

COUNCIL OF THE TOWNSHIP OF HAMPTON  
HAMPTON TOWNSHIP  
3101 MCCULLY ROAD  
ALLISON PARK, PENNSYLVANIA 15103

Wednesday, March 13, 2019

7:50 p.m.

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18-06 Application for Tentative Approval of the  
Windmont Farms PRD

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Reported by:

Kimberly Deitrick, Court Reporter

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A P P E A R A N C E S

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COUNCIL OF THE TOWNSHIP OF HAMPTON:

- Michael Peters, President
- Carolynn R. Johnson, Vice President
- Bethany H. Blackburn
- Jerry E. Speakman, Controller
- W. Christopher Lochner, Municipal Manager
- Amanda Gold-Lukas, Clerk
- Martin Orban, Land Use Administrator
- Susan Bernet, Assistant Manager
- Tom McDermott
- M. Richard Dunlap, via videoconference call
- Sherry Neugebauer

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(EXHIBITS RETURNED TO HAMPTON TOWNSHIP BY  
REPORTER.)

P R O C E E D I N G S

(7:00 p.m.)

- - - - -

MR. PETERS: Roll call.

MS. GOLD-LUKAS: Ms. Blackburn?

MS. BLACKBURN: Present.

MS. GOLD-LUKAS: Mr. Dunlap?

MR. DUNLAP: Present.

MS. GOLD-LUKAS: Dr. Johnson?

MS. JOHNSON: Present.

MS. GOLD-LUKAS: Ms. Neugebauer?

MS. NEUGEBAUER: Here.

MS. GOLD-LUKAS: Mr. Peters?

MR. PETERS: Present.

MS. GOLD-LUKAS: Mr. Speakman?

MR. SPEAKMAN: Present.

(Discussion off record for  
other matters.)

- - - - -

(7:50 p.m.)

MR. PETERS: I was planning on  
taking a ten-minute break, but I think we can  
just -- if everybody is okay, we'll just roll  
right into the public hearing.

Can I get a motion to open the

1 continuation of the public hearing on Windmont  
2 Farm?

3 MS. NEUGEBAUER: So moved.

4 MS. JOHNSON: Second.

5 MR. PETERS: Roll call.

6 MS. GOLD-LUKAS: Dr. Johnson?

7 MS. JOHNSON: Favor.

8 MS. GOLD-LUKAS: Ms. Neugebauer?

9 MS. NEUGEBAUER: Favor.

10 MS. GOLD-LUKAS: Ms. Blackburn?

11 MS. BLACKBURN: Favor.

12 MS. GOLD-LUKAS: Mr. Dunlap?

13 MR. DUNLAP: Favor.

14 MS. GOLD-LUKAS: Mr. Peters?

15 MR. PETERS: Favor.

16 Again, I would like to thank  
17 everybody for being here because I know  
18 everybody is very passionate about Windmont,  
19 but I want to make the same spiel that I did  
20 the last time.

21 I just want to remind everybody here  
22 that we're all Hampton residents and neighbors.  
23 We're all professionals just trying to do a  
24 job. So I am expecting everybody to be civil  
25 in their behavior and demeanor.

1                   And I'm asking that because we have  
2                   so many people here that want to talk or that  
3                   are intending to give testimony, please try not  
4                   to repeat testimony that we've heard before,  
5                   that way everybody can have a chance to be heard.

6                   So with that do you want to say  
7                   anything?

8                   MS. CROMER: No. We would  
9                   just ask -- many of you were here last month.  
10                  We would ask that your testimony be relevant to  
11                  the issues intended to the development and  
12                  intended to the evidence that's been presented.  
13                  We would ask the testimony not be redundant or  
14                  repetitive. And we would thank you for your  
15                  cooperation.

16                  MR. PETERS: Okay. I understand  
17                  that there are several expert witnesses that  
18                  the residents have asked to testify tonight.  
19                  And one of them -- hopefully, they're here, but  
20                  one of them, the first one is Werner Loehlein,  
21                  I hope I'm pronouncing that right, if not...

22                  Q. Good evening, I assume that you got  
23                  my --

24                  MR. PETERS: I'm sorry, could  
25                  you spell your name.

1                   \*\*Witness Testimony\*\*

2                   MR. LOEHLEIN: The last name  
3 is Loehlein, L-O --

4                   MR. LOCHNER: You have to talk  
5 into the microphone.

6                   AUDIENCE: Do we have to swear  
7 in?

8                   MS. CROMER: Do you want to  
9 swear everybody?

10                  THE COURT REPORTER: Yes.

11                                 - - - - -

12                                 (Witnesses collectively sworn.)

13                                 - - - - -

14                                 WERNER LOEHLEIN,

15 having been previously duly sworn testified as  
16 follows:

17                   THE COURT REPORTER: I need  
18 your full name.

19                   MR. LOEHLEIN: My first name  
20 is Werner, W-E-R-N-E-R. Last name Loehlein,  
21 L-O-E-H-L-E-I-N.

22                   MS. CROMER: Can you also  
23 state your address please?

24                   MR. LOEHLEIN: I live at 26  
25 Simon Road, Cheswick, 15024.

1                   \*\*Witness Testimony\*\*

2                   MR. PETERS: Thank you.

3                   MR. LOEHLEIN: I believe that  
4 -- I'm here at the request of Merrit -- I hope  
5 I say her last name correctly, Deslauriers.

6                   MS. BERNET: Deslauriers.

7                   MR. LOEHLEIN: I butchered  
8 that. Sorry Merrit. She's unable to be here  
9 tonight. And she asked me to testify as an  
10 expert on an issue.

11                   I believe that you've already  
12 received my resume and what I'm briefly going  
13 to talk about.

14                   I focused in on a letter dated  
15 January 28, 2019 from, PVE to the Hampton  
16 Township Land Use Administrator. At the bottom  
17 of page 2 and the "debate," if you will, for  
18 lack of a better phrase, are the issues  
19 concerning the potential flooding downstream to  
20 the groundwater.

21                   Based on my over 40 years in  
22 hydrology and teaching at the University of  
23 Pittsburgh and Carnegie Mellon, the way that  
24 the -- I agree with PVE's recommendation.

25                   The way that the design is would

1                   \*\*Witness Testimony\*\*

2           increase what we call baseflow in streams.

3           Now, I can give you a lot of gibberish, but if  
4           I can explain what I'm talking about:

5                   When you're designing or using the  
6           detention ponds, you're concentrating, you're  
7           collecting stormwater and concentrating it in  
8           an area.

9                   There is water that seeps into the  
10          ground that some of it stays as groundwater,  
11          moves very, very slowly. Others is, you know,  
12          slightly below the surface of the ground that  
13          enters the stream much later.

14                  I think we've all seen that whenever  
15          it hasn't rained for a while and you drive past  
16          a stream, there's still water in it. That's  
17          the subsurface flow.

18                  When you're having a development,  
19          you're not having that underground water, that  
20          subsurface flow over a wide area. It's more  
21          concentrated. So what happens is you have a  
22          higher baseflow.

23                  Now that, in itself, does not  
24          contribute directly to flooding, but it has a  
25          -- there's going to be more water in the stream

## 1                   \*\*Witness Testimony\*\*

2           when the next storm hits and, if we have an  
3           extended wet period like every spring, or we  
4           have just relentless periods of rain like we  
5           did last year, it's just, you know, the next  
6           storm has less capacity because there's more  
7           water in the stream.

8                   So I'm testifying to clear up that  
9           issue, and that I'm in agreement with PVE and  
10          not the engineer that -- the geotechnical  
11          engineer that was referred to in the letter.

12                   Do you have any questions on that?  
13          Or do you want to talk about anything else  
14          related to hydrology?

15                   MR. PETERS: I don't think so.  
16          Do we have any questions? Does anybody have  
17          any questions?

18                   (No response.)

19                   MR. PETERS: But just so that  
20          I -- if I understand you right, what you're  
21          referring to is the bottom of the basin --

22                   MR. LOEHLEIN: Correct.

23                   MR. PETERS: -- isn't big  
24          enough --

25                   MR. LOEHLEIN: Correct.

1                                   \*\*Witness Testimony\*\*

2                                   MR. PETERS:   -- so that you  
3                                   concentrate more of the water into the  
4                                   subsurface water?

5                                   MR. LOEHLEIN:  Correct.

6                                   MR. PETERS:   And then it also,  
7                                   since the infiltration rate is -- the outflow  
8                                   rate isn't enough that the pond could overflow?

9                                   MR. LOEHLEIN:  Well, I don't  
10                                  -- you know, the ponds are only designed for a  
11                                  two-year event so it's -- you know, if you have  
12                                  a really high intensity, you know, like a  
13                                  hurricane Ivan, you know, it's -- you're going  
14                                  to exceed things.

15                                  I mean -- but what I'm referring to  
16                                  is the stream, you know, the natural stream  
17                                  downstream of the development where it's my  
18                                  understanding that there is a higher risk of  
19                                  flooding after you have, you know -- after you  
20                                  have these developments.

21                                  It's been my experience that that,  
22                                  along with sedimentation buildup, is very, very  
23                                  common in this, you know, in this -- in these  
24                                  kinds of mature communities, like Hampton is so  
25                                  that you have a two-prong issue.

1                   \*\*Witness Testimony\*\*

2                   When you're talking about increased  
3 risk of flooding, there's two things you have  
4 to look at. One is the retention ponds and the  
5 rate that they're discharging flows.

6                   Any time you disturb the soil and  
7 even though you might, you know, try to control  
8 as much of the disturbance of the soil as  
9 possible, you can't guarantee 100 percent.

10                  Then as time goes on it just -- you  
11 lose channel capacity because of sediment  
12 buildup. So you have to look at both.

13                  But in this particular case, I was  
14 focusing on this one statement in this letter  
15 and Merrit asked me which way, in my opinion,  
16 and I said that I agree with PVE's statement.

17                  MR. PETERS: Okay. Thank you.

18                  MR. LOEHLEIN: Anything else?

19                  MR. PETERS: I don't think so.  
20 No thanks.

21                  MR. LOCHNER: Thank you.

22                  MR. PETERS: Okay, I think,  
23 then, the next expert I believe is Robert  
24 Kruljac.

25                  MR. KRULJAC: "Kruljac."

1                                   \*\*Witness Testimony\*\*

2                                   - - - - -

3                                   ROBERT KRULJAC,

4                                   having been previously duly sworn, testified as  
5                                   follows:

6                                   MR. KRULJAC: How is everybody  
7                                   this evening?

8                                   MR. PETERS: Fine. Could you  
9                                   spell your name?

10                                  MR. KRULJAC: Yes. It's  
11                                  Robert and K-R-U-L-J-A-C.

12                                  My name is Robert Kruljac. I'm an  
13                                  ISA certified arborist. I am an ISA certified  
14                                  tree worker. I'm tree risk assessment  
15                                  qualified. I'm president of the PennDell  
16                                  Chapter of the International Society of  
17                                  Arboriculture.

18                                  I have a degree from the University  
19                                  of Pittsburgh in environmental science and I  
20                                  have 27 years of industry experience.

21                                  I was contacted by Merrit and asked  
22                                  to provide my professional opinion, which I'm  
23                                  doing pro bono.

24                                  She asked me about the feasibility  
25                                  of containing disturbance within the swales

1                   \*\*Witness Testimony\*\*

2           that are drawn out on the plans for the  
3           development as to not disturb trees around  
4           them.

5                   I don't believe it's possible or  
6           feasible to contain disturbance to a ten-foot  
7           wide swath of woods when you have trees much  
8           larger than the ten foot that they're in.

9                   I made this little drawing here.  
10          Sorry. I'm an arborist not an artist so bear  
11          with me.

12                   Does this come off (indicating)?

13                   MR. LOCHNER: It does.

14                   MR. KRULJAC: So in the  
15          drawings, they're proposing these swales around  
16          the property, right, to contain the stormwater  
17          runoff. Not really to scale, but enough to  
18          give you a sense that here is shown the swale,  
19          which in the drawings is PCSM5.

20                   Can we pull that up on the big  
21          screen, if possible?

22                   Do you have the drawings that you  
23          could bring up?

24                   MR. ORBAN: From the developer?

25                   MR. KRULJAC: I thought that

1                   \*\*Witness Testimony\*\*

2           would be a possibility.

3                   MR. ORBAN: I don't think I  
4           have them readily available, sir.

5                   MR. KRULJAC: Okay. Then you  
6           will have to bear with me. I'm using the  
7           drawing to scale that was provided in the  
8           developer's drawings.

9                   Case in point: To make it simple,  
10          they're saying that they're not going to  
11          disturb any more trees outside of this ten-foot  
12          wide path, but when you have trees that  
13          canopies spread much wider than the swale  
14          itself, I don't think it's possible not to  
15          disturb the trees on the outside.

16                   As you can see, canopies overlap.  
17          Trying to take these trees down without doing  
18          it piece by piece, would be economically  
19          unfeasible because of the time that would be  
20          needed to take all these branches off and keep  
21          them inside that area.

22                   Also, the disturbance of the trees  
23          on the outside of the swale whose root systems  
24          cross into it.

25                   In the C700 drawing, number 27, it

1                   \*\*Witness Testimony\*\*

2           says, "Roots shall not be cut closer than the  
3           drip line." This orange line represents the  
4           drip line of this adjacent tree to the swale.

5                   As you can see, many of those roots  
6           would have to be severed in order to put the  
7           swale in. So right there you're disturbing  
8           trees on the outside of the swale and it says  
9           in the drawings that the roots shall not be cut  
10          closer than that.

11                   Also, in the township ordinance  
12          310-61-F6, it says, "The critical root zone  
13          shall be protected, at a minimum, out to the  
14          drip line with a fence and barriers to prevent  
15          soil compaction and other things that would  
16          injure the trees adjacent to the construction."

17                   So in my opinion, it would be  
18          impossible to take these trees down just inside  
19          this ten foot without disturbing the trees  
20          around them, which would cause more tree mortality  
21          which would require more tree replacements.

22                   Any questions?

23                   MS. NEUGEBAUER: Do you have an  
24          estimate on how many trees would be impacted?

25                   MR. KRULJAC: Hundreds. Hundreds.

1                   \*\*Witness Testimony\*\*

2                   MS. BLACKBURN: Is there  
3 another mechanism for managing the stormwater  
4 runoff than what they've proposed that would be  
5 less impactful to the trees?

6                   MR. KRULJAC: I'm not a -- I'm  
7 an arborist. I don't know. There may be, but  
8 that's not my wheelhouse.

9                   MS. BLACKBURN: Okay.

10                  MR. KRULJAC: I just don't  
11 know how they plan on only disturbing within  
12 ten feet when there's, you know, so much more  
13 around the swale.

14                  Any other questions?

15                  MR. PETERS: I don't think so.

16                  MR. KRULJAC: Thank you.

17                  MR. PETERS: Thank you very  
18 much.

19                                   (Applause.)

20                  MR. PETERS: Okay. Anybody  
21 that would like to testify? Any residents?

22                                   - - - - -

23                                   LARRY GALE,

24                  having been previously sworn, testified as  
25 follows:

1                                   \*\*Witness Testimony\*\*

2                                   MR. GALE:    Could you bring up  
3                                   my --

4                                   MR. PETERS:   Name.

5                                   MR. GALE:    Sorry.   My name is  
6                                   Larry Gale, G-A-L-E.   I reside at 4574 Nature  
7                                   Trail Drive.

8                                   First, I would like --

9                                   MR. PETERS:   Just indulge me  
10                                  for just a minute, Mr. Gale.   The written  
11                                  testimony that you supplied on March 1st --

12                                  MR. GALE:    Yes.

13                                  MR. PETERS:   -- is that  
14                                  basically a recap of the PowerPoint that you  
15                                  gave on February 13?

16                                  MR. GALE:    It's not a recap.  
17                                  Absolutely not.   It's a specific issue with  
18                                  respect to the Clean Water Act and the  
19                                  misapplication of their permit.

20                                  MR. PETERS:   But you did  
21                                  testify to that on February 13.

22                                  MR. GALE:    I testified to a  
23                                  lot of things.   But what I provided you is  
24                                  basically a brief.   I don't have to testify  
25                                  about it if you don't want me to, but I think

1                                   \*\*Witness Testimony\*\*

2           this entire public hearing right now is not  
3           what was agreed to on February 13.

4                           What was agreed to on February 13,  
5           if you recall, based on what was discussed at  
6           the end of it, was that everybody was going to  
7           have an opportunity to review each party's  
8           rebuttal information.

9                           So when I look at the letter that  
10          was presented on March 1st by the applicant,  
11          they're basically saying that they're going to  
12          provide rebuttal information to anything that I  
13          did on February 13th, today.

14                          That's not fair. That's the whole  
15          point of why we had a March 1st deadline, was  
16          so that I would have an opportunity to review  
17          their rebuttal to what I said.

18                          MS. CROMER: Mr. Gale, there's  
19          no written report being submitted. There's  
20          going to be testimony presented in response to  
21          your information that you presented, but there  
22          is no extra written documentation that has not  
23          been shared with you.

24                          MR. GALE: Well, it's impossible  
25          for me to present any rebuttal information to

1                                   \*\*Witness Testimony\*\*

2           what they're going to say if --

3                           MS. CROMER:   They're rebutting  
4           your information.

5                           MR. GALE:   Well, the information  
6           I'm providing is not the same information as  
7           what I provided February 13.

8                           MS. CROMER:   You have something  
9           new to testify to?

10                          MR. GALE:   Yeah.  I essentially  
11           will tell you that based on this document  
12           (indicating) that I provided you, that you will  
13           willingly, knowingly approved a PRD that  
14           doesn't meet your Article 9.3.13 requirements  
15           for a thorough analysis.

16                          Now, I didn't discuss that on  
17           February 13.

18                          MS. CROMER:   But that was in the  
19           documentation that you submitted for March 1st?

20                          MR. GALE:   Yes.

21                          MS. CROMER:   You understand  
22           where we're coming from, Mr. Gale?  There's an  
23           entire room full of people and we've heard from  
24           you and we've received your written report and  
25           we will review that and we will evaluate that

1                                   \*\*Witness Testimony\*\*

2           and we will make a decision based on that.

3                           MR. GALE:   That's fine.   And  
4           that's what I would expect.   And that is what I  
5           hope happens because, you know, in my  
6           reviewer's notes, I specifically say that I'm  
7           doing this not as a proponent or an opponent of  
8           the project.

9                           I'm providing you, basically, pro  
10          bono, an analysis of what the Clean Water Act  
11          is and how the applicant has failed to do a  
12          permit that, by regulations, needs to be done a  
13          certain way and they didn't do it.

14                          MS. CROMER:   Well, thank you.  
15          We heard your testimony.   We have your written  
16          documentation.   Thank you.

17                          MR. GALE:   Well, Thank you very  
18          much.

19

- - - - -

20

WAYNE LUSEBRINK,

21          having been first previously sworn, testified  
22          as follows:

23

MR. LUSEBRINK:   Wayne Lusebrink.

24

5086 Lakewood Drive.   I believe I was the last

25

person to testify and I was waiting to hear,

## 1                                   \*\*Witness Testimony\*\*

2           you know, questions and they closed the  
3           meeting. And Sheffler -- you know, no one had  
4           a chance to -- no one was ready to ask me any  
5           questions.

6                                I was hoping to also see something  
7           submitted March 1st so that I could come in  
8           here ready to rebuttal their rebuttal. But  
9           what I saw was just a letter, plain old letter  
10          that said we're going to rebuttal what you  
11          said.

12                              So, you know, when I was up here  
13          before I talked briefly about the stormwater  
14          report being based on the USDA old soil data  
15          and not the site-specific data.

16                              I don't want to go over that again,  
17          but then there's also issues about the  
18          infiltration.

19                              I didn't go into a lot of it because  
20          I expected the applicant to come out and take a  
21          stance in their rebuttal letter. Like, "Do we  
22          agree with you? No." "Okay." "Well, you know  
23          what you said was true and maybe we're -- so  
24          our stance is: It's still the same, but for  
25          these other reasons."

1                   \*\*Witness Testimony\*\*

2                   I don't know -- my heart -- the  
3 heart of my argument was so strong. Okay.  
4 Like one item that I couldn't branch off in six  
5 different directions knowing how they were  
6 going to rebuttal that. They did not use the  
7 site-specific information.

8                   Now there's infiltration rates, and  
9 I didn't discuss that before, so I would like  
10 to discuss -- and it's in the document that I  
11 submitted. So I would like you to pull up my  
12 document real quick and I would like to run  
13 through the infiltration rates.

14                   MR. PETERS: That's on the last  
15 page of your document or the one that shows the  
16 three rates for the --

17                   MR. LUSEBRINK: Yeah. There's  
18 a small chart and there's a map.

19                   MR. LOCHNER: Take a shot at  
20 it, Marty, if you have it.

21                   MR. ORBAN: It's going to take  
22 a me a minute, sir, so...

23                   MR. LUSEBRINK: Okay. Actually,  
24 I would like you to go to the page that has the  
25 blue outline on it. There's just two simple

1                   \*\*Witness Testimony\*\*

2           statements in there that I want to make everyone  
3           aware of before I go to the infiltration  
4           information.

5                   MR. LOCHNER:   Are you having  
6           any luck?

7                   MR. LUSEBRINK:   I can email it  
8           to you again.

9                   MR. LOCHNER:   You don't need to.  
10          We have copies.   You have to understand, we  
11          have over 1,000 documents.   For you to say you  
12          want one in particular is not the easiest task  
13          to find.

14                   So that's the reason why we're going  
15          to have difficulty doing this on delays.   But  
16          if you want to refer to the document, I can  
17          tell you right now Mr. Peters has the document  
18          right here.

19                   MR. LUSEBRINK:   No.   I would  
20          like it up so I can just read a few statements  
21          out of it so everyone knows the logic behind  
22          what I'm going to say about infiltration that's  
23          not to code, the USDA code.

24                   MR. ORBAN:   I found it.   Now I  
25          have to get it up on the screen.   I believe

1                                   \*\*Witness Testimony\*\*

2                   that's the last page of that document.

3                                   MR. LUSEBRINK:   Okay.  I would  
4                   like you to go a few pages earlier to where  
5                   there's like a blue outline around the writing.  
6                   Up a little, a few more pages.

7                                   MR. ORBAN:   (Complies.)

8                                   MR. LUSEBRINK:   A few more  
9                   pages.  Okay.  Start slowing down right there.

10                                  MR. ORBAN:   (Complies.)

11                                  MR. LUSEBRINK:   Okay.  Go up  
12                   one more page.  Okay.  Go down to the next page.

13                                  MR. ORBAN:   (Complies.)

14                                  MR. LUSEBRINK:   Stop.  No.  Go  
15                   up.  I'm sorry.  Go up a little more.  Okay.  
16                   Right here where it says "Matrix."  Okay.

17   What it says is, "The decision  
18                   Matrix in table 7.1 can be used to determine  
19                   the soil's hydraulic soil group.  If saturated  
20                   hydraulic conductivity data are available and  
21                   deemed to be reliable, then these data, along  
22                   with water table depth information, should be  
23                   used to place the soil in the appropriate  
24                   hydraulic soil group."

25   So that means the infiltration

1                                   \*\*Witness Testimony\*\*

2           information should be used first if it's deemed  
3           reliable.   Second, if it's not deemed reliable,  
4           you go down and it says, "If these data are not  
5           available, the hydraulic soil group is  
6           determined by observing the properties of the  
7           soil in the field which is the site-specific  
8           soil report."

9                                So I would like you to go down to  
10           that little table towards the end.

11                               MR. ORBAN:   (Complies.)

12                               MR. LUSEBRINK:   Okay.   Stop  
13           right there.

14                               So since we have multiple documents  
15           and some of the information was on 2, I made  
16           one chart here for everyone to look at.   You  
17           can see subbasin 1, 2 and 3.

18                               So the infiltration rates between  
19           subbasin 1 and subbasin 3 -- or subbasin 2 and  
20           3, is .3 to 1.1.   That's almost four times  
21           greater.

22                               So when you have an infiltration  
23           that's four times -- almost four times greater,  
24           there should be some reason for that.   There  
25           should be some soil difference.   There should

1                   \*\*Witness Testimony\*\*

2           be -- you know, if you have the same soil and  
3           you have that same infiltration difference,  
4           then there's something wrong there.

5                   Also, I want you to -- wanted you to  
6           look, that if you go down to where there's --  
7           there is a boring performed, not only did they  
8           have this great discrepancy, they did not do a  
9           soil boring at subbasin number 2.

10                   So how would I know whether that  
11           great range was accurate or maybe the guy --  
12           you know, it's a dog dish about a foot diameter  
13           and, you know, maybe nine inches deep.

14                   They push it in and they pour water  
15           in and they sit there and wait. So I don't  
16           know if everyone knows what an infiltration  
17           test is, but it's as simple as that.

18                   So whenever you go down, you also  
19           look at subbasin 2 was also the most difficult  
20           to design at 95 percent. So the one that  
21           they're having the most trouble with, you think  
22           that they would definitely want to do a boring  
23           there, you know, just to verify, just to  
24           double-check but they didn't.

25                   So if you would -- now there's even

1                                   \*\*Witness Testimony\*\*

2           a greater problem with the infiltration.  If  
3           you please go down to that sheet of paper that  
4           I snapped with my cell phone and put that in  
5           the center.

6                           Okay.  So what I did here was, since  
7           the information was on different documents, I  
8           placed it all -- I glued the four sheets  
9           together, taped them together and if you take a  
10          look where the red writing is, you will see that  
11          you have the infiltration, the -- you know, from  
12          I1, I2 and I3, they also happen to be at the  
13          location of the basins.  Okay, that's great,  
14          that's -- they're using that to calculate the  
15          basins.

16                           But what I'm arguing here is, that  
17          in order to get the CN number, which is the  
18          curb number that calculates the runoff, you're  
19          actually calculating the runoff over all of the  
20          property, all 60 acres.

21                           The water eventually runs down,  
22          downhill, downhill and ends up in the basins.  
23          But if you look carefully, you don't see any red  
24          anywhere in the heart of the property.

25                           They did not do infiltration tests where all

## 1                                   \*\*Witness Testimony\*\*

2           the runoff is occurring. All they did was an  
3           infiltration in the basins. The basins and the  
4           basins alone which are on the outskirts of the  
5           property.

6                                If there wasn't a building here and  
7           we were going to build something here and we  
8           needed an infiltration rate, we wouldn't go up  
9           to the community center and do an infiltration  
10          rate, we would do it right here.

11                              So anything that they say regarding  
12          the infiltration rates, it's not reliable or  
13          unreliable, it just doesn't -- the data doesn't  
14          exist because they didn't -- they didn't do any  
15          infiltration testing throughout the property.  
16          They did it on -- almost on the borders of the  
17          property. Okay. So that's one point.

18                              So my point is, is that the soil,  
19          okay -- to come up with whether we're in C or D  
20          cannot be done from the infiltration rates. You  
21          need to go and look now at the geotechnical.  
22          So what I would like you to do is back up there  
23          where that matrix, that said Matrix, if you  
24          would go just above there.

25                              I would like you to read the USDA

1                   \*\*Witness Testimony\*\*

2           code about what gets you in to C or what gets  
3           you in to D. And there's five things real  
4           quick and I can show you in their soil report  
5           where I can go 1, 2, 3, 4, 5 and show you that  
6           it's clearly in D, not in C. All right.

7                   If you go up one more.

8                   MR. ORBAN: (Complies.)

9                   MR. LUSEBRINK: Go up a little  
10           more.

11                   MR. ORBAN: (Complies.)

12                   MR. LUSEBRINK: Okay, stop  
13           right there. Okay.

14                   So if you come over -- if you come  
15           over here. Right here in the top right where  
16           it says the soil, it says, Group C soils  
17           typically have between 20 to 40 percent clay.  
18           Okay, let's remember that.

19                   If you go down to D it's 40 percent  
20           or greater. And then it says, clay, less than  
21           50 percent. But that's actually common between  
22           C and D.

23                   That's -- we're not going to -- you  
24           know, that just tells you it's C or D. And  
25           have loam, silt loam, sandy clay loam, clay

1                   \*\*Witness Testimony\*\*

2           loam, silty clay loam, textures. Loam is a  
3           combination of silt, clay and sand mixed  
4           together in, maybe not equal portions, but some  
5           fairly uniform consistency where they're more  
6           equal.

7                   So let's go down and read a little  
8           further. It says, some soils having clay,  
9           silty clay, sandy clay texture may be placed in  
10          this group if they are well-aggregated, low  
11          bulk density or contain greater than 35 percent  
12          rock fragment. So if you would just remember  
13          those points there. There's five points.

14                   And, Marty, if you would please open  
15          up the geotechnical report.

16                   MR. ORBAN: Is that one of  
17          your exhibits?

18                   MR. LUSEBRINK: No. It's ACA's  
19          geotechnical report.

20                   MR. ORBAN: I only have the  
21          exhibits available this evening.

22                   MR. LUSEBRINK: Excuse me.

23                   MR. ORBAN: I only have the  
24          exhibits that were submitted available.

25                   MR. LUSEBRINK: Well, I have a

1                   \*\*Witness Testimony\*\*

2           copy of it here. But I don't have it -- I  
3           don't have 12 copies.

4                   MS. CROMER: It's part of the  
5           record. We have it, we just don't have it  
6           accessible.

7                   MR. LUSEBRINK: Okay. Well,  
8           you don't have the geotechnical report that you  
9           can pull?

10                  MR. ORBAN: Sorry. Anything  
11           that was submitted as exhibits, I have for this  
12           evening.

13                  MR. LUSEBRINK: Well, if you  
14           go down and in the ACA geotechnical report, I  
15           believe I have it, it's page 52 and 54 of the  
16           PDF.

17                  The particle distribution shows that  
18           it's 52 and 56 percent clay and silt together.  
19           However, when you go to the borings, there is  
20           zero silt shown on the boring. So the whole 52  
21           or 56 percent would be allocated to the clay  
22           category.

23                  Therefore, the clay requirement to  
24           get in C, it keeps it back in D.

25                  Next is the loam. Now, when you

## 1                   \*\*Witness Testimony\*\*

2           have the loam, there's actually -- I will give  
3           you guys (indicating) a couple documents. Pass  
4           them around.

5                   Now, what that is right there  
6           (indicating) is a -- it's some of the  
7           information that's in the ACA geotechnical  
8           report, the soil borings.

9                   What I did was I stamped it 1, 2, 3,  
10          4, 5, 6, 7, 8, 9, 10 and I color coded it so  
11          you can see. You can see what's clay. It's in  
12          the one color pink.

13                  You can see what's -- the green is  
14          where any of the silt is, it's on -- a little  
15          bit on boring 4, there's a little bit on boring  
16          9 and 10.

17                  But 9 and 10 are down at the border,  
18          the southwest corner near the Lakewood Drive.  
19          So that's actually over by the pond, the  
20          biggest pond, southwest corner. So pretty much  
21          in the main property there's almost no silt.

22                  So whenever you go down here -- so  
23          let's talk about the loam. The loam is sand,  
24          silt and clay in regards to the runoff. The  
25          only place that you have any silt is in borings

1                                   \*\*Witness Testimony\*\*

2           9 and 10.

