Avenue because of ongoing problems with sewage after major downpours in this neighborhood. Mr. Paul responded that when funding becomes available in the foreseeable future this project can move forward.

ADJOURNMENT

Mr. Anderson motioned, seconded by Mr. Lamond, to adjourn the meeting at 10:12 p.m. The motion passed unanimously.

Edited and Reviewed By:



Timothy J. Tieperman, Township Manager

ATTACHMENT “A”

WARRINGTON TOWNSHIP BOARD OF SUPERVISORS

RE: Conditional Use Application by Penrose Walk
(formerly Sunrise Court Associates, LLP)

- - -

A Board of Supervisors Meeting was held at Warrington Township on Tuesday, June 28, 2011 at the Warrington Township Administration Building located at 852 Easton Road Warrington, Pennsylvania commencing at 7:30 p.m.

- - -

JOHN R. PAUL, CHAIRMAN
GERALD B. ANDERSON, VICE CHAIRMAN
MARIANNE ACHENBACH, SECRETARY
MICHAEL LAMOND, JR, MEMBER
PAUL PLOTNICK, MEMBER

ALSO APPEARING:

WILLIAM CASEY, ESQUIRE, BOARD SOLICITOR
RICHARD WIELAND, ENGINEER
TIMOTHY J. TIEPERMAN, MANAGER

Blum-Moore Reporting Services, Inc.
350 S. Main Street, Ste. 203
Doylestown, Pa. 18901

APPEARANCES:

FOX ROTHSCHILD, LLP

ROBERT W. GUNDLACH, JR, ESQUIRE

2700 Kelly Road, Ste. 300

Warrington, Pa. 18976

Representing the Applicant

CLEMONS, RICHTER & REISS

TERRY W. CLEMONS, ESQUIRE

107 East Oakland Avenue

Doylestown, Pa. 18901

Representing Villas at

Lamplighter Village Condominiums

Blum-Moore Reporting Services, Inc.

I N D E X

Witness

Samuel Costanzo

BY: Mr. Gundlach, Jr. 8

BY: Ms. Kirk 42

E X H I B I T S

A-1 Mr. Costanzo's CV 10

A-2 Twp. Engineer's Review Letter 32

A-3 Copy of Response to Review Letter 34

T-5 Environmental Impact Statement Dated 4/1/11 40

T-6 Municipal Services Impact Statement Dated
4/1/11 40

I-1 Copy of Provisions of Warrington Zoning
Ordinances 42

Blum-Moore Reporting Services, Inc.

1 THE CHAIRMAN: Next is the public hearing
2 to discuss or to consider the conditional use
3 application for Penrose Walk formally Sunrise Court
4 Associates, LLP to allow a property to be developed
5 with two family semi-detached dwelling cluster
6 development. This conditional use requirement under
7 Section 803.a of the Warrington Township zoning
8 ordinance Chapter 27 as amended. Mr. Casey, will
9 you please give us the parameters of a conditional
10 use, please.

11 MR. SOLICITOR: Yes, Mr. Chairman. The
12 conditional use provided for in the ordinance, the
13 board is authorized to listen to evidence and
14 testimony regarding this application according to a
15 list of criteria standards set forth in the
16 ordinance. It is like any other public hearing a
17 person can elect to become a party of record if they
18 choose. And a party of record will be allowed to
19 cross examine witnesses to offer testimony on their
20 own. But it is important to remember that any
21 citizen at the end of the hearing is permitted to
22 make a statement, you don't have to be a party to
23 make a statement. Party of record becomes a
24 participant in the hearing. The board of
25 supervisors acts as a court in this case, listens to

1 the testimony and then makes a decision, findings of
2 fact, conclusions of law whether or not they believe
3 the applicant has complied with the criteria in the
4 ordinance.

5 THE CHAIRMAN: Thank you, Mr. Casey. And
6 with that I will ask for a motion to adjourn the
7 regular meeting.

8 MR. ANDERSON: So moved.

9 MR. PLOTNICK: Second.

10 THE CHAIRMAN: It has been moved and
11 seconded. All members in favor say, Aye.

12 MR. ANDERSON: Aye.

13 MR. PLOTNICK: Aye.

14 MS. ACHENBACH: Aye

15 MR. LAMOND, JR.: Aye.

16 THE CHAIRMAN: Aye. Unanimous. I will
17 start the meeting for the conditional use hearing.

18 MR. SOLICITOR: We have had this hearing
19 properly advertised.

20 THE CHAIRMAN: Thank you. Okay. We have
21 the applicants here. First of all you have to swear
22 in the applicants.

23 MR. GUNDLACH, JR.: Mr. Chairman, if I
24 could first my name is Robert Gundlach, I am the
25 counsel for the applicant Sunrise Court Associates

1 who is here before you this evening to request
2 conditional use approval for a proposed two family
3 semi-detached cluster development in the R-2 zoning
4 district. If I can introduce the witnesses and I
5 can have them all sworn, if you all would come over.

6 MR. SOLICITOR: Mr. Gundlach, before we
7 begin let's see if there is anyone who wants to be a
8 party of record.

9 MR. CLEMONS: Thank you, Mr. Casey. My
10 name is Terry Clemons, I am an attorney in
11 Doylestown. I am here representing the board of
12 directors of the Villas at Lamplighter Village
13 Condominiums Association which is an association of
14 homeowners abutting the property that is the subject
15 of this application in which I believe has the
16 record standing to be a party.

17 MR. SOLICITOR: Is the board of directors
18 here with you?

19 MR. CLEMONS: Yes, they are.

20 MR. SOLICITOR: Thank you.

21 THE CHAIRMAN: Does anybody else wish to
22 be a party of record? Seeing none, you can
23 continue, Mr. Gundlach.

24 MR. GUNDLACH: Mr. Chairman, if I call my
25 first witness?

1 MR. CLEMONS: Just as a point of
2 procedure, I noticed that Mr. Gundlach has his
3 engineering witness sitting next to him. Our review
4 of the record did not indicate that any documents
5 had been filed with the application that gave
6 evidence to the Sunrise Court Associates has the
7 standing to file this conditional use application.
8 May be Mr. Gundlach is going to represent that he
9 has got some documents with that evidence, without
10 that the proceeding shouldn't go forward.

11 MR. SOLICITOR: Are you speaking about
12 ownership, that issue?

13 MR. CLEMONS: Yes.

14 MR. SOLICITOR: Mr. Gundlach will address
15 that.

16 MR. GUNDLACH, JR.: I will address that.
17 The applicant is the equitable owner of the subject
18 property under any agreement of sale with the Cohen
19 familiar and they are represented by attorney Smith
20 from Steve Harris's office here in Warrington. We
21 did submit an agreement of sale with our application
22 along with additional documentation and certainly
23 have a principal of the applicant here to present,
24 if need be, to further confirm the standing.

25 MR. SOLICITOR: Are we going to offer the

1 application as an exhibit?

2 MR. GUNDLACH, JR.: Yes. If I could, I
3 have premarked a list of exhibits based upon the
4 seven exhibits that's been already submitted and
5 marked those as T-1 through T-7. They have already
6 been submitted to the township with the application.
7 And then I have marked our next six exhibits on the
8 list here just for reference purposes. With what
9 background, Mr. Chairman, I call the first witness
10 Mr. Samuel Costanzo.

11 - - -

12 SAMUEL COSTANZO, after having been
13 duly sworn, was examined and testified as follows

14 - - -

15 Direct Examination

16 BY MR. GUNDLACH, JR.:

17 Q Mr. Costanzo, what is your occupation?

18 A I am a civil engineer.

19 Q And what is your educational background?

20 A I am a 1984 graduate of Lafayette College
21 with a bachelor of science in civil engineering and
22 bachelor of arts in business economics.

23 Q How long have you been a civil engineer?

24 A Licensed since 1989.

25 Q You are licensed in the state of

1 Pennsylvania?

2 A Yes.

3 Q And where are you currently employed?

4 A Van Cleef Engineering Associates in
5 Doylestown.

6 Q How long have you been at that firm?

7 A 27 years.

8 Q And what is your position at Van Cleef?

9 A I am a partner.

10 Q And could you generally describe the type
11 of clients that Van Cleef represents and the type of
12 work that you personally perform for these clients?

13 A Any applicant or landowner looking to
14 essentially put a shovel in the ground and do some
15 form of land development or subdivision we do at the
16 Doylestown office work in different counties in
17 Southeastern Pennsylvania, predominately Bucks,
18 Montgomery, Berks, Chester, Northampton, Lehigh and
19 some Philly. We do residential, commercial,
20 industrial, institutional type of developments.
21 Most of our Doylestown workload is probably, I'd
22 say, 60 percent is Bucks County. We provide
23 services in services on almost all of except for may
24 be four of the 50-some municipalities.

25 Residentially we do quite a great deal of

1 that in the form of single families, multi-families,
2 age qualified, T and Ds, TODs, transferable
3 development rights, land provision, subdivisions,
4 golf course residential communities, mid-rise, a
5 whole host of residential.

6 Q And does this experience include both land
7 planning and engineering work in connection with new
8 residential housing developments?

9 A Yes.

10 Q And have you worked previously in
11 Warrington Township?

12 A Yes.

13 Q How about the municipalities surrounding
14 Warrington Township?

15 A Yes.

16 MR. GUNDLACH, JR.: I'd like to mark as
17 A-1 Mr. Costanzo's CV.

18 (Exhibit A-1, was marked for identification.)

19 BY MR. GUNDLACH, JR.:

20 Q Is this CV, Mr. Costanzo's accurately
21 reflect your credentials in the field of land
22 planning and civil engineering?

23 A Yes.

24 MR. GUNDLACH, JR.: I'd offer Mr. Costanzo
25 as an expert in the field of land planning and

1 engineering specifically for residential communities
2 similar to the application pending before this
3 board.

4 MR. SOLICITOR: Any objection?

5 MR. CLEMONS: No objection.

6 MR. SOLICITOR: He is accepted.

7 BY MR. GUNDLACH, JR.:

8 Q Mr. Costanzo, are you familiar with the
9 subject property in the area surrounding the
10 property?

11 A Yes, I am.

12 Q Could you please describe the current
13 condition of the property and the surrounding area
14 and if need be reference to the existing features
15 plan which is part of the conditional use plan set?

16 A Yes.

17 Q Why don't we start with the area
18 surrounding the subject property in terms of the
19 roadways and the adjacent uses and then focus on the
20 conditions of the existing property.

21 A Sure. Would the Board like me to put up
22 the existing feature plan?

23 MR. PLOTNICK: Yes.

24 MR. GUNDLACH: The plan being referenced
25 by Mr. Costanzo, for the record, is one of four

1 sheets from the plan set that we have marked as
2 Exhibit T-4.

3 MR. CLEMONS: Which sheet would that be?

4 THE WITNESS: Sheet two of four. Well,
5 the subject property is essentially centrally located
6 on this board sheet A, sheet two of four. It is
7 essentially vacant land compromised of three parcels
8 of land, tax parcels, two on the south side of
9 Street Road, one on the north side of Street Road,
10 this being south. Up at the top the page you have
11 Phillips Avenue, at the bottom of the property in
12 question you have Bradford. Centrally in the middle
13 is Street Road. Driving by this property you would
14 be able to see a structure off of Street Road having
15 driveway access, that is a vacant structure today
16 and in very poor condition without the buildings to
17 the rear you probably couldn't see those from street
18 view.

19 Driving down Bradford or Phillips you would
20 look at this site and see that it is a well tree
21 site on the south side, on the north side you would
22 also see a tree site but also a gap in the center of
23 the property's frontage with Street Road. The
24 surrounding area to the south is essentially
25 residential in the form of capes and ranchers and a

1 mixture of different housing types that look to have
2 occurred over a period of time. There are some
3 colonials more towards the deeper south. Directly
4 to the southwesterly tract boundary line it butts up
5 against Lamplighter which is an age quantified
6 having a significant density of four units to the
7 acre. To the north side of Phillip Avenue
8 essentially is the same type of tract of land of
9 ground you see with this side. Across Street Road
10 you have Fairways Golf and Country Club golf course
11 residential community. At the corner of Street and
12 Phillips Road you have a synagogue and an active one
13 and essentially that characterizes the site.

14 BY MR. GUNDLACH, JR.:

15 Q Let me refer you now, Mr. Costanzo, to
16 sheet three from that same plan set which is the
17 aerial plan. If you could put that on the easel and
18 orient the board of the same features and any
19 additional items you would like to highlight on that
20 plan set.

21 A The sheet three of four in the plan set
22 was really put together as a means of showing.

23 MR. ANDERSON: What's the date on the
24 aerial?

25 THE WITNESS: Our plan is dated May 20,

1 2011.

2 MR. ANDERSON: Do you know when the aerial
3 was actually done?

4 THE WITNESS: This was downloaded from the
5 Delaware Valley Regional Planning Commission, it is
6 probably 2005 vintage, they upgrade every five
7 years. I don't think we have access to their 2010.

8 MR. ANDERSON: Okay.

9 THE WITNESS: So we have more updated ones
10 as we recently had the property flown by aerial
11 topography. But this is a good representation of
12 what is there today. What's in yellow on this plan
13 the line work is the representation of our proposed
14 cluster superimposed on the aerial. Obviously the
15 grade areas on both sides are depicting deciduous
16 trees. In the center you can probably see a darker
17 green that is representative of some evergreen
18 trees. So it is an aerial image. You can see the
19 golf course, some of the golf course features.

20 BY MR. GUNDLACH, JR:

21 Q Let me now refer you to sheet one from the
22 plan set which is titled, Conditional use plan
23 depicting the improvements that have been proposed
24 for this property. And I would ask you to generally
25 describe the improvements that is shown on this plan

1 and is proposed by the applicant for development on
2 the site.

3 A Sheet one of four entitled, conditional
4 use plan, is a depiction of the proposed two family
5 semi detached development in the cluster option -- I
6 am sorry the rest of your question?

7 Q Can you just generally describe the layout
8 of the proposed improvements and explain to the
9 board how you laid it out in the matter that is
10 depicted on this plan sheet?

11 A Well, what you are looking at today
12 happens to be plans that have a completed boundary
13 and topographic survey. When we originally
14 submitted it was a composite of aerial mapping and
15 imagery and tax map, all information that you can
16 download today and put together a composite of a
17 property and do a feasibility of what its potential
18 may be. And that's what we originally filed with
19 sketch plans, configurations based upon those aerial
20 imageries put into composite form. Since that time
21 we were in the process of doing the survey, we
22 completed it and new sheet were submitted as part of
23 the conditional use application and this depicts our
24 boundary and topographic survey. When you are
25 asking or starting out on a job we look at all of

1 those natural resource inventory of what might be
2 characterized as woodland, what might be
3 characterized as floodplain examining the flood
4 insurance rate maps and there is a stream just off
5 site, a tributary to the little Neshaminy on the
6 north side of the property running through Fairways
7 Golf and Country. And it has a floodplain
8 associated with that. This plan depicts that with
9 proper elevation. We had early on Nova as a wetland
10 consultant preliminary evaluate the property
11 relative to wetlands under waters that are present
12 on the property. And since that time with this plan
13 he completed his study and it is a depiction of the
14 actual flagging that was field located. All the
15 wetlands and the waters exist on the northern
16 portion of the tract. So in answering your question
17 we take a compilation of the resources woodlands,
18 steep slopes, floodplain, wetlands, waters, those
19 types of features are regulated by the township. We
20 look at those. We look at the surrounding area.
21 You can see a lot of paper streets that have been
22 platted over years and years ago on the other side
23 of Phillips Road, the northern side of Phillips
24 Road. A few of those originally appeared on our
25 site as well. So it was giving us a starting point

1 for possibly a road configuration. We had computed
2 with some of our own intuitive land planning means
3 of determining what could be a possible yield. And
4 by trial and error you start to create a plan with
5 the envision of complying with natural resources,
6 being compliant with the area and dimensional area
7 requirements of the zoning. Looking at the street
8 frontages, access, availability to the sewer and
9 water and other utilities.

10 Looking at water sheds on the property a
11 good portion of this property, while it's all in the
12 little Neshaminy creek water shed, the northern part
13 drains through the golf course but ultimately comes
14 back around to the Bradford reservoir dam that is
15 right behind Lamplighter probably three quarters of
16 the property where you see our development drains in
17 that direction, not immediately directly into
18 Lamplighter there is a parcel that at first drains
19 to that. That's where the waters drain today
20 surface water runoff. We look at that, we
21 preliminarily size storm water management facilities
22 then we proceed with doing a layout trying to create
23 open space and that's what you see here. The
24 proposed roads, there are two proposed roads
25 connecting Phillips Avenue to Bradford they are

1 50-foot right of ways, a 26-foot cartway, curbed
2 roads, sidewalk is being proposed on one side, may
3 be a discussion item before the Board in the
4 subdivision application process or maybe this
5 evening. Phillips Road has sidewalk on the opposite
6 side of our road frontage. There are some street
7 trees more of your historic looking lamppost down
8 the road. That road has not yet received its
9 wearing course, it seems to be somewhat incomplete.

10 You can tell by -- it is difficult to tell
11 on this plan at this scale but we have surveyed and
12 located Phillips Roads as it was constructed and
13 even based and examined the Shoemaker plans that he
14 was the engineer for Lamplighter of how the roadway
15 actually has a curve to it that swerves into the
16 Cohen tract which is also the current owner by deed
17 of this tract of ground. So there was an envision
18 it looked like to improve Phillips Road with a
19 sidewalk on one side, the opposite side, as the curb
20 line on our line is very close to your right-of-way
21 that was created for it. There was a few
22 reiterations that lead to this product in the end.

23 Q And as part of those reiterations did the
24 applicant meet with the residence in the Lamplighter
25 community specifically the Board of Directors to

1 hear their concerns and did you attempt to address
2 those concerns in the plan revisions that were
3 submitted back to the township?