3                                   So out of 10 of borings -- even if  
4           those two borings were up in the heart of the  
5           property, you would only have 20 percent. But  
6           they're actually down -- one of the borings is  
7           in that bottom left basin and the other one is  
8           on the property line. They're on 9 and 10, if  
9           you go and you look at the map.

10                                  So you don't get in there with the  
11           loam. You don't get from D to C with the loam.  
12           The aggregates well aggregated, if you go into  
13           -- it's, again, page 52 and 54 of the particle  
14           size distribution.

15                                  I'm really surprised because when I  
16           looked at the report for The Hamptons, what  
17           happens is they do the gravel, sand, course,  
18           medium, fine and then they go into the silt and  
19           clay.

20                                  The particles are so fine they do  
21           what they call a hydrometer test and they  
22           actually put it in, like, a jar of water and  
23           they measure how the two components settle out.

24                                  So if you look at the sand and clay  
25           on page 52 and 54, they stop right where the

1                   \*\*Witness Testimony\*\*

2           silt and the clay begin. They didn't do the  
3           hydrometer test.

4                   Now, if you go to The Hamptons, ACA  
5           did do the hydrometer test. But if you go to  
6           the borings you can see there's no silt in  
7           almost the whole -- but I was a little  
8           disappointed that -- you know, these are the  
9           things that create more runoff or less runoff.

10                   They didn't do the sand and -- the  
11           sand versus or silt versus clay, the hydrometer  
12           test.

13                   So both the -- both the soil  
14           samples, neither had the hydrometer test done.  
15           So that kicks you back into the soil borings.

16                   So we talk about the well  
17           aggregated, so there's no silt. So what  
18           happens is in particle distribution, same page  
19           52 and 54, what happens is they do it on a long  
20           scale.

21                   The curve starts coming down and all  
22           of a sudden there's no silt so that the curve  
23           drops and then when you get over to the clay,  
24           it continues on down.

25                   So normally that's, they call that

1                   \*\*Witness Testimony\*\*

2           well graded.  When you have a gap in the  
3           material size -- now just so everyone knows,  
4           sand, silt and clay, it doesn't matter what the  
5           material is, it's all based on the size and the  
6           particles.

7                    It could be any type of material,  
8           but all that -- all those categories are based  
9           on particle size.  So being that you have no  
10          silt, you have a straight line coming down and  
11          then it drops because you have no silt, and  
12          then it goes -- it continues on down with the  
13          clay.

14                   So that's called gap-graded.  G-A-P  
15          dash graded.  So it doesn't get into C with the  
16          well-aggregated.  The low bulk density, okay,  
17          that's how much a cubic foot of average  
18          material weighs on the property.

19                   Now, normally, it has -- according  
20          to the code, it has to be light bulk density,  
21          that's a dry weight.

22                   So a bulk density generally runs  
23          between 60 and 100.  But whenever you go to  
24          page 64 and 65 in the ACA report you will see  
25          that both the bulk densities are nearly 100

1                   \*\*Witness Testimony\*\*

2           pounds a cubic foot dry. That's on the high  
3           end.

4                   So we don't get into C with the low  
5           bulk density either. So the other one is 35  
6           percent -- you need more than 35 percent rock  
7           fragments. You can go through that sheet I  
8           just gave you and you will notice it says a  
9           little rock or trace of rock.

10                   It's like sugar in your coffee, you  
11           got a trace of sugar or you got 35 percent  
12           sugar.

13                   So it's my opinion that, from the  
14           testing that's been done, I could not put this  
15           soil in any, way, shape or form up in the  
16           category C. To me, everything that's in the  
17           code points to category D.

18                   Now, if it looks like a dog, smells  
19           like a dog, barks like a dog, you know, has a  
20           tail like a dog, sooner or later you're going  
21           to call it a dog.

22                   So, anyway, I didn't know if I was  
23           going to get a chance to rebuttal. But being  
24           that they didn't submit anything in their  
25           letter.

1                   \*\*Witness Testimony\*\*

2                   I mean, how do I know what they're  
3 going to say when they get up here and then you  
4 say, sorry, Wayne, meeting is over.

5                   So I come up to finish my  
6 presentation and, you know, I hope you guys  
7 take a good look at it and reference my sheet  
8 numbers off of the ACA report to verify what I  
9 said.

10                  Thank you.

11                  MS. JOHNSON: Mr. Lusebrink,  
12 before you go we have some questions.

13                  MR. LUSEBRINK: Sure.

14                  MS. JOHNSON: So your primary  
15 contention is that they misclassified the soil,  
16 you think it should be C instead of D.

17                  MR. LUSEBRINK: No, I believe --

18                  MS. JOHNSON: I'm sorry, the  
19 other way around. It should be D instead of C.

20                  My question is, what is the impact  
21 of that on the analysis that was done in terms  
22 of the size, capacity infiltration rates for  
23 the retention ponds?

24                  MR. LUSEBRINK: If Marty could  
25 bring up the stormwater report, which I don't

1                   \*\*Witness Testimony\*\*

2           know if he'll be able to. There is a chart  
3           that has the type of terrain, whether it's  
4           wooded, meadows, good shape, fair shape, all  
5           these different.

6                   Then there's a soil -- hydraulic  
7           soil category A, B, C and D. So you come over,  
8           you go over one down the other. And all the  
9           numbers were pulled out of C from the USDA  
10          report.

11                   Now, another point I wanted to make  
12          is they were perfectly fine using the soil from  
13          the USDA report, which is only approximate;  
14          that's in the stormwater report.

15                   So what I'm thinking now is they're  
16          going to shift gears and try to say it's the  
17          infiltration. See, the infiltration trumps --  
18          if it's reliable, the infiltration trumps the  
19          geotechnical data.

20                   I just read it to you. The  
21          infiltration trumps the geotechnical data or  
22          you use them -- you know, you have to guess --  
23          you know, take a look at the reliability of the  
24          infiltration data because you know you're  
25          geotechnical data is pretty solid.

1                                   \*\*Witness Testimony\*\*

2                                   But the infiltration I just showed  
3                                   you, they didn't do any infiltration test where  
4                                   all the runoff is going to occur.

5                                   MS. JOHNSON: Are there  
6                                   requirements or best practices that dictate  
7                                   where those infiltration tests or even the  
8                                   boring tests that you mentioned -- because you  
9                                   also commented on the locations of those -- are  
10                                  there requirements or best practices that  
11                                  dictate where those should have been done that  
12                                  you feel that the developer failed to meet?

13                                  MR. LUSEBRINK: I don't know  
14                                  of any particular guidelines except that -- I  
15                                  mean, that's -- you know, the code does not  
16                                  guarantee a successful project.

17                                  I can read it out of -- about -- out  
18                                  of any code, it tells you that it must be used  
19                                  by a professional that has in-depth knowledge  
20                                  of that code.

21                                  If you're going to do a stormwater  
22                                  pond, you would think that they would do a soil  
23                                  boring, especially when they acquire two  
24                                  infiltration rates of such magnitude of  
25                                  difference.

1                   \*\*Witness Testimony\*\*

2                   There must be something underground  
3                   that's different. But we'll never know unless  
4                   they go out and do a soil boring there.

5                   MS. JOHNSON: That does bring  
6                   up another question that I have. You  
7                   specifically called out the infiltration rates,  
8                   one of them being, I think it was, 1.1 versus a  
9                   .3 at another location.

10                  Is there a threshold at which an  
11                  infiltration rate is unacceptable?

12                  MR. LUSEBRINK: No. But I  
13                  would also like to say that whenever you do an  
14                  infiltration rate, the apparatus that you use  
15                  to do the test is a -- it looks like a dog  
16                  dish.

17                  It's about this round, maybe 9  
18                  inches deep, there's no hole in the bottom  
19                  (indicating throughout). They just kick some  
20                  soil around and push it in.

21                  So if someone is in a hurry, it  
22                  hasn't rained in a few days, maybe it's rained  
23                  too, too, much, you know, it's very susceptible  
24                  to human influences.

25                  It's very -- and not only is it the

1                   \*\*Witness Testimony\*\*

2           infiltration rate, there's also -- you know,  
3           downward is called the infiltration rate.  
4           Horizontally is called the transmission rate.  
5           They look at whether there's water.

6                   These borings were done on like 70  
7           and sunny days, nice and dry. I didn't look to  
8           see if it's been dry for two weeks beforehand.  
9           That would definitely give you a nice fast --  
10          if you happen to bump the dish waiting for the  
11          water, it will go right down real quick.

12                   I mean, there's a lot of little --  
13          it's a very temperamental human -- requires a  
14          lot of human interaction and it's easily -- you  
15          know, varies due to the person even doing the  
16          test.

17                   Now, there's -- sometimes there's an  
18          infiltration test but not the USDA test. They  
19          put a 4-inch pipe, like, a 12-inch pipe and  
20          they pound them both down in about 6 inches, 5  
21          inches in the ground, then they put water  
22          between the two and there's a scale on the  
23          outside and they watch, but they're supposed to  
24          take, 10, 15, 20 gallon of water and, you know,  
25          wet that ground down.

1                   \*\*Witness Testimony\*\*

2                   Well, maybe there's only 10 gallon  
3                   or maybe -- who knows. Maybe that's where  
4                   another coal blossom is or a mindshaft and they  
5                   poured the water and it all disappeared.

6                   Maybe it -- I mean, who knows. It's  
7                   very temperamental to human -- to each human  
8                   doing that test relative to the geotechnical.

9                   MS. BLACKBURN: I have a  
10                  couple questions.

11                  MR. LUSEBRINK: Sure.

12                  MS. BLACKBURN: I think  
13                  they're just yes-no questions. So do you  
14                  believe, then, that based on the data that --  
15                  on your presentation, then, that they have not  
16                  adequately measured the potential for stormwater  
17                  runoff?

18                  MR. LUSEBRINK: If I were to  
19                  take the data, and I would -- I would assume  
20                  that it was -- the soil hydraulic class was in  
21                  D. Because even if you had one or two of these  
22                  being in C, if you were living downstream and  
23                  you were here at C, and here is D, and you get  
24                  about halfway in the middle, it's good  
25                  engineering practice to always choose the most

1                   \*\*Witness Testimony\*\*

2           conservative (indicating). Always --

3                   MS. BLACKBURN: But you're not  
4           convinced that they've adequately measured the  
5           stormwater runoff because of their measurement  
6           methods?

7                   MR. LUSEBRINK: Yeah. I --  
8           yeah. I don't know. I mean, I know from the  
9           USDA maps that's all approximate data. I mean,  
10          right there in their own documents it says it's  
11          seldom accurate.

12                   You know, it's only an estimate to  
13          get you in the ballpark and then somewhere  
14          along the line they're supposed to take this  
15          actual boring information and do a comparison  
16          and see how it all works out.

17                   Now I brought that up last time. I  
18          was hoping to see on March 1st, what their  
19          response was. I still, right now, have no idea  
20          what they're going say, whether they agree,  
21          they don't agree.

22                   You know, we -- you know -- and I  
23          will tell you how, how -- if you take a look at  
24          that chart that I had up there, 1.1 actually  
25          puts you in B. So all the soil in the ACA

1                   \*\*Witness Testimony\*\*

2           geotechnical report is showing D. But the  
3           infiltration in the 1.1 is actually in B.  
4           Right there (indicating).

5                   What kind of reliability is that?

6                   MS. BLACKBURN: And then based  
7           on what you view as an inadequate measurement,  
8           do you think that the size of the basin needs  
9           to be reevaluated?

10                  MR. LUSEBRINK: Yeah. I think  
11           the total runoff running into each basin will  
12           be substantially more whenever they go to the  
13           curve num- -- the class D which will now give a  
14           larger curve number.

15                  So whenever you have a larger curve  
16           number, that means more water is going to run  
17           over ground into the basin rather than  
18           infiltrate down in and disappear.

19                  So, yes, it could be the size, it  
20           could be the pipes.

21                  MS. BLACKBURN: So there's  
22           opportunity for more precise measurement to  
23           make sure that the size of the basin is  
24           adequate for the development and the soil type?

25                  MR. GALE: Would you repeat

1                                   \*\*Witness Testimony\*\*

2           that?

3                           MS. BLACKBURN:    So you think  
4           that there's opportunity for more measurement  
5           -- more precise measurement, given the current  
6           data that's been provided, so that the basin  
7           can be more precise --

8                           MR. LUSEBRINK:    Well, I --

9                           MS. BLACKBURN:    -- in its  
10          size?

11                          MR. LUSEBRINK:    I think the --  
12          I mean, you can always go out and do more  
13          borings.  You can go out and try to do more  
14          infiltration.

15                          It's with -- at this point, being  
16          that you're -- the geotechnical is indicating  
17          D, and even if they did some more of C, when  
18          you have two documents that you're halfway  
19          between, good engineering practice is always to  
20          pick the more conservative, which will give you  
21          a little more runoff and, in this case,  
22          probably a substantial amount more runoff.

23  
24                          It could be just the pipe sizes.  It  
25          could be the overall area of the basins.  But

1                                   \*\*Witness Testimony\*\*

2           the curve number will go up which now could  
3           make the basins go -- probably will make the  
4           basin size --

5                           MS. BLACKBURN:   So we probably  
6           need more data.  I don't know that we can say  
7           that there would be more water runoff without  
8           more data.

9                           But there is opportunity to collect  
10          more precise measurements to get a better idea  
11          of what's needed?

12                          MR. LUSEBRINK:  No.  The runoff  
13          will absolutely increase.  Absolutely -- the  
14          ponds will need recalculated.  And the size  
15          will most likely change at least on one or two.  
16          And all the pipes and the designs will also  
17          change.  So...

18                          MR. PETERS:  Any other questions?

19                          MS. BLACKBURN:  No.

20                          MR. LEE:  I have a question  
21          back here.  Can I ask it?

22                          MR. PETERS:  If you come up  
23          here.

24                          MR. LEE:  It will take me a  
25          while to get there.  My legs don't work very

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**\*\*Witness Testimony\*\***

well.

Can everybody hear me from here?

MR. PETERS: No.

MR. LEE: Okay. Be there in a minute.

MR. PETERS: State your name?

MR. LEE: At the last meeting as --

MR. PETERS: You better talk in the mic after you hollered at everyone. What's your --

MR. LEE: At the last meeting --

- - - - -

JOSEPH LEE,

having been previously duly sworn, testified as follows:

MR. LEE: My name is Joseph Lee. I live on 4925 South Pioneer Road.

At the last meeting when we ended it I asked Wayne a few questions about other things that could be subject to class D soil. Okay.

I think since then we had some -- I think Wildwood Road is closed right now because

1                   \*\*Witness Testimony\*\*

2           there was some soil displacement there because  
3           of the poor earth and so forth and they're  
4           working on it trying to correct; is that  
5           correct, Chris?

6                   MR. LOCHNER: Well, that's not  
7           applicable to this, but, no, it was closed  
8           because the stream penetrated against the  
9           outside exterior of the roadway and they're  
10          shoring it up.

11                   MR. LEE: Different issue.  
12          Okay.

13                   But the last time we met I asked  
14          Wayne if soil Type D is subject to landslides,  
15          I think you might have remembered that. Okay.  
16          And his answer -- I said --

17                   What was your answer?

18                   MR. PETERS: Hold on. Hold  
19          on. This is not a question-and-answer period.  
20          If you have a question, I would prefer that you  
21          not ask Mr. Lusebrink while you guys are both  
22          standing at the podium.

23                   If you want to ask a question, ask  
24          the chair.

25                   MR. LEE: Okay. Could you



**\*\*Witness Testimony\*\***

1  
2 Gibsonia.

3 I just want to put my glasses on.  
4 We have many different ordinances and codes in  
5 our township and we have a comprehensive plan  
6 along with the zoning ordinance and it's hard  
7 to decipher whether some of those meet the  
8 standards of the township because they're  
9 measurable.

10 You can actually measure how long a  
11 cul-de-sac is in length and you can measure a  
12 buffer zone that separates one property from  
13 another.

14 There are other ordinances that  
15 aren't as easy to measure. For example, it's  
16 not as easy to measure an ordinance 310-44-A2B  
17 that states, the proposed development is found  
18 to be generally consistent with the comprehensive  
19 plan of the township.

20 Another example of an ordinance that  
21 is less concrete is 280-47, coordination with  
22 adjacent developments. All proposed subdivisions  
23 shall be coordinated with existing nearby  
24 neighborhoods so that community as a whole may  
25 develop harmoniously.

1                   \*\*Witness Testimony\*\*

2                   So none of our codes are more  
3                   important than any other of our codes. Thus,  
4                   each reference made to an ordinance should be  
5                   given the same attention.

6                   I encourage you to strongly consider  
7                   the ordinances that are less measurable from  
8                   the objective parties.

9                   Then I'm going to discuss the  
10                  subject of traffic. I don't need you to bring  
11                  up any of the information that I sent in. It's  
12                  just for reference.

13                 So if you want to look up and see  
14                 where I got any statistics from, they're from  
15                 the traffic studies and I did have them  
16                 entered. So that's up to you.

17                 From the executive summary of our  
18                 comprehensive plan it states, through the past  
19                 decade and anticipated into the coming years a  
20                 range of community planning matters remain at  
21                 the forefront of the township's needs to  
22                 carefully coordinate development. These  
23                 include traffic safety and the capacity along  
24                 Route 8 and other roadways and intersections.

25                 In the introduction of the

1                   \*\*Witness Testimony\*\*

2           comprehensive plan goal number 8 states, create  
3           and maintain healthy and safe connections for  
4           all those traveling within and through the  
5           community.

6                   Under the section of nondevelopment  
7           -- nonresidential development, Hampton's  
8           north-south connector, Route 8, serves as the  
9           township's primary arterial road.

10                   Route 8 also functions as the  
11           township's principal commercial district, home  
12           to a wide range of businesses and services.

13                   While businesses along Route 8 are  
14           catering to a larger area than Hampton  
15           Township, the township needs to consider these  
16           impacts of increasing traffic congestion and  
17           conflicts as part of all future land-use  
18           decisions.

19                   Under the community corridors it  
20           states, the existing roadway corridor should be  
21           considered an integral part of a proposed  
22           development with attention given to detail that  
23           will enhance the corridor.

24                   Under the transportation it states,  
25           the township continues to proactively respond

1                   \*\*Witness Testimony\*\*

2           to its transportation needs as part of its  
3           ongoing transportation planning efforts. Along  
4           with the townships needed ongoing neighborhood  
5           intersection and safety improvements, two  
6           regionally-significant projects that are  
7           important for the township to implement for  
8           residents, businesses, visitor safety and  
9           traffic are the upgrades to the intersections  
10          at Route 8 and Wildwood Road and Route 8 and  
11          Hardies Road.

12                   I would like to state I believe  
13          those improvements have already been made to  
14          those two intersections.

15                   So when we're talking about the  
16          specifics of the traffic studies, those  
17          improvements have already been made. And this  
18          study was -- this comprehensive plan was done --

19                   MR. LOCHNER: 2014.

20                   MS. LAH: So this has all been  
21          since 2014 that those improvements -- because  
22          it's suggesting to do them in that plan.

23                   Considerations for land-use activities,  
24          transportation network impacts and long-term  
25          resident well-being are significant to

1                                   \*\*Witness Testimony\*\*

2           considerations and municipal discussions and  
3           policy decisions.

4                           I feel that the approval of this  
5           traffic pattern, even preliminarily is not  
6           appropriate. Currently, there is not one  
7           guaranteed identified point of exit or entrance  
8           into the proposed development.

9                           No PennDOT approval has been given.  
10          The last message received states the conditions  
11          have not currently been met and it makes  
12          recommendations that have been acknowledged but  
13          not corrected.

14                          No connection with Crestview is even  
15          shown on the plan, yet it's spoken about and  
16          it's referred to by all. No study has really  
17          been done.

18                          Although, one member of the advisory  
19          board said he did not see this as a cut-  
20          through, I believe it will be because I will  
21          use it.

22                          The left turn that comes out Pioneer  
23          to West Hardies Road is already really bad. My  
24          niece had an accident in there within the last  
25          year.

1                   \*\*Witness Testimony\*\*

2                   With an additional over 1,000  
3                   vehicles --

4                   THE COURT REPORTER: Could you  
5                   slow down a little.

6                   MS. LAH: Sorry.

7                   With an additional over 1,000  
8                   vehicles, it will be safer to make that turn,  
9                   that left-hand turn through Lakewood should the  
10                  connection for Crestwood be made.

11                  I will use it. I come down South  
12                  Pioneer often and I will cut through to avoid  
13                  that intersection at South Pioneer and West  
14                  Hardies Road.

15                  The current Trans Associate study  
16                  shows an additional 750 trips from the planned  
17                  Windmont Farm, 438 trips from The Hamptons, 346  
18                  from Pioneer apartments.

19                  It doesn't identify the traffic for  
20                  Old Dominion Truck terminal that's been  
21                  approved or the FedEx terminal that's already  
22                  approved.

23                  This increases the traffic by 1,514  
24                  trips. If all of those vehicles travel South  
25                  Pioneer Road, which, if you look at the study,

1                                   \*\*Witness Testimony\*\*

2           the load on standing that is taking place  
3           already at Route 8 and West Hardies Road and  
4           East Hardies Road is in the D to E to F range.

5                           So people will be using the South  
6           Pioneer Road to get to town. That has not been  
7           studied.

8                           So exiting from the plan along the  
9           one that is on the developer's site that does  
10          not need PennDOT approval, has not been studied  
11          heading towards town, which would take them out  
12          at an already difficult intersection where  
13          Pasquale's is.

14                          Chief Vulakovich spoke at the  
15          December 5, 2018, council meeting with regards  
16          to a potential township participating in some  
17          statewide program of targeted enforcement.

18                          During that discussion he mentioned  
19          the problem with South Pioneer Road and the  
20          small support roads.

21                          Can we play that tape? I sent that  
22          in. I did submit that. It's under Jeff Lawall.

23                          MR. ORBAN: You sent that in  
24          in March or February?

25                          MS. LAH: For February.

1                                   \*\*Witness Testimony\*\*

2                                   MR. ORBAN:    These are  
3                                   everything that I have that were sent in, three  
4                                   PowerPoints and a Word document.

5                                   MS. LAH:     That's for Marty for  
6                                   stormwater, but Jeff Lawall, I sent some things  
7                                   in under his name.

8                                   MR. ORBAN:    There's a Lawall  
9                                   here.    So it's a PDF?

10                                  MS. LAH:     It's a recording.  I  
11                                  don't know if that looks different.

12                                  MR. ORBAN:    This is all I have  
13                                  (indicating).

14                                  MS. LAH:     My son had to do that.

15                                  MR. ORBAN:    This was a  
16                                  document that linked to --

17                                  MS. LAH:     No, it's not that.

18                                  MR. ORBAN:    That's all I have,  
19                                  ma'am.

20                                  MS. LAH:     Well, it was there.  
21                                  So perhaps you can go back and listen to it  
22                                  because I know that I got it from your site and  
23                                  I was able to play it under Jeff Lawall's.

24                                  But I did -- if you don't mind, but  
25                                  I am going to quote you.

1                                   \*\*Witness Testimony\*\*

2                                   MS. BERNET: Can you go to the  
3 website, Marty, and look under the documents  
4 there on the township website?

5                                   MS. LAH: I can quote you, if  
6 the tape is not admissible: Aggressive driving  
7 is now allowed to be based on the crash results  
8 or complaints. I would use complaints and  
9 would use South Pioneer Road. We get a lot of  
10 complaints on South Pioneer Road, Bardonner  
11 Road, McNeal Road. And he talks about some  
12 other things.

13                                  He comes back. The state looks at  
14 statistics and then based on those statistics,  
15 puts money into those roads. South Pioneer is  
16 25 miles an hour. People do not do 25 miles  
17 per hour on South Pioneer. We are always down  
18 there.

19                                  No other roads were mentioned that  
20 were township roads. The only other roads  
21 mentioned by Officer Vulakovich were Route 8  
22 and Hearts Run Road because the study that they  
23 were considering formerly only allowed you to  
24 use those two roads in the study.

25                                  So he did not know he was testifying

1                   \*\*Witness Testimony\*\*

2           to this at that time.

3                   The South Pioneer/West Hardies  
4           intersection has an awful line vision since the  
5           Turnpike bridge has been altered.

6                   I already told you my niece had a  
7           slight fender bender there, it would not have  
8           appeared on any forms from the police.

9                   Vehicles waiting to turn left have  
10          approaching cars from Route 8 making the  
11          left-hand turn onto Pioneer on the inside of  
12          their cars because you have to pull so far out  
13          into the intersection to make that left-hand  
14          turn. It's a constant problem already.

15                  The congestion, the LOS at the West  
16          Hardies and Route 8 intersection is already  
17          unacceptable, it has -- the additional traffic  
18          is going to keep it in F more often.

19                  You cannot do worse than F. There's  
20          no high level of F. It's just F.

21                  Consider, too, the Lightbridge  
22          Academy that's coming before you. I've been at  
23          the planning commission and the EAC, there  
24          doesn't seem to be anything stopping  
25          Lightbridge Academy from also using that

1                                   \*\*Witness Testimony\*\*

2           intersection.

3                                   That is a child care center that  
4           will have its dropoffs mostly between 7 a.m.  
5           and 9 a.m. and they are expecting 150 capacity  
6           and 27 staff.

7                                   Those cars will be going into the  
8           intersection, turning around, dropping off  
9           children and coming back out.

10                                  In my opinion, that adds close to  
11           300 cars at that intersection from just the  
12           Lightbridge Academy during peak hours of the  
13           morning and peak hours of the evening.

14                                  The Route 8 corridor study  
15           repeatedly referred to the area between the  
16           turnpike interchanges as congestion -- as  
17           congested, and that was done in 2002.

18                                  Chris, I think your name is part of  
19           this study.

20                                  This was a study that was in 2002  
21           and the area has not improved; if anything, it  
22           has been degraded. The study recommended  
23           off-peak activities and developments, not more  
24           housing and businesses that operate at peak  
25           hours.

1                   \*\*Witness Testimony\*\*

2                   I think that's it.

3                   MR. PETERS: Does anybody have  
4 any questions?

5                   (No response.)

6                   MR. PETERS: Thank you.

7                   MS. LAH: No problem.

8                   (Applause.)

9                   MR. PETERS: I am going to ask  
10 people to stop -- refraining from clapping.  
11 Thank you.

12                  MS. LAH: I did want to make  
13 -- I know we're trying to cut things short, so,  
14 and not be here all night.

15                  I do have the stormwater  
16 presentation that I did and I didn't resubmit  
17 that for this meeting because I submitted it  
18 for the 13th meeting and I think you have it up  
19 there.

20                  If I can go through it very quickly,  
21 I would just like to touch on that. And I  
22 promise to do it fast.

23                  MR. ORBAN: Which one, ma'am?  
24 You have three up there.

25                  MS. LAH: That is so little.

1                   \*\*Witness Testimony\*\*

2           The smallest one in size is just a picture.  
3           It's a PowerPoint and it's just a picture. You  
4           can bring that up. It's of Crouse Run.

5                   While he's doing that, I did forget  
6           to mention that even in the Trans Associates  
7           conclusions they did say there will be an  
8           impact by the traffic even though it will be a  
9           very slight impact.

10                   I know with regard to Larry's  
11          permitting, and incidental permitting, there  
12          was something that said it has to not have an  
13          impact if you put 500 of them in, and that's a  
14          GP something.

15                   I'm not the permitting person, but I  
16          would just like you to consider that traffic  
17          was mentioned and it was mentioned in its  
18          conclusion that it would have an impact.

19                   These are just pictures. It's the  
20          same picture, one is just zoomed in at the  
21          Crouse Run watershed.

22                   I just wanted to show you how much  
23          development has been done for PRDs in the  
24          Crouse Run watershed. It's a ton. This is why  
25          the water is not being contained. This is why

1                                   \*\*Witness Testimony\*\*

2           sediment is coming down. I believe this is a  
3           leading factor in the increase in water that I  
4           am seeing at my child care center.

5                           MR. PETERS: Excuse me. Is  
6           your testimony that by -- if the Windmont plan  
7           goes in that you are going to get more  
8           stormwater runoff at your daycare?

9                           MS. LAH: I believe so, yes.

10                          MR. PETERS: Okay.

11                          MS. LAH: I believe the  
12           statistics, and I had them for the planning  
13           commission meeting, I didn't know that that would  
14           be such an important factor here.

15                          However, it was, I don't know, like,  
16           3.4 percent of Crouse Run's watershed is  
17           contained in that development. So, you know,  
18           they're responsible for that portion of my  
19           watershed. And if it's not right, I'm going to  
20           have trouble.

21                          Okay. Can you bring up one of the  
22           PowerPoints?

23                          MR. ORBAN: Either one?

24                          MS. LAH: Either one. And you  
25           know, you can go through these kind of quickly.

1                                   \*\*Witness Testimony\*\*

2           What they are, one of them is a -- well, I will  
3           just wait until you see it.

4                           MR. ORBAN:   You can have  
5           control over those from the --

6                           MS. LAH:    And thank you very  
7           much for the mouse.

8                           MR. LOCHNER:  It's been there  
9           all night.

10                          MS. LAH:    I know, I asked  
11          Amanda because I brought one.

12                          All right.   This is how this affects  
13          me and the other residents.

14                          MR. ORBAN:   Let me get it  
15          started, ma'am.

16                          MS. LAH:    This is my center.  
17          This is spring.   These are not even giant  
18          storms, this is not like the ten-year flood.  
19          It's a heavy rain.   That's what I'm left with  
20          afterwards.   I put mulch down.

21                          Can you tell that that's mulch down?  
22          The water still comes in?   This is from across  
23          the road towards my center.   And what you see  
24          is that it's getting higher faster.   It's  
25          deteriorating the bank.   The bank is now caving

1                                   \*\*Witness Testimony\*\*

2           in.

3                                   These trees that you see in the  
4           background, they're falling. Some of them are  
5           falling towards my property, some of them are  
6           falling away, but the ground is being taken  
7           down behind them.

8                                   Just some of the giant rocks and  
9           boulders that are landing in the creek. It's  
10          hard to tell on that little thing. If I don't  
11          move my fence, the large tree will soon be gone  
12          that holds back most of my bank.

13                                  That's my play yard on the inside,  
14          the creek is right there now. Ten years ago,  
15          eight years ago I was able to mow outside of my  
16          fence. There's the tree.

17                                  That pipe is about six feet long.  
18          That pipe was under water -- I mean, underground.

19                                  Now it's all exposed. It's bent, so  
20          it's not sticking out, the stream has done that  
21          to it. I'm not the only one affected. There's  
22          one of the residents, that's her backyard.

23          Graphic. These are new.

24                                  This is Bank School, who would  
25          expect Bank School. But there was a retention

## 1                                   \*\*Witness Testimony\*\*

2           pond that wasn't working well on Bank School  
3           Road. And the left screen is the front of her  
4           yard. The right screen is the back of her  
5           yard. It would have been a great rapid.

6                                These are some of Joe's property  
7           behind his house. He can tell you what those  
8           are because I'm not familiar with that. Pine  
9           Creek is not much better.