4 A Yes.

5 Q How did you try to do that?

6 A Well in the early version I did put those
7 on board.

8 Q You can just generally describe them.

9 A We had a few more houses having direct
10 driveway access to Phillips, can't exactly recall if
11 we had more depicting on Bradshaw. There was
12 concern with, I believe, buffering along the
13 Lamplighter side of the property, something that we
14 may not have clearly depicted early on. Our
15 evaluation early on was that Lamplighter also had a
16 30-foot wide buffer required and we saw no 30-foot
17 landscape buffer along our tract boundary and may
18 not have felt it was going to be required on our
19 side. But since that time our plan is respectful of
20 that buffer and proposed to create that buffer and
21 maintain that buffer.

22 Q Now, Mr. Costanzo, are you familiar with
23 the Warrington Township zoning ordinance and the
24 township comprehensive plan and the township
25 subdivision and land development ordinances?

1 A Yes.

2 Q And did you review these documents in
3 connection with the design as depicted on these plan
4 sheets?

5 A Yes.

6 Q And did you attempt to design this project
7 to comply with all of the zoning regulations in the
8 R-2 district and otherwise set forth in the township
9 zoning ordinance?

10 A Yes.

11 Q Let me review some of those requirements
12 with you for conditional use approval to confirm
13 compliance with each and every one. Is both public
14 water and public sewer proposed to service these
15 homes?

16 A Yes.

17 Q Has the proposed development been reviewed
18 by the township planning commission?

19 A Yes.

20 Q That was a meeting back on January 6,
21 2011?

22 A Yes, my birthday.

23 Q Comments were received from the planning
24 commission that also were incorporated into revised
25 plans?

1 A Yes.

2 Q What is the minimum gross site area
3 required for a two family semi-detached cluster
4 development under the zoning ordinance?

5 A Ten.

6 Q What does this property have?

7 A Thirty-one.

8 Q Thirty-one acres?

9 A Yes.

10 Q Does the total number of dwelling units
11 proposed for this project exceed the number of
12 dwelling units permitted under Section 8052 of the
13 zoning ordinance?

14 MR. CLEMONS: I object.

15 MR. GUNDLACH, JR: I will restate the
16 question.

17 BY MR. GUNDLACH, JR:

18 Q Does the zoning ordinance require you to
19 perform a by-right calculation to determine density
20 yield?

21 A It has language suggesting that the
22 density shall not exceed that which would be platted
23 by using the area and dimensional requirements of a
24 by-right cluster.

25 Q And that section of the ordinance refers

1 you back to Section 8052 to perform that calculation

2 --

3 A Excuse me I said the by-right cluster,
4 by-right two family semi detached units as opposed
5 to by-right cluster.

6 Q And I specifically refer you now to the
7 regulation set forth in Section 8053 of the zoning
8 ordinance; and does sections 8053(a)(3) refer the
9 applicant back to 8052 to perform that calculation?

10 A Yes.

11 Q And did you perform that calculation under
12 Section 8052?

13 A Yes.

14 Q And is that calculation set forth on a
15 plan sheet which is part of your plan set?

16 A Yes.

17 Q And what sheet is that.

18 A On sheet four of four.

19 Q Could you please put that plan on the
20 board and explain to the Board of Supervisors how
21 you performed that calculation and the layout
22 depicted on sheet four?

23 A You are referring to the by-right
24 configuration?

25 Q Yes.

1 A Well, the by-right configuration is
2 utilizing the area dimensional requirements for the
3 two family semi detached which the area requirement
4 minimum lot area would be 15,000 square feet having
5 different, slightly different front side, rear yard
6 requirements. This is a platting of what that could
7 yield taking account to what the open space would be
8 required under that provision.

9 Q So did you perform that platting in
10 accordance with the requirements set forth in 8052
11 of the zoning ordinance?

12 A Yes.

13 Q And what does sheet four depict in terms
14 of total density?

15 A We depict a lot configuration
16 representative of 50 units.

17 Q And in your professional opinion, Mr.
18 Costanzo, and based on the work that you did to
19 complete that sheet four, what is your opinion as to
20 how many units are permitted by-right under Section
21 8052 of the zoning ordinance?

22 A We believe 50 are achievable.

23 Q And how many units are being proposed on
24 sheet one of the plan set?

25 A Forty-eight.

1 MR. CLEMONS: I am sorry, I didn't hear
2 that, you said that I believe 50 are permitted?

3 THE WITNESS: Yes

4 MR. ANDERSON: I missed that 50 and 48?

5 THE WITNESS: 48 on the cluster.

6 BY MR. GUNDLACH, JR.:

7 Q And 50 is the number of units that are
8 shown on sheet four?

9 A Yes.

10 Q And 48 are the number on the sheet on
11 sheet one?

12 A Yes.

13 Q And referring now back again to 8053 of
14 the zoning ordinance, what is the maximum on lot
15 impervious surface ratio?

16 A 25 percent.

17 Q Do the plans comply with this requirement?

18 A Yes.

19 Q How so?

20 A Well, we took into account and we have a
21 depiction of a sample house enlarged in plan view,
22 we show you the driveway, the square footage of the
23 home. So we are taking into account the actual
24 impervious coverage lot with actual footprints,
25 driveways and computing that based upon the minimum

1 lot area to achieve no greater than 25 percent.

2 Q Can you perform those calculations?

3 A Yes.

4 Q What is the minimum lot area for a two
5 family semi-detached home in a cluster development
6 that is permitted under Section 8053?

7 A 10,000 square feet.

8 Q And what have you shown on the plan in
9 terms of the lot area for these 48 proposed lots?

10 A We were greater than 10,000 square feet,
11 if I can read the plan. Actually I have a version
12 right here, 10,370 are our smallest lots depicted.

13 Q That range is in size than in terms of
14 each lot?

15 A I am depicting them minimum size of our
16 plan, so they all comply with the 10,000.

17 Q Okay. Does the zoning ordinance require
18 open space for this cluster use?

19 A Yes.

20 Q And what does your ordinance require in
21 terms of the amount of open space and what you have
22 depicted on the plan?

23 A It is shown on the plan under heading,
24 open space requirements 25 percent or six acres
25 whichever is greater of the net site area must be

1 set aside.

2 Q And what have you proposed in terms of
3 open space?

4 A A proposed open space is made up four
5 parcels that we labeled A,B,C and D and the total is
6 13.4 acres.

7 MR. CLEMONS: You are looking at the
8 by-right plan that is on the dais, right?

9 THE WITNESS: I did look over there but I
10 have a reduced size one of the cluster in front of
11 me.

12 MR. CLEMONS: You are testifying in terms
13 of having provided four areas.

14 THE WITNESS: Let me switch the board.

15 MR. GUNDLACH, JR.: For the record the
16 testimony that I am eliciting from Mr. Costanzo
17 relates to the conditional use plan which is sheet
18 plan one of the plan set. And we are going to put
19 sheet one back on the easel.

20 THE WITNESS: There are four areas open
21 space A to the west along the Lamplighter
22 development, b is a smaller piece in the center of
23 the land having frontage on Phillips -- let me go
24 back. Open space A is 3.3 acres, open space B is
25 .15, open space C which is where that existing house

1 along Street Road is today on Street Road one point
2 two acres. And the large tract across Street Road
3 or large parcel eight point seven five acres.

4 BY MR. GUNDLACH, JR.:

5 Q So, Mr. Costanzo, you read a formula into
6 the record. Could you please go back to the plan
7 and identify under that formula what is the acreage
8 of open space that is required for this use?

9 A The required is 7.22 acres.

10 Q What is being proposed as part of this
11 plan?

12 A Thirteen point four acres.

13 Q Now, are you familiar with the applicable
14 building yard setbacks for these proposed units
15 under Section 8053(c)(2) of the zoning ordinance?

16 A I am.

17 Q What are those requirements?

18 A Well the minimum front yard setback are 30
19 feet or a maximum 35 percent of the units and minium
20 65 percent must have 40-foot setback. And the rear
21 yards shall not be less than 30, side yield a zero
22 on that common lot line between the two units and
23 its composite of 35 for a total.

24 Q And does proposed conditional use plan
25 comply with all of these requirements?

1 A Yes.

2 Q How so?

3 A We depict all them to be 40 for the front
4 yard -- is that what you are referring to?

5 Q Yes.

6 A We are showing all of the front yards to
7 be 40, 30 for the rear and 35 for the composite
8 side.

9 Q Are you familiar with screening and
10 buffering requirements set forth in 8062 of the
11 zoning ordinance?

12 A Yes.

13 Q And have you designed these plans to
14 comply with those requirements?

15 A Yes. I do have a colored rendering that
16 may depict more of the landscaping if you need to
17 see that.

18 Q So was the answer yes?

19 A Yes.

20 Q Why don't you approach the plan and
21 explain to the Board what the requirement is and how
22 the plan addresses that requirement. And you are
23 saying you have a rendered colored copy of plan
24 sheet one that would better depict that buffering
25 and screening material?

1 A Yes.

2 Q Let's put that on the board.

3 A I should also say that this rendering is a
4 depiction of possible landscaping. Buffering by
5 ordinance can really be worked out with the township
6 to effectively screen it as the township may see
7 fit, but there are certain, we can supplement it
8 with more landscaping and that's really a detail
9 that I think would come during the subdivision
10 process. But the intent is to fully comply with the
11 buffering requirements. What you see in green
12 circles are street tree depictions along your
13 frontage roads.

14 The dark green on this board here is
15 really a depiction of woodland and treed areas of
16 the existing site that if we did a concept grading
17 that we felt we could meet the tree preservation
18 requirement of the ordinance. It is subject to
19 change but the intent is not to remove more trees
20 than 50 percent, and this depicts close enough to
21 that 50 percent composite where we are showing some
22 trees along the Lamplighter development side because
23 I noticed some gaps along there which I think were a
24 result of normal construction and that side being
25 exposed to something different and there use to be

1 trees there, they look like they are gone. We are
2 looking to supplement those. There is buffering
3 that's required along the other residential lots but
4 we are not showing proposed, we are just showing the
5 woodland there to stay.

6 Q Let me refocus my question, Mr. Costanzo.
7 Under Section 8062, screening and buffering, what's
8 required under the ordinance and if you could show
9 how that is depicted on the plan?

10 A I might have to take a look at 8062.

11 MR. ANDERSON: Read it right out of the
12 ordinance.

13 THE WITNESS: 30 and 15 feet.

14 BY MR. GUNDLACH, JR.:

15 Q Do you depict those 30 and 15 on this plan
16 sheet?

17 A The 30 is shown, the 15 along your streets
18 are what I am saying would be more worked out with
19 something that is satisfactory to the township but
20 the intent would be to meet that. We do have a
21 non-residential property that abuts this
22 residential, proposed residential tract and that
23 actually requires, has a 50-foot buffer with a 30
24 foot planting programs to it.

25 Q Mr. Costanzo, let me just focus. In your

1 professional opinion does this plan sheet that we
2 marked sheet one of the plan set satisfy by the 15
3 and 30-foot buffer requirements set forth in 8062?

4 A Satisfies the buffer as far as dimensional
5 distance. What I am saying is additional
6 landscaping can be provided to supplement the
7 rendering. We didn't do a complete detail rendering
8 to go to the planting requirement of SALVO which the
9 zoning ordinance would refer you to.

10 Q So does the plan though satisfy that
11 requirement in terms of area?

12 A In terms of area, yes.

13 Q And now what are the parking requirements
14 under the ordinance for two family semi-detached
15 cluster use?

16 A Two-and-a-half spaces per dwelling unit.

17 Q And what is depicted on your plan?

18 A For the cluster plan there is 120 would be
19 required under that with the 48 homes and we did
20 depict a greater number as we depicted 288. But
21 after having received the township engineer's review
22 letter citing our proposed driveway width being
23 seventeen-and-a-half feet and taking the township
24 parking stall requirement of nine-and-a-half for a
25 composite of 19, it was felt that from a technical

1 term it can only account for one, not side by side
2 but we are well in excess of regardless. So the
3 actual number for this would be 192, I believe, yes.

4 Q Has the township engineer reviewed the
5 pending plans for this project?

6 A Yes.

7 Q And has a reviewed letter been issued by
8 the township engineer?

9 A Yes.

10 Q I am showing you a copy of that letter
11 that's dated June 6, 2011 on the stationary of
12 Carroll Engineering Corporation; are you familiar
13 with this letter?

14 A Yes, I am.

15 MR. GUNDLACH, JR.: I premarked this as
16 A-2.

17 (Exhibit A-2, was marked for
18 identification.)

19 BY MR. GUNDLACH, JR.:

20 Q Could you please explain generally what is
21 contained in this letter in terms of comments and
22 how you respond to those comments?

23 A Well many of the comments are noting that
24 the project complies or exceeds the requirements in
25 certain areas and there are other comments that are

1 more technical in nature. But we did a response
2 letter to those comments.

3 Q Is this a pretty typical letter that is
4 received in response to a submission of conditional
5 use plans?

6 MR. CLEMONS: Objection.

7 MR. GUNDLACH, JR.: I'll rephrase it.

8 BY MR. GUNDLACH, JR.:

9 Q In your experience are you familiar with
10 review letters that are performed by municipal
11 engineers in response to conditional uses plan
12 submissions?

13 A Yes. I say this is typical of Warrington
14 Township, each township is slightly different.

15 Q Now have you prepared a reply to this
16 review letter?

17 A I did.

18 Q And is that a letter dated June 24, 2011?

19 A Yes.

20 Q In your professional opinion can all of
21 the comments that are contained in the review letter
22 from Carroll Engineering have they either been
23 addressed in the plan or can they be addressed as
24 part of the land developmental approval process?

25 A They have and can be addressed.

1 MR. GUNDLACH, JR.: I'd like to mark this
2 letter as A-3.

3 (Exhibit A-3, was marked for
4 identification.)

5 BY MR. GUNDLACH, JR.:

6 Q And does this letter address each and
7 every comment contained in the Carroll review
8 letter?

9 A Yes.

10 Q We are not going through each and every
11 paragraph here but I want you to summarize by
12 category, the first heading under zoning ordinance
13 and there are four comments that Carroll rendered;
14 did you reply to each of those comments?

15 A I am sorry, you are looking at what
16 portion of it? From my letter?

17 Q Yes, your letter and your response to the
18 four comments under that zoning ordinance each one
19 you just note, comment, correct?

20 A That's right.

21 Q Can you explain why you used the word
22 comment?

23 A Because a comment was being rendered and
24 really not exactly one that's citing a plan revision
25 is required. It's a comment for the board to get a

1 better understanding of what's before them.

2 Q So for those four items under zoning
3 ordinance none of which require revision to the
4 pending plans in your opinion?

5 A That's true. But item number four I could
6 have a comment that I could disclose to you tonight.

7 Q Go ahead.

8 A Item Four, which was brought to our
9 attention a new ordinance of the township that when
10 we submitted the plans, we did not have in our
11 possession it was rather recent, it speaks to Act
12 167 storm water management ordinance which included
13 transition areas along wetlands, waters and
14 floodplain. And our plans were submitted only
15 depicting that around the wetlands that were flagged
16 by NOVA and field located by us in conversation with
17 Dick I did provide, I should say, the township
18 engineer did provide an exhibit plan to show how we
19 can still comply with the transition areas if
20 imposed against the floodplain and waters and we did
21 prepare that plan and submitted that.

22 Q And the next set of comments subdivision
23 and land development code, those are comments that
24 would be addressed as part of the subdivision land
25 development application?

1 A Yes.

2 Q And does that involve a full engineering
3 of this plan set?

4 A No, not a full engineering, no.

5 Q No, in terms when you submitted a
6 subdivision land development application do you have
7 to prepare a fully engineered set of plans?

8 A For the cluster, yes.

9 Q That hasn't been done yet, you haven't
10 fully engineered these plans?

11 A No.

12 Q That would come after conditional use
13 approval?

14 A Yes.

15 Q The next category is traffic comments and
16 those are going to be addressed by Casey Moore, who
17 is here tonight?

18 A Yes.

19 Q And can you address then the four comments
20 under general?

21 A Well, the first one is a reminder that
22 this application requires a sewage facility planning
23 modular and under normal circumstances this property
24 with gravity flow would go by planning module
25 exemption.

1 Q And that is something you do as part of
2 the subdivision land development process?

3 A Yes.

4 Q What about the next three comments?

5 A The next three comments are relative to
6 street names and MPDS for permits being required and
7 those are just really informative and we concur and
8 the last one is about the Phillips Avenue.

9 Q I skipped a question, the six comments
10 under the subparagraph B, subdivision and land
11 development code; would all of those comments be
12 addressed as part of your submission of subdivision
13 and land development plan as they relate to the
14 conditional use plan?

15 A Yes.

16 Q Now, Mr. Costanzo, let me run through a
17 few final questions concerning the more general
18 requirements for conditional use approval. In your
19 professional opinion is the proposed project in
20 accordance with the township comprehensive plan and
21 consistent with the spirit and purposes and intent
22 of the township's zoning ordinance?

23 A Yes.

24 Q And in your professional opinion if the
25 proposed project in the best interest of the

1 township convenient to the community public welfare,
2 any substantial improvement to the property in the
3 immediate vicinity?

4 A Yes. The proposed use is permitted as a
5 conditional use and is a type of use generally
6 permitted in medium residential zoning district.

7 Q Is this residential use consistent with
8 the uses surrounding the property?

9 A Yes.

10 Q In your professional opinion is this
11 project depicting 48 semi-detached units suitable
12 for this property?

13 A Yes.

14 Q In your professional opinion is this
15 proposed project and has it been designed to date
16 and will it be constructed, operated and maintained
17 so as to be in harmony and appropriate and general
18 appearance to the existing or intended character in
19 the general vicinity?

20 A Yes.

21 Q In your professional opinion is this
22 project design as depicted on this plan set in
23 compliance with all applicable requirements of the
24 township zoning ordinance?