10                              They have clean- -- PennDOT cleaned  
11           that tree out. They left me that. That one is  
12           gone. See the debris that it's leaving, this  
13           is not coming from (indicating throughout).

14                              MR. PETERS: Excuse me, Ms. Lah.

15                              MS. LAH: We can go faster.

16                              MR. PETERS: Is this a result  
17           of stormwater runoff from the Windmont --

18                              MS. LAH: Not from the  
19           Windmont. But Windmont will add to all of that  
20           and I just --

21                              MR. PETERS: And that's your  
22           opinion?

23                              MS. LAH: That was my point.

24                              MR. PETERS: That's your opinion?

25                              MS. LAH: That's my opinion.

1                   \*\*Witness Testimony\*\*

2                   And the other one, which, if you  
3                   don't want to look at it, I understand, but  
4                   what it shows is the effect that these are  
5                   having on the township and you can see the  
6                   chronological order in which these are. The  
7                   trees are not growing back.

8                   We're doing more and more of it and  
9                   the trees are not coming back. There's some  
10                  that are started in 2011 and their yards are  
11                  still barren, their street trees aren't done.  
12                  McCaslin Ridge, The Meadows, I mean, it's all  
13                  -- you can't just look at it in a bubble, I'm  
14                  sorry.

15                  My operation of my livelihood is not  
16                  in a bubble.

17                  MR. PETERS: Unfortunately, we  
18                  are kind of in a bubble here in this public  
19                  hearing because --

20                  MS. LAH: Okay. That's fine.

21                  MR. PETERS: -- this is to do  
22                  -- I understand your concerns and I understand  
23                  that there are issues.

24                  MS. LAH: I would like you to  
25                  look at that and then I also submitted a PDF

1                   \*\*Witness Testimony\*\*

2           and it states -- and I will spare you reading  
3           the zoning ordinances that all relate to the  
4           runoff and how you have to protect us and me  
5           from the runoff.

6                   They are just pages, I printed big  
7           because I don't always like to wear my glasses.  
8           There are pages and pages of them (indicating).  
9           And they all have to do with the runoff and the  
10          stormwater.

11                   Some of them have to do with a  
12          ten-year floodplain. Everywhere -- it doesn't  
13          say you only have to build to a two-year so...  
14          Thank you.

15                   MS. JOHNSON: Ms. Lah, I am  
16          sorry that you're going through this but I am  
17          familiar with where that daycare is located.

18                   MS. LAH: Correct.

19                   MS. JOHNSON: And I frankly  
20          always marvel that it's there. Isn't that a  
21          floodplain?

22                   MS. LAH: Well, I purchased  
23          the childcare in the floodplain and the only  
24          time -- at the time I purchased it in 2001 that  
25          I was told that water ever came into the

## 1                                   \*\*Witness Testimony\*\*

2           building was in the 1980s when St. Ursula's  
3           School, the fire department and everything was  
4           under water. So, yes.

5                           My concern is not -- I understand  
6           that I'm in the floodplain and that I have risk  
7           inherent in being in the floodplain. But the  
8           floodplain is increasing. And that's what the  
9           problem is with me.

10                          If I get a flood every 100 years,  
11           that's fine. But it's creeping up more and  
12           more and it's not dependent on how much rain we  
13           get anymore.

14                          Right after Ivan came through and I  
15           flooded and I had feet of water in my building.  
16           I was still able to take seven inches of water  
17           without any problem.

18                          I no longer would be able to take  
19           seven inches of water.

20   MS. JOHNSON: Thank you.

21   MR. PETERS: Thank you.

22   - - - - -

23   JANET McCALL,

24           having been previously duly sworn, testified as  
25           follows:

1                                   \*\*Witness Testimony\*\*

2                                   MS. MCCALL: I'm Janet McCall.  
3 I live at 3879 South Pioneer Road. I'm just a  
4 little bit upstream from Maureen but downstream  
5 from the Windmont discharge area of stormwater  
6 that would be coming right into Crouse Run and  
7 running through my, about, seven-acre property.

8                                   THE COURT REPORTER: Can you  
9 spell your name please?

10                                  MS. MCCALL: M-C-C-A-L-L.  
11 With my testimony submitted last month I shared  
12 images of the impact with stormwater runoff and  
13 flooding on our property on South Pioneer Road  
14 as a result of development upstream.

15                                  I hope you've all had a chance to  
16 see the photos and videos. Have you all been  
17 able to look at those?

18                                  They show evidence of flooding,  
19 sedimentation, erosion and debris in the creek  
20 on our property, very similar images to what we  
21 just looked at.

22                                  It's important for you as Hampton  
23 Township officials and staff to see firsthand  
24 what is already happening on Crouse Run as a  
25 result of the development that has previously

**\*\*Witness Testimony\*\***

1  
2 occurred.

3 I've seen a significant increase in  
4 flooding as well as pooling of water throughout  
5 my property over the 13 years I've lived here.  
6 I've also seen severe erosion of the stream  
7 banks and large scale debris swept downstream  
8 including eight-foot pipes, a shopping cart,  
9 trees that have been uprooted by the erosion  
10 and carried downstream.

11 I have never been contacted by any  
12 Hampton official who asked to walk the property  
13 with me to see firsthand what is happening,  
14 despite testifying at several meetings over the  
15 years.

16 Approval of large-scale development  
17 projects upstream should not be made in a  
18 vacuum without witnessing the negative impact  
19 these developments have on the watershed and  
20 the individual residents along the creek who  
21 have to bear the burden of this over-development.

22 We are trying to be stewards of the  
23 watershed and the creek system and it's a very  
24 difficult situation. I urge you not to approve  
25 the Windmont Farms development which will have

1                                   \*\*Witness Testimony\*\*

2                   a continuing very severe impact, I believe on  
3                   the residents and the environment along Crouse  
4                   Run. Thank you.

5                                   MR. PETERS: Any questions?

6                                   (No response.)

7                                   MR. PETERS: Thank you.

8                                   - - - - -

9                                   JESS VOLCHECK,

10                   having been previously duly sworn, testified as  
11                   follows:

12                                   MS. VOLCHECK: Hi, I'm Jess  
13                   Volcheck, V-O-L-C-H-E-C-K. And I was just  
14                   going to talk a little bit about the history of  
15                   the property.

16                                   Larry was going to talk about this  
17                   but we were wondering if a PHMC consultation  
18                   has been done because it's -- from my  
19                   understanding it's required for the assessment  
20                   of the cultural value of the land and they  
21                   determine if further investigation is necessary.

22                                   I have a couple zoning codes that  
23                   are associated with preserving historical value  
24                   of land. 280-48, which is about preservation  
25                   of community.

1                   \*\*Witness Testimony\*\*

2                   266-28, which is about conservation  
3 of design. And I could just stand and list  
4 numbers but...

5                   MR. LOCHNER: These are  
6 Pennsylvania codes; right?

7                   MS. VOLCHECK: Uh-huh, I think  
8 so. Then I have a couple pages about the  
9 history but I'm just gonna kind of do the spark  
10 notes version of it.

11                  The property that's currently known  
12 as the Chalfant property was originally given  
13 to Jacob Bernhardt as payment for his services  
14 in the Revolutionary War, they were called  
15 depreciation lands, I think because the value  
16 of the dollar had depreciated so much.

17                  He enlisted in the Revolutionary  
18 War. He also served three terms under lots of  
19 different people. And he -- in 1875 he and his  
20 family moved to Hardies Road. Then the home  
21 they built on the property became the Poff farm  
22 and then eventually the Chalfant property.

23                  I have a couple stories here but I'm  
24 trying to keep it brief. In 1850, the property  
25 and house were sold to Franklin Poff. He and

1                   \*\*Witness Testimony\*\*

2           his wife Barbara moved there, they had 12  
3           children. Franklin Poff ended up donating a  
4           lot of money to the community and land to the  
5           community.

6                   Poff School is one of the things  
7           that you might recognize. He was also a member  
8           of the church, trustee, I think. They -- I  
9           have documents submitted with a couple of the  
10          artifacts found on the property and it's --  
11          that's just a brief history of a couple of  
12          veterans who lived on the property.

13                   Jacob Bernhardt was a Revolutionary  
14          soldier, he was captured by the British. And  
15          the Poff family served in the Civil War of the  
16          Union. And, I, myself am a descendent of  
17          Franklin Poff, I think Esther Poff is my great-  
18          great-grandmother.

19                   I just don't want to see history  
20          sort of, you know, taken away before it's given  
21          a chance to be studied.

22                   I'm a freshman in college right now  
23          and I'm double majoring. One of my majors is  
24          anthropology, so it's just something that's  
25          important to me.

1                   \*\*Witness Testimony\*\*

2                   MR. PETERS: Does anybody have  
3 any questions?

4                   MS. JOHNSON: Only this, we've  
5 actually gotten several historical documents  
6 related to this land. Is there any historical  
7 significance to the land aside from who owned  
8 it?

9                   MS. VOLCHECK: Well, there  
10 were a couple of artifacts found in the  
11 document I submitted. There were some  
12 arrowheads and a tomahawk and then some pottery  
13 found so...

14                  MS. BLACKBURN: I understood  
15 from the public hearing that was held in  
16 February however, that much of its history on  
17 the property was going to be preserved, that's  
18 why the Chalfant sisters were willing to work  
19 with this developer, so I'm just wondering, I  
20 guess, where, because I think they're working  
21 in support of what you're advocating for.

22                  MS. VOLCHECK: Well, Larry was  
23 going to mention it in his presentation but he  
24 was just going to talk about if the  
25 Pennsylvania Historical Museum Commission

1                               \*\*Witness Testimony\*\*

2                               consultation has been done. We don't believe  
3                               one has been done.

4                               MS. NEUGEBAUER: Is that a  
5                               requirement?

6                               MS. VOLCHECK: I think it's --  
7                               I have here that I believe that it's required  
8                               by federal law.

9                               MS. CROMER: I don't know if  
10                              it's been done or not.

11                             MR. PETERS: Thank you.

12                             MS. NEUGEBAUER: Thank you.

13                             MS. BLACKBURN: Thank you.

14                             - - - - -

15                             BRIAN KING

16                             having been previously duly sworn, testified as  
17                             follows:

18                             MR. KING: Brian King. I live  
19                             on Chalfant Lane.

20                             THE COURT REPORTER: I'm  
21                             sorry, what's your last name?

22                             MR. KING: King, K-I-N-G.

23                             I didn't get to submit mine last time. Marty  
24                             told me to hold on it, but I do have copies for  
25                             everybody.

1                                   \*\*Witness Testimony\*\*

2                                   MR. ORBAN: Mr. King did hand  
3 deliver that at the last meeting in February.  
4 I told him to hold on it.

5                                   MR. KING: Should I pass that  
6 to everybody?

7                                   MR. PETERS: That's fine.

8                                   MR. ORBAN: Mr. King, make  
9 sure Susan gets one so she can label that as an  
10 exhibit please.

11                                  MS. BERNET: Thank you.

12                                  MR. KING: I think what you  
13 have there's a couple pictures. It was  
14 discussed how big the pine tree in front of  
15 Jeff Lawall's house was. It kind of really  
16 gives you the size of how big those trees are.

17                                  AUDIENCE: Speak up.

18                                  MR. LOCHNER: You can take it  
19 out if you want.

20                                  MR. KING: No, I'm all right.  
21 So what I wanted to discuss, I think that there  
22 was some issues that needed addressed in  
23 regards to the proposed Windmont Farms  
24 Development narrative letter submitted by  
25 Crossgates.

1                                   \*\*Witness Testimony\*\*

2                                   The second paragraph of the  
3                                   narrative letter the developer states that this  
4                                   development will foster the retention of  
5                                   long-term residents as well as attracting the  
6                                   new generation of long-term residents.

7                                   In Chapter 280, Section 280-4,  
8                                   general intent and community development  
9                                   objectives, the goal listed here in A, B and C,  
10                                  to name a few, are orderly growth, promote  
11                                  public health and safety, to integration of  
12                                  subdivision with the various elements of the  
13                                  township's comprehensive plan. Preventing  
14                                  overcrowding of land, traffic congestion,  
15                                  increase transportation, loss of property away  
16                                  from dangers. Minimize environmental damage by  
17                                  carefully fitting the subdivision to the  
18                                  natural environment of the site.

19                                  Which they are not doing. Nowhere  
20                                  in this letter does it say or explain how they  
21                                  are. Just as all the plans they have submitted  
22                                  do not either.

23                                  To keep long-term residents, the  
24                                  township should be holding all developers  
25                                  responsible to meet these goals, ordinances and

1                                   \*\*Witness Testimony\*\*

2           to follow the comprehensive plan so we are able  
3           to remain long-term residents who are not --  
4           who are not subject to stormwater runoff and  
5           flooding causing their homes to be damaged or  
6           worthless. To be shoved out by overcrowding,  
7           poor health from overpopulation as well as a  
8           ton of other reasons.

9                                The third goal of the comprehensive  
10          plan is fostering retentions of long-term  
11          residents. If anything, this development will  
12          cause long-term residents to leave Hampton  
13          Township by no choice of their own but instead,  
14          from the negative effects it will bring.

15                              There is an older couple who lives  
16          on Chase Drive here in Hampton, lucky enough to  
17          be dreadfully below the very back end of  
18          Hampton's development. Nowhere near the pond,  
19          unlike the other couple who are below the pond  
20          and have been terribly affected from runoff.  
21          These older folks get extreme water runoff from  
22          the loss of the trees above. When it was at  
23          their -- when we were at their home on February  
24          2, 2019, it was completely covered and  
25          tremendous amounts of ice. And I think I

1                   \*\*Witness Testimony\*\*

2           submitted pictures of that. It was about a  
3           foot thick, there were giant ruts you could  
4           barely get onto Chase Drive.

5                   It starts at the hill in the  
6           backyard and it fills the entire parking area  
7           of their driveway. It extends down the hill of  
8           the driveway to the road.

9                   It's coming from the hillside behind  
10          The Hamptons now sit on. They told us that  
11          there was never an issue until these trees were  
12          taken and the land developed.

13                  They have repeatedly addressed this  
14          to the township and developer with no  
15          solutions. They said that they don't have the  
16          financial means to hire an attorney, so  
17          basically they just have to live with it and  
18          just deal with it, long-term residents of  
19          Hampton Township who are forever negatively  
20          impacted by another development.

21                  The fourth goal of the comprehensive  
22          plan is encouraging high quality, non-residential  
23          development to straighten the community's tax  
24          base and more of what Hampton or -- and more of  
25          what Hampton and their long-term residents

1                   \*\*Witness Testimony\*\*

2           need, instead of overcrowding planned  
3           residential developments being squeezed into  
4           property where they do not fit.

5                   In the comprehensive plan under  
6           issue and opportunity, it clearly says the  
7           township is nearly built out with limited areas  
8           available for additional planned residential  
9           developments.

10                   The date shown on the plan is 2014,  
11           this is six years ago. This shows that the  
12           proposed development is not meeting what the  
13           comprehensive plan states and is the complete  
14           opposite of what it says.

15                   If this PRD is approved, I think  
16           it's going to clearly show that retaining  
17           long-term residents of Hampton is not a  
18           priority to the township and nowhere does the  
19           developer's letter show that it is either.

20                   One of the modifications Crossgates  
21           is requesting would be a pond setback relief  
22           from 100 feet to 20 feet for insol- --  
23           installation of trails, drainage channels, pipe  
24           and stormwater access and utility lines.

25                   This request is ridiculous. If they

1                   \*\*Witness Testimony\*\*

2           were trying to propose a development according  
3           to the comprehensive plan and ordinances and  
4           carefully fitting it into natural environments  
5           of the site, which is stated in Chapter 280,  
6           Section 280-4, no request would be necessary or  
7           needed. They have brought this hardship on  
8           themselves.

9                    If council were to approve such a  
10           dramatic modification, it does not supersede  
11           state and federal regulations for the setback.  
12           100 foot setback is needed as a buffer and  
13           needs to include a vegetated buffer strip and  
14           no cut zone.

15                   A limited cut zone and 100 feet is  
16           needed to prevent pollution from the runoff  
17           into the pond or watershed. The request  
18           definitely does not meet state regulations.  
19           This request also goes against zoning Chapter  
20           310 -- 310-2, the purpose is related to land  
21           use Section A on objectives, preserve and  
22           improve the natural environment.

23                   This already existing pond in its  
24           current natural state will be -- will not be  
25           preserved, will be destroyed as well as any

1                                   \*\*Witness Testimony\*\*

2           stream it feeds into.

3                                   It would not be minimizing loss from  
4           water runoff. Chapter 310-61 natural features,  
5           mere earth disturbance, if allowed, must be in  
6           accordance with the DEP and it is not.

7                                   Crossgates also addressed Chapter  
8           310, Section 310-61. Natural features, that's  
9           F-1-C, regarding large and unique trees. But  
10          their statement is very vague.

11                                  They are saying such removal is  
12          permitted without adherence to the required  
13          tree replacement, which such ratios exceed  
14          capacity of the site and this is why they are  
15          requesting a variance for modification.

16                                  If the developer were abiding by the  
17          township comprehensive plan they would not need  
18          this request. Replanting of the trees does not  
19          exceed the capacity of the site under  
20          310-61-F2-A, large and unique trees that cannot  
21          be preserved shall be replaced with either  
22          identical species or a mix of shrubs.

23                                  They need to adhere to this  
24          regarding the large and unique trees. They are  
25          to be preserved unless they are located in an

1                                   \*\*Witness Testimony\*\*

2           actual space to be occupied by a structure or  
3           can be clearly shown to be detrimental to the  
4           proposed development, meaning harmful, damaging  
5           or having a negative impact. And these trees  
6           do not show any of that.

7           This, I find interesting relating to the  
8           property of Jeff Lawall on Chalfant Lane. The  
9           front of his property is lined with numerous  
10          large and unique trees, which you all have  
11          photos of now, nearing 75 or higher.

12                                They're measuring 90 to 110 inches  
13          around at the base. Bob has stated these will  
14          be removed. These trees have never been marked  
15          with yellow ribbon and I do not believe they  
16          were ever a part of the tree count or survey.

17                                Chapter 310, 310-46, PRD density  
18          calculations, that's D-3, conservation of trees  
19          and natural features. The developer shall be  
20          guided by the following criteria in selecting  
21          trees for retention or clearing, such as  
22          wildlife values, like pines, species longevity,  
23          size and maturity.

24                                Trees such as yearlong Evergreens  
25          are just some of this criteria. The trees --

1                                   \*\*Witness Testimony\*\*

2           the tree in front of the Lawall property are of  
3           the pine species and are very old yearlong  
4           Evergreens. They provide privacy, shade in the  
5           summer for the direct sun and provide a natural  
6           cooling as well as a buffer protecting from the  
7           wind.

8                                   The developer should make the  
9           responsible efforts to harmonize their plans  
10          with the preservation of these existing trees  
11          according to the above-mentioned ordinance as  
12          well as a comprehensive plan.

13                                  With that being said, Crossgates can  
14          so graciously give a 75-foot buffer to a few  
15          residents which is actually a few residents, I  
16          think maybe four or five, of Lakewood neighbors  
17          that already have neighbors, so they can be  
18          visually protected from another neighborhood,  
19          at their request.

20                                  Then surely Crossgates will find  
21          it reasonable to make every effort to shift the  
22          proposed road they plan to put in to retrain  
23          these extremely large and unique trees for  
24          actual legitimate reasons.

25                                  They should be complying with a

1                   \*\*Witness Testimony\*\*

2           comprehensive plan and adhering to the  
3           ordinances. As well as recommendations from  
4           the EAC who stated the exact same request.

5                    Again, their letter states different  
6           and shows no compliance. Actually, the EAC has  
7           requested that numerous times.

8                    Crossgates' modification request in  
9           regards to the cul-de-sac state that they are  
10          seeking relief from adhering to 800-foot length  
11          in Chapter 280, I think, Article 10 -- I could  
12          be wrong -- design standards, 280-50L, since  
13          the first set of plans they submitted they have  
14          this cul-de-sac exceeding the length of the  
15          ordinance.

16                    If they were to adhering to  
17          minimizing site disturbance they would need  
18          such a request asking for the length of 2,505  
19          feet.

20                    It would not have led to the  
21          modification request to the connection of  
22          Crestview Drive a second access would be needed  
23          and they would be increasing the disturbance  
24          area dramatically by making the connection to  
25          Pioneer.

1                                   \*\*Witness Testimony\*\*

2                                   Nowhere in their letter, in regards  
3                                   to these modifications, are they complying with  
4                                   the comprehensive plan. This is yet another  
5                                   hardship they have brought on themselves by  
6                                   proposing such an overcrowded development that  
7                                   requires a 2,505-foot cul-de-sac.

8                                   What is happening is in the endless  
9                                   circle of asking for a variance for one thing  
10                                  that leads to needing another variance or  
11                                  modification and another and so on, until every  
12                                  ordinance doesn't matter and the developers do  
13                                  what they want. The longer-term residents get  
14                                  to pay the price for all of this.

15                                  The last paragraph in the letter  
16                                  Crossgates states, the reasons set forth for  
17                                  the PRD is the public interest of the township  
18                                  and consistent with the comprehensive plan. I  
19                                  find this completely false.

20                                  This proposed PRD is in no way a  
21                                  reflection of the community's character.  
22                                  There definitely is not much public interest  
23                                  unless you consider the public's interest and  
24                                  all the negative effects this will be, like  
25                                  flooding, increased traffic and congestion.

1                   \*\*Witness Testimony\*\*

2           Increased pollution from the turnpike, the  
3           natural filter of the trees will be gone and as  
4           well as the long-term residents.

5                   They will most likely be pushed out  
6           for various reasons that have been said  
7           numerous times.

8                   This proposed development is  
9           entirely too big for this site and in no way  
10          beneficial to the community in its current  
11          state.

12                   They are trying to fit a boulder in  
13          a teacup, it just doesn't work or it would  
14          reflect our comprehensive plan and ordinances  
15          that protect our township and its residents.

16                   All of these extreme modifications,  
17          numerous variances and relief from the laws and  
18          rules of Hampton would not be needed. This  
19          should be not approved.

20                   I would also like to add, I would also use  
21          Crestview as a shortcut.

22                   MR. PETERS: Thank you.

23                                   - - - - -

24

25

1                                   \*\*Witness Testimony\*\*

2                                   JEFF LAWALL,

3                   having been previously duly sworn testified as  
4                   follows:

5                                   MR. LAWALL:   My name is Jeff  
6                   Lawall, L-A-W-A-L-L.   And I live at 2700 West  
7                   Hardies Road.   I'm actually the center section  
8                   house on Chalfant Lane.

9                                   I want to address a couple issues if  
10                   this project were to get approved.   There's  
11                   going to be a hardship not only on me that I  
12                   feel, but also on my daughter and Brian King  
13                   due to the respect that we are on a septic  
14                   system, as we have been this way forever; we  
15                   were grandfathered in.   And there's going to be  
16                   a new system put in.

17                                   Due to the setback on the property,  
18                   this is going to be quite an expense to have  
19                   this tap-in and this line put in.   And I feel  
20                   it's a hardship on us.

21                                   My daughter has two kids that are  
22                   probably looking to go to college.   I'm looking  
23                   to retire maybe this year.   And the contractor  
24                   is going to come in here and make a profit.

25                                   It should be on them to accommodate

## 1                                   \*\*Witness Testimony\*\*

2           us and get these tie-ins, instead of being a  
3           burden on us. I'm minding my own business,  
4           they're coming in here to make money. That,  
5           and, as far as homeowner's association, I don't  
6           want to be a part of a homeowner association.

7                           I didn't buy my property to be in  
8           that. I don't know if I would be required to  
9           be in that or my son-in-law and stepdaughter.  
10          It's just an issue that is in my mind.

11                          I mean, I don't know what the  
12          requirement is there or whatever, but I don't  
13          want to be part of a homeowner's association, I  
14          never have been so... But that's the main two  
15          issues there.

16                          And also the big trees in front of  
17          the house, they've been there -- I grew up on  
18          that property, my parents owned the house that  
19          my daughter and Brian live in.

20                          I grew up there. I went to Poff,  
21          Hampton Middle, graduated in 1975, those trees  
22          have been there forever. They're awesome trees  
23          and I hate to see them go.

24                          All you got to do is just move that  
25          road maybe a little bit more or whatever to see

1                   \*\*Witness Testimony\*\*

2           if you can save them. There's other trees  
3           there, there's cherry trees, they can take them  
4           out, whatever, but those pines are awesome and  
5           I would like to see them stay.

6                   That's all. Are there any  
7           questions?

8                   MS. JOHNSON: Not for you but  
9           is there a requirement that the two residents  
10          who are already in that area would be required  
11          to tap into the sewer system?

12                  MR. LOCHNER: Allegheny County  
13          can, if their septic systems fail in the  
14          future, mandate that, because they're within  
15          150 feet within the public line that they would  
16          have to tie in.

17                  MR. LAWALL: Yeah. Our -- so  
18          far they're working great. I've lived there  
19          almost 20 years, I haven't had no problems at  
20          all with mine. So I'm just saying.

21                  MR. LOCHNER: Usually what the  
22          county does -- what's the total acreage of your  
23          property?

24                  MR. LAWALL: Two and a third  
25          acres.

1                   \*\*Witness Testimony\*\*

2                   MR. LOCHNER: He probably will  
3                   make it.

4                   Brian, what is yours, less than  
5                   three-quarters?

6                   MR. KING: It's right around  
7                   three-quarters.

8                   MR. LOCHNER: If Brian's will  
9                   make it, yours will.

10                  MR. LAWALL: That's the thing,  
11                  I actually had a contractor come out --

12                  MR. KING: You're looking at  
13                  tens of thousands of dollars for me to tap into  
14                  that sewer.

15                  MR. LOCHNER: Yeah, but only  
16                  if the system fails.

17                  MR. KING: Right. Right.

18                  MR. LAWALL: All right. Thank  
19                  you.

20                  MR. PETERS: Mr. Lawall, do we  
21                  have an answer about the HOA?

22                  MR. ORBAN: He would not have  
23                  to join the HOA. Stand-alone lot on a public  
24                  street.

25                  MR. PETERS: Right, so you

1                   \*\*Witness Testimony\*\*

2           would not have to join the HOA.

3                   MR. LAWALL:    Awesome.    Good  
4           news.

5                                   - - - - -

6                                   MIKE BENAGLIO,

7           having been previously duly sworn, testified as  
8           follows:

9                                   MR. BENAGLIO:    Good evening.  
10          My name is Mike Benaglio, spelled B, as in boy,  
11          E-N-A-G-L-I-O.    I live at 2530 West Hardies  
12          Road.

13                                  I'm a third-generation Hampton  
14          resident and my children will hopefully stay  
15          there to be the fourth.    I thank you for giving  
16          me an opportunity to discuss my concerns and  
17          worries regarding the Windmont Farms proposed  
18          development.

19                                  I spoke at a few of these various  
20          meetings sometimes with a prepared speech,  
21          others were just comments that I felt needed to  
22          be shared.

23                                  I'm not a resident of Chalfant Lane,  
24          Lakewood Drive or even Lakeview Drive.    I'm not  
25          represented by any legal counsel.    I'm here

1                                   \*\*Witness Testimony\*\*

2           speaking to you tonight as a concerned resident  
3           of Hampton Township.

4                           Like I said, I've been to a lot of  
5           these meetings. I would like to have been at  
6           more but life gets in the way sometimes. I've  
7           heard testimonial from the team at Crossgates,  
8           expert witnesses and numerous Hampton  
9           residents.

10                           I would like to thank them all for  
11           standing up for what they believe in and  
12           exercising their right as American citizens to  
13           voice those beliefs.

14                           I'm not here to give expert  
15           testimonial, like I've seen before tonight.  
16           I'm not going to share facts or numbers that  
17           will sway this board one way or the other.

18                           Many of the other residents are  
19           doing a good job of that and I will just let  
20           them be the ones to do it.

21                           What I am prepared to provide you  
22           with is my opinion, my personal current Hampton  
23           Township tax-paying opinion for what that's  
24           worth.

25                           Over the last few years I began

1                                   \*\*Witness Testimony\*\*

2                   spending a lot of time in the woods.  
3                   Particularly identifying and collecting  
4                   mushrooms.

5                                   I'm actually a member of the Western  
6                   PA Mushroom Club. The group has taught my  
7                   three children and myself a lot about being  
8                   good stewards of our land and respecting  
9                   nature. A hobby takes us all over various  
10                  county and township parks, a few of them even  
11                  here in Hampton.

12                                  We've come to respect nature an  
13                  entirely different way, which helped me notice  
14                  the adverse effects of the developments on  
15                  nature. My prime example being The Hamptons  
16                  development.

17                                  I know many of the township boards  
18                  have had hearings and meetings that would frown  
19                  on mentioning of this previous development.  
20                  But as I understand it's an open forum so I  
21                  just wanted to briefly touch on it.

22                                  The improper development and  
23                  clear-cutting of The Hamptons caused problems  
24                  for numerous residents of the township, none of  
25                  which reside in The Hamptons development

1                                   \*\*Witness Testimony\*\*

2           themselves.

3                           I've had personal experience on my  
4           property that I've never had before and I'm  
5           going all the way back to when I purchased my  
6           home in 2009.

7                           The amount of deer that live on --  
8           or reside on my property and near my property  
9           now is tremendous. Any one of you can come to  
10          my house any time of the day or night and  
11          probably easily find five to ten deer, it's not  
12          a big deal; right; they're just deer.

13                          Well, when you have to treat your  
14          yard for ticks every spring because you can't  
15          even walk in it without getting bit by one it's  
16          a big deal.

17                          When your five-year-old daughter  
18          contracts Lyme disease from playing in her  
19          backyard, it's a big deal. Nature is being  
20          disturbed and not in a good way.

21                          I don't know if any of you are  
22          aware, but I had a black bear in my backyard  
23          last July. My kids were playing in our  
24          backyard pool and the deer that live in the  
25          backyard now, they all got spooked, jumped out

1                   \*\*Witness Testimony\*\*

2           of the woods because of a young male black  
3           bear.

4                   I know the bear are native to  
5           Pennsylvania, but, you know, come on. They  
6           have never been at my house since the  
7           surrounding land has been developed.

8                   I know any developer or builder is  
9           going to argue the fact that you can't prove  
10          that that happened because of those  
11          developments. Point taken.

12                   But to those same developers, any  
13          future developers I ask this: Prove it isn't  
14          because of those said developments.

15                   Now let's move on to Windmont Farms.  
16          We're all aware of what and where the Chalfant  
17          property is, I won't get into all that. We've  
18          heard testimonials from the Chalfant family and  
19          their attorney about how it was Mr. Chalfant's  
20          desire to develop this property.

21                   Call me crazy but as long as I've  
22          lived in Hampton Mr. Chalfant was a lover of  
23          nature and wanted to keep a preserve of sorts  
24          on his land.

25                   You couldn't walk on his property or

1                   \*\*Witness Testimony\*\*

2           use it for anything without his explicit  
3           permission. It was private and you had to earn  
4           his respect to utilize that land.

5                   So when I first heard about this  
6           development I started coming to the meetings  
7           because what was being proposed was the polar  
8           opposite of everything I ever heard regarding  
9           the property in question.

10                   The first thing that struck me and  
11           still does every time I hear it, Crossgates  
12           give testimonial or answer questions, is a lack  
13           of organization regarding this development.

14                   From the administrative team to the  
15           lawyers, there's always something that they  
16           answer to it as, we're not sure, or we didn't  
17           get to that, or that's just -- that's an error,  
18           ignore that part.

19                   You know, go read and listen to the  
20           tapes or read the transcripts from all these  
21           various meetings over the last year, it's all  
22           there.

23                   How can you just allow someone to  
24           begin a project of this magnitude without them  
25           even having a complete game plan to assess. It

1                   \*\*Witness Testimony\*\*

2           sounds like something bad could happen again  
3           just like it did further down West Hardies not  
4           that long ago.

5                   I've heard residents come in and  
6           give testimonial regarding their property being  
7           seriously flooded from current developments,  
8           folks on Graphic Drive and Lakeview Drive.

9                   I've heard residents on Lakewood  
10          Drive have their -- having trees fall down from  
11          prior developments. You know, negative fact  
12          after negative fact has piled up at these  
13          meetings.

14                   They submitted photos, they've had  
15          videos all to prove their case. How can any  
16          board or council think that this destruction of  
17          property is okay?

18                   You cannot seriously think that this  
19          will all just get better and not continue to  
20          deteriorate. If we ignore all the lessons that  
21          we've learned in the past how can we expect to  
22          not make those same mistakes in the future.

23                   Now I know Crossgates isn't  
24          responsible for The Hamptons nor is this board  
25          that sits in front of me tonight. It was

## 1                                   \*\*Witness Testimony\*\*

2           previously elected township boards that made  
3           those eye votes towards the development.

4                           The board got burned. The citizens  
5           got burned and who most definitely got burned.

6                           Crossgates already has a variance  
7           awarded to them by the township last year but  
8           that's not enough for it. Choosing to not work  
9           with the exceptions and changes already made  
10          for them, they have now applied for another  
11          variance so they have to plant even less trees.  
12          But in the process, not only do they have to  
13          plant less trees, they've added more homes to  
14          their plan.

15                          It seems to me that a developer is  
16          simply taking all they can from the township  
17          and not returning very much to Hampton. You  
18          know, I would think that a developer would want  
19          to work and meet a goal, kind of a give-and-  
20          take situation, not just take, take, take.

21                          Being that most of you sitting here  
22          in front of us tonight are first-term board  
23          members you have a unique opportunity in front  
24          of you. You have the power to modify this  
25          proposal to something that's less invasive to

1                   \*\*Witness Testimony\*\*

2           the existing ecosystem neighboring properties  
3           and even the township as a whole.

4                   Look at a plan where maybe they  
5           remove some of the homes planned on being  
6           developed, reduce the amount of land being  
7           destroyed which would help alleviate probably  
8           some of the tree issues, future traffic issues  
9           that will arise, other factors that have been  
10          brought up tonight with a development of this  
11          size.

12                   You have the power to request that  
13          they reduce the size and magnitude of this  
14          development so that they don't infringe on more  
15          important existing township rules and  
16          regulations that we have in place. This board  
17          can make a difference.

18                   You can be a township board that is  
19          on the side of the citizens, more importantly,  
20          current citizens.

21                   A common criticism from residents of  
22          any township, not just Hampton, is that the  
23          township council are the leaders of township,  
24          they're not on our side, they're out for  
25          themselves.

1                                   \*\*Witness Testimony\*\*

2                                   Please, I urge this administration  
3                                   to extend an olive branch to this community  
4                                   sitting in front of you. You have the  
5                                   opportunity to right previous wrongs and rule  
6                                   in favor of what the current tax-paying  
7                                   citizens are asking you to consider, not to  
8                                   empty non-existent opinions of potential  
9                                   residents who don't even live here yet.

10                                  This group of citizens sitting here  
11                                  tonight and at all these other meetings, you  
12                                  know, they've been attending as many a meetings  
13                                  as they possibly can.

14                                  They've been working tirelessly,  
15                                  researching and reading different documents  
16                                  trying to provide facts to every board that  
17                                  they talk to. Trying to find an important  
18                                  piece of information to share with you-all.

19                                  I just urge you to listen to what  
20                                  everyone has been saying over this last year.  
21                                  And I think thank you for listening to everyone  
22                                  talking tonight and all the other meetings.  
23                                  And I just hope that you'll begin building a  
24                                  strong partnership with the current citizens  
25                                  starting with this issue in question.

1                   \*\*Witness Testimony\*\*

2                   Thank you.

3                   MR. PETERS: Thank you.

4                   - - - - -

5                   STANLEY OSTROWSKI,

6                   having been previously duly sworn testified as  
7                   follows:

8                   MR. OSTROWSKI: Good evening.

9                   Stanley Ostrowski. 2749 West Bardonner Road.

10                  That's O-S-T-R-O-W-S-K-I.

11                  I will make this really quick.

12                  Every time we come to an EAS meeting and all of  
13                  the testimony has been given from both sides,  
14                  the advisory council always seems to come out  
15                  against this plan and for very good reasons.

16                  I mean, we understand that it's  
17                  going to be loss of habitat. The enormous  
18                  water problems I do think we're going to have  
19                  and so forth.

20                  So I will make this brief. Sunday  
21                  there was an article in the Post Gazette and it  
22                  had to do with Ross Township.

23                  Now they're finally going to get an  
24                  advisory environmental committee together and  
25                  they're speaking about the same things that

1                                   \*\*Witness Testimony\*\*

2                   we're talking about.

3                                   I don't know if you guys all read  
4                   this, but it has to do with removal, clear-  
5                   cutting of development property and now they  
6                   want to make sure they put back as many trees  
7                   or at least as many trees as possible to, you  
8                   know, accommodate what was removed.

9                                   I know that Crossgates has gotten a  
10                   variance where they don't have to do all this  
11                   and that's going to be a detriment to the  
12                   property up there.

13                                  I just urge that you guys -- I know  
14                   how you can change the variance now, but I just  
15                   think that that should be taken into  
16                   consideration, that we have to put some type of  
17                   a certain amount of trees back in that there or  
18                   don't develop quite as much, make the plan a  
19                   little bit smaller.

20                                  I don't know if you guys want to see  
21                   this or read this paper at all, it's just a  
22                   small article in here. Have you guys seen it?

23                                   MS. JOHNSON: We've been  
24                   provided with it.

25                                  MR. OSTROWSKI: And I just

1                   \*\*Witness Testimony\*\*

2           want you to take that into consideration and I  
3           thank you for all the testimony and your  
4           patience. Thank you.

5                   MR. PETERS: Thank you.

6                                 - - - - -

7                   SUSAN NEUBAUER,

8           having been previously duly sworn, testified as  
9           follows:

10                   MS. NEUBAUER: Good evening.  
11           Susan Neubauer. I live in the Lakewood Drive  
12           community on Crestview. I would like to talk  
13           to you tonight about only one item related to  
14           Windmont Farms.

15                   First of all, I would like to say I  
16           think the process we have all gone through with  
17           Hampton is a good one. People bring the items  
18           they are most concerned about personally and in  
19           that way all of the concerning items are  
20           covered by all of us as a constituency. So I  
21           think it's a good process.

22                   The one item I want to speak to  
23           tonight is the non-extension of Crestview. So  
24           on the current plan --

25                   AUDIENCE: Can you speak up a

1                   \*\*Witness Testimony\*\*

2           little.   Speak into the mic.

3                   MS. NEUBAUER:   I'm trying.

4                   MR. SPEAKMAN:   Work with the  
5           arm.

6                   MS. NEUBAUER:   Is that better?  
7           Is that better?

8                   So first I will give you my request  
9           or my ask so that you can follow what I'm  
10          saying.

11                   So my ask is to please accept the  
12          access points to Windmont Farms as shown on the  
13          current plan using South Pioneer and Chalfant.  
14          Extending Crestview puts the Lakewood Drive  
15          residents at risk and provides no benefit to  
16          either community.

17                   So I have three points that I will  
18          briefly make in support of this ask.   One is  
19          safety, one is about safety.   Two is about the  
20          residential character of the Lakewood Drive  
21          community.

22                   The third one is about the Hampton  
23          comprehensive plan and related stuff,  
24          ordinances.   Just as an aside, an unintended  
25          consequence of this whole process is probably

1                   \*\*Witness Testimony\*\*

2           more people now know about the comprehensive  
3           plan than you would have ever imagined.

4                   So number 1, safety. Lakewood  
5           Drive, as I'm sure you know by now more than  
6           you ever thought you wanted to know, is a  
7           two-road cul-de-sac community made up of  
8           Lakewood and Crestview.

9                   There are no sidewalks. People  
10          walk, they run, they walk their dogs, they have  
11          their kids ride their bikes, their scooters,  
12          they play in the streets; of course, we do, we  
13          don't have sidewalks. And because we have this  
14          cul-de-sac community we have neighborhood  
15          parties in the streets. So what does that have  
16          to do with safety?

17                   Imagine opening up Crestview to  
18          Windmont Farms and, for that matter, other  
19          cut-through traffic that you've already heard  
20          people say, and by the way, if that happens I'm  
21          going to cut through.

22                   Now you have the Windmont Farms  
23          folks who are very used to their sidewalk  
24          community, drive their cars through. They  
25          aren't looking for kids or pets in the roads

1                   \*\*Witness Testimony\*\*

2           because they just won't be nearly as vigilant  
3           because their kids and pets are on their  
4           sidewalks. They have no reason to be vigilant.  
5           So we unleash the possibility -- of I don't  
6           know how many cars, into the Lakewood Drive  
7           community.

8                   I would posit that this a real and  
9           immediate danger, more real than any other  
10          danger that may be presented on this particular  
11          issue.

12                   There are data showing that  
13          pedestrian injuries are on the rise and the  
14          largest number of accidents are on local  
15          streets with through traffic.

16                   Research shows that cut-through  
17          traffic operates at a higher speed increasing  
18          the likelihood of accidents and injury. And as  
19          traffic volume and speed increase on a  
20          neighborhood street, so does the frequency of  
21          accidents, noise and even crime. So the safety  
22          benefits of preventing cut-through traffic are  
23          significant.

24                   Number 2, the residential character  
25          of the Lakewood Drive community. So I bring

1                                   \*\*Witness Testimony\*\*

2           this up because it's the first goal of the  
3           eight goals of the Hampton comprehensive plan.  
4           Protect the township's existing residential  
5           neighborhood character. So the character of  
6           Lakewood Drive is essentially defined by its  
7           cul-de-sac nature.

8                                It's a safe, secure neighborhood  
9           where, like I just said, everybody is out on  
10          the streets. With no sidewalks, everything  
11          takes place on our dead-end roads. It's where  
12          neighbors hang out, they talk to each other  
13          and, in essence, form their community. The  
14          residential neighborhood character.

15                              Converting cul-de-sacs to through  
16          streets interferes with close neighbor  
17          relations that add so much to the quality of  
18          life.

19                              A study published in 2015 called  
20          "The Cul-de-sac Effect" reported that social  
21          cohesion which is how people feel about their  
22          neighbors and how much they actually interact  
23          with them, for residents of bulb cul-de-sacs,  
24          like Lakewood, they experience the highest  
25          level of attitudinal and behavioral cohesion

1                   \*\*Witness Testimony\*\*

2           followed by dead ends, such as Crestview and  
3           lastly through the streets.

4                   In other words, people feel  
5           cul-de-sacs are safer and quieter because  
6           there's no through traffic. And what traffic  
7           there is, moves slowly, people are more likely  
8           to know their neighbors, their neighbors' cars  
9           and it's easier so get to know everybody.

10                   To make this specific situation even  
11           more compelling, both the developer/applicant  
12           and the Lakewood community support retaining  
13           Crestview as a cul-de-sac as previously  
14           discussed at every committee meeting  
15           and proven by the petition previously handed in  
16           to you by 100 percent of the Lakewood households.

17                   Number 3, Hampton comprehensive plan  
18           and related ordinances and requirements. So  
19           there's a body of literature touting the  
20           benefits of maximizing street connections.

21                   This literature has prompted many  
22           local agencies to require conversion of  
23           cul-de-sacs to through streets. I would like  
24           to point out that these studies are relevant to  
25           urban settings.

## 1                                   \*\*Witness Testimony\*\*

2                                   They are not relevant to suburban or  
3                                   rural. In most existing communities such as  
4                                   ours, cul-de-sacs are so numerous, in Hampton's  
5                                   case, over 40 percent of our roads are  
6                                   cul-de-sacs.

7                                   The conversions to through streets  
8                                   are not just impractical, they're likely  
9                                   impossible. So only a few neighborhoods ever  
10                                  fall victim to this unrealistic policy and  
11                                  that's when a proposed development abuts a  
12                                  cul-de-sac neighborhood.

13                                  It's patently unfair and puts people  
14                                  at high risk in these particular cul-de-sac  
15                                  neighborhoods. And what I believe is that  
16                                  Hampton knows this, they realize this. You  
17                                  guys.

18                                  The township has made numerous prior  
19                                  commitments to not connect cul-de-sacs and  
20                                  other developments. It would be -- you know,  
21                                  here is a two cents, it would be far less  
22                                  expensive and beneficial to use development  
23                                  projects to enhance neighborhood quality and  
24                                  connectivity by creating pedestrian cyclist  
25                                  paths, which can achieve all of the

## 1                   \*\*Witness Testimony\*\*

2           connectivity goals at much less cost and with  
3           much less disruption to the environment.

4                   I'm not suggesting this burden be  
5           placed on Windmont Farms at this point. But  
6           I'm suggesting that the township take a hard  
7           look at its thinking about connecting roads and  
8           be realistic about what traffic does to safety.

9                   There are so many studies and data  
10          that show that through traffic causes issues,  
11          it doesn't solve them.

12                  So I would consider -- too big for  
13          this meeting, but I would consider looking at  
14          that thinking in the Hampton plan.

15                  I also think, and I will close with  
16          this, that we should all remember that  
17          Crestview was put in approximately 60, 65 years  
18          ago, there was no clear vision then of what  
19          Hampton has become.

20                  Times have changed, conditions have  
21          changed and the way we live have changed.  
22          Cul-de-sac communities are valued and they're  
23          desired and the people who have made their  
24          homes in the Lakewood Drive community did so  
25          because of the safety of the cul-de-sac and



1                                   \*\*Witness Testimony\*\*

2                   understand the business side of it.

3                                   We live in Hampton Township which is  
4                   the finest school district in Western  
5                   Pennsylvania so people want to be here.   So I  
6                   completely understand the value of property.

7                                   So with that being said, being such  
8                   a great township and a great school district,  
9                   some of the people that moved on to Mohawk  
10                  Drive are some of our finest residents and have  
11                  created and made our township what it is.

12                                  What Mohawk Drive and neighborhoods  
13                  like Apple Ridge, where I played in the woods  
14                  there too, what they have in common is when  
15                  they were built they didn't disrupt the current  
16                  neighborhoods that are there.

17                                  As a resident of Lakewood Drive, all  
18                  I'm asking, just like our last speaker, is that  
19                  we keep Crestview as it is and we don't use it  
20                  as a cut-through.

21                                  I'm pleading with you.   As a -- I  
22                  have three small children who ride their bikes  
23                  and their scooters like we just said so...

24                                  We have great neighbors here in  
25                  Hampton and there's no reason why Windgate

1                   \*\*Witness Testimony\*\*

2           (sic) cannot create another great neighbor, I'm  
3           not saying it won't be.

4                   All we're asking is that you please  
5           refrain from infringing upon Crestview and that  
6           you approve the plan by Crossgate to no longer  
7           connect using Crestview. That's all. Thank  
8           you.

9                   MR. PETERS: Thank you.

10                                   - - - - -

11                                   ERIN STROUD,

12           having been previously duly sworn, testified as  
13           follows:

14                   MS. STROUD: Hi. Erin Stroud,  
15           S-T-R-O-U-D. 2656 Crestview. And I would just  
16           like to also comment about the Crestview  
17           connection and say that in case there was some  
18           misunderstanding about the fire department, I  
19           understand that the fire chief John Schwend has  
20           stated that he has never commented that  
21           Crestview should be connected and that he has  
22           sent multiple emails to various board members  
23           saying that it has never been his statement.  
24           He is not in any way insinuating that Crestview  
25           be connected.

1                   \*\*Witness Testimony\*\*

2                   Also, I would like to point out that  
3 we even have on the signed petition number 28  
4 is Zach Boyle, he is the captain of the Hampton  
5 Volunteer Fire Department who signed the  
6 petition in support that it not be connected.  
7 Do you have any questions.

8                   So do you know if those emails were  
9 received by the...

10                  MR. LOCHNER: John sent those  
11 emails to myself.

12                  MS. STROUD: Okay.

13                  MR. LOCHNER: And to Mr. Orban  
14 and I know exactly what you're talking about.  
15 What he did is he clarified his position with  
16 regard to what was and wasn't said. And let's  
17 go all the way, in part of that clarification  
18 he was asked, okay, if, from a public safety  
19 standpoint, if Crestview was open would it be  
20 easier for the fire departments to respond from  
21 multiple entrance plans. And, of course, his  
22 answer was yes.

23                  Did he say he supported that one way  
24 or the other? He said he wasn't asked that and  
25 he didn't comment on that. The question of him

1                                   \*\*Witness Testimony\*\*

2           was from a public safety standpoint; do you  
3           support a multi-entrance plan, and he said yes.

4                           MS. STROUD:   Okay.

5                           MR. LOCHNER:   So that's what  
6           he clarified.

7                           MS. STROUD:   And also I wanted  
8           to make sure that it was understood that he  
9           didn't specifically say I want it connecting.

10                          MR. LOCHNER:   Absolutely.

11                          MR. PETERS:   Thank you.

12                          MS. NEUGEBAUER:  This is just  
13           a little PS on that point, the multi-entrance  
14           plan is now South Pioneer and Chalfant.

15   - - - - -

16   JOSEPH LEE,

17           having been previously duly sworn, testified as  
18           follows:

19                           MR. LEE:   My name is Joseph  
20           Lee.  My wife and I live at 4925 South Pioneer.  
21           I want to thank you folks for doing this.

22                           This has been quite an experience  
23           for all these months.  Okay.  The nice thing is  
24           it gives me a chance every once a while to  
25           dress up.  Okay.  I've been retired for a

1                                   \*\*Witness Testimony\*\*

2           number of years. I worked 67 years as a  
3           salesman and maybe I can sell this. Okay.

4                           I have a few things here. And I  
5           have submitted testimony on this. Paul just  
6           mentioned the fact that Ross Township is now  
7           putting a tree ordinance in or trying to get an  
8           advisory council together.

9                           Did anybody see this yesterday in  
10          the Post Gazette (indicating)? This is the  
11          Allegheny Land Trust issues an urgent call to  
12          save county's green spaces similar to Chalfant  
13          property. And what they say in here is --

14                           AUDIENCE: Speak into the mic  
15          please.

16                           MR. LEE: Yeah, I'm the guy  
17          complaining and I'm not doing it now. Sorry  
18          about that.

19                           What they're saying in here is  
20          throughout Allegheny County we're loosing green  
21          space and we have a magnificent green space  
22          facing us right now as being discussed here  
23          tonight.

24                           They're also implying that there's  
25          no growth. The population of Allegheny County

1                   \*\*Witness Testimony\*\*

2           is static and yet everybody wants to put in  
3           developments all over the place.

4                   Just populate the area as much as  
5           you can. But there's nobody that -- we're not  
6           expanding the growth population. So I would  
7           read this if you could, it's a very interesting  
8           article. Okay.

9                   I would like to see them step in and  
10          buy this property. That would be wonderful  
11          that we would preserve a historic and a very  
12          environmentally sensitive property.

13                   Now, here is my testimony, and I'm  
14          going to cut this short as best I can. Okay.  
15          Deer Hampton Township council members, we are  
16          Joe and Gerry Lee. We live at, as I mentioned  
17          before on Pioneer Road.

18                   Gerry has lived on this property for  
19          42 years, I've been there for well over 33  
20          years. So I consider myself to be a long-term  
21          Hampton Township resident.

22                   Actually, when Gerry lived there,  
23          before I met Gerry, a council didn't exist, it  
24          was a myriad around the township at that point  
25          in time, and you can do some wiring at our

1                   \*\*Witness Testimony\*\*

2           house at that point in time.

3                   Our house also shares a little bit  
4           of historical significance here in Hampton  
5           Township. And our house is the old Bardonner  
6           sister's house. And it was moved from across  
7           Pioneer Road on a hill, down into our property,  
8           put on a foundation and we've done our best to  
9           restore it.

10                   In fact, we just got our last room  
11           painted in the house. We've done the outside,  
12           everything is lovely. That's the Bardonner's  
13           sister's house. Actually, I have a picture if  
14           Marty can bring it up. Marty?

15                   MR. ORBAN: Submitted in  
16           February or March; do you know?

17                   MR. LEE: It was the February  
18           meeting. Okay. It was under Lee testimony and  
19           it was number 283 and 284.

20                   MR. ORBAN: (Complies.)

21                   MR. LEE: There you go. There  
22           we go. That's my house. Okay. The house  
23           looks a little bit different because it's got  
24           -- it's dark trim and light colors and we moved  
25           the truck out of there. Okay.

1                                   \*\*Witness Testimony\*\*

2                                   Go to the next one if you would,  
3                                   which was 284.

4                                   MR. ORBAN: (Complies.)

5                                   MR. LEE: That's it getting  
6                                   ready to go across South Pioneer Road. The  
7                                   house is just wonderful. We love it, we're  
8                                   keeping it as well as we can. Okay. But the  
9                                   property has changed dramatically since then  
10                                  and I will get into that.

11                                 We have 400 feet of Crouse Run  
12                                 running through our property. And it is a  
13                                 certified wildlife refuge like that of the  
14                                 Chalfant, Puff, Bernhardt, Homestead.

15                                 The Crossgate project will destroy  
16                                 Jane Chalfant's lifework, further exacerbate  
17                                 the flooding and other water-related problems  
18                                 that affect about 150-plus residents within  
19                                 South Pioneer Road, West Hardies and the  
20                                 Wickline Road parameter, and seriously continue  
21                                 to degrade the already environmentally degraded  
22                                 Crouse Run that flows into the faint Rachel  
23                                 Carson Trail where it intersects Pine Creek.  
24                                 Why would Hampton Township consider a proposal  
25                                 from an out-of-county developer, Crossgates,

## 1                                   \*\*Witness Testimony\*\*

2           with no prior construction -- residential  
3           construction experience. And has been denied  
4           approval numerous times especially by the EAC.

5                           They have never approved this  
6           project, they have turned it down four times.  
7           This proposal has a negative effect on the  
8           sensitive and historical nature -- natural  
9           resources, potentially could lower the property  
10          values of approximately 100 properties, many of  
11          which have been owned by long-term residents  
12          currently enjoying an impact that -- this is  
13          from the comprehensive plan, high-level quality  
14          of life, it's been impacting.

15                        Now, due to the various Hampton  
16          Township approved but flawed land disturbance  
17          projects or PRDs, we and our neighbor Janet  
18          McCall who just left -- Janet testified to the  
19          damage on her property -- live on South Pioneer  
20          Road directly across from a 2016 land  
21          disturbance that we were not notified about by  
22          the township.

23                        We live directly across the street,  
24          no notification. When large tree removal  
25          started to tear out trees from acres of prime,

## 1                   \*\*Witness Testimony\*\*

2           natural habitat, home of many birds and  
3           animals, we inquired and we were told that the  
4           property was being modified for future  
5           development.

6                   Once the natural habitat was  
7           destroyed, truckload after truckload of soil  
8           was delivered from another developing site and  
9           it's developing today. So there's going to be  
10          more cars and so forth.

11                   The Conley Motel is changing that  
12          motel into 51 residential apartments, an  
13          open-to-public health club and a restaurant on  
14          the already traveled and dangerous South  
15          Pioneer Road.

16                   A large 25-to 30-foot-high mound was  
17          developed directly across the street from our  
18          property and a retention pond was installed.

19                   Marty, do you have 529 over there  
20          (indicating)?

21                               MR. ORBAN: 529?

22                               MR. LEE: 529. This is a  
23          picture of our property, standing by the  
24          stream. The stream is behind me. There's  
25          certain arrows, I don't know if you can make

## 1                   \*\*Witness Testimony\*\*

2           them out on there, but there's an arrow  
3           pointing to the building on the top, that is  
4           the area that was -- the people that owned the  
5           property and that is the building up there.

6                    It's hard to see that and it's a  
7           shame really, we can't blow it up. But that  
8           building is there, the mound you can see, it's  
9           above, oh, about 60 percent up, you can see a  
10          mound of dirt that is probably 25 to 30 foot  
11          high 40 yards wide and maybe about 100 yards  
12          long.

13                   From there you have South Pioneer  
14          Road which is intersecting that and then you  
15          can see the hillside coming down into our  
16          property.

17                   You notice the white patch right  
18          there where I got the lines coming out of. The  
19          right-hand corner of that right patch you see a  
20          shaded area coming across our lawn.

21                   Then if you look at the end of that  
22          shaded area is a dark area which is the new  
23          ponds we have in our yard. That water flows  
24          from across the street where they put in  
25          retention ponds and everything.

1                                   \*\*Witness Testimony\*\*

2                                   We complained about it once, Sue  
3                                   sent us a letter back saying, sorry, Mr. Lee,  
4                                   our engineers have looked at it and we can't do  
5                                   anything further.

6                                   (Interruption.)

7                                   MR. LEE:    Anyway, we did not  
8                                   have that puddle in our backyard. We did not  
9                                   have that stream flowing in our backyard. That  
10                                  stream flows all the time, it wasn't there  
11                                  before they dumped that dirt up there, before  
12                                  they extracted and took all those trees out of  
13                                  there. So we had to live with that.

14                                 We have to live with a swamp in our  
15                                 backyards which we didn't have. Janet's  
16                                 testimony alluded to that also. And her's is a  
17                                 much larger, flat area, a little bit lower than  
18                                 us and she gets flooded quite a bit.

19                                 Sometimes Janet's house looks like  
20                                 an arch in the middle of a big lake. And  
21                                 that's what's going to happen with this  
22                                 property also.

23                                 Here is what I have here. As a  
24                                 result, our two properties became undesired  
25                                 wetlands. We have a stream crossing our

## 1                                   \*\*Witness Testimony\*\*

2           backyard that brings water from across South  
3           Pioneer Road into our backyard, turning it into  
4           the undesired wetlands. Janet's property looks  
5           like a large lake. Anyway, I will just skip  
6           through that.

7                               Incidentally, Hampton Township at  
8           one point in time asked us to put rain gardens  
9           in so we could collect the rainwater coming off  
10          our roofs through our gutters and so forth. We  
11          have rain gardens, we put them in.

12                              Now, we have other rain gardens that  
13          we didn't ask for coming from -- Marty approved  
14          a project and never told us about it until it  
15          started. And I think it's really disgusting  
16          that that happened.

17                              Another one that we have, The  
18          Hamptons. It's a very flawed PRD that was  
19          approved by the Hampton Township and lands  
20          administrator and Hampton Township consulting  
21          engineers and outside engineers. It is another  
22          example --

23                              MS. CROMER: Mr. Lee, I need  
24          to interrupt you for a second because we're  
25          going off topic a little bit. We really aren't

1                                   \*\*Witness Testimony\*\*

2           here to --

3                           MR. LEE:   I'm staying on topic  
4           here.

5                           MS. CROMER:   Well, we're not  
6           here to discuss other developments, past  
7           developments and I think we've given some  
8           leeway.

9                           There's still lots of people to  
10          testify and I don't think we need to talk about  
11          other developments. We need to talk about  
12          Windmont Farms and what you believe, you know  
13          -- and I think you've already articulated the  
14          problems you believe are associated with  
15          Windmont Farms.

16                          MR. LEE:   Well, let me just  
17          say this, Hamptons is a very flawed  
18          development. The people that surround it on  
19          the opposite side, not flowing into Crouse Run  
20          but into another run, are seeing the damage  
21          that's being done repeatedly to their property.

22                          MS. CROMER:   Okay, but we need  
23          to move on from Hamptons.

24                          MR. LEE:   We're moving on.  
25          Okay. The current Hampton Township

1                   \*\*Witness Testimony\*\*

2           comprehensive plan states the following, these  
3           concerns -- this is from the plan.

4                   These concerns include traffic  
5           safety and capacity along Route 8 and other  
6           roadways and intersections. Other roadways and  
7           intersections includes South Pioneer Road. A  
8           road with a 25-mile-an-hour speed limit that is  
9           exceeded currently by 95 percent or more of the  
10          vehicles traveling on this shortcut to avoid  
11          the heavily congested Route 8 and West Hardies  
12          Road intersection.

13                   The Hampton Township police  
14          department is outstanding, and I've said it  
15          often. Sir, you should be commended for the  
16          police department you have (indicating).

17                   POLICE OFFICER: Thank you.

18                   MR. LEE: But they can't  
19          handle it. They don't have the manpower to  
20          handle it. They can't police it. They talked  
21          earlier about getting some state approval to  
22          them help do that, I hope they can.

23                   Current construction projects, and  
24          this project -- current construction projects  
25          and this project will add between 250 and 400

1                   \*\*Witness Testimony\*\*

2           vehicles from the 167 housing units under  
3           construction or plan on the already  
4           overtraveled and dangerous roadway that also  
5           has several school bus stops, dangerous  
6           intersections and curbs.

7                   The 167 properties, you got 69 for  
8           these folks (indicating). You got The Hamptons  
9           with 37. You have 51 apartments going in at  
10          the bottom of South Pioneer Road at that  
11          dangerous curve, with a dangerous entrance into  
12          there.

13                   Then you have, there's ten more  
14          properties going in here somebody approved a  
15          tree removal and that place is a disaster right  
16          now. I think -- did you shut it down again?

17                   MR. LOCHNER: Are you talking  
18          about Conley's?

19                   MR. LEE: No, I'm not talking  
20          about Conley's. I'm talking about the tree --

21                   MR. LOCHNER: You're talking  
22          about the one that Frank did?

23                   MR. LEE: The tree harvest  
24          that's going on.

25                   MR. LOCHNER: They have

## 1                   \*\*Witness Testimony\*\*

2           complete -- it's my understanding that they've  
3           completed the harvesting portion of it at this  
4           time. And they will be returning, I believe,  
5           as I understand it, to take care of the  
6           remaining debris but they -- the harvesting  
7           portion of it has been completed.

8                   MR. LEE: It's an absolute  
9           disaster. Okay. An absolute disaster. I  
10          asked somebody to come in -- I think it was  
11          approved because it was a tree value of less  
12          than \$2,500.

13                   MR. LOCHNER: What is it,  
14          Marty, 4,500?

15                   MR. ORBAN: 5,000.

16                   MR. LEE: Well, 5,000. Okay,  
17          I heard 2,500.

18                   MR. LOCHNER: And by the way,  
19          that's a state regulation.

20                   MR. LEE: I'm sorry?

21                   MR. LOCHNER: That's a state  
22          regulation.

23                   MR. LEE: I understand that.  
24          That state regulation is so old and decrepit  
25          it's a shame.