25 A Yes.

1 Q In your professional opinion with the
2 proposes use be compatible with the existing uses
3 and those established and allowed by the zoning
4 ordinance or the comprehensive plan in the area?

5 A Yes.

6 Q In your professional opinion will the
7 proposed project be adequately screened from any
8 adjacent differing uses?

9 A Yes, I addressed that earlier.

10 Q With the buffering and screening?

11 A Yes.

12 Q And would that be more details concerning
13 the plant materials depicted on the subdivision and
14 land development plan set?

15 A Yes.

16 Q In your professional opinion will the
17 proposed project create a nuisance or hazard to
18 adjoining properties by noise, glare, congestion,
19 storage, odor, fire, explosion or radiation?

20 A No.

21 Q Now, have you performed an investigation
22 as to the impact of this project on the township's
23 resources?

24 A Yes.

25 Q What have you done in that regard?

1 A Well, we did prepare the impact report,
2 environmental impact report as well as resources.
3 We did do that and Carroll Engineering, the township
4 engineering, had to review that as well. The
5 findings were simply really little or negative
6 impact at all for the 48 units, it wouldn't increase
7 manpower on the township because of those 48 units.
8 There is no apparent burden.

9 Q Now the two impact reports that you
10 referenced, one was the environmental impact
11 statement prepared by your office dated April 1,
12 2011 that we marked as T-5, and second is the
13 municipal services impact statement prepared by your
14 office also dated April 1, 2011 that we marked as
15 T-6.

16 (Exhibits T-5 and T-6, were marked for
17 identification.)

18 BY MR. GUNDLACH, JR.:

19 Q Is that correct?

20 A Yes, that's correct.

21 Q And could you generally describe the work
22 product that you performed and what's contained in
23 those impact statements to support your conclusion
24 that there be little or no impact on either
25 municipal or environmental features?

1 A They are pretty self explanatory. Like I
2 said there is no manpower, extra manpower burden
3 placed on the township with the 48 units. It
4 translates to approximately 137 people based on 2.86
5 members per household, that actually comes from the
6 comprehensive plan. Environmentally we did do a,
7 there is no endangered species.

8 Like I cited before we engaged, our client
9 engaged with a consultant with regards to wetlands,
10 a floodplain was factored in as well, steep slopes
11 were evaluated by aerial topography and we are able
12 to inspect all of those. All this 100 percent
13 resources in the cluster plan are all along the
14 northern side, wetland, floodplain and water. There
15 are no development proposed there so they will be
16 entirely preserved.

17 Q Now, based upon the work you performed are
18 there any, will the township be able to provide
19 adequate fire protection services for these homes?

20 A Yes. I couldn't say no tonight after what
21 happened tonight.

22 Q Are you talking about earlier
23 presentations tonight with the fire and police
24 department?

25 A That's correct.

1 Q And these reports then contained your
2 findings as to the municipal and environmental work
3 that you performed in this regard?

4 A That's correct.

5 MR. GUNDLACH: That's all I have for Mr.
6 Costanzo.

7 MR. SOLICITOR: Cross.

8 - - -

9 Cross-Examination

10 BY MR. CLEMONS:

11 Q My examination of Mr. Costanzo I am going
12 to refer to provisions of the Warrington Township
13 zoning ordinance that we believe is relevant to
14 determination that will be made concerning the
15 conditional use application. For ease of reference
16 I am going to mark and identified and mark as I-1,
17 which is Interviewer One.

18 (Exhibit I-1, was marked for
19 identification.)

20 MR. SOLICITOR: Okay.

21 MR. CLEMONS: A copy of what we believe
22 are relevant provisions.

23 BY MR. CLEMONS:

24 Q Now, Mr. Costanzo, I believe we agreed
25 that the property that is the subject of this

1 application is in the R-2 zoning district, correct?

2 A Correct.

3 Q And you also agreed, as I understand your
4 direct examination, that the zoning regulations in
5 the R-2 district do not contain a maximum density
6 for lots redeveloped on the property in that
7 district, correct?

8 A Do you mean a density ratio per say?

9 Q Yes.

10 A There is none.

11 Q There is none. And you also agreed that
12 your client proposing a cluster option under 803
13 section B-2, correct, 8053(b)(2), correct?

14 A Correct.

15 MR. ANDERSON: Can I ask you a question?

16 MR. CLEMONS: Yes.

17 MR. ANDERSON: The document you just gave
18 us what is the date of that?

19 MR. CLEMONS: This was taken.

20 MR. ANDERSON: I look at the ordinance
21 1/25/11.

22 MR. CLEMONS: I took this off of the
23 township's website today, may be last night.

24 MR. ANDERSON: When was this last updated?

25 MR. WIELAND: It up dated automatically

1 MR. ANDERSON: Go on, I am going to look
2 through these.

3 MR. CLEMONS: Do you want a moment?

4 MR. ANDERSON: No.

5 BY MR. CLEMONS:

6 Q So, as I understand your testimony on
7 Direct, the maximum density that is permitted for a
8 detached two family cluster in the R-2 district is
9 based upon what would be the greatest density
10 permitted in a standard two unit detached
11 development having lots of 15,000 square feet; do
12 you agree with that?

13 A Yes, I do. I didn't follow but at the
14 moment I understand. Yes.

15 Q And now would you put up the aerial photo
16 that shows how the site looked with the 2005 aerial
17 photograph I think you said taken by the Delaware
18 River Regional Planning Commission.

19 A Okay.

20 Q And I think we agreed that the site on
21 both sides of Street Road is substantially wooded?

22 A Yes.

23 Q Probably over 13 acres of forest lands has
24 between the two properties?

25 A To summarize that actually sounds pretty

1 close. Well, there is actually we call that
2 existing feature plan 25 point seven one acres of
3 woodland and I think that 13 refer to was kind of
4 like more what we proposed required to be protected.

5 Q So in 25 acres of forest land more or less
6 on this property and there is an estimated of
7 something over 13 acres that required protection?

8 A Yes.

9 Q And now if you will refer to Section 304
10 of the zoning ordinance and specifically that's
11 found on Page 18 of the document that I just gave
12 you specifically take a look at Section 304 point B
13 point four, Section 304,B-4, just take a moment to
14 read section 304, Section 304 procedure for
15 establishing land use intensities.

16 A Yes.

17 Q And so do you agree that Section 304 of
18 the zoning ordinance spells out how you calculate
19 the densities that are permitted on properties and
20 if you refer down to subsection C, it addresses one
21 of two different situations, one is where the
22 minimum lot area are determinative of land use
23 intensities and the other where there are maximum
24 density requirement; do you agree with that?

25 A I have it here, your print looks different

1 than mine.

2 Q Compare them. I am looking at 304.4(c).

3 A Yes, I got you.

4 Q We agreed 304.4 is the procedure for
5 establishing land use intensities, correct?

6 A Yes, that's correct.

7 Q And that subsection C addresses how the
8 number of dwelling units permitted on the tract such
9 as this property in question will be determined,
10 does it not?

11 A The number of dwelling units permitted on
12 a tract shall be determined by one of the follow
13 methods.

14 Q Yes.

15 A That is what it says, yes.

16 Q And perhaps I will read that louder. You
17 speak softly and I have a bad ear. It says a number
18 of dwelling units permitted on the tract shall be
19 determined by one of the following methods?

20 A The first method is where minimum lot
21 areas are determined with the land use intensities,
22 correct.

23 Q And that section would apply to this
24 subdivision in the R-2 medium density zoning
25 district because there are no maximum density

1 requirements specified in the zoning requirements;
2 is that correct?

3 A That's correct.

4 Q And so if you will read with me Section
5 3044.c.1 says, where the minimum lot areas are
6 determinative of land use intensity that is where no
7 maximum density requirements are specified, the
8 maximum number of units shall be determined by the
9 number of lots that could be cited on the tract,
10 correct?

11 A Correct.

12 Q And the by-right plan that you referred to
13 earlier that I think is sheet four of the four
14 sheets of the plan that you provided with your
15 conditional use application is your effort to
16 demonstrate that what the maximum number of units
17 would be permitted in a so called by-right
18 subdivision, that is in a twin subdivision with
19 minimum lot size of 15,000 square feet; is that
20 correct?

21 A Yes, it is depicted on what can be cited.

22 Q Now, the second sentence under Section
23 304.4.c.1 says, in making this determination
24 restrictive resource protection areas must be
25 designated as common open space except for

1 specifically permitted as part of lot areas under
2 Section 305; do you agree with me that that is what
3 that says?

4 A That is what that says.

5 Q Now, if we look at the resource
6 restrictions standards, they are contained in
7 Section 305 of the zoning ordinance, correct? That
8 would be on Page 21 of the materials that I
9 provided.

10 A Environmental restrictions standards is
11 Section 305.

12 Q And there are a number of types of
13 resource restrictions that are enumerated under 305,
14 correct?

15 A Correct.

16 Q And, for example, there are restrictions
17 concerning forest that require 50 percent of the
18 forest area to be protected as a minimum standard,
19 correct?

20 A Correct.

21 Q And then where that forest is in another
22 protection area such as environmental sensitive
23 resource it requires 80 percent of the forest area
24 to be protected; is that correct?

25 A Correct.

1 Q In addition to that it requires protection
2 of different stream types, type one streams, water
3 bodies, wetlands and so forth, correct?

4 A Yes.

5 Q And now when you perform your by-right
6 plan -- can we put the by-right plan up, please?
7 Will you agree with me that's sheet four of four in
8 the plan that were submitted with your application,
9 correct?

10 A Correct.

11 Q And would you agree with me that there are
12 no resource, restrictive resource protection area
13 designated as common open space within your by-right
14 plan?

15 A Well, we are showing resource protection
16 on the by-right plan.

17 Q But I want to read the words in the
18 ordinance. The ordinance says, that resource
19 protection areas must be designated as common open
20 space unless it is specifically permitted under
21 Section 305 and we will get to that in a second.
22 Did you delineate the resource protection areas and
23 designate them as common open space within the
24 by-right plan that is exhibit sheet four of four of
25 the plan that you submitted with the conditional

1 uses application?

2 A All of the 100 percent resource are
3 depicted in open space, and woodland and or steep
4 slopes are and would be part of and in some cases
5 the lots.

6 Q Am I correct, and I just want to see if we
7 have an agreement on this, that nowhere on exhibit
8 sheet four of the so called by-right plan did you
9 delineate, did you show as common open common space
10 area where the required protective resources would
11 be, you didn't show 50 percent of the forest areas
12 designated in common open space on the by-right
13 plan, did you?

14 A We didn't fully engineer this by-right
15 plan as well as we didn't fully engineer the cluster
16 plan.

17 Q Sure.

18 A And our understanding is that it's
19 depiction and what was required of us to do is to
20 depict what can be platted using the area
21 dimensional requirements while taking into
22 consideration require open space and natural
23 resource and preservation and we believe by
24 inspection, and that's the purpose of submitting it
25 as a sketch so that one can review and make that

1 determination.

2 Q Well, I am just talking about the words in
3 the ordinance. We agree that it is the words in
4 this ordinance that control how you determine what
5 the maximum density is that is permitted for this
6 property, isn't it? And specifically I think you
7 agreed with me before that the words contained in
8 Sections 3044.c.1 govern how you determine the
9 maximum number of units that can be developed on the
10 property where there isn't a maximum density
11 requirement; you do agree with me, correct?

12 A Yes.

13 Q And you agree that this second sentence
14 under C-1 says, in making this determination
15 preparing this plan, the lots out, the minimum lot
16 areas you have to take sufficient area out and put
17 it, designated it as common open space in order to
18 prepare the by-right plan; isn't that what section
19 3044.c.1 states?

20 A And that's what that says.

21 Q You didn't do that with your bi-right
22 plan, did you?

23 A We received no comment in that record
24 either.

25 Q I am not asking you about any comments, I

1 am asking you when you did what section 304 C-1
2 states should be done. And I believe your answer
3 is, no, you didn't.

4 MR. GUNDLACH, JR.: Objection. The
5 witness did not say, now Mr. Clemons is asking the
6 questions and answering the question. If he wants
7 to continue, we can all go in the back and he can
8 put on all of the testimony on here. The witness
9 needs an opportunity to answer the questions before
10 Mr. Clemons does.

11 THE WITNESS: We don't have those
12 computations on the plan.

13 MR. CLEMONS: Thank you.

14 THE CHAIRMAN: Why you are shifting gears
15 here, I want to make it clear to everybody that we
16 are going to let this go until 9:30. It's obvious
17 we are not going to finish this tonight. And I
18 think by that time we would have enough information
19 we have to look over and ready for the next part of
20 it when these hearings continue. With that you can
21 continue.

22 BY MR. CLEMONS:

23 Q Now, assuming that 304 point one point
24 C -- I am sorry, 304 point four C-1 requires that
25 the determination made included in an area

1 designated as common open space should have been 50
2 percent of that forest area that is required to be
3 protected under Section 305.(a) of the zoning
4 ordinance, correct?

5 A 50 percent, yes.

6 Q And 80 percent of any area that is in an
7 environmentally sensitive resource did you determine
8 whether any of the forest area was in an
9 environmentally sensitive resource?

10 A Sure.

11 Q And some of it is?

12 A Yes, it is.

13 Q There would be an area that would require
14 80 percent to be protected and then there are type
15 one streams on the property?

16 A Type one? Type ones are those greater
17 than 100 acres in the water shed, I believe. But we
18 do have floodplains associated with the little
19 Neshaminy creek so we included it in, yes.

20 Q It leads on your natural resources plan.
21 Let me just ask you a couple of questions about the
22 natural resource plan. The natural resource plan,
23 which I believe is sheet two, is the natural
24 resource plan sheet two of four?

25 A It's titled, existing features.

1 Q Existing features plan.

2 A Yes, sheet two.

3 Q And in that existing feature plan you
4 delineated and tabulated the areas of forest,
5 correct?

6 A Correct.

7 Q And steep slopes?

8 A Yes.

9 Q Wetlands?

10 A Yes.

11 Q Floodplain?

12 A Yes.

13 Q And other natural resources that you
14 deemed needed to be shown in the existing feature
15 plan, correct?

16 A That's correct.

17 Q And I suppose since your office prepared
18 that you would agree that the existing features plan
19 accurately depicts the natural resources that are on
20 the property that is the subject of this
21 application?

22 A To the best of our knowledge with the
23 survey information that we received, yes. For
24 example, the wetlands hasn't yet received an Army
25 Corp of jurisdiction of determination based upon

1 field survey.

2 Q You thought that was satisfactory for a
3 conditional use though?

4 A Yes.

5 Q So, Mr. Costanzo, would you agree that if
6 those natural resource restricted areas that you
7 depicted on the existing resources plan in the
8 amounts that are required to be protected under
9 Section 305 of the zoning ordinance were actually
10 shown on the by-right plan that it would have, in
11 fact, on the number of units that could be built
12 under the by-right plan?

13 A Can you repeat that question?

14 Q Do you agree that if the natural resources
15 that are required to be protected under Section 305
16 of the zoning ordinance were placed in a common open
17 space area as required under Section 304.4(c)1 of
18 the zoning ordinance that that would have a negative
19 impact on the number of the units that can be
20 provided within the by-right plan?

21 A I believe we showed enough information as
22 required to make this determination, it's not fully
23 engineered and it is based upon our understanding of
24 how Warrington has applied its ordinance from prior
25 subdivisions that we have done. And we proceeded to

1 do it in the same fashion. I believe we met it to
2 the satisfaction at least based upon the review
3 letter that we received.

4 Q But you agree you did not comply with the
5 procedure that is stated in Section 304.1(c),
6 304.4(c)1 of the zoning ordinance with respect to
7 determining the maximum developing units that are
8 permitted in the by-right plan?

9 A We didn't do it in that fashion.

10 Q Okay. And the maximum density that is
11 established by the by-right plan then impacts the
12 density that could be provided in the conditional
13 use plan; isn't that correct?

14 A The by-right plan has density influence on
15 the cluster plan, yes.

16 Q Because you can't have any more units
17 under the cluster plan that would be established
18 under a proper by-right plan?

19 A That could be cited on the by-right plan
20 with some possible subjectivity to what site means.

21 Q Sited under the provisions of Section
22 304.(c)1 that I keep talking about, correct?

23 A Not based upon a fully engineered plan,
24 one would not fully engineer to throw it away to now
25 come into the cluster with the same number of units

1 on smaller lots.

2 Q But you engineer it to the standards layed
3 out in the existing features on --

4 A It's a land plan, it's not an engineering
5 plan.

6 Q Now, you mentioned that you designed your
7 plan to comply with the buffer requirements of the
8 zoning ordinance and you specifically mentioned 15
9 and 30 foot buffers. And I want to refer you to
10 Section 2307 of the zoning ordinance; that sections
11 also has regulations concerning required buffers;
12 does it not?

13 A It does.

14 Q And it has a requirement for buffers
15 between residential and non-residential uses, does
16 it not?

17 A It does.

18 Q And it requires a 50-foot buffer between
19 residential uses and non-residential uses; isn't
20 that correct?

21 A Something that I mentioned early in my
22 testimony, yes, correct.

23 Q But in your by-right plan you did not
24 show -- let me ask you another question first.

25 There are non-residential uses that abut the

1 property that is subject to this application, are
2 there not?

3 A There is the synagogue, yes.

4 Q There is the synagogue and across the
5 street along Street Road are there not also
6 non-residential uses that back up onto that nine or
7 ten acres on the other side of Street Road?

8 A Can you point those out for me?

9 Q Plumbing and heating business designated
10 parcel number 50-10-111 Warrington Plumbing and
11 Heating, and that appears to back up on lots 47, 48
12 and 50 in your by-right plan; isn't that correct?

13 A That's correct.

14 Q You did not allow for a 50-foot buffer
15 area for those three lots, did you, in your by-right
16 plan?

17 A We show existing woodlands up there but it
18 does not show that 50-foot buffer around what -- I
19 am sorry what's the name again?