1                   \*\*Witness Testimony\*\*

2                   But the person who came in and  
3                   looked at it on Sunday who has 30 years at  
4                   being a -- not acknowledged, but an arborist,  
5                   okay, looked at it and he says, I will give you  
6                   \$7,000 for the firewood. Okay. I will give  
7                   you \$30,000 for that pile of oak that's over  
8                   there because that's veneer.

9                   That wasn't the complete harvest.  
10                  There's another stack of oak sitting there. So  
11                  there's probably about \$57,000 worth of wood  
12                  that came out of that.

13                  MS. CROMER: Mr. Lee, I have  
14                  to interrupt you again. I think we're getting  
15                  a little off topic. I think we need to get  
16                  back to Windmont Farms.

17                  MR. LEE: You're right there.  
18                  Okay. So, but the point I'm making is South  
19                  Pioneer Road is an extremely dangerous intersection  
20                  and when you add 250 to 400 cars to that road  
21                  it is going to be a nightmare.

22                  I told the chief the other day, I  
23                  was sitting at my kitchen window, looking out  
24                  at the birds that populate our feeders. I saw  
25                  a car go by, it went by our house so fast I

1                   \*\*Witness Testimony\*\*

2           couldn't even tell you the color of that car.

3           Okay.

4                   That's how much they speed on there.

5           Correct, chief?

6                   POLICE OFFICER: (No response.)

7                   MR. LEE: Yeah, it's a shame.

8           As part of the comprehensive planning process  
9           and assessment of the -- this is from the plan  
10          again -- the township's opportunity to  
11          challenge the following three goals have been  
12          outlined.

13                   Goal 1, protect the townships  
14          existing residential neighborhood character. I  
15          think enough people have spoken to that  
16          already. This plan will destroy it.

17                   Continue promoting appreciation with  
18          the township's sensitive natural resources and  
19          enhancement of recreational amenities. Hampton  
20          Township is proud of the fact that one quarter  
21          of the Rachel Carson Trail runs through the  
22          township.

23                   One of the feeder streams into the  
24          Rachel Carson Trail, Crouse Run has experienced  
25          much deterioration of the stream due to past

1                                   \*\*Witness Testimony\*\*

2           developments along the stream, increased  
3           flooding, unwanted stream debris, increased  
4           silt buildup and will further be impacted by  
5           the development.

6                           Remember, water runs downhill. It's  
7           coming off of that development into that  
8           stream.

9                           Goal 3, foster retention of long-term  
10          residents and attract a new generation of  
11          long-term residents. Long-term residents will  
12          probably continue to locate in existing  
13          properties as they become available and others  
14          will buy individual lots and build their own  
15          property.

16                          Other issues. Overcrowded schools,  
17          450 --

18                          MR. PETERS: We're here to  
19          talk about Windmont. If you want to address  
20          the overcrowding in the -- if you want to  
21          address the overcrowding in the school  
22          district, you have to go to a school district  
23          meeting -- board meeting.

24                          MS. JOHNSON: And haven't they  
25          indicated that our school populations have been

1                                   \*\*Witness Testimony\*\*

2           decreasing?

3                           MR. LOCHNER:    Yes.

4                           MR. LEE:     I'm sorry?

5                           MS. JOHNSON:   They have  
6           indicated -- the school board has indicated  
7           that our total population in the school  
8           district of students is decreasing not  
9           increasing.

10                          MR. LEE:     I think there's  
11           people in the audience who have children in  
12           those schools and those schools are  
13           overcrowded; am I correct?

14                          MS. BLACKBURN:  I have children  
15           at the elementary school, the middle school and  
16           the high school and I do believe that what my  
17           colleague has stated is correct and that has  
18           been our experience.

19                          MS. CROMER:   Mr. Lee, that's  
20           not a valid legal reason for us to address  
21           here. We're here to assess Windmont Farms and  
22           we can't take the school issue into account.

23                          MR. LEE:     Okay. Taxes. I  
24           believe our taxes are high and will probably go  
25           higher if the plan is approved. Certainly the

## 1                                   \*\*Witness Testimony\*\*

2           new 60-plus Crossgate properties will join --

3                                   MS. CROMER:   Mr. Lee, I have  
4           to tell you, in addition, we really can't take  
5           the tax issue into consideration either.   So  
6           can you move on and try to -- if you have  
7           anything else to address that's directly  
8           related to this development we would be happy  
9           to hear that.10                                  MR. LEE:   Okay.   Your taxes  
11           are going up folks.   Wildlife displacement and  
12           a possibility of tick-borne disease among  
13           residents.   Okay.   And somebody mentioned it  
14           before.15                                  That gentleman has a five-year-old  
16           daughter who became infected with Lyme disease.  
17           The deer population throughout is increasing.  
18           The deer will simply occupy less population.19                                  But I have a question about the bat  
20           population.   No place in the wildlife study did  
21           I see any mention of disturbing the bat  
22           population that exists.23                                  Sounds like they took the survey at  
24           the wrong time of the day or whatever.   But  
25           there was no mention of displacement of bats.

## 1                   \*\*Witness Testimony\*\*

2           And some bats are federally protected. That's  
3           an issue we should look into. Okay. There's  
4           bats on that property. I have bats on my  
5           property.

6                   Anybody else that lives around there  
7           see bats at night?

8                           (No response.)

9                   MR. LEE: Okay. That's  
10           significant.

11                   A note about a past visit by the EAC  
12           vice chairperson who I have great respect for  
13           that took place in 2016 after the land  
14           disturbance that put the ponds in our yard.

15                   In 2016 the Hampton EAC vice  
16           chairman, Liz Spence, visited our property at  
17           the request of our neighbor Janet McCall, who  
18           has left, to survey the stream damage on Crouse  
19           Run.

20                   MS. CROMER: Mr. Lee, I'm  
21           sorry, but we're going back to 2016 and we're  
22           talking about the state of your property.  
23           Again, I don't see how that's relevant to  
24           Windmont Farms --

25                   MR. LEE: Can I -- I'm trying

1                                   \*\*Witness Testimony\*\*

2           to go through this as quick as I can. And I  
3           will give you a point that I'm making here.  
4           Okay.

5                                   MS. CROMER: Well, we'll see,  
6           but I'm just explaining, 2016, the state of  
7           your property has nothing to do with this  
8           development that we're hearing evidence on.

9                                   MR. LEE: But this development  
10          is going to impact Crouse Run and this is  
11          discussing Crouse Run disasters. Okay.

12                                  Can I proceed and just go through  
13          this paragraph right here?

14                                  MS. CROMER: Briefly for  
15          counsel's and for, ultimately, the chairman's  
16          decision. But it doesn't seem to be relevant  
17          to this plan.

18                                  MR. LEE: Okay. When she was  
19          there, she was completely disturbed about the  
20          natural and unnatural debris in the stream, the  
21          existing extent of stream bank erosion, the  
22          buildup silt and so forth.

23                                  She stated that the stream needed  
24          remediation. She stated that the Hampton  
25          Township Crouse Run pollution reduction plan

1                   \*\*Witness Testimony\*\*

2           could be utilized to correct these problems  
3           upstream. I haven't seen anybody doing that to  
4           my property. Okay.

5                   I'm cutting down this. I would  
6           suggest that based upon the testimony you've  
7           heard tonight, I would just suggest that the  
8           solution to this problem is not to approve the  
9           Crossgate's project and start the necessary  
10          remediation of Crouse Run.

11                   Thank you. I appreciate that, but I  
12          also would make one other suggestion. And this  
13          is a tough one and it's not going to sit well.

14                   If we're going to have somebody who  
15          is the Shepard of the lands in our particular  
16          area, somebody who will decide whether or not  
17          we get things that are undesirable and impact  
18          our properties, that person should live in  
19          Hampton Township.

20                   MR. PETERS: Mr. Lee, that --  
21          I said -- asked when we started this, that we  
22          not attack people's integrity or their ability  
23          to do their job. So --

24                   MR. LEE: I'm just -- I'm  
25          sorry about that.

1                   \*\*Witness Testimony\*\*

2                   MR. PETERS: That is an  
3                   unrelevant statement.

4                   MR. LEE: But I believe  
5                   there's just been too many failed PRDs and land  
6                   disturbances based on --

7                   MR. LOCHNER: You know, that's  
8                   your opinion based on no fact or no  
9                   qualification.

10                  MR. LEE: Here's facts  
11                  (indicating).

12                  MR. LOCHNER: No fact or no  
13                  qualifications.

14                  MR. LEE: There's facts  
15                  (indicating).

16                  MR. LOCHNER: No fact or  
17                  qualification.

18                  MR. LEE: Okay.

19                  MR. LOCHNER: You give me some  
20                  fact and you give me some qualification and  
21                  we'll talk.

22                  MR. LEE: (Indicating.)

23                  MR. LOCHNER: No. No. No,  
24                  not a picture. Qualification. Show me your  
25                  engineering background.

1                   \*\*Witness Testimony\*\*

2                   MR. LEE: I have no engineering --

3                   MR. LOCHNER: Then, thank you,  
4 you just made my point.

5                   MR. LEE: Thank you. Very  
6 good. Thank you folks. I hope that you vote  
7 in our favor please.

8                   MS. JOHNSON: I do have a  
9 general question around Mr. Lee's testimony not  
10 for Mr. Lee but more in general.

11                   Mr. Lee referred to part of this  
12 property as being a nature preserve and other  
13 people in the past have made that comment as  
14 well.

15                   The information that was taped to  
16 residents' doors referred to it as being a  
17 wildlife refuge. And Ms. Deslauriers' Exhibit  
18 E talks about two primary natural resource  
19 networks within the Chalfant property.

20                   Has any part of -- regardless of  
21 whether it should be designated as such -- has  
22 any part of this property ever been designated  
23 in that way?

24                   MR. LOCHNER: I'm not aware of  
25 it.

1                   \*\*Witness Testimony\*\*

2                   MR. ORBAN: I'm not aware of  
3 it either.

4                   MS. JOHNSON: Thank you.

5                   MR. KING: Can I say something  
6 about that please? Brian King, Chalfant Lane.

7                   It's actually in the comprehensive  
8 plan. Unfortunately, my phone died so I can't  
9 look up the map.

10                  AUDIENCE: Speak into the mic  
11 please.

12                  MR. KING: It's actually in  
13 the comprehensive plan on one of the maps.

14                  MS. JOHNSON: And it is in no  
15 way elaborated or described or in any way  
16 delineated.

17                  MR. KING: Yes, it states --  
18 it will be eliminated, both of them.

19                  MS. JOHNSON: No. Delineated.

20                  MR. KING: No, it was not.

21                  MS. JOHNSON: There is nothing  
22 in the comprehensive plan that's on an image,  
23 if I recall correctly. That's on a map, but  
24 there's nothing that describes what that means?

25                  MR. KING: Correct. I've been

1                   \*\*Witness Testimony\*\*

2           asking this question for a year. To this date,  
3           no answer. I have not gotten an answer of,  
4           it's on the -- in the comprehensive plan as a  
5           primary natural resource.

6                   There's two spots on the property,  
7           one is massive at the top of the hill, where  
8           all the pines are, that will all be wiped out.  
9           It's a primary natural resource in the  
10          comprehensive plan.

11                   MS. JOHNSON: I understand  
12          that. I'm asking what that means.

13                   MR. KING: I'm asking you.

14                   MS. JOHNSON: I can't answer  
15          that. I didn't write that comprehensive plan.

16                   MR. KING: What's a primary  
17          natural resource? It could be trees, it could  
18          be coal which is on the property. There's a  
19          huge coal seam that's on the property.

20                   (Inaudible.)

21                   What's that? Did you say something?

22                   MS. NEUGEBAUER: I said we can  
23          look into that.

24                   MR. KING: So I was just  
25          wondering what it actually is? Why is it

1                                   \*\*Witness Testimony\*\*

2                   stated in the comprehensive plan as a primary  
3                   natural resource.

4                                   Is it a nature preserve? I mean,  
5                   there's a ton of trees, it's a huge hillside.  
6                   There's a field.

7                                   MS. JOHNSON: Has it ever been  
8                   designated as a nature preserve?

9                                   MR. KING: No one will give me  
10                  that information, I don't know. If you would  
11                  guide me, showing me where to go and how to do,  
12                  it I will do it. But I haven't been able to  
13                  find that, no one will give it to me.

14                                   - - - - -

15                                   TIM STACK,  
16                  having been previously duly sworn, testified as  
17                  follows:

18                                   MR. STACK: Good evening. Tim  
19                  Stack. 5148 Lakewood Drive.

20                                   THE COURT REPORTER: Can you  
21                  spell your last name.

22                                   MR. STACK: Stack, S-T-A-C-K.  
23                  I have a question really, I want to know,  
24                  because we got a lot of people that did a lot  
25                  of really hard work and got you really good

## 1                                   \*\*Witness Testimony\*\*

2           facts and information here and expecting -- I  
3           know a few of us, at least, expecting to get  
4           some answers tonight and to see a discussion  
5           about the information that they brought forward  
6           at the last meeting.

7                                So when the other side did not bring  
8           their information forward, and I think it's by  
9           design, wonder -- personally, definitely  
10          wonder, myself, when is this going to be looked  
11          at, because this should be very transparent for  
12          the public to see this discussion about these  
13          issues. These real facts that are --

14                              MS. CROMER: May I interrupt.  
15          Just so you understand at the initial hearing  
16          the developer started and put on their  
17          information and their evidence. And then it  
18          was the residents' turn.

19                              The residents requested of the  
20          township, and they graciously agreed, to make  
21          sure the residents experts were able to testify  
22          first this evening.

23                              When the residents are completed,  
24          the developer will have an opportunity to get  
25          back on and to address the issues that you

1                                   \*\*Witness Testimony\*\*

2           raised.

3                           Then the staff of the township will  
4           be able to put on their evidence and articulate  
5           the answers to the issues that have been  
6           raised.

7                           Then council has, after the public  
8           hearing is closed, has 60 days to make a  
9           decision. Obviously, there's a great deal of  
10          information that's been provided from all  
11          parties.

12                          It's a very serious issue and it's  
13          many, many different aspects to the issue and  
14          they will take it very seriously. And they  
15          will have an answer or a decision made timely,  
16          a written decision.

17                          But you will not be getting any  
18          answers this evening. You will hear from --

19                                   MR. STACK:   Okay.

20                          MS. CROMER:   I don't know how  
21          long we'll be going, but as the hearing  
22          continues on you will hear from the developer,  
23          you will hear from the township staff.

24                          MR. STACK:   Okay. I just want  
25          to see this as transparent as possible so we

1                                   \*\*Witness Testimony\*\*

2           can see it all.

3                                   MS. CROMER:   Absolutely.

4                                   MR. STACK:    Thank you.

5                                   MR. PETERS:   That's why we're  
6           here.

7                                   - - - - -

8                                   GAVIN FARRELL,

9           having been previously duly sworn, testified as  
10          follows:

11                                  MR. FARRELL:   Just a couple  
12          things.   Gavin Farrell, F-A-R-R-E-L-L.   For the  
13          record I would like to formally object to the  
14          developer being able to speak on the rebuttal.  
15          It was the impression given at the last meeting  
16          that our experts, if they were going to testify  
17          had to put their stuff in writing and submit it  
18          to counsel.

19                                  It was also insinuated, at least  
20          that's the impression I left here with, that it  
21          was going to be equal to both parts.   Now I'm  
22          not just talking about residents speaking, I'm  
23          talking about experts speaking.

24                                  It was put forward that the reason  
25          for that was so both sides would be able to see

1                   \*\*Witness Testimony\*\*

2           what each other was saying.

3                   So if they're bringing expert  
4           witnesses to rebut on what was submitted, they  
5           had the time to review that and they should  
6           have submitted it in writing to council.

7                   That's what we left here last  
8           meeting with the understanding of leaving last  
9           meeting. So I'm going to formally object to  
10          any expert -- if they're going to bring to  
11          rebut.

12                   MS. CROMER: Mr. Farrell, so  
13          you know, in the event anyone wanted to offer  
14          any written documentation or written evidence  
15          they did have to submit it.

16                   The developer is coming here to  
17          address council and answer questions. He did  
18          not need to formally prepare something in  
19          writing and submit it.

20                   MR. FARRELL: We will -- no,  
21          it was very specific. Council last meeting  
22          said, that if --

23                   MR. LOCHNER: No. No. No.

24                   MR. PETERS: No.

25                   MR. FARRELL: Chris, listen to

## 1                                   \*\*Witness Testimony\*\*

2           -- let's go back in and listen to the tapes.  
3           Look at -- or look at the information. Merrit  
4           came up here and said we had two additional  
5           expert witnesses.

6                                We were told that if their  
7           testimonies were not submitted by whatever date  
8           it was, I believe it was the 6th or the 1st.

9                                MR. LOCHNER:   March 1st.

10                               MR. PETERS:    March 1st.

11                               MR. FARRELL:   That they were  
12           not going to be able to testify.

13                               MR. LOCHNER:   No, you were  
14           told they would not be able to present any  
15           evidence. Now there's nothing we can do to  
16           stop anybody from standing up and testifying.  
17           That includes every person who represents the  
18           developer behind you.

19                               They cannot present to us anything  
20           in writing. And frankly, we've accepted stuff  
21           in writing tonight from a couple of residents,  
22           who technically we even shouldn't have accepted  
23           from. But council was nice enough to do that.  
24           That is what was said.

25                               Here is the logic behind it. We

1                   \*\*Witness Testimony\*\*

2           could go back and forth rebutting each other  
3           for the next 100 years. The only thing we'll  
4           ever agree on is that we disagree.

5                   I don't think the developer is going  
6           to ever agree with you. And I don't think  
7           you're ever going to agree with the developer.  
8           You give your best case. They give their best  
9           case.

10                   Our staff responds to the  
11           information and then council has to make a  
12           decision. That's the only way this can be  
13           done.

14                   MR. FARRELL: Chris, they've  
15           been giving their best case for eight months.

16                   MR. LOCHNER: And you've been  
17           responding to it for eight months.

18                   MR. FARRELL: No, actually  
19           longer than that, but anyway.

20                   I do have a question to council  
21           first. I just wanted to double-check, with  
22           everything that's been presented, I may have  
23           either misheard or didn't hear.

24                   Did council or the township ever  
25           receive county approval under section 10243 of

1                                   \*\*Witness Testimony\*\*

2           Title 25 for stormwater management from the  
3           county?

4                           MR. LOCHNER:   County approval  
5           with regard to this type of a plan will be  
6           given at the final stage.  This is the  
7           preliminary stage.

8                           Technically, they don't even have to  
9           submit it.  I understand that they have  
10          submitted it.  I don't know if we received  
11          anything per se yet, but if the township  
12          council agrees to even let it go past the  
13          primary stage, they only need to submit it at  
14          the final stage.

15                          AUDIENCE:   What is the final  
16          stage?

17                          MR. LOCHNER:   Quick, if I  
18          could, unless you want to?

19                          MR. PETERS:   No, go ahead.

20                          MR. LOCHNER:   This is a  
21          two-part process.  Okay.  First, normally what  
22          occurs in phase 1 is conceptually, without  
23          detail, the developer presents a plan to the  
24          township and says conceptually does this meet  
25          with the township's rules and regulations.  And

## 1                   \*\*Witness Testimony\*\*

2           then at the final stage they provide all of the  
3           detail necessary that we've really gone through  
4           over the last eight months as part of the  
5           preliminary stage.

6                   So, again, back to answering your  
7           question, you know, the information from county  
8           ACCD doesn't have to be in until the final  
9           stage. And they have to resubmit an  
10          application if it's approved and start the  
11          process over.

12                   So I wish I could say that this  
13          would be the last night but I can tell you it  
14          will not be. We're going to get a chance to  
15          see each other more and more again. So you're  
16          going to get a chance to even comment some  
17          more.

18                   Frankly, if your exerts who are --  
19          some are still present this evening, wish to  
20          offer additional testimony at the planning  
21          commission and EAC, they can do that. Because  
22          they're going to get a chance to see it again  
23          at the final stage.

24                   MR. FARRELL: Good to know.  
25          Thank you.

1                                   \*\*Witness Testimony\*\*

2                                   I'm just going to accentuate on some  
3 points that were brought up and when you look  
4 at some of the stuff that was actually brought  
5 up there was parts that I feel that were  
6 missed. So just from the last meeting to now,  
7 I've just written up a brief summary and some  
8 notes here.

9                                   Basically, we've had eight months of  
10 meetings since the plans became official and  
11 the developer had months prior to that, meeting  
12 with members of the township staff, obviously  
13 with all the filings, et cetera.

14                                  So we're looking at an entire year  
15 in which they've been able to try to have this  
16 met. And to date we still have holes in this  
17 particular plan.

18                                  Regardless of what people think,  
19 there's still a lot of issues coming up.  
20 And the groundwater committee has recommended  
21 -- has not recommended this plan three times  
22 and their concern is with the stormwater,  
23 again, referenced by PVE, statement of the new  
24 stormwater reviewing letter stating our concern  
25 is not how or if the water will infiltrate at

1                   \*\*Witness Testimony\*\*

2           the basins, but that too much water will be  
3           directed below ground causing potential  
4           flooding downstream due to the groundwater  
5           where it may not have existed prior. That's a  
6           very key point.

7                   They also express their concerns  
8           with the discrepancies within the plan  
9           presented to council and the plan presented to  
10          the county for stormwater approval.

11                   The largest environmental safety  
12          impact that this development presents, there  
13          sure are a lot of different ones, is with  
14          water.

15                   There are many more negative impacts  
16          that we outlined this evening and last evening,  
17          but water is predominant. You've heard  
18          countless objectors this plan -- objectors of  
19          this plan this evening and read through their  
20          testimonies.

21                   With that, I'm just going to, for  
22          the record, did you all receive Merrit's  
23          testimony in writing? She did present that.

24                               MS. JOHNSON: (Nodding head.)

25                               MR. FARRELL: And that,

1                   \*\*Witness Testimony\*\*

2           unfortunately, she's not able to make it  
3           tonight. But that was pretty much  
4           self-explanatory. I mean straightforward, easy  
5           to read, all examples.

6                   Just to continue, almost all have  
7           highlighted water. There are too many  
8           discrepancies known that have not yet been  
9           explored to determine if this plan layout will  
10          -- if this project is safe and what the impact  
11          will really be once plan changes have been made  
12          after today. Which is going to happen for it  
13          to pass, they're going to -- there's still some  
14          changes that are going to have to take place.

15                   This is not a question but a fact,  
16          there are too many stormwater issues remaining.  
17          The planning commission agrees that there  
18          exists many unknown -- and this is from their  
19          input from their last meeting -- their note,  
20          that need more detailed investigation.

21                   But they list these as conditions  
22          for approval. These should -- all these  
23          conditions should be met first before any  
24          approval from council of any type.

25                   Also with that question, which you

1                   \*\*Witness Testimony\*\*

2           really don't have to respond to today, but I'm  
3           going to pose it anyway. What is the threshold  
4           of how many conditions is too many?

5                    If a plan is coming before you -- I  
6           can see the first plan coming and the second  
7           plan, you know, after you've gone through this,  
8           but this a year in.

9                    This is -- this plan is where it is  
10          today taking all of our -- a lot of our  
11          testimonies that we have brought forward and  
12          the points that we are raising and while  
13          they're trying to adjust it, we still haven't  
14          met them all.

15                   They still have not met them all.  
16          You know. Mr. Hess from the planning  
17          commission highlighted the importance of the  
18          following -- following the comprehensive plan  
19          as is stated in our ordinance, this must not be  
20          known.

21                   They've heard -- you've heard many  
22          facts this evening and last evening, you know,  
23          as to how this plan does not meet the  
24          ordinances outlined in the comprehensive plan.  
25          Each ordinance has a purpose.

1                   \*\*Witness Testimony\*\*

2                   Just because some are less tangible  
3                   than others does not mean that they're any less  
4                   important. I'm referring to those that deal  
5                   more specifically with the character of the  
6                   neighborhood, quality of life, safety, et cetera.

7                   We now have a connection that's  
8                   brought back up again to Crestview. We have  
9                   members object so much for that meeting, that  
10                  Crossgates had with those residents.

11                  While I'm on that topic, I have  
12                  always -- I've said several times that it's  
13                  like checking a box because they have spoken  
14                  several times and while they've attempted  
15                  to meet with most people, to meet with more of  
16                  a check box. Because for several meetings I  
17                  came up and verbally said that I have not been  
18                  met with.

19                  Well, I can't say that today, Bob  
20                  met with me. And we agreed to sit on either  
21                  side of the table and try to respect each other  
22                  because I didn't change his mind and he didn't  
23                  change mine. Okay.

24                  On that topic, while we're on that,  
25                  just for reference which was brought up and

1                   \*\*Witness Testimony\*\*

2           presented and I don't know if Marty has it, and  
3           you probably don't because you said you only  
4           have the latest stuff, you may.

5                   There was a map that was put up that  
6           was colored, blue, pink and green, which was  
7           giving the different spacing.

8                   MR. ORBAN: It was an exhibit  
9           that you submitted?

10                  MR. FARRELL: An exhibit, I  
11           did not, the developer did and Merrit did.

12                  MR. ORBAN: In February?

13                  MR. FARRELL: Or was it March,  
14           the last one.

15                  MR. ORBAN: Do you know what  
16           she called it, sir?

17                  MR. FARRELL: No. The one  
18           that I had I gave her. The developer used it  
19           to help simplify -- if you don't have it, Marty  
20           it's not necessary to bring it up.

21                   I just want to bring up a quick  
22           point about the coloration of it. I mean if it  
23           comes up, fine, but council has that already in  
24           front of them.

25                  MS. BERNET: Susie Gavin, it's

1                                   \*\*Witness Testimony\*\*

2                   not that is it (indicating)?

3                                   MR. FARRELL: Yes. There was  
4                   one by itself. But the bottom line is, they  
5                   brought up about tree disturbance, that's what  
6                   that was. And one of the key things that I  
7                   wanted to point out, that blue area, while  
8                   those trees may not be disturbed, those are  
9                   backyards. Okay.

10                                  So they may not be disturbed, if not  
11                   now, they will and can be disturbed once a  
12                   homeowner moves in, purchases and if they want  
13                   to remove trees down the road. Okay. So  
14                   that's while it was pre- -- and that's the only  
15                   reason I was bringing that up is because that  
16                   was brought up by the developer.

17                                  That was supposed to help simplify.  
18                   But that blue area are the backyards of the  
19                   homes. And just check my notes here. The last  
20                   thing is, because this was brought up, and  
21                   again, it's going to be a question, because  
22                   I've written this down so many times at pretty  
23                   much every single meeting that I've gone to and  
24                   I can't grasp, because I thought I would be  
25                   able to get it here, and that is, do we just

## 1                   \*\*Witness Testimony\*\*

2           look at each development as it goes in for what  
3           it is, in a box.  Nothing else.

4                   We have one developer goes in here,  
5           he does whatever, regardless of the number of  
6           homes.  We have another one that goes in up top  
7           regardless of whatever.  We have another one  
8           that's coming in down here and it keeps going  
9           on and on and on.

10                   I remember, gosh, when I first moved  
11           out here, to Pittsburgh 20, 26 years ago, 27  
12           years ago.  I used to work out in Cranberry, it  
13           was all farmland.

14                   Then I looked at how -- I switched  
15           and went into the phone company.  And I  
16           actually almost bought a house up there and  
17           thank my lucky stars that I didn't.  Because  
18           when I looked at what happened out there and  
19           you looked at the growth.

20                   The one difference between what they  
21           have and we don't, we are 98 percent built out,  
22           they were farmland.  So they were able to  
23           rectify some of their mistakes or their  
24           crowding by widening their roads and making  
25           better -- ultimately making it better in the

## 1                   \*\*Witness Testimony\*\*

2           state -- and the change from highway to  
3           highway, et cetera.

4                   I mean, we don't have that  
5           facilitation here. And the thing that I keep  
6           having here is, we all look at this  
7           collectively, who does. And somebody -- I  
8           mean, somewhere somebody has to, you know, to  
9           look at this collectively. Because when you  
10          add them all up that's where you're  
11          overcrowding, that's where your cars, the  
12          safety, all the stuff just comes together right  
13          there.

14                   I mean, we have three developments  
15          going in within each other of about 100- --  
16          within a half mile of each other. And I just  
17          call them units. Bob and I had that  
18          discussion.

19                   Instead of calling them homes,  
20          townhomes, patio homes, apartments. Units.  
21          That's 150 units within a half mile and we're  
22          not done yet.

23                   MS. CROMER: Mr. Farrell, just  
24          let me interrupt you. I think we're getting a  
25          little off topic. But I also think that once

1                                   \*\*Witness Testimony\*\*

2           you hear the testimony of the township staff  
3           and engineers you might understand better how  
4           the process works.

5                           MR. FARRELL:   That's a  
6           question to --

7                           MS. CROMER:   We haven't got  
8           there yet.

9                           MR. FARRELL:   How do we look  
10          at all of this and put it all together.  
11          Because we need to at some point in time.   We  
12          need to.

13                          Again, I want to thank you all for  
14          your time.  I'm sure you all will be seeing a  
15          whole lot more of me.  It is tiring.  For some  
16          of us that get up at 4:00 every morning, but I  
17          plan on being here as long as it takes.

18                          I'm sure that this is not going to  
19          be the end, if it's not Crossgates it's going  
20          to be someone else.  So, again, thanks for your  
21          time.  Thanks for the job you're doing and  
22          thanks for the forum.

23                          MS. LAH:   I'm sorry.  It's  
24          Maureen Lah.  And I only need a second or a  
25          minute.  I also want to object to the testimony

1                   \*\*Witness Testimony\*\*

2           by the experts, I have the recording and I just  
3           want to read the exact words that Mr. Tucceri  
4           used.

5                   There will be a deadline established  
6           of March 1st to receive expert report. If the  
7           report is not provided, the expert will not be  
8           permitted to testify. Okay.

9                   It was acknowledged and then we will  
10          conclude this hearing on March 13. I have this  
11          if you would like to hear it.

12                   MR. PETERS: A written report?

13                   MS. LAH: A written report.

14          And Mr. Ajay from Ajay Longenecker (sic) he and  
15          Mr. Tucceri discussed at length because he said  
16          he needed one week to turn in his written  
17          report. And when the two weeks was given he  
18          said that would be no problem because he only  
19          needed one week to turn his report in to rebut,  
20          so I --

21                   MS. CROMER: A party is always  
22          entitled to rebut -- the developer is allowed  
23          to come on after they have heard and respond to  
24          your issues and your questions.

25                   They have not submitted an expert

1                   \*\*Witness Testimony\*\*

2           report, they are not going to submit anything.  
3           They did not need to. So we acknowledge what  
4           you're saying but we need to move on. So thank  
5           you.

6                   MS. LAH: I understand, except  
7           that the issue brought up was that they bring  
8           new things up, we bring new things up. And our  
9           exerts were required to bring it in, so they  
10          didn't go back and forth.

11                   I feel like this is absolutely not  
12          what was the intent of Mr. Tucerri's discussion  
13          with Merrit that evening and what was  
14          presented.

15                   MR. LUSEBRINK: Wayne Lusebrink.  
16          5086 Lakewood Drive. I just have one more  
17          quick statement.