20 Q Warrington Plumbing and Heating, I think,
21 it is here.

22 A It does not show that.

23 Q You can't build anything within a 50-foot
24 buffer area, can you?

25 A You can't put a structure there, a

1 building in it. You would impact the building
2 envelope but the building can still be placed there.

3 Q Well, you didn't make a determination
4 where you provided a 50-foot buffer along lots 50,
5 47 and 48 whether you would still have a developable
6 building envelope, did you?

7 A You can do that by inspection right now
8 and the building envelope will still be sufficient
9 if you take that extra land area away, it's
10 applicable to that lot. We did not reflect that on
11 the plan.

12 Q Now, when did you determine the area that
13 would be needed in the conditional use plan sheet
14 one for storm-water detention facilities, when did
15 you draw those storm detention facilities? You drew
16 them in a prior conditional use, you drew them and
17 submitted this amendment?

18 A We first had them on sketch plan.

19 Q Yes.

20 A The one we refer to came before the
21 planning commission on January 6th.

22 Q Okay.

23 A We revised it that sketch plan but
24 ultimately on April 1st we did submit conditional
25 use plan with the cluster without by-right plan at

1 all really based upon a mathematical computation on
2 density -- I am sorry the question?

3 Q The question was, when did you determine
4 the area that would be required for storm-water
5 detention facilities in the conditional use plan. I
6 understand you got plans that go back to January,
7 there was some revisions. What point did you fixed
8 so that it hasn't changed in any subsequent
9 iterations of this conditional uses plan the area
10 would be that required for storm water detention?

11 A I did provide testimony earlier on when
12 Mr. Gundlach asked me how we developed and came to a
13 layout, and I did discuss the fact that the very
14 water shed, the Act 167. And then the early on
15 consent plan, which we call the sketch plan, we had
16 an area computation and as planners working with our
17 own engineers in our office intuitively by using
18 5,000 cubic feet per acre of drainage area, one can
19 preserve appropriate land so we did do that early on
20 site.

21 Q So, between January when you did your
22 first plan as a sketch plan and the date that you
23 submitted the conditional use plan which is sheet
24 one of one, did the footprint for the storm-water
25 detention facilities change between January of 2011

1 and May 2011, the date of your conditional use plan?

2 A It certainly changed, the layouts are
3 different.

4 Q I am just focusing on the detention basin
5 right now, Mr. Costanzo. I know you have done some
6 things on roadway layout and that sort of thing.
7 But did the footprint of the storm-water detention
8 facility change between January 1st, early January
9 and May when you submitted this plan?

10 A Sure. The land area wise it's the same
11 closely. But horizontal depiction of just an
12 outline of a basin area certainly changed.

13 Q Can you take a look at, I see Mr. Gundlach
14 got the April plan of the area delineated for
15 storm-water basin on that plan changed between that
16 plan and the plan that you submitted for tonight's
17 consideration? Take a moment and compare that to
18 the area that you --

19 A Are you looking for areas in acres or the
20 representations, the shape?

21 Q Area and acres.

22 A Point seven, maybe three acres on our
23 plan. And it's not on this plan but at this point
24 it's size, I have it on another plan if you are
25 looking for that exact spot.

1 Q I would like to know.

2 A Half an area.

3 Q In the initial conditional use application
4 how much area did you provide for detention
5 facilities?

6 A It appears, I am having difficult reading,
7 I need my glasses, point seven three acres.

8 Q So in the conditional use application that
9 you filed and then amended you allowed point seven
10 three acres for storm-water detention facilities and
11 the conditional use plan that is sheet one of four
12 before the board tonight you provided a half acre?

13 A A half acre. The first one is not based
14 on actual topography, you like to be a bit
15 conservative. This one, the May plan we actually
16 have the boundary and topographic survey and we
17 wanted to make sure we can achieve the depth of the
18 basin by Warrington standards, so we are able to use
19 that topography to define the shape and in
20 horizontal plan view it appears it takes up half an
21 acre.

22 Q However in April of 2011 there was a
23 pretty significant ordinance adopted by Warrington
24 Township to affect storm-water management, wasn't
25 there?

1 A I mentioned that in my testimony, yes.

2 Q And that ordinance many folks believe will
3 have a substantial impact on the design of the
4 storm-water facility; is that correct?

5 A You have to look at the various water shed
6 districts that Warrington has established consistent
7 with the Act 167 and this water shed that drains to
8 the Bradford as opposed to other areas and I have
9 that too, you only need on the high frequency storm
10 that have the post, the post two-year storm matched
11 the one year pre and all the other ones need to
12 comply with as opposed to another districts that
13 will require you to check it down even further than
14 thus impacting the site of the basin. But the 100
15 year is post matching pre and if you are suggesting
16 that maybe the new ordinance making the ordinance
17 bigger based upon the philosophy that is not exactly
18 correct.

19 Q Based on what I understand that the new
20 storm water requires, and I am not an expert, it
21 also requires infiltration, doesn't it?

22 A So does the old.

23 Q Is it your understanding that the
24 ordinance that was adopted in 2011 number '04
25 requires the same level of infiltration that was

1 required from under the old storm-water management
2 ordinance?

3 A I have to check whether it is precisely
4 the same but you are governed by MPD as well DEP and
5 really the new Act 167 embraces some of the things
6 that are already happening in the MPS that we would
7 have been aware of during the concept plan just
8 like, you know, there wasn't full blown engineering
9 done, we certainly didn't examine storm-water
10 infiltration yet. It is a component that would, in
11 deed, come up during subdivision process and felt
12 not necessarily a part of the use of the plan.

13 Q So you are making the determination how
14 much land area under the new storm-water ordinance
15 might be required to sufficiently infiltrate storm
16 water as required under Ordinance 2011.4?

17 A There was not storm-water infiltration
18 testing performed.

19 MR. CLEMONS: May I have just a moment?

20 THE CHAIRMAN: Go ahead.

21 MR. CLEMONS: Mr. Costanzo, thank you, I
22 have no further questions.

23 THE WITNESS: You are welcome.

24 THE CHAIRMAN: I am sure that any other
25 witness that you brought on at this point by the

1 time they are cross examined it's going to bring us
2 way over the time. I would suggest even though it
3 is only 26 after that we call a halt to it and
4 continue the hearing.

5 MR. GUNDLACH, JR.: Mr. Chairman, can I at
6 least ask to see if anyone else has cross
7 examination questions of Mr. Costanzo?

8 THE CHAIRMAN: We'll have them.

9 MR. GUNDLACH, JR.: You will have them
10 next time.

11 THE CHAIRMAN: I am sorry to do that but
12 we will have to bring him back.

13 MR. ANDERSON: Mr. Chairman, if I may?
14 One thing that troubled me that you said, you said
15 something about past practices how Warrington
16 interpreted the code in your view.

17 THE WITNESS: Okay.

18 MR. ANDERSON: Right.

19 THE WITNESS: Well that's parameters.

20 MR. ANDERSON: Could you bring that with
21 you, I'd like to see that what you are talking
22 about.

23 THE WITNESS: Okay, sure.

24 MR. ANDERSON: That's all.

25 THE CHAIRMAN: What I am going to do at

1 this point in time is I am going to close the
2 hearing, I am going to continue it until July 14th.
3 And, again, it will be one of the first things on
4 the agenda.

5 MR. ANDERSON: It should be the only
6 thing.

7 THE CHAIRMAN: Well right now it is unless
8 something comes up as an emergency. Thank you all.
9 And at this time I will ask for a motion to continue
10 the hearing.

11 MR. ANDERSON: So moved.

12 MS. ACHENBACH: Second.

13 MR. GUNDLACH, JR.: So for the record it
14 is July the 12th at 7:30.

15 THE CHAIRMAN: All those in favor by
16 signifying, Aye.

17 MR. ANDERSON: Aye.

18 MS. ACHENBACH: Aye.

19 MR. PLOTNICK: Aye.

20 MR. LAMOND, JR.: Aye.

21 THE CHAIRMAN: Aye. Thank you.

22 - - -

23 (Tonight's hearing concluded at this time.)

24

25

C E R T I F I C A T E

I, WILLIAM CAMPBELL, being a Court Reporter do hereby certify that the foregoing oral testimony was taken stenographically by me and that this transcript is a true and correct transcript of the same, fully transcribed under my direction, to the best of my ability and skill.

WILLIAM CAMPBELL

Court Reporter

Blum-Moore Reporting Services, Inc.

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TOWNSHIP OF WARRINGTON
BOARD OF SUPERVISORS MEETING

- - -

IN RE: :
:
CONDITIONAL USE APPLICATION BY :
PENROSE WALK (formerly Sunrise :
Court Associates, LP) :

- - -

Warrington, Pennsylvania
Tuesday, July 12, 2011

- - -

A hearing was held in the
above-titled matter at the Warrington
Township Meeting Room, 852 Easton Road, on
the above date, beginning at 7:30 p.m.,
before Cynthia A. Whyte, Registered
Professional Reporter and Notary Public.

- - -

BLUM-MOORE REPORTING SERVICES, INC.
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8 RICHARD WIELAND (Engineer)
9 TIMOTHY J. TIEPERMAN (Manager)

10 APPEARANCES:

11 ROBERT W. GUNDLACH, JR., ESQUIRE
12 Fox Rothschild LLP
13 2700 Kelly Road, Suite 300
14 Warrington, PA 18976-3624

15 Counsel for Applicant

16 TERRY W. CLEMONS, ESQUIRE
17 Clemons Richter & Reiss
18 107 East Oakland Avenue
19 Doylestown, PA 18901

20 Counsel for Villas at Lamplighter
21 Village Condominium Association
22
23
24
25

I N D E X

1					
2	WITNESS:	DR	CR	RDR	RCR
3	SAMUEL COSTANZO, P.E.	--	--	5	24
4		--	--	57	58
5	MARK A. ROTH, P.E.				
6	(Voir Dire)	59	--	--	--
7	MARK A. ROTH, P.E.	61	71	--	--
8	JOSEPH MORRISSEY	78	83	84	--

E X H I B I T S

11	NO.	DESCRIPTION	PAGE
12	A-4	Muirfield Plan	16
13	A-5	Equestrian Court Plan	16
14	A-6	Plan	21
15	A-7	Temple buffer sketch	30
16	A3-A	8-1/2 x 11 plan referenced in Van Cleef reply	45
17	A-8	Curriculum Vitae, Mark Roth	61
18	A-9	Letter, 6/24/11, to Township from McMahon	65
19			
20	A-10	Rendering	68

1 CHAIRMAN PAUL: I will convene
2 the public hearing to continue and
3 discuss a conditional use application for
4 Penrose Walk, formerly Sunrise Court
5 Associates, LP, to allow the property to
6 be developed with two single semidetached
7 dwelling cluster developments. This is a
8 conditional use requirement under 803(a)
9 of the Warrington Township Zoning
10 Ordinance, Chapter 27, as amended.

11 And with that, I think where we
12 were at last time is we were questioning
13 your engineer.

14 MR. GUNDLACH: Correct. I was
15 getting ready to start my redirect.

16 CHAIRMAN PAUL: Okay.

17 MR. CASEY: Just to clarify,
18 Mr. Chairman, there is only one party of
19 record besides the applicant. That's the
20 Lamplighters Association represented by
21 Mr. Clemons.

22 MR. CLEMONS: That's correct.

23 CHAIRMAN PAUL: Thank you, Mr.
24 Casey.

25 ...SAMUEL CONSTANZO, P.E.,

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

3 REDIRECT EXAMINATION

4 BY MR. GUNDLACH:

5 Q. Mr. Costanzo, at the last hearing
6 Attorney Clemons asked you some questions
7 regarding the applicability of 304.4(c) of the
8 zoning ordinance to this project. Do you
9 recall those questions?

10 A. I recall, yes.

11 Q. And since the last hearing have you
12 had an opportunity to review the requirements
13 set forth in Section 304 against the plans
14 that were filed with this application as
15 amended?

16 A. Yes.

17 Q. And in your professional opinion do
18 the pending conditional use plans comply with
19 the requirements of Section 304.4(c) of the
20 zoning ordinance?

21 A. Yes.

22 Q. Could you explain how so?

23 A. Well, I don't know if the rest of
24 the Board and the audience would remember, but
25 that section was about the procedure for

1 establishing land use intensities.
2 Specifically Part C spoke to in Part 1, which
3 was what I was being asked, where minimum lot
4 areas are determinative of the land use
5 intensities, the maximum number of units shall
6 be determined by the maximum number of lots
7 that can be sited on the tract. In making
8 this determination, restricted resource
9 protection areas must be designated as common
10 open space except where specifically permitted
11 as part of lot areas in 305.

12 And in 305 is the answer of how we
13 applied Section 305 and 304 in its entirety,
14 and we specifically go to 305 and it tells you
15 what resources must be in common open space
16 and which are not, thus being able to be a
17 part of lot areas. And those resources are
18 the hundred percent resources that the
19 township has, streams, water bodies and
20 wetland areas, and that's how I intuitively
21 knew what I knew when I gave an answer
22 relative to I know of the examples we did in
23 the past and how we know we comply.

24 Q. So you are saying that it is your
25 testimony that the pending conditional use

1 plan does comply with Section 304?

2 A. Yes.

3 Q. And Mr. Anderson had a question for
4 you in response to an answer that you had as
5 to prior examples in the township as to the
6 application of Section 304. Do you recall his
7 question?

8 A. I do.

9 Q. And since the last hearing were you
10 able to research and obtain examples as to the
11 application of Section 304.4(c) by the
12 Township on prior projects?

13 A. Yes.

14 Q. And what did you discover?

15 A. Well, I brought in one of ours. I
16 had to go through finding like residential
17 subdivisions. We did one. I heard the
18 gentleman here tonight say he was on
19 Muirfield. We did a subdivision called
20 Muirfield.

21 MR. CLEMONS: I'm going to
22 object to that on the grounds of
23 relevance. I think the question is -- I
24 don't know anything about this other
25 subdivision. I don't know who -- there

1 was an issue raised concerning the
2 intensity or how the intensity was
3 calculated or how the resource
4 restrictions were issued. The fact that
5 the Board may have approved it on a prior
6 occasion has no relevance to whether or
7 not we are -- the method of calculating
8 intensity is being contested in this
9 case. That prior subdivision approval
10 has no relevance.

11 MR. GUNDLACH: To respond to
12 that, it was a question by one of the
13 Board members as to prior
14 interpretations, or prior applications
15 rather, by the Township of that section,
16 and this witness did some research and is
17 responding specifically to that question
18 and is prepared to show two examples of
19 similar residential projects where
20 Section 304.4(c) was applied and how it
21 was applied by the Township, and I would
22 submit to you in light of Mr. Clemons'
23 cross-examination as to his obvious
24 interpretation of that section that it is
25 relevant for purposes of these

1 proceedings.

2 MR. CLEMONS: What that
3 requires me to do is to go back and
4 determine in this collateral matter
5 whether or not that calculation was
6 performed correctly.

7 MR. ANDERSON: Mr. Chairman, if
8 I may. It was my question.

9 CHAIRMAN PAUL: Right.

10 MR. ANDERSON: Mr. Clemons, I
11 believe what was stated was that there
12 were cases in the past where the Township
13 had done something that probably wasn't
14 called out specifically in the ordinance,
15 and my question was I would like to see
16 examples of that. I still would like to
17 see those examples. I believe that you
18 will have plenty of opportunity to review
19 them, and if we need to continue to
20 another date to look at that, we will
21 give you the time to do that.

22 My question was, I was
23 interested in seeing those proposals, how
24 it happened, how it took place, and I
25 still want to see that.

1 MR. CLEMONS: Let me suggest
2 one thing to you, though, something that
3 has come to my mind and I think you are
4 familiar with. I think for years the
5 County of Bucks was -- I know that
6 because of your involvement with the
7 county you probably know about this case
8 where for years they were hiring services
9 for the individual district justices just
10 on a bid for the individual district
11 justices. You know about that case.
12 Then it came along that there was a
13 determination made that that was not the
14 proper procedure, that they had to be
15 advertised and they had to be advertised
16 in a block.

17 So, you know, we have always
18 done it this way is not a proper defense
19 of whether or not this subdivision is
20 compliant with the --

21 MR. ANDERSON: I'm not
22 proposing it would be a proper defense.
23 I just said I wanted to know of those
24 cases. That's all. I'm not asking for a
25 long explanation. If you tell me

1 Muirfield and a couple other ones, I will
2 go and look at that. That was my
3 question as to what, and I will look at
4 the data myself. I don't care about
5 that. I don't want to draw this out.
6 And I think we should supply you that
7 information also.

8 Just because it was wrong once
9 upon a time, that doesn't mean we
10 continue that policy. I totally agree
11 with that.

12 MR. COSTANZO: If I could
13 supply some clarity --

14 MR. GUNDLACH: Let's just stop
15 here, Mr. Costanzo. There is a question
16 on the floor and we're waiting for a
17 ruling on the objection and then we will
18 proceed.

19 CHAIRMAN PAUL: Mr. Casey, I'm
20 not up on all of this legal jargon here.

21 MR. CASEY: The objection is
22 overruled.

23 BY MR. GUNDLACH:

24 Q. So, Mr. Costanzo, I had asked you
25 then previously if you had researched and

1 obtained examples as to your application of
2 Section 304.4(c) or other engineered
3 application of that section and the design of
4 plans, and you had cited two projects and you
5 started to reference Muirfield. Did your firm
6 design the Muirfield subdivision?

7 A. Yes.

8 Q. Could you please explain how Section
9 304.4(3) was applied by the Township in that
10 subdivision?

11 MR. CLEMONS: Objection. There
12 is no foundation laid. I think we need
13 to know whether or not -- what zoning
14 district the Muirfield subdivision was
15 in, whether or not it was a cluster
16 subdivision and whether that cluster
17 subdivision requirement referred one to
18 calculate the intensity based upon the
19 by-right density. No foundation laid at
20 all for this.