18                   Out of all these input documents  
19          that have been submitted, I think the geotech  
20          has been the worst example of engineering. And  
21          I think that anything --

22                   MS. CROMER: I'm going to cut  
23          you off, okay, because you've already testified  
24          at length, you've submitted your documents.  
25          Now you're getting into the personal attacks,

1                   \*\*Witness Testimony\*\*

2           which Mr. Peters was very specific that he was  
3           not going to tolerate.

4                   So I think that you're done. I'm  
5           sorry, but I think that you're done.

6                                   - - - - -

7                                   STAN OSTROWSKI,

8           having been previously duly sworn, testified as  
9           follows:

10                               MR. OSTROWSKI: Stan  
11           Ostrowski. 2749 West Bardonner. I'm just  
12           going to be real quick.

13                               At the last meeting I asked the  
14           engineers if they were going to check the  
15           integrity of that existing earth and dam on the  
16           pond up there.

17                               Did anybody get any results? Did  
18           they test it --

19                               MS. CROMER: The engineers  
20           have not had an opportunity to testify yet.

21                               MR. OSTROWSKI: Well, that's  
22           what I wanted to find out.

23                               MR. LOCHNER: Stick around and  
24           you'll find out.

25                               MR. OSTROWSKI: Okay, good.

1                   \*\*Witness Testimony\*\*

2                   MS. CROMER: We haven't got to  
3 that point yet.

4                   - - - - -

5                   ALEXANDRIA GAVIN,  
6 having been previously duly sworn, testified as  
7 follows:

8                   MS. GAVIN: Alexandria Gavin.  
9 5116 Lakewood Drive.

10                  THE COURT REPORTER: Can you  
11 spell your last name please.

12                  MS. GAVIN: G-A-V-I-N. Thank  
13 you very much for the opportunity to speak.  
14 I've lived in Hampton on Lakewood Drive since  
15 1993, never was able to come to any of the  
16 municipal meetings, but now that we're being  
17 impacted and I have the time, I certainly have  
18 enjoyed the opportunity to sit in and see what  
19 everybody is saying.

20                  I would like you to look, please,  
21 council, at the faces of my neighbors. We are  
22 all very concerned about what is happening to  
23 our quality of life.

24                  We believe that the development is a  
25 flawed development. It could be a better one.

## 1                                   \*\*Witness Testimony\*\*

2           Somebody said to me, you can't stop progress.

3           We understand that.

4                           However, we can take the time to  
5           come here to speak about our concerns and  
6           that's why we're doing it.7                           For me it is a concern about the  
8           water and the drainage. What's going to happen  
9           when they come in and take out the trees, do  
10          the grading, level land, downstream, our  
11          neighbors.12                          We have been told by climatologists  
13          that the Northeast is going to be changing.  
14          We're going to get more rain. It's going be a  
15          lot wetter.16                          We don't know what's going to happen  
17          long-term. But we can do something now to make  
18          sure that the water doesn't overflow to Crouse  
19          as it has been, do some changes.20                          Also, noise pollution. The trees  
21          right now from The Hamptons taken down, I've  
22          noticed that it is much noisier. We live where  
23          the turnpike is along West Hardies, goes along  
24          Pioneer.

25                          Once they take down those trees,

1                   \*\*Witness Testimony\*\*

2           it's going to be a lot noisier. You don't live  
3           there, you don't understand that, of course,  
4           but we do.

5                   The safety of the children if they  
6           use Crestview as a pass-through, what's going  
7           to happen then? So please take your time to  
8           listen to our concerns and we don't want our  
9           way of life to become worse. We want a better  
10          one. And thank you again.

11                   MR. PETERS: Thank you. Is  
12          there anybody else from the residents; side  
13          that wants to present testimony.

14                   If not, we're going to take a  
15          ten-minute break and then we'll get in -- and  
16          we'll proceed with the developers.

17                   (Brief recess at 10:45 p.m. -  
18          11:03 p.m.)

19                   MS. CROMER: So the developer  
20          now has the opportunity to address the issues  
21          that have been raised. The township will then  
22          have the engineers and staff testify and then  
23          the record will be closed and the public  
24          hearing willing be closed. So thank you.

25                   MR. PRATHER: Good evening.

1                                   \*\*Witness Testimony\*\*

2           My name is Matt Prather, I'm here, again, this  
3           evening on behalf of the applicant. Previously  
4           we outlined the basis upon which the proposed  
5           plan complies with the township PRD ordinance  
6           for tentative approval.

7                                 Again, with me tonight are the  
8           expert staff that was here with me previously.  
9           On behalf of Crossgates, I have Mr. Sapsara and  
10          Ryan Schwotzer.

11                                I also have with Sheffler & Company,  
12          Graham Ferry is here. From Ajay Environmental  
13          Consultants, Andrew Longenecker is here.  
14          Michael McClain is here from ACA Engineering.  
15          Chuck Wooster is here from Wooster & Associates.  
16          Steve Horhut is here from Horhut Tree Services.

17                                At the outset we have been provided  
18          with a number of documents that were purported  
19          to be submissions for this evening. Many of  
20          them were submitted and the individuals who  
21          submitted them are not here this evening to  
22          testify.

23                                There was some environmental  
24          information submitted by someone by the name of  
25          Kelly Rieger, she is not here. Then there's

1                   \*\*Witness Testimony\*\*

2           also some information submitted by numerous  
3           other individuals who are not here.

4                   We are objecting to the inclusion of  
5           those, particularly the expert information  
6           provided by the opposition for those  
7           individuals who are not here this evening  
8           because, obviously, we do not have an  
9           opportunity to question them.

10                   MS. BLACKBURN: I'm going to  
11           make a request. Please do not call the  
12           residents the opposition. If you could just  
13           refer to them as the Hampton residents I would  
14           appreciate it.

15                   MR. PRATHER: Certainly. A  
16           couple of housekeeping items before we get into  
17           our rebuttal. With regard to the ZHB variance  
18           that was previously applied for, the ZHB has  
19           extended the variance to the modified plan  
20           pursuant to their written opinion dated  
21           February 26, 2019.

22                   That's been marked as Exhibit 45.  
23           The final review letter issued by the township  
24           engineer, Gateway Engineers is dated January  
25           31, 2019, that was marked as Exhibit 5.

## 1                   \*\*Witness Testimony\*\*

2                   We now have an updated response  
3                   letter from the developer's engineer, Sheffler  
4                   & Company, and that's been dated March 1, 2019,  
5                   and it's marked as Exhibit 47.

6                   We've also submitted revised  
7                   stormwater plans and they have been submitted  
8                   and they're marked as Exhibit 48.

9                   So with regard to rebuttal testimony,  
10                  first I will call Mr. Andrew Longenecker of  
11                  Ajay Environmental.

12                  MR. LONGENECKER: Do you need  
13                  me to spell my name?

14                  THE COURT REPORTER: I have it  
15                  from last time.

16                  - - - - -

17                  ANDREW LONGENECKER,  
18                  having been previously duly sworn, testified as  
19                  follows:

20                  MR. PRATHER: Mr. Longenecker,  
21                  were you present during Mr. Gale's February 13,  
22                  2019?

23                  MR. LONGENECKER: Yes.

24                  MR. PRATHER: And have you  
25                  reviewed Mr. Gale's March 1, 2019, submission?

1                                   \*\*Witness Testimony\*\*

2                                   MR. LONGENECKER: Yes.

3                                   MR. PRATHER: Mr. Gale stated  
4                                   that the regulated waters investigation report  
5                                   which you prepared is insufficient as he claims  
6                                   it does not meet the requirements of either a  
7                                   preliminary jurisdictional determination, which  
8                                   he's referred to as a PJD or an approved  
9                                   jurisdictional determination which we'll call  
10                                   it an AJD.

11                                   Is a PJD or an AJD required for this  
12                                   project?

13                                   MR. LONGENECKER: No. A PJD  
14                                   and/or an AJD would be submitted with permit  
15                                   application documents. The report that I  
16                                   prepared is not considered a permit app  
17                                   document.

18                                   Rather it is a description of the  
19                                   wetlands and water courses that are located  
20                                   within the project area and which are regulated  
21                                   by the U.S. Army Corps of Engineers and the  
22                                   Pennsylvania Department of Environmental  
23                                   Protection.

24                                   This report is sufficient to  
25                                   describe the methods and results needed to

1                                   \*\*Witness Testimony\*\*

2           determine if regulated waters occurred on site.

3                           MR. PRATHER:   When is a PJD or  
4           an AJD required?

5                           MR. LONGENECKER:   Within the  
6           Commonwealth of Pennsylvania, projects that  
7           would require a joint permit application would  
8           require the more in-depth analysis that Mr. Gale  
9           outlined in his presentation on February 13.

10                          The Windmont Farm project requires  
11           no joint permit because the impact to the  
12           waters of the United States are considered  
13           minimal.

14                          As a result the applicant has  
15           applied for several general permits for the  
16           project. Applicants need only to register  
17           their intent to construct the project in  
18           accordance with the conditions of the general  
19           permit under Chapter 105.

20                          Those conditions do not involve the  
21           detailed analysis presented by Mr. Gale nor do  
22           they require a PJD or an AJD.

23                          With that being said, in connection  
24           with other projects, not this one obviously,  
25           Ajay -- or my company has applied for and

## 1                   \*\*Witness Testimony\*\*

2           received multi-Chapter 105 general permits and  
3           joint permits from the DEP without having ever  
4           to submit a jurisdictional determination  
5           conducted for the permitted project area.

6                   This project was reviewed by the  
7           Allegheny -- excuse me, Allegheny County  
8           Conservation District who has been designated  
9           by the Pennsylvania Department of Environmental  
10          Protection to have Chapter 105 review authority  
11          within this county.

12                   Therefore, we can conclusively say  
13          that no further DEP permits are needed for  
14          impact to waters of the United States by this  
15          project.

16                   MR. PRATHER: Mr. Gale  
17          questioned why Wetland Z, the pond on the  
18          property, was not labeled as waters of the  
19          United States. Is such a label required?

20                   MR. LONGENECKER: No.  
21          Regardless of the label within the report, Ajay  
22          Environmental Consulting has always considered  
23          Wetland Z as waters of the United States and is  
24          therefore a regulated resource.

25                   Wetland Z was correctly delineated

1                                   \*\*Witness Testimony\*\*

2           in accordance with the 1987 Army Corps of  
3           Engineers well into the lineation manual and  
4           the regional supplement to the Corps of  
5           Engineers wetland's delineation manual Eastern  
6           Mountain Piedmont region.

7                           MR. PRATHER:   What does that  
8           delineation mean?

9                           MR. LONGENECKER:  It means any  
10          direct impacts to Wetlands Z or also known as  
11          the pond that everybody talks about, would need  
12          to be permitted through the DEP and the Corps.

13                          MR. PRATHER:  Have permits  
14          been sought for this project?

15                          MR. LONGENECKER:  Not for  
16          Wetland Z.  There is no impact to Wetland Z.  
17          Ajay led -- just to clarify, Ajay, my company,  
18          was not tasked with the permit review for this  
19          project.  Sheffler & Company coordinated with  
20          Mr. Matt Gordon of Allegheny County  
21          Conservation District and had submitted the DEP  
22          Chapter 105 general permits necessary for this  
23          project.

24                          MR. PRATHER:  Mr. Gale stated  
25          that a figure should be provided that depicts

1                                   \*\*Witness Testimony\*\*

2           the topography of the site in relation to the  
3           waters of the United States.

4                                   Is such topography necessary?

5                                   MR. LONGENECKER:  No.  As I  
6           said, this is not a permit document.  
7           Topography is not required and would not offer  
8           any additional protection for the site.

9                                   MR. PRATHER:  Mr. Gale states  
10          that Wetland Z has a stream up-slope of it; is  
11          that correct?

12                                  MR. LONGENECKER:  No.  The  
13          stream shown on the map is from the National  
14          Wetland Inventory map for the project area.  
15          The field investigation determined that there  
16          is no stream discharging to Wetland Z.

17                                  MR. PRATHER:  Mr. Gale  
18          questioned the surveying methodology used.  Was  
19          the surveying accurate?

20                                  MR. LONGENECKER:  Yes.  The  
21          boundary of Wetland Z, including all open water  
22          and polestrian emergent edge habitat or the --  
23          or -- was field surveyed using a Trimble Geo 7x  
24          handheld GPS unit that has an accuracy of less  
25          than 10 centimeters.

1                                   \*\*Witness Testimony\*\*

2                                   MR. PRATHER: Is that level of  
3 accuracy sufficient?

4                                   MR. LONGENECKER: Yes. In  
5 addition to Mr. Gale's concerns about the photo  
6 location is valid -- excuse me, let me start  
7 that over.

8                                   Yes. But in addition, Mr. Gale's  
9 concerns about photo locations is valid.  
10 However, Ajay can insure that all Wetlands and  
11 water courses delineated on-site were done  
12 correctly and followed the protocol set forth  
13 in the 1987 manual.

14                                  MR. PRATHER: Mr. Gale claimed  
15 that the wetland data form for sp-4 was in the  
16 wrong location; is that correct?

17                                  MR. LONGENECKER: No. The  
18 program used for mapping on this project does  
19 not display text labels when they overlap with  
20 each other.

21                                  Therefore the text label was  
22 erroneously omitted on the mapping. However,  
23 if Mr. Gale would have entered the coordinates  
24 on the actual wetland data forms he would have  
25 found that the studied points are, in fact, in

1                                   \*\*Witness Testimony\*\*

2           the correct location.

3                           MR. PRATHER:   Mr. Gale  
4           questioned the stream flow determination  
5           methodology that was used.  Was this  
6           determination done correctly?

7                           MR. LONGENECKER:  Yes.  The  
8           DEP uses PA Code Title 25 Chapter 87 to find  
9           the difference between perennial, intermittent  
10          and femoral channels for all of its programs.  
11          Ajay followed Chapter 87 in this investigation.

12                          MR. PRATHER:  Mr. Gale stated  
13          that he is unclear of how many acres of trees  
14          will be removed by the proposed project and  
15          stated that the PNDI received -- provided with  
16          the vegetation and wildlife analysis report is  
17          invalid because it is in draft form.

18                          Is that statement accurate?

19                          MR. LONGENECKER:  No.  
20          Sheffler & Company submitted the official PNDI  
21          review request once the total acreage of trees  
22          were confirmed.  The total area of disturbance  
23          is 35.35 acres.

24                          This is less than the 40-acre  
25          threshold that would be required for further

1                                   \*\*Witness Testimony\*\*

2           bat studies. The official signed PNDI received  
3           by Sheffler & Company states that there are no  
4           known impacts from any of the reviewing  
5           agencies including United States Official  
6           Wildlife Service.

7                                 THE COURT REPORTER: Could you  
8           slow down please.

9                                 MR. LONGENECKER: I'm sorry.  
10          And the Pennsylvania Game Commission, PA Fish  
11          and Boat Commission and the Department of  
12          Conservation and Natural Resources.

13                                Therefore, Mr. Gale's concerns about  
14          any of the bats and other protected species are  
15          unsubstantiated.

16                                I do want to go a little off script  
17          here. Mr. Lee brought up the fact that there's  
18          bats. There's obviously bats on this property.  
19          And we're not denying that.

20                                However, we have gone through the  
21          proper channels to get approval for this  
22          project.

23                                MR. PRATHER: Okay. Mr. Gale  
24          and, I believe, a few other people have  
25          questioned whether a Section 106, which is a

1                   \*\*Witness Testimony\*\*

2           archeology and culture resources review is  
3           required for this project.

4                   Is such a review necessary?

5                   MR. LONGENECKER: No. The  
6           project does not necessitate federal monies or  
7           permits. Section 106 only pertains to projects  
8           that have a nexus to federal monies or permits.

9                   MR. PRATHER: Mr. Gale  
10          questions the vegetation and wildlife analysis  
11          report methodology that was used; was this  
12          determination done correctly?

13                  MR. LONGENECKER: Yes. The  
14          vegetation and wildlife analysis report was  
15          reviewed by Gateway Engineers, the township's  
16          designated engineer.

17                  Gateway's January 8, 2019, letter to  
18          Hampton Township specifically states the  
19          requirement of Section 310-45A5 vegetation  
20          wildlife, I quote, has been met with the  
21          submission of the existing tree survey, existing  
22          conditions plan and vegetation wildlife report  
23          prepared by Ajay Environmental Consulting.

24                  MR. PRATHER: In conclusion,  
25          has the applicant met the township requirements

1                                   \*\*Witness Testimony\*\*

2           with regards to Sections 9.311 which relates to  
3           hydrology and Section 9.315 which relates to  
4           vegetation and wildlife?

5                           MR. LONGENECKER:  Yes.

6                           MR. PRATHER:  Those are my  
7           questions for Mr. Longenecker if you...

8                           MR. PETERS:  I would like to  
9           ask a question.  And this is, you know, from my  
10          simple understanding of your expertise -- level  
11          of expertise or area of expertise.

12                          MR. LONGENECKER:  Sure.

13                          MR. PETERS:  Could you explain  
14          why a PJD and an AJD permit are not necessary  
15          for this development.

16                          MR. LONGENECKER:  There's --  
17          those -- the PJD and the AJD, the preliminary  
18          jurisdictional determination and the approved  
19          jurisdictional determination aren't really  
20          actually a permit.

21                          It's something that you can submit  
22          with your permit application which would have  
23          the -- it's a federal thing.  So the Corps of  
24          Engineers would come out and verify your  
25          boundary, your boundary of wetlands or streams

1                   \*\*Witness Testimony\*\*

2           or how you delineate them.

3                   So with a project that had minor  
4           impacts, such as this project to waters of the  
5           United States, if the DEP would like to have a  
6           further look at the property, they would have a  
7           pre app -- if they had a problem with anything,  
8           they would have a pre-application done.

9                   They would -- it's jurisdictional  
10          determinations, as I said, by the Corps. But  
11          in Pennsylvania, DEP has first cut at permit  
12          reviews.

13                   So the DEPs actually come out and do  
14          a, kind of like a walk-through of the property  
15          and make sure your boundary is correct. So in  
16          this case they haven't asked for that. But if  
17          they would, you know, we would obviously...

18                   MR. PETERS: So when the DEP  
19          does their preliminary walk-through the chances  
20          are they may say you guys might want to look at  
21          the possibility of doing a PJD or an AJD --

22                   MR. LONGENECKER: If they --

23                   MR. PETERS: -- or suggest it?

24                   MR. LONGENECKER: No, it would  
25          never get to that point unless it got to

## 1                                   \*\*Witness Testimony\*\*

2           federal involvement. So if they considered our  
3           applications weren't -- were inappropriate, we  
4           needed to go to a higher level of review, they  
5           might kick it up to the Corps of Engineers who  
6           then would do a jurisdictional determination.

7                               MR. PETERS: Okay.

8                               MS. BLACKBURN: You said a  
9           couple of times that you didn't have to get  
10          certain approvals or permits because of the  
11          minimal impact of the project.

12                              Can you please refresh our memories  
13          on how minimal impact is defined and why it  
14          applies to this project?

15                              MR. LONGENECKER: Sure. So  
16          through the -- Mr. Gale explained, the  
17          Pennsylvania State Programmatic general permit  
18          5, which is basically the -- it's the agreement  
19          between DEP and the Corps that gives --  
20          Pennsylvania is pretty unique where it gives  
21          the DEP first initial cut at looking at a  
22          permit.

23                              If they decide that the impacts are  
24          minimal, in other words, there's not -- for  
25          this project, if I believe is correct, there's

1                   \*\*Witness Testimony\*\*

2           not any direct impacts to wetlands or water  
3           courses, it's more of stormwater discharges.  
4           So what the applicant has applied for is a GP2 --

5                   AUDIENCE: (Inaudible.)

6                   MR. LONGENECKER: So there is  
7           one temporary stream crossing for a utility  
8           right-of-way, I believe.

9                   AUDIENCE: Yes.

10                  MR. LONGENECKER: Okay. So  
11           the DEP has what they call, general permits  
12           because they are basically minor impacts  
13           compared to, you know, filling in a wetland or  
14           diverting a stream or filling in a stream.

15                  MS. BLACKBURN: So the DEP has  
16           decided that this has minimal impact because  
17           you're not impacting a watercourse or a  
18           wetland?

19                  MR. LONGENECKER: Correct.

20                  MS. BLACKBURN: Okay. Thank  
21           you.

22                  MR. LONGENECKER: Uh-huh.

23                  MR. PETERS: One other question.

24                  MR. LONGENECKER: Sure.

25                  MR. PETERS: On the, I believe

1                                   \*\*Witness Testimony\*\*

2           it's the cultural and archeological study.

3                           MR. LONGENECKER: Uh-huh.

4                           MR. PETERS: You mentioned  
5           that wasn't necessary; can you give us a  
6           little...

7                           MR. LONGENECKER: Sure. So  
8           Chapter 106 is a federal regulation where they  
9           -- they require any time that you have federal  
10          monies for a project that you have to do a --  
11          there has to, at least be looked at by the  
12          reviewing agency if there's going to be any  
13          cultural or archeological impacts.

14                          Because there's no federal permits,  
15          there's no federal monies for this project,  
16          therefore a chapter 106 is not necessary.

17                          Now, if we did bump this up --  
18          obviously this project is not going to be a  
19          joint permit, but just for edification, if this  
20          was a joint permit we would have to coordinate  
21          through PHMC, who is the Chapter 106 designated  
22          agency for the State of Pennsylvania.

23                          MS. BLACKBURN: I have one  
24          more question for you.

25                          MR. LONGENECKER: Sure.

1                   \*\*Witness Testimony\*\*

2                   MS. BLACKBURN: So kind of  
3 early on -- and you were reading kind of fast.

4                   MR. LONGENECKER: Sorry. I  
5 apologize.

6                   MS. BLACKBURN: I didn't catch  
7 everything. You said that, the know that  
8 Mr. Gale went to great lengths to talk about  
9 the topography when he was here last month, but  
10 you had said that that was not required for  
11 this project.

12                   Can you explain why again please?

13                   MR. LONGENECKER: Quite  
14 frankly -- and unfortunately Mr. Gale left -- I  
15 don't know why he stated that. I have never,  
16 ever submitted a permit, be it a joint permit,  
17 be it a general permit in the Commonwealth of  
18 Pennsylvania or in any other state, where I had  
19 to put topography on my reports or my permit  
20 packages.

21                   So, I mean, all my applications  
22 always have the topographic map that, you know,  
23 anybody can find and also my wetland map. But  
24 that's the first time I ever heard of that in  
25 my career.

## 1                   \*\*Witness Testimony\*\*

2                   MS. BLACKBURN: And then just  
3 one last clarification. So you did not have to  
4 do an environmental impact because you were --  
5 you only anticipate the project disturbs 35.38  
6 acres of land versus the 40 that would --

7                   MR. LONGENECKER: Correct.

8                   MS. BLACKBURN: -- kind of  
9 trigger that environmental impact report?  
10 Okay.

11                  MR. LONGENECKER: Correct. So  
12 the way the PNDI system works, is it's a  
13 web-based system, where you basically put in  
14 your project area.

15                  Then if there's any potential hits  
16 for species of concern, they'll widdle it down  
17 with additional questions.

18                  So one of the questions they asked  
19 for this specific project is, how many trees --  
20 how many acres of trees will be removed. So  
21 we, when Sheffler submitted their PNDI, the  
22 actual trees to be removed is 35.35 acres.

23                  So anything above 40 acres probably  
24 would have triggered some of the things that  
25 Mr. Gale discussed, like either a mist net

1                                   \*\*Witness Testimony\*\*

2                   survey or a seasonal clearing of trees.

3                                   MS. BLACKBURN:   So the disturbance  
4                   is defined by the number of acres of trees that  
5                   you leave or are there other components to that  
6                   disturbance definition?

7                                   MR. LONGENECKER:   In this case  
8                   for the PNDI it's total tree removal, because  
9                   the two protected species that are concerning  
10                  this area, Indiana Bat, which are federally  
11                  endangered and the Northern long-eared bat  
12                  which is federally threatened, and there are  
13                  woodland bat species.

14                                  So if you remove their trees and  
15                  then they wouldn't have their summer roosts.  
16                  In the winter they're in, typically, in caves  
17                  or mines but in the summer they roost in trees.

18                                  MS. BLACKBURN:   So the minimum  
19                  impact is really just based on the acres?

20                                  MR. LONGENECKER:   For the  
21                  PNDI, yes.

22                                  MS. BLACKBURN:   Because I  
23                  think you can gather from what we heard tonight  
24                  that there's a feeling amongst the residents  
25                  that a lot of the disturbance goes far beyond

1                                   \*\*Witness Testimony\*\*

2           the 35 acres in the developments and that's  
3           where a huge part of the concern is and that's  
4           what we're kind of evaluating.

5                                   MR. LONGENECKER:  Yeah.  Yeah.  
6           And I understand that.  But as far as the PNDI,  
7           it's just the tree removal.

8                                   MS. BLACKBURN:  Okay.  Thank  
9           you.

10                                   MR. PETERS:  Thank you.

11                                   MR. PRATHER:  I'm going to  
12           call Mr. Graham Ferry from Sheffler & Company.

13                                   - - - - -

14                                   GRAHAM FERRY,

15           having been previously duly sworn, testified as  
16           follows:

17                                   MR. PRATHER:  I would like to  
18           start with the testimony that was provided by  
19           Mr. Werner Loehlin.

20                                   In your professional engineering  
21           opinion, do you agree with Mr. Loehlin's  
22           statements that there were will be an adverse  
23           impact to the streams as a result of this  
24           development?

25                                   MR. FERRY:  No.  I don't agree

1                                   \*\*Witness Testimony\*\*

2           with that. I believe his assessment was an  
3           oversimplification of the issue and it was  
4           based upon really not having enough site-specific  
5           data. I don't feel that he was provided nor  
6           had access to enough information to provide an  
7           opinion to that detailed of a level.

8                           The intended purpose and benefits of  
9           infiltration, as well as being required in  
10          almost all instances are to decrease peak  
11          runoff flow rates, to decrease the volume of  
12          stormwater, to reduce the pollutant loadings to  
13          surface waters and promote the breakdown of  
14          contaminants.

15                          To increase groundwater recharge.  
16          To reduce thermal impacts and to preserve base  
17          flow in streams, not to degrade it or to  
18          adversely affect it.

19                          That being said, however, there can  
20          be times, there's a possible side effect of  
21          infiltration known as a groundwater mounding  
22          condition.

23                          This is, in my opinion, the actual  
24          intent of the comment provided by PVE that  
25          Mr. Loehlin was responding to. I don't feel

1                                   \*\*Witness Testimony\*\*

2           that he was answering or responding to the  
3           specific intent of what was written in that  
4           letter and I will allow PVE, you know, to --  
5           their opportunity to verify that later on. As  
6           a result of the possibility of groundwater  
7           mounding, we have agreed, on behalf of the  
8           applicant to engage the services of a  
9           hydrogeologist to determine if any additional  
10          measures should be addressed or implemented.

11                           MR. PRATHER: You spoke about  
12          the township stormwater engineer review, have  
13          they -- they themselves, requested further  
14          review of the basins?

15                           MR. FERRY: Yes, they have,  
16          PVE has requested that we review more in depth  
17          one of their three basins.

18                           MR. PRATHER: Okay. Now you  
19          mentioned a hydrogeologist. Will that  
20          hydrogeologist provide the review which PVE has  
21          requested?

22                           MR. FERRY: Yes.

23                           MR. PRATHER: So what would be  
24          the possible outcomes of the hydrogeologist  
25          review?

## 1                                   \*\*Witness Testimony\*\*

2                                   MR. FERRY: After the  
3 hydrogeologist reviews all of the site-specific  
4 data at the basin in question or the area of  
5 infiltration in question, they will make a  
6 determination based upon that -- whether or not  
7 they feel that a groundwater mounding situation  
8 could occur.

9                                   If there could be adverse effects  
10 downstream or not. Based on that determination,  
11 they will decide whether or not the plan can  
12 stand or the design can stand as is or if  
13 additional mitigation measures may be required,  
14 something as simple as an impermeable liner  
15 being placed in the bottom of the basin to  
16 prohibit infiltration.

17                                  MR. PRATHER: Are you prepared  
18 to add a liner or any other measures to the  
19 plan for the basin if it is recommended?

20                                  MR. FERRY: Yes, absolutely.

21                                  MR. PRATHER: I'm going stay  
22 with Mr. Ferry. But I plan to move on next to  
23 the testimony of Mr. Lusebrink. So I will  
24 leave it to your discretion if you want to talk  
25 about Loehlein now before we move on to

1                                   \*\*Witness Testimony\*\*

2           Lusebrink or do you want to ask all questions  
3           of Mr. Ferry at the end?

4                           MR. PETERS:   Why don't we move  
5           on.

6                           MR. PRATHER:   Okay.   So we  
7           heard from Wayne Lusebrink.   In your  
8           professional engineering opinion, do you agree  
9           with Mr. Lusebrink's statement that you were  
10          using the incorrect soil classification as a  
11          basis for you stormwater management analysis?

12                          MR. FERRY:   No, I do not agree.

13                          MR. PRATHER:   Is the methodology  
14          you used consistent with local regulations and  
15          recommendations?

16                          MR. FERRY:   Yes, it is.

17                          MR. PRATHER:   Is the  
18          methodology you used consistent with state and  
19          federal regulations and recommendations?

20                          MR. FERRY:   Yes, it is.

21                          MR. PRATHER:   Is the  
22          methodology you use consistent with generally  
23          accepted practices used in other municipalities  
24          in southwestern Pennsylvania?

25                          MR. FERRY:   Yes, it is.

1                                   \*\*Witness Testimony\*\*

2                                   MR. PRATHER: Is the manner in  
3 which your calculations were prepared  
4 consistent with Hampton Township's stormwater  
5 management ordinances.

6                                   MR. FERRY: Yes, they are.

7                                   MR. PRATHER: In your  
8 professional engineering opinion, is your  
9 method of calculation more conservative than  
10 that suggested by Mr. Lusebrink?

11                                  MR. FERRY: Yes, it is.

12                                  MR. PRATHER: Can you explain  
13 why.

14                                  MR. FERRY: Yes. Mr. Lusebrink's  
15 manner of calculation where he's suggesting  
16 that type D, hydrologic soil group curves be  
17 applied during the predevelopment condition  
18 will result in a situation where the amount of  
19 stormwater runoff calculated during the  
20 predevelopment condition will actually increase  
21 not decrease.

22                                  So if we look at this, in my  
23 scientific manner of using my hands, when we  
24 calculate predevelopment stormwater runoff, we  
25 have a baseline factor of whatever here.

1                   \*\*Witness Testimony\*\*

2                   Typically, when we do  
3                   post-construction stormwater calculations, we  
4                   end up with a condition that's here.

5                   If we were to implement the  
6                   methodology and parameters that Mr. Lusebrink  
7                   is suggesting, what we will do is narrow the  
8                   gap between the two. That gap is what is the  
9                   physical quantity of water that I need to  
10                  control.

11                  If I am to narrow that gap, I am  
12                  actually creating a worse situation than  
13                  a better situation (indicating throughout).