21 MR. ANDERSON: Not to draw this
22 out, just give me the two names. That's
23 all I want. I'll do my own homework. If
24 you want to give me anything to look at,
25 that is fine. You don't have to get into

1 all of that detail. I understand how the
2 projects went. You had two of them.
3 Which is the other one?

4 MR. GUNDLACH: Mr. Anderson, if
5 I can reply, I don't want to be bullied
6 by Mr. Clemons' objections here. Those
7 objections of lack of foundation, in this
8 proceeding the formal Rules of Evidence
9 do not apply. Those are fair-game
10 questions. If he wants to cross-examine
11 Mr. Costanzo, I laid a proper base to ask
12 Mr. Costanzo as to the application of
13 that section, and I believe I have a
14 right for this witness -- a ruling was
15 made -- to answer that question, and he
16 can cross-examine him.

17 If we want to spend an hour
18 here rehashing these subdivisions, I
19 think it is a waste of everyone's time
20 and it is not needed, and if Mr. Clemons
21 wants to take that time in
22 cross-examination at his client's
23 expense, he can go ahead and do that.

24 You offered him the right to
25 come back and look at that, and I think

1 that was a fair offer. I want to ask him
2 a few questions. I will have this done
3 in five minutes, and then we can move on
4 to the next witness.

5 MR. ANDERSON: Sustained.

6 Q. Mr. Costanzo, could you explain
7 those two examples?

8 A. The Muirfield subdivision -- and, by
9 the way, the intensity section on 304 does not
10 pertain to district. It's relative to all
11 residential, so the concern about you don't
12 know the district, how it's applied, whether
13 it was cluster or not cluster, has no bearing.
14 It's applicable to all subdivisions relative
15 to intensity.

16 Muirfield happens to be on Limekiln
17 Pike, not a very large job, three-acre lot
18 zoning. The lots were created a seven-lot
19 subdivision, three-acre lot throughout the
20 minimum lot area. We certainly had resources
21 to protect, just like in Section 304,
22 predominantly all woodland. The woodland was
23 all being placed on the lots, did not have to
24 be put in common open space, which is what I
25 thought the line of questioning was that

1 night, did I put it in common open space
2 relative to the woods. I knew I did not. I
3 did not know specifically why I knew that, and
4 that's why I gave that answer, which led me to
5 these exhibits.

6 But the woodland was all preserved
7 on the lots. The lots wouldn't be able to
8 exist having a minimum lot area of three
9 acres. They would have been oversized or you
10 would have had to put them in open space.
11 It's not required. That section of the
12 ordinance specifically tells you in 305, and
13 304 tells you to look at 305.

14 This may be what I didn't exactly do
15 at the meeting, go right at the top of Section
16 305. It tells you by streams. There is a
17 line in there that says, "Such restricted land
18 must be designated as open space." If you go
19 down to the next line, Water Bodies, "This
20 land must be designated as open space"; the
21 next one, Wetlands, "This land must be
22 designated as open space." You go to steep
23 slopes and woodlands, and it does not contain
24 that language. It's very specific that those
25 can be on the lots, and that's how we did it.

1 It's how it was done in the past, so it is
2 very clear and specific to me and there would
3 be no reason in Section 305 to even tell you
4 to go to 305 to look for it if 305 wasn't
5 going to tell you where it counts and where it
6 doesn't, and that's what we did.

7 Q. Mr. Costanzo, that plan that you
8 just referenced to the Board, I'm going to
9 mark that record plan of Muirfield for W.B.
10 Homes as Exhibit A-4.

11 (Exhibit A-4 was marked for
12 identification.)

13 Q. You said you had a second example.
14 Would that be the Equestrian Court
15 subdivision?

16 A. It is.

17 Q. And I'm going to mark that as A-5,
18 because I believe you are going to reference
19 to the Board as well on Equestrian Court.

20 (Exhibit A-5 was marked for
21 identification.)

22 Q. Could you please give a brief
23 explanation as to how that section was applied
24 to the Equestrian Court project?

25 A. I can. I wanted to pick another job

1 that I did not do, one that I knew was also in
2 close proximity to this subdivision.
3 Equestrian is right down the road. It's also
4 in the same zoning district, also required
5 woodlands to be preserved. In fact, on this
6 specific case a variance was granted for
7 woodlands to disturb more than the 50 percent
8 that was allowed, but the remaining balance
9 was permitted to be on the lots, not collected
10 in common open space and not -- therefore, it
11 was a part of the lot areas.

12 So that's another example and that's
13 right down the street.

14 Q. Mr. Costanzo, at the last hearing
15 Mr. Clemons also asked you some questions
16 concerning the buffer requirements in Section
17 2307 of the zoning ordinance. Do you recall
18 those questions?

19 A. I do.

20 Q. Specifically he asked you about a
21 requirement to provide a 50-foot buffer
22 between residential and nonresidential uses.
23 Do you recall those questions?

24 A. I do.

25 Q. Now, if you could approach the

1 conditional use plan on the board, which we
2 previously marked as T-4 -- and this is the
3 colored version of the cluster plan.

4 Actually, let me rephrase that, Mr. Costanzo.

5 I believe Mr. Clemons' questions
6 concerned what we characterized as the
7 by-right plan.

8 CHAIRMAN PAUL: I'm sorry.

9 Somebody in the audience cannot hear you.

10 Can you get closer to the mike if you
11 could?

12 Q. Mr. Costanzo, I believe those
13 questions from Mr. Clemons pertained to the
14 by-right plan and the layout; is that correct?

15 A. That's correct.

16 Q. So you are going to put on the board
17 here the plan that we previously referenced at
18 the last hearing as the by-right plan?

19 CHAIRMAN PAUL: Can you check
20 and see if that mike is on?

21 (Short recess.)

22 CHAIRMAN PAUL: It appears that
23 the loudspeaking system is not going to
24 work here. I'm going to ask you to speak
25 as loud as you can so as many people can

1 hear you as possible, okay?

2 MR. COSTANZO: Okay.

3 BY MR. GUNDLACH:

4 Q. Mr. Costanzo, I had referenced you
5 to what we called at the last hearing the
6 by-right plan, which is Sheet 4 from the
7 revised conditional use plan set, correct?

8 A. That's correct.

9 Q. And specifically the questions
10 regarding the buffer.

11 Could you please review that board
12 that we have on the easel and address the
13 question as to whether or not that buffer can
14 be complied with with the by-right plan.

15 CHAIRMAN PAUL: The mikes are
16 on.

17 A. Can I proceed then?

18 Q. Go ahead. Why don't you approach
19 the board and show the lots that Mr. Clemons
20 asked you about and review --

21 A. Approach the board or the Board?

22 (Laughter).

23 Q. The board on the easel and show the
24 Board and the audience what's going on.

25 A. I believe the question that was

1 asked me at the last hearing was relative to
2 Tax Parcel 50-10-111, which on our plans says
3 it is now or formerly owned by Warrington
4 Plumbing and Heating Company, and that's a
5 property that is not part of ours. It's an
6 outparcel on Street Road which our lands wrap
7 around.

8 And as I was sitting up here when
9 Mr. Clemons was approaching that board, I
10 think it was -- he was pointing out that I did
11 not apply a 50-foot buffer where a residential
12 use -- our proposed residential lots behind
13 that in the by-right plan up against that
14 alleged commercial use, we didn't apply a
15 50-foot buffer.

16 My answer to that was having read
17 what I read on the plan, it says it is -- it
18 sounds like it is a noncommercial -- a
19 nonresidential use. I stated I could apply
20 the 50-foot buffer and still be fine in the
21 lots. It would just simply reduce the
22 building envelopes for those lots but still
23 certainly able to be built upon. That was my
24 answer then. Driving by in my memory, I even
25 went to that site before the hearing. I don't

1 remember seeing any commercial signs out
2 there. I did it again, and it prompted me to
3 look it up. It's a building that is in ruins.
4 It just happens to be owned by what sounds to
5 be a noncommercial -- a nonresidential owner.
6 It's certainly in the same district. It's
7 really a vacant piece of ground. There is no
8 commercial use established.

9 I contacted the Township and spoke
10 to a Mr. Powell to confirm whether there was
11 anything that I'm missing that was granted on
12 that property that establishes it as being
13 commercial, and he said no.

14 Q. So, Mr. Costanzo, if in fact it was
15 determined to be a commercial use and the
16 50-foot buffer would be applicable, in your
17 professional opinion can these homes be
18 situate on these four lots to comply with that
19 requirement?

20 A. They can.

21 (Exhibit A-6 was marked for
22 identification.)

23 Q. And does this Exhibit A-6 depict
24 that arrangement?

25 A. It does.

1 Q. At the last hearing Mr. Clemons
2 asked you some questions regarding the
3 stormwater for this project. Have you done
4 the full engineering plans yet for this
5 project?

6 A. Not the full engineering, no.

7 Q. Have you done a preliminary review
8 as to stormwater?

9 A. Yes.

10 Q. In your professional opinion can
11 this project be designed and engineered as
12 part of the subdivision land development
13 approval process to adequately handle the
14 stormwater runoff for this project without
15 adversely impacting any adjacent properties?

16 A. Yes.

17 MR. GUNDLACH: That's all I
18 have for Mr. Costanzo at this time.

19 MR. ANDERSON: Mr. Chairman, I
20 have a question.

21 CHAIRMAN PAUL: Yes.

22 MR. ANDERSON: Back to your
23 buffer, Mr. Costanzo, the 50-foot red
24 line that you show on the drawing, just a
25 rough estimate on my part. It looks like

1 your smallest building envelope is
2 probably 50 x 50 approximately?

3 MR. COSTANZO: Approximately
4 that's about right. Actually it would be
5 larger. It's wider.

6 MR. ANDERSON: Lot 50 looks
7 like it comes out to be fairly square.

8 MR. COSTANZO: And I would say
9 you are right on that one. 50 x 50 looks
10 about right. I have a scale. I could
11 probably tell you.

12 MR. ANDERSON: You feel for
13 what you are going to do that is plenty
14 of envelope?

15 MR. COSTANZO: That one is
16 actually 60 x 70.

17 MR. ANDERSON: How much?

18 MR. COSTANZO: 60 x 70.

19 MR. ANDERSON: I don't have a
20 scale up here, so I was just guessing.

21 Okay. That's all I have.

22 MR. LAMOND: I have one
23 question real quick.

24 My question is: What is the
25 zoning of the Warrington Plumbing and

1 Heating?

2 MR. COSTANZO: Same zoning
3 district as this property, the R-2
4 district.

5 MR. LAMOND: It's the same?

6 MR. COSTANZO: Yes.

7 CHAIRMAN PAUL: Mr. Clemons, do
8 you have any additional questions?

9 MR. CLEMONS: I do.

10 RECROSS-EXAMINATION

11 BY MR. CLEMONS:

12 Q. First of all, with respect to the
13 Muirfield, Exhibit A, I take it this is your
14 design of this particular subdivision and
15 processed for approval; is that correct?

16 A. We designed it, yes.

17 Q. And would it be fair to say that
18 unlike these proceedings there were no
19 residents or persons who were contesting the
20 method that was used to calculate the required
21 means of determining the density? There
22 weren't any objectors who came in and said
23 geez, there is another way to do this?

24 A. I don't recall. I can't say I go to
25 all of my project meetings. I work with my

1 staff. They may have gone to some. W.B.
2 likes to take charge of its own meetings, so I
3 can't say succinctly that I know that.

4 Q. Did you go to those meetings
5 yourself?

6 A. I did go to meetings myself.

7 Q. And then other meetings staff went,
8 staff from Van Cleef Engineering went?

9 A. The point of this is I have no
10 recollection of whether it was opposed by
11 anybody or questioned how we did it.

12 Q. Okay, but what I want to explore is,
13 either you or your staff went to meetings
14 where the subdivision was discussed; is that
15 correct?

16 A. That's correct.

17 Q. And neither you -- you don't have
18 any recollection of there being folks there
19 who contested the means at which the density
20 was calculated, do you?

21 A. That's true.

22 Q. And do you have any recollection of
23 any of your staff members coming back and
24 saying, geez, there was somebody else there
25 who was contesting this?

1 A. That's what I'm saying; I have no
2 recollection.

3 MR. ANDERSON: Mr. Clemons, I
4 think he already answered that that he
5 has no recollection.

6 Q. And you were not the engineering
7 firm for the development that is described on
8 Exhibit A-5; is that correct?

9 A. That's correct.

10 Q. I may need a little bit of time to
11 go back and look at this, but I'm going to go
12 forward.

13 Turning your attention to Exhibit
14 A-6, take a look, if you will, at Lot 37. Lot
15 37 backs onto a nonresidential use, does it
16 not?

17 A. Lot 37 -- and just to let you know,
18 in advance of last hearing I had an exhibit
19 that provided clarity on that. Since it
20 wasn't asked, I think I provided testimony
21 that I provided a buffer and depicted it on
22 our landscape version, the rendering that is
23 on the floor here, but to answer your question
24 does it abut, there was a paper street there
25 which the temple is entitled, I would assume,

1 to take its half of that paper street, but my
2 plan -- our plans when we originally sketched
3 this, the paper street we were acknowledging
4 and it is not abutting a property. So this
5 layout for Lot 37 does not depict that 50-foot
6 buffer against it, but in preparation for the
7 hearing last time I had an exhibit with me.
8 In the event that the temple was acquiring
9 their half of that right of way, it would in
10 fact abut us, and I came in with an exhibit
11 showing how we could still comply.

12 Q. Do you have that with you?

13 A. I do.

14 Q. And in terms of acquiring, for the
15 purpose of Lot 37, you assumed that your
16 client owned to the middle of that paper
17 street, did you not?

18 A. It exercised its right, yes.

19 Q. How did it exercise its right?

20 A. Just because in the comprehensive
21 plan there is language on paper streets that
22 after 21 years the owner can indeed take that,
23 so we are the applicant and we took that.

24 Q. It doesn't say can take it. It
25 says, "If a paper street is not opened within

1 21 years, then each abutting property owner
2 shall be deemed to own to the middle of that
3 paper street," correct?

4 A. That's correct; something to that
5 effect, yes.

6 Q. So the temple does own -- by
7 operation of the same law that gave you the
8 right to claim to the middle of the paper
9 street for Lot 37, the temple owns to the
10 middle of that paper street, correct?

11 A. That's what I'm saying, but what I'm
12 saying to you is I have the right to change my
13 applicant and my property owner's line. I
14 have no -- I don't have surveying in his land.
15 His land still shows up today as not absorbing
16 that piece of ground. So my guys honored that
17 and laid out the subdivision. It wasn't until
18 my further studying that I said I'm coming to
19 this hearing with an exhibit, which I brought.
20 You brought up the Warrington Plumbing one,
21 but you didn't bring up the synagogue, so I'm
22 happy to show you the exhibit that still shows
23 that that complies as well.

24 Q. But we both acknowledge that the
25 temple does in fact own to the center of the

1 paper street, correct?

2 A. I would rather an attorney say that
3 kind of stuff. I'm an engineer.

4 Q. Then let's see the exhibit you drew
5 that showed how you handled the 50-foot
6 buffer.

7 A. Sure.

8 MR. COSTANZO: Would you like
9 me to mark this as an exhibit and
10 approach the board?

11 I had another exhibit. This is
12 the cluster and this is the by-right
13 version.

14 Q. Which one are we marking?

15 A. You said 37, so let me give you the
16 37 one.

17 MR. CLEMONS: And are we
18 marking this, Mr. Gundlach, as Exhibit
19 A-7, the by-right plan that shows Lot 37?

20 MR. COSTANZO: It's really the
21 same sheet that you gave up there, only
22 this one is marked.

23 MR. GUNDLACH: Are we marking
24 that as I-2?

25 MR. CLEMONS: I'm not prepared

1 to mark it -- I already have premarked
2 exhibits, so --

3 MR. GUNDLACH: Why don't we
4 mark that as A-7 then.

5 MR. CLEMONS: If you are not
6 going do mark it as your own exhibit, I
7 will give you the exhibit number.

8 MR. GUNDLACH: No; I will mark
9 it as A-7. That's fine. So we will call
10 it the buffer sketch.

11 MR. CLEMONS: Temple buffer
12 sketch, okay.

13 MR. GUNDLACH: Temple buffer
14 sketch, okay.

15 (Exhibit A-7 was marked for
16 identification.)

17 BY MR. CLEMONS:

18 Q. While those are being passed out,
19 can you put your scale on the 50-foot buffer
20 and tell us what depth of the building lot
21 remains after that buffer is provided?

22 THE COURT REPORTER: I can't
23 hear you, sir.

24 A. I think the proper term he is asking
25 me for would actually be the width, not the

1 depth.

2 Q. I actually want to know both. What
3 is the width?

4 A. The width is 38 feet and the depth
5 is 80 feet.

6 MR. ANDERSON: Excuse me one
7 minute. A-7 -- what did you just give
8 us, the by-right plan?

9 MR. COSTANZO: That's the
10 by-right version, yes.

11 BY MR. CLEMONS:

12 Q. And from what did you measure the
13 50-foot buffer with respect to Lot 37?

14 A. I took it -- assuming that they are
15 going to take their half of the paper street,
16 and from that common boundary line we applied
17 50 feet.

18 Q. So it's 50 feet from the boundary
19 line that you show as the boundary to Lot 37;
20 is that correct?

21 A. It's our tract boundary line which
22 went to the midpoint of that paper street.
23 Assuming the temple will do the same, then
24 they're abutting properties and then the
25 50-foot buffer comes into play, and that's

1 what we applied.

2 Q. And then what size town home -- I'm
3 sorry; duplex -- twin home did you assume
4 would be built on these lots in the
5 preparation of your by-right plan?

6 A. One that would fit that Lot 37. We
7 are not talking about building footprints on
8 this plan. This is about lots and intensity
9 and development. If I wanted a bigger one, I
10 would make it even bigger.

11 Q. Now, going back to 304.4(c).1, that
12 last sentence --

13 A. Shall I read it?

14 Q. Give me a second. You can go ahead
15 and read it.

16 A. "In making this determination
17 restricted resource protection areas must be
18 designated as common open space except where
19 specifically permitted as part of the lot
20 areas in Section 305."

21 Q. Now, the sections of 305 that you
22 are citing; that is, with reference to
23 streams, water bodies, and wetlands, says that
24 those elements shall be designated as common
25 open space, correct?

1 A. That's what it says, it must be
2 designated as common open space.

3 Q. However, 304.4(c)1 says that they
4 have to be designated as common open space
5 except specifically permitted as part of lot
6 areas in Section 305. Is there anything in
7 Section 305 that specifically permits any of
8 these resources within the part of the lot
9 area?

10 A. Yes; specifically by reading the
11 entire Section 305 it doesn't tell you to
12 isolate, take snapshots, or look at any
13 sections or glimpses. It is the whole Section
14 305, and by using the whole Section 305 it
15 tells you that you need to collect these
16 resources in open space; therefore, other
17 resources can be on the lot areas. That's
18 what it specifically tells you, or there would
19 be no need to tell you that last sentence.
20 You could just end it with -- without that
21 last part that says to refer to Section 305.

22 Q. Which is how you prepared your
23 by-right plan, correct? You just laid out all
24 the lots and didn't give any consideration
25 to --

1 A. No, no, no. No, no, no. I gave
2 full consideration specifically to Section
3 305. All the hundred percent resources that
4 305 says are protected in open space. Those
5 which are not, some are in open space, some
6 are not. I fully applied it.

7 Q. We're going to get to that in a
8 second, but if these words mean what they say,
9 that those resources have to be specifically
10 permitted as lot areas in Section 305, there
11 is no specific designation of resources
12 permitted in the lot areas, what you are doing
13 is interpolating from the requirement that
14 those three listed resources, the streams, the
15 water bodies and wetlands, must be in common
16 open space, that those are the only resources
17 that don't have to be on the lots; is that
18 correct?

19 MR. GUNDLACH: Objection. That
20 question has been asked and answered.

21 Mr. Clemons is asking the same question
22 in a much longer manner, but that
23 question was asked and answered.

24 MR. CLEMONS: Let's let him
25 answer it one more time.

1 MR. ANDERSON: I think the
2 Board members have the ordinance and
3 heard the testimony and understand the
4 situation and can make a decision based
5 on what both you gentlemen have said.

6 Is everybody okay with that?

7 MR. CLEMONS: I didn't hear.
8 Was it overruled?

9 MR. ANDERSON: Yes, sir. No, I
10 overruled you, Mr. Clemons, if I'm
11 allowed to do that, Mr. Chairman.

12 MR. CLEMONS: I didn't make the
13 objection.

14 CHAIRMAN PAUL: I was about to,
15 but you can do it.

16 MR. ANDERSON: We sustained it.

17 CHAIRMAN PAUL: Sustained it.

18 MR. ANDERSON: We heard enough
19 of that.

20 BY MR. CLEMONS:

21 Q. Let's go back, if you will,
22 Mr. Costanzo, to the requirements concerning
23 protection of resource protection areas, and,
24 if you will, go to the definition of resource
25 protection areas in the definition area of the

1 zoning ordinance. Will you pull up that
2 section, please?

3 A. In the definition you want me to go
4 to --

5 Q. I want you to have those open in
6 front of you because I'm going to ask some
7 questions about them.

8 A. Okay.

9 MR. GUNDLACH: Mr. Clemons,
10 which one?

11 MR. CLEMONS: There are a
12 number of terms that I want to ask
13 questions about including resource
14 protection area, restricted resource
15 protection area, and partially unusable
16 area -- I'm sorry; partially unusable
17 land and totally unusable land.

18 BY MR. CLEMONS:

19 Q. Now, you are familiar with those
20 terms as they are defined here in the zoning
21 ordinance, correct?

22 A. Yes.

23 Q. And you agree with me then that the
24 resource protection areas are areas that
25 contain resources which are subject to

1 environmental limitations that must be
2 protected, correct?

3 A. Sounds about right.

4 Q. And that's in fact what is stated
5 under A, the resource protection areas,
6 correct, paraphrased?

7 A. If it is a paraphrase, I will accept
8 that.

9 Q. And some of those resources are
10 required to be 100 percent protected and they
11 are called totally unusable land, correct?

12 A. I don't like to assume anything. I
13 like to read.

14 Q. That's why I was directing your
15 attention to it, so you wouldn't have to.

16 A. Totally unusable land is the portion
17 of resource protection areas containing the
18 land which cannot be developed, including the
19 following: Streams, Type I; Waterbody, Type
20 I; and Wetlands. Those are the hundred
21 percent uses.

22 Q. And then the partially unusable land
23 contains resource protection areas, only a
24 percentage of which can be disturbed; is that
25 correct?

1 A. Correct.

2 Q. But that other percent -- and they
3 use as an example steep slopes greater than 8
4 percent -- you still have to protect from
5 disturbance a percentage of those resource
6 protection areas?

7 A. Clearly from disturbance, yes.

8 Q. Now, in preparation of your existing
9 resources plan, you show by your calculations
10 on the existing features plan -- I want to
11 make sure I get these words right -- which is
12 Sheet 2 of 3 in your conditional use plan
13 set -- you show that there are .98 acres that
14 are totally unusable land, correct?

15 A. I believe that's the number, yes.

16 Q. And then you show that there are
17 13.63 acres that are partially unusable,
18 correct?

19 A. That's what it says.

20 Q. And you have some calculations in
21 terms of how you came up with that with
22 respect to the protection areas, correct?

23 A. Correct.

24 Q. And that's contained under 6 in your
25 Form 307?

1 A. Correct.

2 Q. And for forest you only -- you
3 assumed a 50 percent protection, correct?

4 A. That's correct.

5 Q. Although if it is combined with
6 another resource, it might be 80 percent?

7 A. That's right. We make note of that.

8 Q. So you have 13.63 acres that are not
9 permitted to be disturbed based upon the
10 existing resources plan -- existing features
11 plan that you submitted with your application?

12 A. Correct.

13 Q. Now, in your by-right plan show
14 me -- well, let me ask you a question: In
15 terms of your by-right plan, you have an open
16 space summary that I want to be clear about.
17 It shows 6.42 acres. Are you assuming any
18 open space in the by-right plan?

19 A. That's the 6.42 acres.

20 Q. All right.

21 However, you do not show anywhere on
22 the by-right plan where you will protect the
23 total of 13-plus acres that require
24 protection; is that correct?

25 A. No, that's not correct. We do. You

1 would see them on the lots.

2 Q. But you have not designated how you
3 can create these lots and provide for a
4 building envelope, provide for an area of
5 disturbance, and still not disturb the balance
6 between the 6.42 acres that you place in open
7 space and the 13.63 acres?

8 A. We do not fully engineer the
9 by-right plan, no different than we haven't
10 fully engineered the cluster plan, but we made
11 good engineering application. We believe
12 intuitively you can see that that can be met.
13 There is only another seven acres and that
14 would be on the lots themselves. If I had any
15 difficulty with it, I could make other matters
16 happen, but I don't see it as a problem at
17 all.

18 Q. You're going to be involved in the
19 by-right plan in the disturbance of the
20 internal streets that you have established,
21 correct?

22 A. I have 31 acres of land in total. I
23 need to preserve 13 with --

24 THE COURT REPORTER: I didn't
25 hear the end, sir.

1 A. I have a 31-acre tract of ground.
2 6.4 acres of this ground on this plan is being
3 shown in open space. Much of that would
4 constitute woods. The rest of the woods would
5 be on the lots, as we have done before in the
6 past in Warrington Township --

7 Q. Well, let's --

8 A. -- and how the ordinance reads, I
9 can put them on the lots.

10 Q. Let's wait a second. .98 acres of
11 this -- nearly an acre of this 6.42 acres is
12 100 percent protected land, so I assume that
13 is within the open space, correct?

14 MR. GUNDLACH: I'm going to
15 object, Mr. Chairman. This again has
16 been asked and answered. Mr. Clemons has
17 his own engineer here who he is prepared
18 to present. We are belaboring a point.
19 This witness testified that he applied
20 that provision. The plan complies. Let
21 Mr. Clemons call his own witness that he
22 is going to claim that it doesn't comply
23 and keep these proceedings moving, but
24 this witness has answered this question
25 and it is his opinion that it does

1 comply.

2 CHAIRMAN PAUL: I believe they
3 have been answered substantially. Mr.
4 Clemons, I am going to ask you to move
5 on.

6 MR. CLEMONS: I am going to try
7 to move on, but I think I need to explore
8 how they were accounted for, so let me
9 ask one more question regarding that.

10 BY MR. CLEMONS:

11 Q. Is there any place on your by-right
12 plan where you show how you are going to
13 distribute the balance of the required
14 resource protection area on the lots?

15 A. It is shown on the plan. One can
16 assume it is on the lots. I have a 30-foot
17 buffer up against the tract boundary. Those
18 woods are going to remain, and they will
19 actually be a part of that lot area along the
20 whole Lamplighter, similarly against the other
21 tract boundary line that I testified. Those
22 woods are going to remain along that tract
23 boundary. The balance of the woods would be
24 on the lots, as I kind of depict for you
25 woodlands, poorly on the cluster plan because

1 I happen to know how I have engineered and
2 graded that. I did it to a certain level. I
3 did this by-right plan and we feel comfortable
4 with that as well.

5 Q. But you have more than once tonight
6 spoken that intuitively you know this is
7 right, but you have not provided this Board
8 with any calculations that show how those
9 protected resource areas can be protected and
10 this by-right plan developed as shown on Sheet
11 4 of 4?

12 MR. GUNDLACH: Objection. Now
13 Mr. Clemons is making closing argument
14 here. He has made his point. This
15 witness has testified as to his opinion,
16 and, you know, I think we are covering
17 the same ground over and over here.

18 Q. You tell me whether I'm correct or
19 not, and that's my last question.

20 CHAIRMAN PAUL: I'm going do
21 ask you to move on. I think that has
22 been explained very well to this point.

23 MR. CLEMONS: Okay.

24 I believe you introduced an
25 exhibit at the last meeting that was a

1 transition plan, and I'm not certain, Mr.
2 Gundlach, whether that was your exhibit.
3 You have a sketch plan in your exhibit
4 list. Was that the transition plan?

5 A. Are you talking about the transition
6 areas against certain resources?

7 Q. Yes. You referenced that in the
8 letter I think dated June 24.

9 A. My response letter to the Township
10 engineer's comments, the June 6 letter?

11 Q. Yes.

12 MR. GUNDLACH: So you are
13 referencing Exhibit A-3 which was the Van
14 Cleef response to the Township review
15 letter dated June 24.

16 MR. CLEMONS: It also
17 references a sketch plan. First I will
18 ask Mr. Gundlach to confirm whether or
19 not that is A-6. You have A-6 described
20 in the exhibit list as a rendering.

21 MR. GUNDLACH: No, I did not
22 mark that.

23 MR. CLEMONS: So from your view
24 then, the plan is a part of the Exhibit
25 A-3?

1 MR. GUNDLACH: Off the record
2 until I can clarify here.

3 (Discussion off the record.)

4 MR. GUNDLACH: Let's make this
5 part of A-3.

6 MR. CLEMONS: Then let's call
7 it A-3-1 or A-3-A.

8 MR. GUNDLACH: We're going to
9 mark as A-3-A an 8-1/2 x 11 plan that is
10 referenced in the Van Cleef reply that we
11 have marked as A-3.

12 (Exhibit A-3-A was marked for
13 identification.)

14 A. At the last hearing I provided
15 testimony.

16 Q. Well, you referenced this in your
17 testimony?

18 A. Yes, that's right.

19 Q. Would that be a correct statement?

20 A. Correct.

21 Q. And you prepared this sketch in
22 reliance upon a provision contained at Section
23 2314 of the zoning ordinance as recently
24 amended by Ordinance 2011-04, correct?

25 A. Wait. The date of the amendment is

1 2004, the year?

2 Q. No; Section 2314 of the amended --
3 of the zoning ordinance as amended by
4 Ordinance 2011-04. That's the number of the
5 ordinance.

6 A. I did provide testimony that between
7 the time we submitted -- we were doing sketch
8 planning and came in with the conditional use,
9 the Township did adopt an ordinance that was
10 brought to our attention, and we prepared this
11 exhibit plan to depict how our by-right lots
12 on that northern portion of the tract still
13 could comply by -- and in this case we use the
14 transition averaging requirement. That's why
15 you see red and blue on here where the
16 Township ordinance allows you to reduce the
17 50-foot transition area by no greater than
18 half its width, so 25, provided that you
19 increase the transition area elsewhere, and
20 that's what we did, and this plan reflects
21 that even distribution.

22 Q. To be able to do that requires a
23 couple of things, doesn't it? First it
24 requires that the Board of Supervisors would
25 approve the reduction of the transition area

1 from 50 feet to 25 feet, correct?

2 A. That's why it's before this Board.

3 Q. It is not a developer decision to
4 reduce it. It's a matter in the discretion of
5 the Board?

6 A. That's correct.

7 Q. And that was not part of your
8 original request when you filed your
9 conditional use application, correct?

10 A. It was brought in in testimony here,
11 provided an exhibit to the Township engineer,
12 and it is in the response letter as an
13 exhibit. I think it's a matter before this
14 Board, yes.

15 Q. And it is also required to be the
16 minimum reduction for swapping the transition
17 area. That's another requirement, correct?

18 A. Without me reading it, I will go
19 along with what you are saying.

20 Q. And the transition area is an area
21 that is restricted from filling or excavation
22 or disturbance or removal or dumping, correct,
23 under Section 2314(a)(2)(a)?

24 A. Not the area which you would be
25 able, should the Board agree, to reduce the

1 buffer with or transition with.

2 Q. Whatever the width of that
3 transition area is --

4 A. If the Board approves, it will have
5 certain limitations, yes.

6 Q. And the purpose of that restricted
7 area is an area where dumping, filling,
8 excavation and disturbance is prohibited;
9 isn't that correct?

10 A. That seems about right, yes.

11 Q. As well as paving or putting up
12 structures?

13 A. True.

14 Q. And so you have reduced by half the
15 area within the transition zone where paving
16 would be permitted or excavation or
17 disturbance; is that correct?

18 A. I don't think you can depict that --
19 I don't think you can make that
20 interpretation, but once this Board -- if it
21 were subject to allow me to do transition
22 averaging, which we apply, I would not have
23 that restriction on the red zone that is on
24 this plan.

25 Q. And that red zone is reduced by half

1 if the Board were to agree to permit you to
2 move that transition zone to the other side of
3 this area, correct?

4 A. Correct.

5 Q. Now, in terms of measuring this
6 either 50 or 25-foot buffer, you did not
7 include the alluvial soils that are associated
8 with this floodplain, did you?

9 A. We did not. The calculated
10 floodplain would take precedence. We had Nova
11 Consultants go out there and examine the soils
12 and --

13 MR. CLEMONS: Objection to
14 whatever Nova Consultants said.

15 MR. GUNDLACH: He asked the
16 question and now he is getting the
17 answer.

18 MR. CLEMONS: I'm getting a
19 hearsay answer.

20 MR. GUNDLACH: The formal Rules
21 of Evidence don't apply. You asked him
22 to explain it and now you don't like
23 halfway through the answer. You want the
24 yes and the no, but you don't want the
25 explanation. I think he should have a

1 right to explain it.

2 MR. CLEMONS: I want a
3 competent witness to testify, and the
4 rules with respect to hearsay do apply to
5 this proceeding.

6 MR. GUNDLACH: You are saying
7 Mr. Costanzo, who has 25 years of
8 experience in engineering in Bucks
9 County, is not a competent witness?

10 MR. CLEMONS: I'm saying he is
11 not a competent witness to determine
12 whether there are areas that are excluded
13 based upon another consultant.

14 MR. GUNDLACH: Then you
15 shouldn't have asked him. You asked him.
16 Bring your own witness --

17 MR. CLEMONS: Well, the Board
18 will decide this.

19 CHAIRMAN PAUL: I'm going to
20 let him answer that question because I
21 want to hear the answer.

22 A. A, I'm not familiar with alluvial
23 soils existing on the property, having had
24 Nova go out there, examine the site. They
25 gave us no reporting of that finding. They

1 were out there doing what they were
2 commissioned to do. Whenever we have a
3 floodplain that is delineated by FEMA, that
4 takes precedence over any soil limitation that
5 might have been there, and we applied it
6 against the hundred year elevation. We
7 plotted it, confirmed we had the correct FEMA
8 floodplain map, even looked at the proposed
9 amendment in December of this year, which may
10 not have been officially adopted, and we
11 applied the setback to it.

12 CHAIRMAN PAUL: Thank you.

13 Q. Now, let's look at Section 2314,
14 though, without anything else, just in terms
15 of what the words say. 2314(a) says,
16 "Transition area shall be provided along all
17 Type 1 streams, water bodies, natural water
18 courses, all wetlands, any floodplains
19 thereof, along with associated alluvial
20 soils."

21 So it requires a transition area
22 along alluvial soils. We agree with that
23 much, don't we, Mr. Costanzo?

24 A. If alluvial soils were there, one
25 might make that interpretation, yes.

1 Q. And then if we go back, still in
2 that new ordinance that you said you looked at
3 before it was adopted, if we go back to the
4 definition of alluvial soil in that ordinance,
5 which is on the page before it -- I don't know
6 whether you have that before you, but it
7 defines alluvial soils to include Bowmansville
8 silt loam with a symbol of Bo; is that
9 correct?