14                  MR. PRATHER: So is it your  
15                  position that starting with a C level soil for  
16                  preconstruction and then moving to the D level  
17                  post-construction, is a more conservative  
18                  approach?

19                  MR. FERRY: Yes, by far.

20                  MR. PRATHER: Okay. So in  
21                  your opinion, is Hampton Township's conclusion  
22                  of this methodology in their stormwater  
23                  ordinance a generally more conservative  
24                  approach?

25                  MR. FERRY: Yes, it is.

1                                   \*\*Witness Testimony\*\*

2                                   MR. PRATHER: Do other  
3 regulatory authorities involved with this  
4 review process agree with your opinion as well?

5                                   MR. FERRY: Yes, they do.  
6 Including the Allegheny County Conservation  
7 District.

8                                   MR. PRATHER: Okay. Mr. Lusebrink  
9 had indicated that he had concerns that you  
10 didn't take soil samples in areas where you do  
11 not intend to infiltrate.

12                                   What is your position on that  
13 statement?

14                                   MR. FERRY: I typically would  
15 not take infiltration tests in areas where I  
16 plan to not infiltrate because I plan to not  
17 infiltrate.

18                                   I would take the tests specifically  
19 in those areas where I plan to infiltrate. My  
20 goal is to get the water to the areas where I'm  
21 planning to infiltrate as quickly as possible  
22 within a reasonable manner and not allow it to  
23 infiltrate into areas where it's not designed  
24 to do so, particularly yards, slopes, field  
25 slopes, cut slopes anywhere like that.

1                                   \*\*Witness Testimony\*\*

2                                   I want to get the water to the area  
3                                   where I'm going to infiltrate as quickly as I  
4                                   can. It's counterintuitive to provide  
5                                   infiltration testing at areas where I'm not  
6                                   going to infiltrate.

7                                   MS. BLACKBURN: Can I ask a  
8                                   question about that?

9                                   MR. FERRY: Certainly.

10                                  MS. BLACKBURN: I think we're  
11                                  talking about that map, right, where they show  
12                                  the basins and you had the red and the blue  
13                                  kind of around the --

14                                  MR. FERRY: Yes, ma'am. Yes,  
15                                  ma'am.

16                                  MS. BLACKBURN: And the point  
17                                  was, is that you should have been also doing  
18                                  some measurement, kind of, of the internal of  
19                                  the developments?

20                                  MR. FERRY: Yes. That was the --

21                                  MS. BLACKBURN: The idea being  
22                                  that really since that's where your runoff is  
23                                  going to come from, wouldn't you want to know  
24                                  what that soil is, so you know how much is  
25                                  going to absorb and how much is going to run

1                                   \*\*Witness Testimony\*\*

2                   off so that you know how big to build the  
3                   basins?

4                                   Am I understanding its premise?

5                                   MR. FERRY: No, that's not  
6                   actually true. I can give you two responses to  
7                   that. One, again, I don't plan to infiltrate  
8                   in those specific areas.

9                                   I don't want to infiltrate in those  
10                  areas. Along with that, the calculations and  
11                  methodology that we use to calculate stormwater  
12                  runoff already has factors built into it called  
13                  an initial abstraction that takes into account  
14                  things of this manner.

15                                  You know, water in low lying areas  
16                  that might not specifically reach the basin or  
17                  may reach it at a later time, things like that.  
18                  It's already factored into the calculations.

19                                  MS. BLACKBURN: And my other  
20                  question would be, he also brought up the point  
21                  that there was a pretty big spread between the  
22                  infiltration measurements at the three  
23                  different locations, so can you speak to that.

24                                  MR. FERRY: Yes, I mean in  
25                  southwestern Pennsylvania, it's not uncommon at

1                   \*\*Witness Testimony\*\*

2           all to get such varying degrees of infiltration  
3           rates.

4                   You basically get what the test  
5           tells you, the soil at that specific, you know,  
6           location is going to infiltrate. And then the  
7           basin has to be designed around those  
8           parameters.

9                   As a caveat to that, I can also say  
10          that the minimum required infiltration rate is  
11          0.1 inches per hour, which we have exceeded on  
12          all three tests.

13                   MS. BLACKBURN: And the last  
14          thing that I remember from his presentation was  
15          he questioned the methodology for the soil  
16          sampling; is that you?

17                   MR. FERRY: Not specifically,  
18          no.

19                   MS. BLACKBURN: Did you speak  
20          to that?

21                   MR. PRATHER: And I believe  
22          his point with regard to that was, you know,  
23          what classification should the soil fall under,  
24          should it be a C or should it be a D. He was  
25          indicating --

## 1                               \*\*Witness Testimony\*\*

2                               MS. BLACKBURN: Well, he was  
3 speaking to -- because the -- kind of there was  
4 some estimates that was taken from a USAID  
5 (sic) guide or something.

6                               MR. PRATHER: USDA soil survey.

7                               MS. BLACKBURN: Thank you. A  
8 USDA guide versus actually taking the soil  
9 sample from the actual property.

10                              MR. PRATHER: Correct.

11                             MS. BLACKBURN: So I know he  
12 threw that into a question and I would like it  
13 hear someone's response to that.

14                             MR. PRATHER: Right. And his  
15 point with regard to that was, he was  
16 suggesting that the actual soil samples that  
17 were taken should put this soil into the D  
18 category.

19                             Okay. So the point that we've sort  
20 of addressed now today and his point is, if we  
21 start with a D category as was suggested,  
22 rather than the C, what the survey suggests, is  
23 that we're going to have a less conservative  
24 stormwater management plan based on that.

25                             So even if we agree in theory that

1                   \*\*Witness Testimony\*\*

2           the soil testing now at this point would  
3           indicate a D soil, it's really a better  
4           stormwater management plan using the USDA  
5           survey data because, as he indicated, the  
6           discrepancy between the two is going to provide  
7           a greater necessity for stormwater management.

8                   MR. FERRY:   And along with  
9           that, it's also required by Hampton ordinance  
10          to apply this specific method for calculating  
11          stormwater runoff.

12                   MS. BLACKBURN:   So I just want  
13          to say that I get it and I hear what you're  
14          saying, but I too struggle with the fact that  
15          if you're going to analyze infiltration and  
16          stormwater runoff, I don't understand why you  
17          wouldn't take the soil from the actual  
18          development and you would instead use estimates  
19          from a 20-year-old book.

20                   Am I misunderstanding what the  
21          approach is or something? I don't understand.

22                   MR. FERRY:   Well, I believe  
23          that if we were to implement what you just  
24          stated is, I think that's the assertion that  
25          Mr. Lusebrink is saying.

1                   \*\*Witness Testimony\*\*

2                   It's not necessarily bad science.  
3                   The fact of the matter is, is when I do this,  
4                   it may result in a factor where I reduce the  
5                   amount of stormwater that needs to be managed,  
6                   that provides a less conservative and a less  
7                   safe condition for the township. I can --

8                   MS. BLACKBURN: But you don't  
9                   really know because you didn't do it.

10                  MR. FERRY: But DE --

11                  MS. BLACKBURN: I'm just  
12                  saying. I'm just saying. This is a huge  
13                  question with the residents and I think it's  
14                  worthy of a couple minutes.

15                  MR. FERRY: Sure. Understood.

16                  MS. BLACKBURN: Because you're  
17                  not taking the actual soil; right?

18                  MR. FERRY: But even if I were  
19                  to take the actual soil, the worst case  
20                  scenario would be that I would end with a  
21                  D-type condition which is something that you  
22                  don't want in your township.

23                  You have specifically written in  
24                  your ordinance that I am not to do that. So if  
25                  I create -- if you're creating a situation

1                   \*\*Witness Testimony\*\*

2           where I have to control more than what I would  
3           normally have had to do, had I done what is  
4           being suggested.

5                   MR. PETERS:   Andy, can you  
6           give an English translation on this?

7                   MR. BANFIELD:   I will try.  
8           It's hard for me as well because I'm a  
9           stormwater guy.

10                   Basically what we're saying is, I've  
11           been doing this for 30 years, we've never seen  
12           a hydrologic soil group analysis done based on  
13           actual data.   So most times we don't have it.  
14           In this case we do have it, which is nice, I  
15           mean, we can say that.

16                   But if we were to do what Mr. Ferry  
17           is saying, if we were to take this actual  
18           number, they would allow more water to be  
19           released downstream.

20                   So I'm going to err towards the more  
21           conservative to protect the downstream  
22           residents.   So which is the C soil, which is  
23           what is in the soil conservation district's  
24           book.

25                   It is an older study but it's not

## 1                                   \*\*Witness Testimony\*\*

2           just whipped together. There is field analysis  
3           that was done to come up with that mapping. It  
4           is taken from an upper level aerial, though, so  
5           it doesn't have as much on-site.

6                                The nice thing about this is to turn  
7           it all back around is when -- again, we're  
8           talking predeveloped conditions, it sets a rate  
9           that they can discharge, a flow that they can  
10          discharge.

11                           Under post-development conditions,  
12          we make them use the D soil. Whether it was D  
13          soil or not, because in theory, being as soon  
14          as they get the heavy equipment, dump trucks,  
15          graters, all that stuff, as soon as it runs  
16          over anything that's not paved, it's compacts  
17          it.

18                           So once that compaction happens --  
19          and Graham had mentioned about the initial  
20          abstraction, that's the ability of the  
21          water -- or the ground to absorb that initial  
22          part of the rain before it starts to actually  
23          run off. Once that's compacted you lost that C  
24          soil.

25                           Even if it was A soil -- and I did

## 1                                   \*\*Witness Testimony\*\*

2           two years of work in New Jersey where you have  
3           a lot of A soil where it's sand and as soon as  
4           that was compacted it acted as a D. So the  
5           spread between the water that you're actually  
6           calculating into the basin and what you have to  
7           hold back is much, much bigger.

8                                If we did it this way and went with  
9           what -- and in this case if we went with the  
10          actual site numbers -- or site soils, which may  
11          be more appropriate than that, it would end up  
12          hurting the downstream residents on the  
13          stormwater management.

14                              That's why we're sticking and we're  
15          agreeing with that. And that was part of my  
16          testimony I was going to put together but now  
17          Graham has got it obviously covered. But  
18          that's why we did that.

19                              MS. JOHNSON: I'm going to try  
20          to translate a little bit more just to make  
21          sure that I understand.

22                              MR. BANFIELD: Thank you.

23                              MS. JOHNSON: What you're  
24          saying is that you manage the delta in the  
25          stormwater discharge from preconstruction to

1                                   \*\*Witness Testimony\*\*

2           post construction?

3                                   MR. BANFIELD:   That's correct.

4                                   MS. JOHNSON:    If you use the D  
5           rating right now, that delta is going to be  
6           very small.

7                                   MR. FERRY:      Yes.

8                                   MS. JOHNSON:    If you use the C  
9           rating now that delta is larger --

10                                  MR. FERRY:      That's correct.

11                                  MS. JOHNSON:    -- which gives  
12           us the more conservative estimate.

13                                  MR. FERRY:      Correct.    Right.  
14           Correct.    You're absolutely correct.

15                                  And Hampton was kind enough to also  
16           implement rate release districts which further,  
17           you know, hinders my ability to release more  
18           stormwater so...

19                                  MR. PETERS:     Again, for me,  
20           just to dumb it down even further for me, by  
21           designing to the C soil, you actually design --  
22           you actually have -- your design permits a  
23           smaller or less of a flow downstream?

24                                  MR. FERRY:      That's correct.

25                                  MR. PETERS:     If you design to

## 1                                   \*\*Witness Testimony\*\*

2           the D, even though the D is prevalent, then  
3           your downstream flow, just because of the size  
4           of the ponds and the infiltration would be  
5           greater?

6                               MR. FERRY:    Yes.

7                               MR. MCDERMOTT:  And to dumb it  
8           down a little bit more, if you're to allowed to  
9           assume a worse precondition, you're allowed to  
10          assume a worse postcondition.

11                              MR. BANFIELD:  Yes.  Right.

12                              MR. MCDERMOTT:  And we allow  
13          them to assume a better precondition but make  
14          them assume the worst on the back --

15                              MR. BANFIELD:  They assume the  
16          worst, right, so we're getting the maximum  
17          stormwater management that we can get.

18                              Like I said, since the hearing is  
19          open and we've been taking notes obviously of  
20          the two meetings, I have some calculations for  
21          counsel that will show, like, on a typical  
22          one-acre, let's say, wooded lot, a fantasy lot,  
23          if you had C soil runoff and D soil runoff, the  
24          difference between the D soil is actually 160  
25          percent higher.  So that's the increase of the

1                                   \*\*Witness Testimony\*\*

2           allowable outflow that would be, just on one  
3           acre.

4                           Now, obviously, a lot of different  
5           things happen in there. But just looking at it  
6           in a box to try to give a comparison between  
7           the more permeable C soil and the harder D soil  
8           so...

9                           MR. PRATHER: Any other  
10          questions on that?

11   (No response.)

12                           MR. PRATHER: Mr. Ferry, there's  
13          been some questions about GP-5 applications and  
14          whether or not they're required.

15   Has a GP-5 permit been applied for?

16                           MR. FERRY: Yes. A Chapter  
17          105 GP-5 permit, which is a temporary utility  
18          crossing for a stream has been applied for, as  
19          well as three additional general permit 4s or  
20          GP-4s, which are required at stormwater outfalls.

21   These have all been submitted to the  
22          Allegheny Conservation District. Copies of  
23          these applications, not approvals -- applications  
24          have been provided to Hampton Township for  
25          review and verification that they were done.

## 1                                   \*\*Witness Testimony\*\*

2                                   In speaking with the conservation  
3                                   district, which I am now doing on an almost  
4                                   daily basis, we confirmed that we have unofficial  
5                                   approval on all of our general permits at this  
6                                   time. They just cannot officially acknowledge  
7                                   them until the Chapter 102 NPDES is also  
8                                   issued.

9                                   MR. PRATHER: There have been  
10                                  some questions as to whether or not the PA  
11                                  Historical and Museum Commission review is  
12                                  required. Is your -- does your permit  
13                                  application require the PHMC review?

14                                 MR. FERRY: No, it does not.  
15                                 Only an individual NPDES permit requires a PHMC  
16                                 review. We have applied for and are required  
17                                 to apply for a general NPDES application which  
18                                 does not require this review.

19                                 MR. PRATHER: We had some  
20                                 previous questions regarding open space. And I  
21                                 would like to see if we can clarify that for  
22                                 the council this evening.

23                                 Does the plan provide the required  
24                                 amount of recreational open space?

25                                 MR. FERRY: Yes, it does.

1                                   \*\*Witness Testimony\*\*

2                                   MR. PRATHER:   How much is  
3                                   required by the ordinance and how much does the  
4                                   plan provide?

5                                   MR. FERRY:    10.91 acres is  
6                                   required.   25 percent of that is to be  
7                                   considered active recreational space.   That 25  
8                                   percent of 10.91 acres equates to 2.72 acres.  
9                                   And we are providing 2.99 acres.   So we are  
10                                  over the required amount point.

11                                 MS. JOHNSON:   I would like to  
12                                 ask a question about that.

13                                 If I remember correctly from the  
14                                 documentation that was provided that 2.99  
15                                 includes the pond and the area around it; is  
16                                 that correct?

17                                 MR. FERRY:    I believe that it  
18                                 does, yes.

19                                 MS. JOHNSON:   How can a pond  
20                                 be included in recreation area if you're not  
21                                 swimming or boating or doing something else  
22                                 with that pond?

23                                 MR. FERRY:    Well, who's to say  
24                                 that someone can't be boating or swimming or  
25                                 fishing?   We're providing trail access to it,

1                                   \*\*Witness Testimony\*\*

2           just the fact that it's there as a site amenity  
3           is a benefit as well.

4                           MS. JOHNSON:   A benefit but  
5           not an active recreation benefit.

6                           MR. FERRY:   Well, as I stated,  
7           I mean, you can do several different types of  
8           active recreation involving the pond, I mean...

9                           MR. PRATHER:   The active  
10          aspect of it will be the walking trail.

11                          MR. PETERS:   So just as a --  
12          if I understand, just as a follow-up, the  
13          amount of open space with the 2.95 acres (sic),  
14          does that -- that includes the surface, the  
15          area of the pond or just the walking trail that  
16          goes around the pond?

17                          MR. FERRY:   I believe it  
18          includes the surface area of the pond as well.

19                          MR. PETERS:   So as part of  
20          your recreational -- active recreational open  
21          space, the pond would be part of that open  
22          space?

23                          MR. FERRY:   That's correct,  
24          yes.

25                          MS. JOHNSON:   How large is the

1                                   \*\*Witness Testimony\*\*

2           pond, the surface area?

3                           MR. FERRY:   One acre.

4                           MR. PRATHER:   That's all I  
5           have for Mr. Ferry.

6                           MS. BLACKBURN:   I have one  
7           question.   Can you go back to the very  
8           beginning of when you asked him your very first  
9           question.   I just want to hear the question and  
10          answer one more time to make sure that I quoted  
11          it correctly.

12                          MR. PRATHER:   The question on  
13          Mr. Loehlein or Mr. Lusebrink?

14                          MS. BLACKBURN:   Whoever was  
15          first.

16                          MR. PRATHER:   Okay.

17                          MS. BLACKBURN:   Loehlein.

18                          MR. PRATHER:   Yeah, okay.   Do  
19          you agree with Mr. Loehlein's statement that  
20          there were will be an adverse impact to the  
21          streams as a result of the development?

22                          MR. FERRY:   No, I don't.   I  
23          believe his opinion is an oversimplification of  
24          what actually could occur there.   And I feel  
25          that he is also basing this on information that

## 1                                   \*\*Witness Testimony\*\*

2           is not site specific. He does not have access  
3           at this point, at least he hasn't reported that  
4           he has access to specific soil conditions,  
5           information from geotechnical report or  
6           anything else that would lend him to make a  
7           broad-based statement such as adverse  
8           conditions downstream, which we -- you know,  
9           and I state, that's when we get into the  
10          groundwater mounding.

11                               MS. BLACKBURN: I don't think  
12          you have to be an expert and have a lot of data  
13          to understand that when you put in a big  
14          development there's going to be some impact.  
15          And some of that's going to happen downstream,  
16          I mean, that's just the nature of development.  
17          And I think that we just have to decide how  
18          much of that we're going to accept.

19                               MR. FERRY: Well, that's  
20          understandable but there's two key things here.  
21          I think, are we talking about impacts or  
22          adverse impacts? Mr. Loehlein is referring  
23          specifically and only to adverse impacts but  
24          he's basing his opinion on no specific data.

25                               He is just making an assumption

1                                   \*\*Witness Testimony\*\*

2                   that, well, because you're doing this there  
3                   will still be an adverse impact.

4                                   MS. BLACKBURN:   Okay.

5                                   MR. FERRY:    But he didn't make  
6                   the same statement about the other two basins  
7                   which have the exact same infiltration systems.

8                                   MS. BLACKBURN:   That's fine.  
9                   I just wanted a clarification.   Thank you.

10                                  MR. PRATHER:   I'm going to  
11                   call Steve Horhut from Horhut Tree Services.

12   - - - - -

13    STEVE HORHUT,  
14                   having been previously duly sworn, testified as  
15                   follows:

16                                   MR. HORHUT:    Steve Horhut,  
17                   H-O-R-H-U-T.   I'm a principal of Horhut Tree  
18                   Experts.   ISA board-certified master arborist.  
19                   I went to Penn State for urban forestry.

20                                   I'm a member of the American Society  
21                   of Consulting Arborists.   And I graduated from  
22                   the Municipal Forestry Institute.

23                                  MR. PRATHER:   Did you listen  
24                   to Mr. Kruljac's testimony regarding tree  
25                   impact?

1                                   \*\*Witness Testimony\*\*

2                                   MR. HORHUT:    Yes.

3                                   MR. PRATHER:   Do you agree  
4                                   with his assessment?

5                                   MR. HORHUT:    No, on two  
6                                   points.   Very concisely, the drain channel will  
7                                   follow the projected plan path but can be  
8                                   slightly modified to preserve large stately  
9                                   trees that may be present at that time.

10                                  A consulting arborist on the other  
11                                  end too, will be on-site and in the field to  
12                                  plan the drainage swale path and to inspect/  
13                                  audit the tree removal and construction  
14                                  process.

15                                  MR. PRATHER:   So what you're  
16                                  suggesting is that we're going to leave the  
17                                  path of the swales to avoid --

18                                  MR. HORHUT:    Right, to kind of  
19                                  have our cake and eat it too, we want to  
20                                  preserve as many large trees as we can but at  
21                                  the same point we want to put in a drainage  
22                                  swale to control stormwater.

23                                  MR. PRATHER:   How will trees  
24                                  be removed?

25                                  MR. HORHUT:    Trees will be

1                                   \*\*Witness Testimony\*\*

2           removed, first by an overarching application of  
3           the International Society of arboriculture best  
4           manager practices mainly managing trees during  
5           construction.

6                                The drainage swale removal process  
7           will implement appropriately sized machinery to  
8           aid in felling and forwarding of these trees.  
9           The trees will be felled with care to the  
10          residual landscape.

11                              By felling trees into gaps between  
12          tree canopies having zero tolerance for  
13          residual tree trunk damage and limiting  
14          machinery travel to specified routes with a  
15          conscious effort to preserve the tree root  
16          zones.

17                              Specific routes will be designed  
18          with -- or specific routes will be designed for  
19          machinery, will minimize the soil compaction  
20          with regard to the residual tree root zones.

21                              MR. PRATHER:   What about  
22          Mr. Kruljac's claim that a larger area should  
23          be outlined in the plans for disturbance?

24                              MR. HORHUT:   The current area  
25          of disturbance plan accounts for the proper

1                                   \*\*Witness Testimony\*\*

2           number of trees to be removed.

3                                   It's counterintuitive to want to  
4           increase the disturbance area and tree loss  
5           count. Our goal is to remain as many trees as  
6           possible with the best interest of the tree's  
7           health and vigor in mind too.

8                                   MR. PRATHER: That's all I  
9           have for Mr. Horhut.

10                                  MS. BLACKBURN: Can I ask, and  
11           maybe it's because I didn't review the plans as  
12           closely as I should have. But there was a  
13           resident this evening who talked about some big  
14           pine trees in his -- on the edge of his  
15           property.

16                                  What is in the plans for those big  
17           trees?

18                                  MR. HORHUT: I believe since  
19           they would be in the road corridor right-of-way  
20           they would have to be removed.

21                                  MS. BLACKBURN: Thank you.

22                                  MS. JOHNSON: Is there a  
23           reason why the road can't be moved over to  
24           preserve those trees to he requested?

25                                  MR. HORHUT: I believe that

## 1                   \*\*Witness Testimony\*\*

2           that would affect additional planning of some  
3           sites that are adjacent or across the street  
4           from that.

5                   APPLICANT: Two things, I  
6           would say the way the ordinance is written it  
7           is designed to follow the natural topography.  
8           The current existing Chalfant Lane is -- there  
9           is a road right-of-way that is designated that  
10          the -- both of the lot owners, when they  
11          purchased their lots they knew that there was a  
12          50-foot road right-of-way there that Mr. Chalfant  
13          had intended when he sold them the lots, and  
14          those trees are clearly within that  
15          right-of-way.

16                   Moving the road outside of what the  
17          planned right-of-way currently exists right  
18          now becomes a little more complicated and goes  
19          outside of what could reasonably be done there.

20                   MS. BLACKBURN: Okay. Thank you.

21                   MR. PETERS: So just, again,  
22          simplistically for me. Mr. Kruljac showed the  
23          drawing of the drainage swales and how they  
24          might impact trees that would be -- large  
25          mature trees that would be less than 10 feet --

## 1                   \*\*Witness Testimony\*\*

2           or more than 10 feet away but the root  
3           structure would fall underneath the drip line  
4           of the trees but it would be in the swale.  
5           So your intent is to on-site meander the swales  
6           about --

7                   MR. HORHUT:    Correct.    Yes.

8                   MR. PETERS:    -- within reason --

9                   MR. HORHUT:    Within reason.

10                  MR. PETERS:    -- to try to  
11           minimize the impact on the trees --

12                  MR. HORHUT:    Correct.

13                  MR. PETERS:    -- on the mature  
14           trees?  And the other thing -- and that takes  
15           into account the fact that even though you have  
16           a ten-foot swale, you're going to be moving  
17           heavy equipment into that area to fell the  
18           trees.

19                         Can you reasonably move -- I guess  
20           my question is, can you reasonably move the  
21           equipment that you need to go within that 10  
22           foot disturbance of the swale.

23                         I mean, I've had a couple of big oak  
24           trees taken down and Mr. Kruljac did one for me  
25           several years ago and I can tell you, the

1                                   \*\*Witness Testimony\*\*

2           bucket truck it comes in and sets up, it's a  
3           pretty big piece of machinery, I'm sure you  
4           know that.

5                                   MR. HORHUT:    Correct.

6                                   MR. PETERS:    How do you  
7           minimize that?

8                                   MR. HORHUT:    In the forest  
9           situation, it could be done by hand felling.  
10          And then bucking to appropriate size, scaling  
11          down some equipment to keep it in certain  
12          corridors so that we don't, you know, have a  
13          wider footprint than we intend to.  That would  
14          be the goal.

15                                  MR. PETERS:    Okay, so you  
16          would intend on some of those big mature trees  
17          to actually hand felling -- hand felling?

18                                  MR. HORHUT:    If we -- yeah, if  
19          it was feasible and we couldn't, you know avoid  
20          it, yes.

21                                  MR. PETERS:    That's all I have.

22                                  MR. HORHUT:    Thank you.

23                                  MR. PRATHER:   I'm going to ask  
24          Mr. Chuck Wooster of Wooster and Associates.

25   - - - - -

1                   \*\*Witness Testimony\*\*

2                   CHUCK WOOSTER,

3                   having been previously duly sworn, testified as  
4                   follows:

5                   MR. PRATHER: Go ahead and  
6                   state your name.

7                   MR. WOOSTER: Chuck Wooster,  
8                   W-O-O-S-T-E-R, from David E. Wooster &  
9                   Associates.

10                  MR. PRATHER: Mr. Wooster,  
11                  we've had a lot of questions or issues raised  
12                  this evening with regard to traffic. And I  
13                  just ask you to generally respond to those  
14                  comments or issues.

15                  MR. WOOSTER: Comments --  
16                  general comments made relative to traffic,  
17                  there wasn't anything that I understood that  
18                  needed specifically addressed.

19                  We did a traffic impact analysis in  
20                  May of last year. Submitted it to Hampton and  
21                  to the Pennsylvania Department of Transportation.

22                  Pennsylvania Department of  
23                  Transportation who owns Hardies Road approved  
24                  the study. Said submit for highway occupancy  
25                  permit. There were three questions directed to

## 1                   \*\*Witness Testimony\*\*

2           us in a June 26 letter. June 27 we responded  
3           to those from the township, one was simply, you  
4           need a permit. We acknowledge we need a permit.

5                   One was talking about the access to  
6           actual Crestview Drive. When we did our  
7           traffic study, we understood that there may be  
8           an access to Crestview Drive but we didn't  
9           analyze it.

10                   We took all of our traffic and went  
11           out of the single access at that point, which  
12           is what we did. And then there was one  
13           clarification.

14                   Since that time, Hampton commissioned  
15           their own study from their own consultant, who --  
16           as I read, and he's here to speak for himself,  
17           but essentially came up with the same thing  
18           that we came up with; there's generally no  
19           impact from this development.

20                   He analyzed two access points. We  
21           analyzed a single access point but acknowledged  
22           that even if you used a single access point it  
23           would work just fine. So you've had two  
24           studies that say the same thing. There's no  
25           impact caused by this development to traffic.

1                                   \*\*Witness Testimony\*\*

2                                   MS. JOHNSON: Did those  
3 studies look at the volume of traffic that the  
4 residents have been talking about; 1,500 cars?

5                                   MR. WOOSTER: The requirement  
6 of traffic impact study for developers is to  
7 study their impact, not the cumulative impact  
8 of a bunch other developments.

9                                   You may or may not have done that,  
10 that's done generally as part of a comprehensive  
11 plan. That's how you establish your zoning.  
12 That's how you establish your hierarchy of  
13 streets.

14                                   What you want them to use, what you  
15 don't want them to use.

16                                   The responsibility of a developer  
17 when they do the traffic impact analysis  
18 consistent with your ordinance and consistent  
19 with the Pennsylvania Department of  
20 Transportation, is to identify their specific  
21 impact of traffic and that's what we've done.

22                                   MS. JOHNSON: Thank you.

23                                   MS. BLACKBURN: Can you  
24 define, I guess, what qualifies as impact, the  
25 traffic impact?

1                   \*\*Witness Testimony\*\*

2                   Because I'm having -- if you put in  
3                   a new development with 70 units and everyone  
4                   has got two cars, how is there not an impact to  
5                   the traffic or is it just like it has to be at  
6                   a certain level.

7                   MR. WOOSTER: It has to be a  
8                   certain level. We have levels of service for  
9                   the operation of characteristics of an  
10                  intersection, you can't change those levels of  
11                  service, they're like report grade A through F.  
12                  So if they're F now you can't make that F any  
13                  worse.

14                  If it's a C now, you can't make it a  
15                  D or an E, you have to mitigate it. In these  
16                  cases, your intersections are operating level  
17                  service A.

18                  MS. BLACKBURN: So it's  
19                  currently an A and then you're just saying that  
20                  it would remain an A?

21                  MR. WOOSTER: And it will stay  
22                  an A.

23                  MS. BLACKBURN: It would stay  
24                  an A even when additional --

25                  MR. WOOSTER: So you could

1                                   \*\*Witness Testimony\*\*

2                   have, like your report card grade, you can have  
3                   100 percent A, you can have a 90 percent A,  
4                   it's still an A. So you can go from a 97 to a  
5                   94 and still have an A, there's a slight impact  
6                   but you're staying an A.

7                                   MS. BLACKBURN: But you're  
8                   still staying an A.

9                                   MR. WOOSTER: But you have  
10                  very good levels of service in this area.

11                                  MS. BLACKBURN: Okay. Thank  
12                  you.

13                                  MR. PETERS: So the traffic,  
14                  when you say is at a level A at the  
15                  intersection --

16                                  MR. WOOSTER: Right.

17                                  MR. PETERS: -- which intersection  
18                  is that?

19                                  MR. WOOSTER: The intersections  
20                  within the environs of the site, which would be  
21                  South Pioneer and Hardies and --

22                                  MR. PETERS: West Hardies?

23                                  MR. WOOSTER: Right.  
24                  Chalfant, which would be our study intersection.  
25                  And your study -- Mr. Goetz's study, at four

## 1                                   \*\*Witness Testimony\*\*

2           intersections.   West Hardies -- well, study  
3           four roadways, three intersections, West Hardies  
4           and Lakewood, West Hardies and the proposed  
5           road, and West Hardies and South Pioneer Road.

6                               MR. PETERS:   And they're all  
7           at a level A?

8                               MR. WOOSTER:   The conclusion  
9           was, with the development, all the study  
10          intersections continue to operate at the same  
11          level of service in 2020 without development,  
12          increase in delay at the studied intersections  
13          project to be 3.3 seconds or less.