10 MR. GUNDLACH: I'm going to
11 object. Mr. Costanzo is sitting here
12 without a copy of the ordinance that you
13 are reading. If you want to show it to
14 him and let him read it, but --

15 A. I know it included Bowmansville,
16 yes.

17 Q. Great.

18 In your natural resources,
19 existing -- let me get the name of this thing
20 right.

21 In your existing features plan,
22 which was Sheet 2 of 4 in the conditional use
23 plan, take a look, if you will, and see
24 whether or not you didn't designate alluvial
25 soils -- I'm sorry -- designate Bowmansville

1 soils in the area where we are talking about
2 in this transition zone. Take a look at that
3 plan.

4 A. I don't have to take a look. I
5 remember we show it as taken from the soil
6 survey map.

7 Q. So in the plan that you prepared and
8 submitted to the Township confirming the
9 existing features on the property, you
10 identified Bowmansville soils, correct?

11 A. Correct.

12 Q. Which we agree are alluvial soils,
13 correct, as defined under the zoning ordinance
14 of Section 230.4?

15 A. A Bowmansville soil would be an
16 alluvial. Per the ordinance or per its
17 application it would have to be there.

18 Q. And 230.4 requires that the
19 transition area be established from all of
20 those resources including alluvial soils; is
21 that correct?

22 A. Correct.

23 Q. And you did not measure the
24 transition area from the outer limits of the
25 alluvial soils, did you?

1 A. Not by the map limits on the soil
2 survey. We went by what we believed to be
3 there.

4 Q. Well, you used the map soils in
5 preparing your existing features plan,
6 correct?

7 A. We did, yes.

8 Q. But you didn't measure the
9 transition area from those alluvial soils
10 which the ordinance says is where you measure
11 the transition area from?

12 A. If they were there, I may have, but
13 I don't believe they are there. That's why we
14 didn't do it.

15 Q. You identified them in your original
16 site plan.

17 MR. GUNDLACH: Objection.

18 Asked and answered. This is
19 argumentative. Mr. Costanzo has
20 testified that he measured the soils
21 based upon fieldwork that he did.
22 Mr. Clemons wants him to measure it from
23 the soils map. That's the testimony that
24 came out here and I think it has been
25 quite clear.

1 MR. CLEMONS: I'm asking that
2 he measure it from the resources that he
3 showed on the plan that he submitted to
4 this Board for its evaluation.

5 MR. GUNDLACH: And his
6 testimony was he measured it based upon
7 additional fieldwork and information that
8 he received from other experts as to soil
9 conditions.

10 MR. ANDERSON: What's going to
11 take place here I think is that we all
12 understand there's alluvial soils on this
13 property, and when you submit a final
14 plan, if you get that far, then you will
15 have to identify those soils and you
16 could theoretically lose lots based on
17 those numbers. This is a conditional use
18 where you don't have to prove that exact
19 lot right now. You have to meet the
20 criteria for conditional use. And I
21 would say we understand that and we are
22 able to take that into consideration
23 that --

24 MR. CLEMONS: Let's understand,
25 though, that the density, which is what

1 this testimony is about, is based upon
2 how many lots you can establish on a
3 by-right plan and that the by-right plan
4 has to conform with the zoning ordinance
5 requirements, so it's not a matter for
6 later subdivision. It's a matter of
7 determining what density is permitted in
8 this conditional use plan and to evaluate
9 if the number of lots in that by-right
10 plan are accurate, and that's the purpose
11 for my asking.

12 MR. ANDERSON: I think you made
13 your point very well and the Board may
14 ask to see that data before we rule on
15 this.

16 MR. CLEMONS: Beg your pardon?

17 MR. ANDERSON: We may ask to
18 see that data before we rule on this;
19 that's for sure.

20 MR. CLEMONS: I have no other
21 questions for Mr. Costanzo.

22 MR. GUNDLACH: Just a few
23 followup ones, Mr. Chairman.

REDIRECT EXAMINATION

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BY MR. GUNDLACH:

Q. So, Mr. Costanzo, the plan that Mr. Clemons was referencing in this last line of questions, was that the by-right plan?

A. Yes.

Q. And the by-right plan is simply used in this case for determining the permitted density level; is that a fair statement?

A. That's the purpose of why it was submitted, yes.

Q. Is the applicant proposing to the Township to develop this property pursuant to the by-right plan?

A. No, it's not.

Q. And in your professional opinion, do you believe that you properly applied the ordinance referenced by Mr. Clemons in the identification of the transition soils or the transition area?

A. I do.

MR. GUNDLACH: That's all I have.

1 REXCROSS-EXAMINATION

2 BY MR. CLEMONS:

3 Q. You do agree that the lot yield on
4 the by-right plan could be affected by whether
5 these transition area lines and other natural
6 resource areas are properly accounted for
7 however, would you not?

8 A. Mr. Anderson gave you that answer
9 and I agree with Mr. Anderson, yes.

10 Q. Mr. Anderson is not a witness here.
11 He's going to be a judge. He's a lot of
12 things but not a witness.

13 A. But you are asking me again if it's
14 true.

15 Q. If there is an objection, that will
16 be raised by Mr. Gundlach. I'm asking you a
17 question and I just want to know if you agree
18 that if you put the transition area in the
19 middle of the road, for example, you wouldn't
20 be able to provide a road to some of the lots
21 that you call for in the by-right plan?

22 A. I want this Board to give me relief
23 to reduce it by 25 and I could put the road
24 in.

25 MR. CLEMONS: Great. Thank

1 you. No other questions.

2 MR. GUNDLACH: My next
3 witness --

4 CHAIRMAN PAUL: I'm just going
5 to advise you at this point in time you
6 have basically 25 minutes left on the
7 hour and a half that we have allotted.

8 MR. GUNDLACH: Okay.
9 Mark Roth.

10 Mr. Roth was not here, so I am
11 going to need to have him sworn.

12 ...MARK A. ROTH, P.E., having
13 been duly sworn, was examined and
14 testified as follows:

15 DIRECT EXAMINATION ON VOIR DIRE

16 BY MR. GUNDLACH:

17 Q. Mr. Roth, what is your occupation?

18 A. I'm a traffic engineer.

19 Q. And what is your educational
20 background?

21 A. I have a bachelor's of science
22 degree in civil engineering from Drexel
23 University with a concentration in
24 transportation.

25 Q. And how long have you been a traffic

1 engineer?

2 A. For close to 20 years.

3 Q. What types of licenses do you hold?

4 A. I have a professional engineer's
5 license in Pennsylvania as well as in New
6 Jersey.

7 Q. And where are you currently
8 employed?

9 A. With McMahon Associates in Fort
10 Washington, PA.

11 Q. And could you generally describe the
12 type of clients that McMahon represents and
13 the type of work that you perform for these
14 clients?

15 A. We perform generally traffic
16 engineering design services for developers,
17 municipalities, state DOTs, county work, MPOs
18 such as DVRPC and so forth. We do traffic
19 studies, corridor studies, anything related to
20 transportation. And, as I said before, we do
21 transportation design, highway design, signal
22 design, intersection design.

23 Q. Mr. Roth, I'm showing you a copy of
24 your CV. Does this adequately reflect your
25 credentials in the field of traffic

1 engineering?

2 A. Yes, it does.

3 MR. CLEMONS: Are we going to
4 mark that as Exhibit A-5 because it is on
5 a premarked -- I'm sorry. I withdraw
6 that question.

7 MR. GUNDLACH: I believe we are
8 up to A-8.

9 CHAIRMAN PAUL: A-8?

10 Mr. Clemons, so we don't have
11 to listen to all of this -- I am familiar
12 with who he is -- will you agree that he
13 is a qualified individual?

14 MR. CLEMONS: Yes.

15 MR. GUNDLACH: Then we are
16 recognizing Mr. Roth as an expert in the
17 field of traffic engineering?

18 MR. CLEMONS: Yes.

19 (Exhibit A-8 was marked for
20 identification.)

21 DIRECT EXAMINATION

22 BY MR. GUNDLACH:

23 Q. Mr. Roth, are you familiar with the
24 subject property and the area surrounding the
25 property?

1 A. Yes, I am.

2 Q. Are you familiar with the
3 improvements and uses proposed by the
4 applicant for the subject property?

5 A. Yes.

6 Q. And have you personally visited the
7 property?

8 A. Yes, I have.

9 Q. And you are familiar with the
10 features of the property and the surrounding
11 roadway network?

12 A. Yes.

13 Q. And have you reviewed the
14 conditional use plan set that we marked as
15 Exhibit T-4 as part of these proceedings?

16 A. Yes, I am.

17 Q. In your professional opinion is the
18 proposed internal road circulation on this
19 property as depicted on the cluster plan as
20 part of T-4 adequate from a traffic
21 perspective?

22 A. Yes, it is.

23 Q. How so?

24 A. As depicted on the plan, Thomas Road
25 connects both Phillips Avenue to Bradford

1 Avenue, which are two streets within the
2 township. The same holds true for Deacon Lane
3 extension. It connects Phillips Avenue to
4 Bradford, and then Lincoln Street, as depicted
5 on the plan, the cul de sac connects to
6 Phillips, and then eventually both Phillips
7 and Bradford connect to Street Road.

8 Q. Now, have you performed an
9 investigation as to the existing traffic
10 conditions in the area of the subject property
11 and performed an analysis as to the impact
12 that this project will have on the surrounding
13 roadways?

14 A. Yes, we prepared a traffic impact
15 study for the site.

16 Q. And could you briefly summarize for
17 the Board the results of your investigation?

18 A. Based on the analysis in that
19 traffic impact study, there were no adverse
20 impacts to the surrounding studied
21 intersections. All of the studied
22 intersections during both the weekday morning
23 and weekday afternoon peak hours, which were
24 the hours that we studied, operated overall
25 level service A in 2011 and will operate at

1 the overall level service after development is
2 complete in 2013.

3 Q. Now, I'm showing you a document that
4 we have marked as T-7 titled "Transportation
5 Impact Study" for this proposed project dated
6 March of 2011. Are you familiar with this
7 report?

8 A. Yes, I am.

9 Q. And does this report accurately set
10 forth the results of your investigation and
11 analysis?

12 A. Yes, it does.

13 Q. Now, are you also familiar with the
14 review letter prepared by Carroll Engineering
15 that has been marked as A-2 and is dated June
16 6, 2011?

17 A. Yes, I am.

18 Q. Have you reviewed the comments
19 contained therein that relate to traffic?

20 A. Yes, I have.

21 Q. How would you generally describe
22 those comments?

23 A. The specific comments related to
24 traffic which are located on Page 4 of that
25 letter are minor in nature. They refer to a

1 level of service, and we have addressed those
2 comments in our response letter dated June 24,
3 2011, and I have also discussed that comment
4 and our response with the Township's traffic
5 engineer on June 22.

6 Q. And let me mark then -- you're
7 referencing a letter that has been submitted
8 to the Township dated June 24, 2011. If I
9 can, I will mark that as A-9.

10 (Exhibit A-9 was marked for
11 identification.)

12 Q. Now, this letter, Mr. Roth, is in
13 response to the Township engineer's letter as
14 to traffic comments with respect to this plan
15 and your study?

16 A. That is correct.

17 Q. Could you please briefly summarize
18 the comments contained in this letter without
19 reading verbatim, because the Board has a full
20 copy and can review this letter themselves.
21 Give a quick summary as to the comment that
22 the Township engineer made and your reply as
23 to how that comment can and has been
24 addressed.

25 A. The comment letter specifically

1 states in the municipal code, Chapter 27,
2 Section 2505(f) that all roadways and/or
3 intersections showing a level of service of D,
4 E or F or v/c greater than one should be
5 considered deficient, but it goes on to point
6 out that one of the approaches, Phillips
7 Avenue to Street Road, during the weekday
8 morning peak hours operates at a level of
9 service D during that morning peak hours, and
10 therefore they considered it to be deficient.

11 In our response to that letter as
12 well as our followup phone call with the
13 Township traffic engineer, we go on to state
14 that all intersections overall operate at
15 level service A, and that is stated in the
16 ordinance, intersections operation and not
17 approach or movement.

18 The comment goes on to talk about a
19 movement rather than a complete intersection,
20 so our opinion is that all intersections
21 operate within the requirements of the
22 ordinance as written.

23 Q. And then there are a few other
24 remaining comments there?

25 A. Yes. There are some other comments

1 and those comments weren't specifically raised
2 by the Township traffic engineer but were in
3 the review letter and were asked by my office
4 or by the applicant and your office to address
5 those comments.

6 Q. I believe there were two comments
7 from the review letter, B-1 and B-4. If you
8 can briefly identify them and how they were
9 addressed?

10 A. Right. The first, B-1, states the
11 layout of Thomas Street, and they are
12 referring to it as New Street, could encourage
13 traffic to come through between Phillips
14 Avenue and Bradford Avenue. What we did lay
15 out in our response was potential traffic
16 common measures that could be incorporated
17 into the final plan to reduce speeds and
18 discourage cut-through traffic, those being
19 allowing parking, using increased signage,
20 line striping, land staining, aisles, pavement
21 markings as such.

22 These measures, of course, would
23 have to be presented to the Township and
24 discussed in more detail with the Township at
25 a later time.

1 The other comment, B-4, refers to
2 the by-right plan and the intersections of
3 Lincoln Street and New Court being less than
4 the required minimum distances of 800 feet.

5 In review of the ordinance and the
6 definition of such, the classification of the
7 streets in the ordinance is determined by the
8 ADT or how much traffic is expected on that
9 particular roadway during a 24-hour period.
10 Based on the number of lots that would serve
11 on those residential streets and the
12 calculations that we performed, those would be
13 lower than 200 vehicles for the entire day and
14 therefore it's our opinion that it is a
15 residential street and therefore that 800-foot
16 separation between the intersection is not
17 applicable.

18 Q. In your professional opinion have
19 you addressed all the traffic-related comments
20 set forth in the Township engineer's letter?

21 A. Yes, I have.

22 Q. Now a few questions related to the
23 conditional use application.

24 In your professional opinion is
25 there safe access that has been proposed into

1 the proposed project?

2 A. Yes, there is. As I mentioned
3 before, the connectivity of the streets to
4 Phillips and Bradford and the connection
5 between those two streets as well as the
6 ingressing and egressing movements have proper
7 sight distance. They meet both minimum and
8 desirable sight distance calculations per
9 PennDOT standards, so for that reason the
10 operational analysis that we did, it is our
11 opinion that there is safe egress and ingress
12 movement to the site.

13 Q. In your professional opinion does
14 the proposed project create any hazardous
15 conditions on the surrounding roadways or
16 create any undue traffic congestion?

17 A. In my opinion, no. The proposed 48
18 homes would generate 44 trips both -- that's
19 combined, entering and exiting, so a total of
20 44 trips in a weekday morning and 54 trips in
21 a weekday afternoon, which is less than one
22 per minute; therefore, it is our opinion that
23 it would not create undue traffic congestion
24 in our analysis.

25 Q. In your professional opinion is the

1 internal site circulation adequately and
2 safely designed on the conditional use plan?

3 A. Yes, it is. As I mentioned before,
4 the connection of the streets as well as the
5 sight distances are met and operationally they
6 are safe.

7 Q. In your professional opinion will
8 the Township's transportation network and
9 adjacent and surrounding streets and
10 intersections be able to efficiently and
11 safely accommodate any increase in the traffic
12 volumes associated with this project?

13 A. Yes, they will.

14 Q. And, finally, in your professional
15 opinion are any off-site road improvements
16 necessary in order to accommodate the traffic
17 impact projected from this proposed project?

18 A. No. Based on the analysis that we
19 did and the amount of traffic that would be
20 generated by this project, there are no
21 traffic improvements needed or mitigated --
22 needed to mitigate beyond the current
23 intersectional design control, so basically no
24 warrants are satisfied for PennDOT on
25 additional turn lanes or traffic signals.

1 MR. GUNDLACH: That's all I
2 have for Mr. Roth at this time, Mr.
3 Chairman.

4 CHAIRMAN PAUL: Mr. Clemons.

5 CROSS-EXAMINATION

6 BY MR. CLEMONS:

7 Q. Mr. Roth, in performing your
8 investigation in preparation of your traffic
9 impact statement, did you personally visit the
10 site and specifically Phillips Avenue and the
11 intersection with Street Road?

12 A. Yes, I did.

13 Q. And during what time of day did you
14 visit the site?

15 A. I visited during the a.m. peak at
16 one point and another day during the p.m.
17 peak.

18 Q. You agree, regardless of what the
19 traffic study says, they have a good deal of
20 traffic there, right?

21 A. Street Road does carry a good amount
22 of traffic, yes.

23 Q. And does the traffic queue up? Does
24 traffic back up? Was there more than one
25 vehicle when you were there waiting to turn

1 onto Street Road during the peak hours when
2 you visited?

3 A. During my visits there was one
4 vehicle queued up at any one given time, but I
5 did not see any large queue of vehicles, no, I
6 did not.

7 Q. And did you measure the amount of
8 time it took vehicles to enter onto Street
9 Road from Phillips?

10 A. I personally did not measure that
11 time, no. The analysis did that.

12 Q. Now, I notice that you classified
13 the cul-de-sac street and the New Court as
14 residential streets. How would you classify
15 Phillips Avenue with respect to your road
16 classification, a residential street also?

17 A. I'm not aware of the daily volumes
18 on that road, the peak volumes on that road,
19 so I'm sorry, I could not answer that
20 question.

21 Q. You agree it is not a major
22 thoroughfare?

23 A. I would agree it does not have the
24 traffic associated with a major thoroughfare.

25 Q. It is not even a through-road, is

1 it? It goes into the Villas at Lamplighter?

2 A. I do not believe it connects to any
3 other street other than Street Road.

4 MR. CLEMONS: Thank you,
5 Mr. Roth. I have no other questions.

6 MR. GUNDLACH: No redirect.

7 MS. ACHENBACH: You said you
8 did a traffic study during the weekdays.
9 I didn't hear you say on the weekends.
10 Did you do any kind of traffic study on
11 the weekend?

12 MR. ROTH: Typically for a
13 residential development, current
14 standards as well as the way the Township
15 ordinance is written is that it is during
16 the weekday morning and afternoon
17 commuter peak.

18 MR. ANDERSON: Do you have the
19 dates and times when you did it and can
20 you supply them to us, please?

21 MR. ROTH: The counts were
22 taken during the morning peak, which is
23 7:00 a.m. to 9:00 a.m. That would be on
24 February 15 of 2011 as well as February
25 16 of 2011.

1 CHAIRMAN PAUL: Are we going to
2 be supplied with that material?

3 MR. ANDERSON: Did you say the
4 16th? And what was the other date?

5 MR. ROTH: 15th, 16th and 17th.

6 MR. ANDERSON: All at the same
7 time?

8 MR. ROTH: Yes, whether it be
9 the morning or afternoon peak, those were
10 the days that we counted.

11 MR. ANDERSON: What was the
12 afternoon time?

13 MR. ROTH: 4:00 p.m. to 6:00
14 p.m.

15 MS. ACHENBACH: Would there be
16 another one done in the spring? Given
17 the winter -- I don't know if there are
18 that many people, but maybe there are
19 more in the spring. I don't know if
20 those numbers could change.

21 MR. ROTH: Actually we look at
22 factors for that. Typically we just do
23 them during school times, not necessarily
24 during winter or spring months.

25 CHAIRMAN PAUL: I have another

1 question here. I realize this is
2 probably not the time for some of this,
3 but since it is right in front of me I'm
4 going to ask it.

5 . Without spreading out the
6 large copy or the large print, you have
7 Lincoln Court coming out to Street Road
8 as an additional exit. Where is the one
9 across the street that comes out of New
10 Court?

11 MR. ROTH: I think I can answer
12 that question.

13 Mr. Chairman, I believe the
14 plan you are looking at is referring to
15 the by-right plan rather than the
16 proposed plan. The traffic study that we
17 prepared was for the application or the
18 cluster plan.

19 CHAIRMAN PAUL: And that
20 Lincoln Street is a cul-de-sac; is that
21 correct?

22 MR. ROTH: Lincoln Street at --
23 currently provided, Lincoln Street is a
24 cul-de-sac street on the plan provided,
25 yes.

1 CHAIRMAN PAUL: That answers
2 that question.

3 MR. PLOTNICK: You changed the
4 name to Lincoln Court, right?

5 MR. ROTH: Lincoln Court is the
6 cul-de-sac street.

7 CHAIRMAN PAUL: The plan I have
8 here shows it exiting to Street Road, and
9 I just wanted to clarify that. It's on
10 the plan here.

11 Does anybody else have any
12 questions?

13 MR. LAMOND: Actually I have a
14 question.

15 Phillips Road is a private
16 road, correct?

17 MR. ROTH: I'm not aware of
18 that. The attorneys would have to say
19 that.

20 MR. LAMOND: I believe it is a
21 state private road. The roads are going
22 to be dedicated that they are going to
23 develop, correct?

24 MR. GUNDLACH: If you don't
25 know, you can say you don't know.

1 MR. ROTH: I don't know.

2 MR. LAMOND: My concern is that
3 we have roads that are going to be
4 dedicated to the Township or possibly
5 dedicated to the Township that are going
6 to be able to be tied into Township
7 roads, so you are going to have Township
8 vehicles using private roads that they
9 don't have the right to use.

10 MR. GUNDLACH: It's a good
11 question. I would ask if you can hold
12 it. My witness at the next hearing,
13 because we are not going to get to him
14 tonight, will address that point.

15 MR. LAMOND: Just be forewarned
16 that is one of the questions that I have.

17 MR. GUNDLACH: If you can
18 indulge me for two minutes, I have one
19 witness that is here that will take about
20 two minutes to talk about the
21 architectural appearance of the homes and
22 the one requirement under the conditional
23 use ordinance.

24 CHAIRMAN PAUL: Okay. Thank
25 you.

1 MR. GUNDLACH: Mr. Joe
2 Morrissey from NV Homes.

3 Mr. Morrissey, you were not
4 here at the last hearing either. If you
5 could be sworn.

6 ...JOSEPH MORRISSEY, having
7 been duly sworn, was examined and
8 testified as follows:

9 DIRECT EXAMINATION

10 BY MR. GUNDLACH

11 Q. Mr. Morrissey, where are you
12 currently employed?

13 A. For NV Homes.

14 Q. And how long have you been with NV
15 Homes?

16 A. Since 1996.

17 Q. What is your position there?

18 A. I'm the division manager/vice
19 president, overseeing all home construction in
20 the Philadelphia suburbs.

21 Q. What does NV Homes do?

22 A. NV Homes buys finished lots from
23 developers and builds single family and town
24 homes for our customers kind of moving
25 forward.

1 Q. You don't install the site
2 improvements?

3 A. We do not.

4 Q. So the applicant or the person whom
5 you are purchasing the lots from would
6 install -- obtain all of the approvals and
7 install all the site improvements and deal
8 with the Township in connection with the
9 installation of those improvements?

10 A. That's correct.

11 Q. So you simply buy the lots approved
12 and improved and ready to pull a building
13 permit?

14 A. Yes.

15 Q. And have you worked with this
16 applicant on previous occasions?

17 A. Yes, we have.

18 Q. Are you familiar with the subject
19 property and the area surrounding the
20 property?

21 A. Yes.

22 Q. Are you generally familiar with
23 Warrington Township?

24 A. Yes.

25 Q. And are you familiar with the

1 improvements and uses proposed for this
2 property as part of the subdivision?

3 A. Yes, I am.

4 Q. And are you familiar with the
5 conditional use plan set that we have marked
6 as T-4 that depicts the cluster layout which
7 we have now on the easel?

8 A. Yes, I am.

9 Q. Does NV Homes have experience with
10 the construction of homes in communities
11 consisting of two family semidetached
12 dwellings?

13 A. Yes, we do.

14 Q. What is that experience?

15 A. NV is part of a larger parent
16 company called NVR, Incorporated, which is
17 made up of four or five different home
18 builders. We do roughly 10,000 homes a year
19 all over the East Coast and into the Midwest.
20 Historically what we call a twin community
21 might make up 10 percent of our business.

22 Q. Have you performed an analysis as to
23 a determination if there is a market for this
24 type of product --

25 A. Yes, we have.

1 Q. -- in Warrington Township?

2 A. Yes.

3 Q. What did you determine?

4 A. What we determined is the product
5 that we are looking at here is town homes that
6 start in the 370's. Base square footage is
7 2,100 square feet. We will include a finished
8 basement, which will take it up to about 2,800
9 square feet. From our analysis in this
10 market, it is a very desirable place to be.
11 There's very little competition. It is a
12 two-car front-load garage. It meets all the
13 requirements. We feel it would be extremely
14 successful in this community.

15 Q. And you feel there is a demand for
16 this type of product?

17 A. There is definitely a demand.

18 Q. What type of exterior materials will
19 be used to construct these homes?

20 A. We are going to do some stone, some
21 stucco, different kinds of siding from cement
22 board to shake to vinyl siding.

23 Q. And I'm going to show you a
24 rendering of proposed homes. Does this
25 rendering accurately depict the type of home

1 that is proposed --

2 A. Yes, it does.

3 Q. -- on this site?

4 A. Correct.

5 Q. And generally those materials are
6 consistent with what is proposed?

7 A. Yes. The materials would be very
8 similar. The only change is we give the
9 customer the opportunity to decide their color
10 schemes, so the color schemes might be
11 slightly different, but what you see with the
12 stone wire cable, the different siding,
13 stucco, the metal roofs, the dormers, the
14 porticos over the front doors, all of that
15 would be pretty much exactly how you see that.

16 Q. And based on your familiarity with
17 the marketplace, do you feel that the
18 appearance of these homes as depicted on this
19 rendering is suitable for Warrington Township
20 and compatible with the surrounding community?

21 A. I think it will fit in very well
22 with Warrington Township and I think it will
23 be desirable for the people that purchase it.

24 MR. GUNDLACH: That's all I
25 have.

CROSS-EXAMINATION

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BY MR. CLEMONS:

Q. Mr. Morrissey, do you have a written agreement with the applicant providing that NV Homes will have the right and will be obligated to construct homes as you've testified to in this subdivision?

A. We do.

Q. You do have an agreement, okay.
Great.

Now, what will be the -- let me back up a second.

And is that agreement specific as to type of materials and designs?

A. It doesn't specify materials. It is more a footprint type of house.

Q. And is the footprint that you have agreement with similar to the footprint that is shown in the rendering?

A. Identical.

Q. Now, if you will, take a look at the conditional use plan. Specifically look at the way the driveway layout in the conditional use plan is depicted. Just take a look at that.

1 A. Okay.

2 Q. Do you see it?

3 A. Yes. Where the driveways show that
4 they are next to each other?

5 Q. Yes. That is not consistent with
6 your rendering, is it?

7 A. That is not consistent, correct.

8 Q. And what is the footprint of the
9 twin that is shown in your rendering?

10 A. The twin in the rendering is 30 wide
11 x 55 deep.

12 Q. And have you determined whether a 30
13 x 55 footprint will fit within the footprint
14 that is shown on the conditional use plan?

15 A. It does, yes.

16 MR. CLEMONS: Thanks. I have
17 no other questions.

18 MR. GUNDLACH: One followup
19 question.

20 REDIRECT EXAMINATION

21 BY MR. GUNDLACH:

22 Q. On the driveway design, if you had
23 to build the homes per the conditional use
24 plans by putting the driveways together, could
25 you do that?

1 A. You could definitely do that.

2 Q. Would it be your preference to
3 spread those driveways apart as depicted on
4 this plan?

5 A. Our preference with these homes that
6 we have built is it looks better if garages
7 are separate and it is more desirable for the
8 people that live there. If you put two
9 two-car garages right next to each other, it
10 is just less desirable, but you can build it
11 either way.

12 MR. GUNDLACH: That's all I
13 have.

14 MR. CLEMONS: No further
15 questions.

16 CHAIRMAN PAUL: Then we have
17 reached our allotted time period, so I'm
18 going to continue this until the 26th.

19 MR. ANDERSON: Can I ask a
20 question?

21 Mr. Gundlach, how many more
22 witnesses are you going to have?

23 MR. GUNDLACH: I have one short
24 witness that is going to talk about
25 Phillips.

1 MR. CLEMONS: I have one
2 consultant witness, and I don't know
3 whether I will call him.

4 MR. ANDERSON: So one more
5 hearing? Can we wrap this up in how
6 long?

7 MR. GUNDLACH: About an hour
8 and a half, the same time as tonight.

9 MR. ANDERSON: I just want to
10 see if we can wrap it up in one more
11 meeting. In fairness to the audience,
12 let's try to wrap it up in one more
13 meeting, and I would ask the chairman to
14 put aside enough time to make sure we can
15 do that at the next meeting to keep our
16 agenda so we can handle this.

17 MR. CLEMONS: So long as
18 Mr. Gundlach doesn't ask any questions, I
19 think we can do that.

20 MR. ANDERSON: I'm sure he will
21 have a few questions.

22 And I would like to make a
23 statement that there has been an awful
24 lot of testimony here and the Board has
25 the option to rule on that immediate or

1 take time, and I would like to ask how
2 long it will take to have the official
3 record to the Board.

4 THE COURT REPORTER: I don't
5 know what arrangements have been made,
6 but our normal delivery is ten business
7 days.

8 MR. ANDERSON: I would like to
9 be able to read the official record,
10 since there has been so much testimony,
11 and after reading that, whether we would
12 have any more questions and maybe bring
13 some people back, if necessary. I think
14 there has been a lot of things presented.

15 MR. PLOTNICK: One question:
16 Do you think that Mr. Costanzo could do
17 his more careful calculation of the
18 alluvial soils and have that for us for
19 the next meeting so we can determine if
20 the by-right comes out to 50?

21 THE COURT REPORTER: I didn't
22 hear the end of it.

23 MR. ANDERSON: The question was
24 can we have some kind of a report to
25 delineate what the alluvial soils can be

1 so we can determine the size of the
2 lots -- the number of the lots rather.

3 MR. GUNDLACH: I will call
4 Mr. Costanzo first to answer that
5 specific question.

6 MR. ANDERSON: And keep it
7 short.

8 MR. GUNDLACH: Let me note for
9 the record that I'm marking as A-10 a
10 rendering that we have on the board, and
11 behind the rendering are the floor plans.

12 (Exhibit A-10 was marked for
13 identification.)

14 MR. GUNDLACH: If I can ask
15 Mr. Morrissey, do these floor plans
16 generally depict the type of product that
17 will be built behind this?

18 MR. MORRISSEY: That will be
19 identical to what we built.

20 MR. LAMOND: One question for
21 you. I see that you are saying it is 30
22 x 55 is the size of the houses?

23 MR. MORRISSEY: Right.

24 MR. LAMOND: How much room is
25 there left over for a deck?

1 MR. MORRISSEY: There is
2 actually a fair amount of room left over
3 for a deck. We would expect a 10- to
4 18-foot deck to be able to fit off the
5 back.

6 MR. LAMOND: Because we have
7 had problems in the past where they have
8 actually filled the entire envelope up
9 where there is no room for a deck, and I
10 want to make sure we have room for all of
11 that.

12 MR. MORRISSEY: We will.

13 CHAIRMAN PAUL: Any other
14 questions from the Board? I know we have
15 some questions out there, but since they
16 are not a party of record you have a
17 right to ask the question, but I want to
18 close the hearing and you will be able to
19 ask your questions.

20 At this point in time I'm going
21 to close the hearing.

22 MR. GUNDLACH: We are going to
23 announce the new date on the record,
24 Mr. Chairman?

25 CHAIRMAN PAUL: It is the 24th

1 -- 26th.

2 MR. GUNDLACH: So the next
3 hearing is set for July 26th at 7:30
4 p.m.?

5 CHAIRMAN PAUL: Yes.

6 (The hearing adjourned at 9:15
7 p.m.)

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CERTIFICATE

I HEREBY CERTIFY that the proceedings, evidence and objections are contained fully and accurately in the stenographic notes taken by me on Tuesday, July 12, 2011, and that this is a true and correct transcript of same.

Cynthia A. Whyte, RPR

(The foregoing certification of this transcript does not apply to any reproduction of the same by any means, unless under the direct control and/or supervision of the certifying reporter.)

ATTACHMENT “B”

Timothy Tieperman

From: Jeff Hugo [jhugo@i-n-r.com]
Sent: Thursday, July 14, 2011 11:35 AM
To: Timothy Tieperman
Cc: Vivian Bell; dglackin@i-n-r.com
Subject: RE: TD AMERITRADE BID FILES
Attachments: 20110714111743639.pdf

Tim,

Attached is the summary of the folks who looked at the RFP and note that no one responded.

Only M&T Bank and National Penn Bank were viable bidders and chose not to compete.

Sorry for the delay in getting this to you.

Jeff

Jeffrey M. Hugo CLU, CEBS, ChFC,
Vice President

InR
115 W. State St.
Suite 300
Media, PA 19063

877-INR-1733
610-891-1677 office
215-896-0370 cell
610-891-1679 fax
www.I-n-R.com

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Please remember to contact InR Advisory Services, LLC, **in writing**, if there are any changes in your personal/financial situation or investment objectives for the purpose of reviewing/evaluating/revising our previous recommendations and/or services, or if you want to impose, add, to modify any reasonable restrictions to our investment advisory services, or if you wish to direct that InR Advisory Services, LLC effect any specific transactions for your account. **Please be advised that there can be no assurance that any email request will be reviewed and/or acted upon on the day it is received-please be guided accordingly.** A copy of our current written disclosure statement discussing our advisory services and fees continues to remain available for your review upon request.

From: Timothy Tieperman [<mailto:ttieperman@warringtontownship.org>]
Sent: Tuesday, July 12, 2011 11:41 AM

To: Jeff Hugo
Subject: TD AMERITRADE BID FILES

Jeff –

Just a reminder to provide me with the PDF backup materials for the TD America bid. I'll place in the Board's digital read file tonight in the event there are any questions.

Tim

Timothy J. Tieperman
Township Manager
Warrington Township
852 Easton Road
Warrington, PA 18976
(215) 343-9350 (main)
(215) 343-5635 (fax)

ttieperman@warringtontownship.org

NOTICE: Warrington Township welcomes the opportunity to engage in discussions on matters involving public Township business. However, the Code for Townships of the Second Class requires an affirmative vote of a majority of the Board of Supervisors at a public meeting in order to approve a resolution or ordinance. Accordingly, while Supervisors, staff, and consultants may engage in discussions with those seeking comment, guidance, advice, or direction, no such discussion shall constitute action by the Township on that issue unless there is an affirmative vote of the majority of the Board of Supervisors at a public meeting.

eBid eXchange Export
 Solicitation: Warrington Township, Bucks County Investment Custodial Services
 Generated 7/14/2011 11:21 AM Eastern

Company	Contact	Categories	Sub-Categories	D	O	Q	B	Comment
Bid Ocean, Inc.	Email - Eric Johnson	0		X				
CJ Complete Cleaning Service, LLC	Email - Clinton James	0		X				
Construction Journal	Email - Nerissa Kelly	0		X				
Coverall Health Based Cleaning Systems	Email - Xay Vang	0		X				
GIDDENS COMMERCIAL CLEANING SERVICE	Email - Tabitha Giddens	0		X				
Institutional Investor News	Email - Alexandra Scaggs	0	946	X				
Institutional Advisors	Email - Lee Pace	0	946	X				
MTB Investment Advisors Inc	Email - Laurie Oklnaga	0	946	X				
National Penn Capital Advisors, Inc.	Email - Ronald Joyce	0	946	X				
Onvia	Email - Source Management	0		X				
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Top Of The Line Cleaning Services & Mgmt	Email - R Isaac	0		X				