14                              Both proposed site access roadways  
15          are projected to operate overall level of  
16          service A, assuming one site access along South  
17          Pioneer still results in overall level of  
18          service A.

19                              MS. BLACKBURN:   And just to  
20          confirm then, the developers did a study and  
21          then the township did a study and the results  
22          were essentially the same.

23                              MR. LOCHNER:   Right.

24                              MR. WOOSTER:   That's correct.

25                              MS. BLACKBURN:   Thank you.

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**\*\*Witness Testimony\*\***

MR. PRATHER: That's the conclusion of our expert rebuttal. I have a conclusion, I don't know if you want to wait until after the township to hear that or do you want me to do that now?

MR. PETERS: You might as well do it now.

MR. PRATHER: Much of the public comment which we heard has been previously submitted to the township and reviewed by the township engineers.

I would refer you to the Gateway and the PVE letters which are marked as Exhibits 44 and 43 respectively.

These letters demonstrate that these comments have been reviewed by your own engineers who continue to recommend the plan for tentative approval in accordance with their current comments.

Mr. Lochner had touched on this briefly this evening but it's an important point to recognize where we are in the process.

The NPC sets forth the basis upon which tentative approval of the PRD is to be

1                                   \*\*Witness Testimony\*\*

2           granted.

3                                   What is required is only such  
4           information as is reasonably necessary to  
5           disclose to counsel; the site details, the  
6           density, open space, location of buildings,  
7           feasibility of utilities.

8                                   Any HOA covenants, streets and  
9           parking and requested modifications. That's  
10          all that is required. These requirements have  
11          been met.

12                                  Final engineering and site details  
13          are not required at this stage. We've gone  
14          pretty far in that regard, beyond what is  
15          required and there is very little that is left  
16          to be done. The

17                                  Windmont Farm PRD plan has been  
18          designed with care to preserve and protect the  
19          existing natural resources. The Windmont Farms  
20          PRD plan has been designed in accordance with  
21          all stormwater management requirements.

22                                  As we just heard traffic has been  
23          reviewed and no impact shown. The courts of  
24          this Commonwealth have held that public  
25          interest objections may form a basis for denial

1                   \*\*Witness Testimony\*\*

2           of the PRD only if those objections are  
3           specific and exceptional in nature and have a  
4           legitimate basis in law and in fact.

5                   Without evidence and without a  
6           legitimate basis in law or fact, such objections  
7           cannot be considered specific and exceptional.

8                   The Windmont Farms PRD plan will  
9           benefit the community. A recognized public  
10          interest exists in providing homes for  
11          Pennsylvania residents. Based on the evidence  
12          of record, the Windmont Farms PRD plan promotes  
13          the public interest of Hampton Township as  
14          defined by the NPC.

15                   The PRD plan compliance with the PRD  
16          ordinance of Hampton Township as relates to  
17          tentative approval and it is consistent with  
18          the comprehensive plan. Therefore we ask you  
19          to vote in favor of tentative approval of the  
20          Windmont Farms PRD plan. I thank you.

21                   MS. BLACKBURN: Could you  
22          elaborate, so in this closing statement he said  
23          that you can only object to a development plan  
24          if there were specific or exceptional reasons  
25          to do so that were, in law, that had something

1                   \*\*Witness Testimony\*\*

2           to do with the law or a fact.

3                   MS. CROMER: He was reading, I  
4           think from the NPC, so I will refer to --

5                   MR. MCDERMOTT: Yes, and I  
6           think your site-specific case on a category of  
7           public interest, if you would like to submit  
8           that case --

9                   AUDIENCE: Microphone.

10                  MR. MCDERMOTT: I beg your  
11           pardon, I think he's speaking -- you can reject  
12           a plan based on failure to meet the specific  
13           ordinance requirements. I think what the  
14           gentleman was speaking to was a specific kind  
15           of objection; is that correct, Matt?

16                  MR. PRATHER: That's correct.  
17           So general specific -- you know, unspecific,  
18           I'm sorry -- general objections of the public,  
19           such as, I feel this will be unsafe or I feel  
20           that there's going to be flooding, those are  
21           general, they're not specific, they're not  
22           exceptional.

23                  You guys, you know, you're required  
24           to rely upon specific factual data when you're  
25           listening to what you're going to perceive as a

1                   \*\*Witness Testimony\*\*

2           basis for, you know, consideration of those  
3           types of objections.

4                   So just general questions with  
5           regard to safety and those sorts of things,  
6           which we sort of -- we got into a little bit  
7           earlier of, you know, certain areas are going  
8           to require some expert evidence or some data  
9           that would support that.

10                   So that's what we're talking about  
11           when we say, you know, general objections that  
12           are not specific and not exceptional.

13                   MS. BLACKBURN: Thank you.

14                   MR. MCDERMOTT: For the  
15           stenographer's sake, my name is Thomas P.  
16           McDermott. Along with my partner, Michele  
17           Cromer and Mr. Tucceri -- Tucceri, he prefers  
18           when he's in the room, I have the privilege and  
19           honor of representing Hampton Township in this  
20           matter.

21                   AUDIENCE: Speak up please.  
22           Stand in front of the mic please.

23                   MS. BLACKBURN: They're saying  
24           the mic is not on.

25                   MR. MCDERMOTT: I would like

1                                   \*\*Witness Testimony\*\*

2           to first call Mr. Orban.

3                                   - - - - -

4                                   MARTIN ORBAN,

5           having been previously sworn, testified as  
6           follows:

7                                   MR. MCDERMOTT:    Could you  
8           please state your name for the record, sir.

9                                   MR. ORBAN:    Martin Orban,  
10          O-R-B-A-N.

11                                  MR. MCDERMOTT:    And what  
12          position do you hold with Hampton Township,  
13          sir?

14                                  MR. ORBAN:    I'm the Land Use  
15          Administrator.

16                                  MR. MCDERMOTT:    How long have  
17          you held that position?

18                                  MR. ORBAN:    Fifteen-plus  
19          years.

20                                  MR. MCDERMOTT:    And you've  
21          been working along with me in that position for  
22          about that long almost?

23                                  MR. ORBAN:    Just about.

24                                  MR. MCDERMOTT:    And along with  
25          some of your engineer colleagues, Mr. Sites

1                                   \*\*Witness Testimony\*\*

2           included.

3                           MR. ORBAN:    Correct.

4                           MR. MCDERMOTT:   About 15 years  
5           you say?

6                           MR. ORBAN:    Fifteen plus.

7                           MR. MCDERMOTT:   And you have  
8           staff, as well, that work with you?

9                           MR. ORBAN:    I do.

10                          MR. MCDERMOTT:   Presently that  
11           would be Ms. Lukas?

12                          MR. ORBAN:    Ms. Lukas is the  
13           land use assistant.   We have a permit clerk  
14           Colleen Piroshki (phonetic).   Two code  
15           enforcement officers who also serve as the fire  
16           marshall.   Then we have a third-party agency  
17           that acts as the building inspector.

18                          MR. MCDERMOTT:   You work very  
19           closely with legal?

20                          MR. ORBAN:    I do.

21                          MR. MCDERMOTT:   And along with  
22           the engineers?

23                          MR. ORBAN:    I do.

24                          MR. MCDERMOTT:   And of course  
25           with your management staff?

1                                   \*\*Witness Testimony\*\*

2                                   MR. ORBAN:  Always.

3                                   MR. MCDERMOTT:  What are your  
4                                   duties with regard to the administration of the  
5                                   zoning ordinance, the land development  
6                                   ordinances and applications that come before  
7                                   the township?

8                                   MR. ORBAN:  Myself and my  
9                                   staff act as facilitators.  We take in  
10                                  applications.  If they're internal, we may  
11                                  review them internally.

12                                  We disburse those, if appropriate,  
13                                  to -- internally to the staff, to the  
14                                  engineering firms and, in some cases, land  
15                                  development.  We also go to the EAC planning  
16                                  commission, county conservation -- or county  
17                                  economic development.

18                                  MR. MCDERMOTT:  Okay.  And  
19                                  just to put to rest any suggestion to the  
20                                  contrary, are you in the business of approving  
21                                  anything yourself, Mr. Orban?

22                                  Do you ever approve plans?

23                                  MR. ORBAN:  Not plans.  Not  
24                                  land development plans.  We do -- occasionally  
25                                  I will permit myself, a minor building permit

1                                   \*\*Witness Testimony\*\*

2           or a zoning permit.

3                           MR. MCDERMOTT:   But things  
4           that rise to a zoning approval level, you're  
5           not an approver, are you?

6                           MR. ORBAN:   That's correct.

7                           MR. MCDERMOTT:   Okay.   And  
8           procedurally, I think you said, you're kind of  
9           a facilitator, you help usher them through the  
10          process?

11                          MR. ORBAN:   That's correct.

12                          MR. MCDERMOTT:   You make the  
13          referrals to the professional consultants  
14          first?

15                          MR. ORBAN:   We do.

16                          MR. MCDERMOTT:   And then,  
17          obviously, to the PEC, EAC?

18                          MR. ORBAN:   And internally to  
19          staff also.

20                          MR. MCDERMOTT:   Okay.   Do you  
21          have an understanding of the standard of  
22          review, so to speak, by which you ask  
23          collectively, the engineering staff to assess  
24          an application?

25                          MR. ORBAN:   I do.

1                   \*\*Witness Testimony\*\*

2                   MR. MCDERMOTT: Is that a  
3 subjective thing? Are we allowed to employ  
4 general --

5                   MR. ORBAN: We are not.

6                   MR. MCDERMOTT: -- wishes?  
7 What do we have to go by?

8                   MR. ORBAN: We have to go by  
9 the ordinance. So the applicable ordinance,  
10 building code, whatever it may be based on that  
11 type of application.

12                   MR. MCDERMOTT: You and I  
13 throw out, with each other, often going back  
14 and forth on an NPC section called 508.

15                   Do you have a familiarity with that  
16 and how that impacts what we're allowed to look  
17 at in terms of the ordinance in effect at the  
18 time we were looking at things?

19                   MR. ORBAN: I do.

20                   MR. MCDERMOTT: How does that  
21 impact?

22                   MR. ORBAN: NPC is a guidance  
23 document. It is not a legal document. It's  
24 used to help make long-term decisions. In the  
25 case of a land development like this, it -- you

1                   \*\*Witness Testimony\*\*

2           can't actually use it and it's actually illegal  
3           to do so to make decisions.

4                   So if there's noncompliance with the  
5           comprehensive plan it cannot be used in a  
6           decision, in this particular land development  
7           decision.

8                   MR. MCDERMOTT: That's on the  
9           comprehensive plan. So in other words, even  
10          though we do the comprehensive plans and  
11          they're aspirational, I guess, in nature, those  
12          are, then, turned into ordinances executed on  
13          at times?

14                  MR. ORBAN: That's correct.

15                  MR. MCDERMOTT: But the NPC,  
16          in your understanding, it actually specifically  
17          prohibits us from making a decision, say, for  
18          example, to deny something because of purported  
19          inconsistency with the comprehensive plan; that  
20          would actually be unlawful for us to do that?

21                  MR. ORBAN: It is unlawful,  
22          yes.

23                  MR. MCDERMOTT: And I've  
24          shared with you case law to that effect; is  
25          that correct?

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**\*\*Witness Testimony\*\***

MR. ORBAN: That's right.

MR. MCDERMOTT: So in effect we have to follow the ordinances that are in existence at the time of the application?

MR. ORBAN: Yes.

MR. MCDERMOTT: And actually, you're aware, aren't you, that we're actually not even allowed to change the ordinances that impact negatively an application once it's been approved for, say, five years under the NPC?

MR. ORBAN: Yes. After approval. Yes.

MR. MCDERMOTT: And that application here with regard to the stormwater ordinance for example, because we have changed the ordinance and updated it since the time of this application; right?

MR. ORBAN: That's correct.

MR. MCDERMOTT: And we're constrained, however, to utilize the application -- I'm sorry, the ordinance stormwater ordinance that was in effect at the time of the application?

MR. ORBAN: Correct.

1                   \*\*Witness Testimony\*\*

2                   MR. MCDERMOTT: In addition to  
3 the staff, the departmental reviews that occur  
4 for our purposes, more specifically tonight, we  
5 have engineering professionals that these are  
6 referred to as well; is that correct?

7                   MR. ORBAN: That's correct.

8                   MR. MCDERMOTT: Okay. And  
9 we're fortunate in Hampton Township actually  
10 not just to have a single engineering firm but  
11 we have --

12                  MR. ORBAN: We have a specialist.

13                  MR. MCDERMOTT: Yes. We have  
14 our general Jack of all trades municipal  
15 engineer --

16                  MR. ORBAN: Gateway is our  
17 single engineering firm.

18                  MR. MCDERMOTT: -- we refer to  
19 that him way.

20                  MR. ORBAN: Yes. Andy  
21 Banfield, to my left, is our stormwater  
22 engineer.

23                  MR. MCDERMOTT: By the way,  
24 that occurred a number of years ago as a result  
25 of the regulations becoming more sophisticated

1                                   \*\*Witness Testimony\*\*

2           in the stormwater management and just feeling  
3           the need that we needed actually kind of a  
4           special surgeon on stormwater management?

5                           MR. ORBAN:   That's correct.

6                           MR. MCDERMOTT:   And Gateway  
7           was competent at that but we actually wanted,  
8           kind of a brain surgeon on stormwater  
9           management.  Is that what we did?

10                          MR. ORBAN:   Yes, we did.

11                          MR. MCDERMOTT:   Is it fair to  
12           char- -- we kind of characterize our -- when  
13           we're explaining it to folks, how our jobs --  
14           review jobs, our professional engineers as kind  
15           of the homework checkers?

16                          MR. ORBAN:   That's correct.

17                          MR. MCDERMOTT:   In layman's  
18           terms?

19                          MR. ORBAN:   So the application  
20           is the actual -- you know, it is the homework  
21           and we send it to our engineers for verification  
22           that they did it right.

23                          MR. MCDERMOTT:   And, in fact,  
24           often you get complaints from the developers  
25           and the applicants, that why do we have to pay

1                   \*\*Witness Testimony\*\*

2           our own engineers and your engineers; right?

3                   MR. ORBAN:   Of course.

4                   MR. MCDERMOTT:   Because actually  
5           under the NPC, the applicants have to reimburse  
6           us for reviewing and checking their homework?

7                   MR. ORBAN:   That's correct.

8                   MR. MCDERMOTT:   And often  
9           finding it lacking; is that correct?

10                  MR. ORBAN:   Yes.   And as part  
11           of the application process there's a fee in an  
12           escrow account established for that purpose.

13                  MR. MCDERMOTT:   The developers  
14           counsel a momentary ago -- a moment ago tried  
15           to describe -- described a little bit of  
16           tentative versus final approval, so with the  
17           interest of time, is that your common  
18           understanding, as he described your standard  
19           review on a tentative versus a final, a  
20           preliminary versus a final?

21                  MR. ORBAN:   I agree with that  
22           evaluation.

23                  MR. MCDERMOTT:   Okay.   Is it  
24           also your experience that you've been finding  
25           that the actual level of detail in the

1                                   \*\*Witness Testimony\*\*

2                   preliminary is actually beyond what the recipe  
3                   book, the zoning book actually requires and  
4                   practices?

5                                   MR. ORBAN:   In this case it is.

6                                   MR. MCDERMOTT:   And you find  
7                   that fairly common though in many cases with...

8                                   MR. ORBAN:   No, not in all cases.  
9                   In this particular case, they've gone above and  
10                  beyond the tentative level of application  
11                  material.

12                                  MR. MCDERMOTT:   Okay.   Do you  
13                  have an understanding of your obligation with  
14                  regard -- and your peers -- with regard to your  
15                  standard review of a rejection versus an approval  
16                  And when you're limited in your ability to do  
17                  one or the other?

18                                  MR. ORBAN:   I do.

19                                  MR. MCDERMOTT:   And how would  
20                  you describe that?

21                                  MR. ORBAN:   I would say that,  
22                  you know, on an approval it could be conditional  
23                  but it has to be related to ordinance  
24                  requirements.

25                                  A rejection would mean that you have

1                   \*\*Witness Testimony\*\*

2           not met those requirements of the ordinance.

3                   MR. MCDERMOTT:  Has it been  
4           imparted to you in understanding that where,  
5           and particularly on a preliminary or a  
6           tentative application, something can be granted  
7           with conditions?

8                   MR. ORBAN:  Yes.

9                   MR. MCDERMOTT:  -- that if  
10          they're fulfilled would be compliant that we're  
11          actually constrained by the courts and not  
12          allowed to disapprove something if it can be  
13          approved with reasonable conditions?

14                  MR. ORBAN:  I understand that  
15          to be the truth.

16                  MR. MCDERMOTT:  And, in fact,  
17          a conditional approval isn't complete until  
18          those conditions are met; is that the case?

19                  MR. ORBAN:  That's correct.

20                  MR. MCDERMOTT:  And the  
21          professional referrals in this case, again,  
22          they're to Mr. Banfield, stormwater, Mr. Sites  
23          general, and in this case to our traffic  
24          engineer, Mr. Goetz.

25                  MR. ORBAN:  And also to our

1                   \*\*Witness Testimony\*\*

2           sanitary engineer, which is the third -- fourth  
3           specialist, KLH.

4                   MR. MCDERMOTT:   Yes.   And all  
5           our department heads also comment on every  
6           application?

7                   MR. ORBAN:   They do.

8                   MR. MCDERMOTT:   Have all our  
9           department head comments and sanitary comments  
10          been placed into the record, to your knowledge  
11          here?

12                   MR. ORBAN:   Not to my knowledge.

13                   MR. MCDERMOTT:   They've all  
14          been made available to all the parties and  
15          they've all been reviewed?

16                   MR. ORBAN:   Absolutely.

17                   MR. MCDERMOTT:   I would ask  
18          that counsel would accept into the record of  
19          these proceedings all of the department -- and  
20          we'll have them marked appropriately if they're  
21          not -- all of the departmental reports and  
22          engineering reports, and including our sanitary  
23          engineers and including all the gentlemen here  
24          this evening that are going to be testifying  
25          about.

1                   \*\*Witness Testimony\*\*

2                   I do believe all the parties and  
3 residents and the applicants have all those  
4 documents.

5                   MR. PETERS:    Okay.

6                   MR. MCDERMOTT:  The process  
7 with regard to the engineer reviews, in  
8 particular, more technical, do you find often  
9 that there's a series of these homework checkers  
10 going back and forth and back and forth and  
11 we've had letters three and four years.

12                  Is that common in an application?

13                  MR. ORBAN:  That is very  
14 common, yes.

15                  MR. MCDERMOTT:  Why is that?

16                  MR. ORBAN:  Sometimes it's  
17 maybe that the particular applicant or their  
18 consultants didn't research the ordinances to a  
19 certain effect or that our engineers, upon  
20 review, have found issues that need to be  
21 resolved.  They will comment on those and ask  
22 for things to be revised.

23                  MR. MCDERMOTT:  And those are  
24 revisions that have been resolved from  
25 engineers comments, PC comments; correct?

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**\*\*Witness Testimony\*\***

MR. ORBAN: Certainly.

MR. MCDERMOTT: EAC, resident comments, for example?

MR. ORBAN: All of the above.

MR. MCDERMOTT: Okay. Is it fair to describe the homework checkers, the engineer's letters as a blueprint as to if you are lacking in the first one what you need to do to get from, say, a C grade to an A grade, an approval?

MR. ORBAN: Yes.

MR. MCDERMOTT: And do you find most times, that's hopefully kind of like a funnel that narrows the issues as you proceed through these various commissions and towards the public hearings and eventually the final consideration process?

MR. ORBAN: That's an accurate analogy, yes.

MR. MCDERMOTT: And you've -- and you're familiar with all the reviews that have been submitted in this case?

MR. ORBAN: Yes, sir.

MR. MCDERMOTT: And you track

1                                   \*\*Witness Testimony\*\*

2           those and actually you're interested in  
3           determining whether they've all arrived in this  
4           funneling process to the point where you and  
5           they are able to recommend a decision with  
6           regard to that application?

7                                 MR. ORBAN:   That's correct.

8                                 MR. MCDERMOTT:   And have you  
9           found in this case that all of the reviews have  
10          funneled and reached a point where you're able  
11          to determine whether that state has been  
12          reached here?

13                                MR. ORBAN:   I believe it is.

14                                MR. MCDERMOTT:   And what is  
15          your conclusion in that regard?

16                                MR. ORBAN:   My conclusion is,  
17          at this point based on a conditional approval,  
18          that this application is in position to be  
19          considered for approval with conditions.

20                                MR. MCDERMOTT:   Okay.   And in  
21          your experience, is it such that it is -- these  
22          are conditions that would be able to be  
23          fulfilled according to your professionals  
24          during a final application phase?

25                                MR. ORBAN:   Correct.

1                                   \*\*Witness Testimony\*\*

2                                   MR. MCDERMOTT: You are a  
3 planner, so I have to ask you briefly about  
4 this connectivity question that's arisen. And  
5 there's also been alluded to a reference in our  
6 ordinance about coordinating with adjacent  
7 developments.

8                                   MR. ORBAN: That's correct.

9                                   MR. MCDERMOTT: Those concepts  
10 kind of dovetail, don't they?

11                                  MR. ORBAN: They do. Our  
12 ordinance actually requires that. There's a  
13 clause in our subdivision ordinance that  
14 requires that connectivity.

15                                  As a planner, it makes good sense to  
16 have roads and neighborhoods connected so that  
17 there's flow between and that the folks have  
18 access. Actually, it's safer in the long run.

19                                  MR. MCDERMOTT: You mean  
20 insular roads, not kind of pass-through roads;  
21 is that correct?

22                                  MR. ORBAN: Yes.

23                                  MR. MCDERMOTT: And is it fair  
24 to say that in a lot of the neighborhoods that  
25 we grew up in now that look like seamless

## 1                                   \*\*Witness Testimony\*\*

2           streets in one neighborhood, if you look back  
3           at a series, they're actually a series of  
4           subdivisions that were built in series next to  
5           each other?

6                           MR. ORBAN:   There is a lot of  
7           phase-type developments, yes.

8                           MR. MCDERMOTT:   So where I  
9           grew up in the '60s -- they grow up in the '60s  
10          and '70s and we know a lot of housing stuff  
11          that existed where, in fact, some of the folks  
12          were talking about where they used to walk  
13          through the woods and whatnot and there are now  
14          housing.

15                          Those kind of -- you drive by today  
16          you see a neighborhood, that over time, if you  
17          laid it on paper was a series of subdivisions  
18          that now we think are the neighborhoods we  
19          walked through might be four different  
20          subdivision plans?

21                          MR. ORBAN:   Correct.

22                          MR. MCDERMOTT:   On the  
23          pre-existing subdivision plan that's adjacent  
24          to this, there's a terminus at the end of the  
25          road that goes to the border of this property;

1                                   \*\*Witness Testimony\*\*

2           correct?

3                           MR. ORBAN:   That's correct.

4                           MR. MCDERMOTT:   And in your  
5           understanding, does that evidence some intent  
6           on the part of the previous subdividers or  
7           previous planners or approvers as to what was  
8           -- what was intended with regard to  
9           coordinating --

10                          MR. ORBAN:   Yes.

11                          MR. MCDERMOTT:   -- and  
12           connectivity?

13                          MR. ORBAN:   Yes, especially  
14           since it goes right to the property border and  
15           it's open.

16                          MR. MCDERMOTT:   Thank you.  
17           Finally, in addition to your role as the usher  
18           of these, procedurally, through the process,  
19           you also play a role in drafting the proposed  
20           decision for counsel after the hearings are  
21           closed and all the facts are in the records; is  
22           that correct?

23                          MR. ORBAN:   I do, since myself  
24           or my staff sit at all the advisory board  
25           meetings and handle all the review letters.

1                                   \*\*Witness Testimony\*\*

2           Typically, I will draft those conditions based  
3           on all the input that we get at the meetings  
4           and all the input from the reviewers, and that  
5           is also then sent off to the solicitors office,  
6           like to you for final review.

7                           MR. MCDERMOTT:   Particularly  
8           for the denial, you have to justify each and  
9           every reason in the ordinance sited what's not  
10          meeting the code in order to do that?

11                          MR. ORBAN:   Yes, sir, that's  
12          right.

13                          MR. MCDERMOTT:   And with the  
14          conditional approval, your decisions are loaded  
15          up with all those conditions that come to you  
16          either from counsel or the engineer, technical  
17          requirements and they become incorporated into  
18          that tentative decision?

19                          MR. ORBAN:   Along with some  
20          standard conditions, yes.

21                          MR. MCDERMOTT:   And, again,  
22          that conditional approval becomes an approval  
23          without conditions only after all those  
24          conditions are met?

25                          MR. ORBAN:   Yes, sir.

1                   \*\*Witness Testimony\*\*

2                   MR. MCDERMOTT: And their  
3 shovel hits the ground only after all those  
4 conditions are met; is that fair to say?

5                   MR. ORBAN: That's correct.

6                   MR. MCDERMOTT: That's all I  
7 have for you Mr. Orban. Thank you.

8                   MS. BLACKBURN: I have one  
9 question for Mr. Orban.

10                  I know that there's been a lot of  
11 discussion about the length of the cul-de-sac  
12 for this particular subdivision.

13                  Can you remind me again what the  
14 ordinance is and what the request is?

15                  MR. ORBAN: It is the part of  
16 the SALDO which limits the total length of a  
17 cul-de-sac to 800 feet.

18                  MS. BLACKBURN: And their road  
19 is 2,000. How long was it?

20                  MR. ORBAN: I need some help  
21 with the final number but it's maybe 30  
22 percent.

23                  MS. BLACKBURN: So how many --  
24 how many cul-de-sac streets in Hampton do you  
25 think exceed the 800?

1                                   \*\*Witness Testimony\*\*

2                                   MR. ORBAN:   My guess would be  
3 dozens.

4                                   MS. BLACKBURN:   Dozens?

5                                   MR. ORBAN:   Yes.

6                                   MS. BLACKBURN:   Thank you.

7                                   MR. MCDERMOTT:   I just want to  
8 follow-up on that.   We've received -- we've  
9 worked together 10, 15 years, we commonly have  
10 received -- "we" collectively as a township --  
11 request for modifications of the cul-de-sac  
12 length requirements; is that correct?

13                                   MR. ORBAN:   That's correct.

14                                   MR. MCDERMOTT:   And is it fair  
15 to say they're commonly granted?

16                                   MR. ORBAN:   That is also  
17 correct.

18                                   MR. MCDERMOTT:   With or without  
19 other considerations in play?

20                                   MR. ORBAN:   Yes.

21                                   MR. MCDERMOTT:   Do you have an  
22 understanding as to how that original length of  
23 a cul-de-sac got into the ordinances?  It used  
24 to be 600.

25                                   MR. ORBAN:   My understanding

1                   \*\*Witness Testimony\*\*

2           is, and I don't have verification of this, that  
3           that was established long ago because of fire  
4           companies, hose length so that they could only  
5           reach so far with the hose, so that those  
6           numbers came into play.

7                   MR. MCDERMOTT:   And my  
8           understanding and part of that was, as we  
9           shared together, was that cul-de-sacs were kind  
10          of a creature of California planning in the  
11          day.

12                   Lazy solicitors, I think, just look  
13          the 300 feet and paced it across the country.  
14          And apparently the fire hoses were 300 feet,  
15          and so 300 times 2 was 600 and that's how they  
16          maximized your cul-de-sac.

17                   Is that what we've learned in  
18          seminars at times?

19                   MR. ORBAN:   I don't know the  
20          origins of this but that's my understanding  
21          that the -- you know, it's most likely the  
22          cause of this.

23                   MR. MCDERMOTT:   That's all I  
24          have for Mr. Orban.

25                   MR. PETERS:   No further

1                                   \*\*Witness Testimony\*\*

2           questions.

3                                   MR. MCDERMOTT:   Without  
4           further ado, I would like to ask a couple  
5           questions of Mr. Banfield.

6                                   - - - - -

7                                   ANDY BANFIELD,

8           having been previously sworn, testified as  
9           follows:

10                                  MR. MCDERMOTT:   Mr. Banfield,  
11           how long have you served as the appointed  
12           stormwater engineer for Hampton Township?

13                                  MR. BANFIELD:   For about  
14           fourteen years with the PVE but I also served  
15           about eight years when was at Gateway  
16           Engineers.

17                                  MR. MCDERMOTT:   Is that right?  
18           Can you tell us a little bit about PVE?

19                                  MR. BANFIELD:   PVE was a  
20           company that was formed with Jim Venture,  
21           myself and we bought another stormwater  
22           management company from Don Partridge, hence  
23           became Partridge Venture.   We had abbreviated  
24           it to PVE.

25                                  Jim still owns the business and I

1                                   \*\*Witness Testimony\*\*

2                   recently sold my partnership but remain the  
3                   senior engineer at the -- at the firm. I also  
4                   am in charge of all municipal engineering that  
5                   occurs in the firm.

6                                   MR. MCDERMOTT: And your  
7                   firm's niche is stormwater management?

8                                   MR. BANFIELD: We're still  
9                   recognized as stormwater authorities, yeah.  
10                  That's our main niche but we have branched out  
11                  into many other fields.

12                                  MR. MCDERMOTT: Okay. When  
13                  you guys formed that company, was that because  
14                  of the -- was the niche created by the  
15                  increasing regulatory need?

16                                  MR. BANFIELD: I think it was  
17                  created initially by Mr. Partridge for that  
18                  because the regulations started with the  
19                  stormwater Act that was approved in 1978.

20                                  MR. MCDERMOTT: Act 167?

21                                  MR. BANFIELD: Act 167,  
22                  correct. And that responsibility was  
23                  originally supposed to be held by the state and  
24                  then the county. And then they eventually  
25                  pushed it to the municipalities who really had

1                                   \*\*Witness Testimony\*\*

2                   no money to implement this and no basic  
3                   knowledge on that.

4                                   So that's why the stormwater issues  
5                   came up and we needed more people that were  
6                   versed in that.

7                                   MR. MCDERMOTT:   And without  
8                   getting too deeply into your CV, I know you're  
9                   a humble person and in addition to your  
10                  practitioner, you also served -- you teach as  
11                  well, don't you?

12                                  MR. BANFIELD:   Yeah, I've  
13                  taught some courses for Penn State, satellite  
14                  courses with -- also the Pennsylvania land  
15                  surveyors, the land surveyors have right-to-  
16                  seal stormwater plans, so I've taught courses  
17                  for them and also have done several courses at  
18                  CCAC.

19                                  MR. MCDERMOTT:   And before we  
20                  get into the nuts and bolts of the application,  
21                  you mentioned Act 167.   And pursuant to Act  
22                  167, the DEP and the state require us to up our  
23                  game periodically on our stormwater ordinances,  
24                  don't they?

25                                  MR. BANFIELD:   Yes, that's

1                                   \*\*Witness Testimony\*\*

2                   correct.

3                                   MR. MCDERMOTT:   And you've  
4                   been involved in that process more than once.

5                                   MR. BANFIELD:    Yeah, I was --

6                                   MR. MCDERMOTT:   Can you tell  
7                   us about that.

8                                   MR. BANFIELD:    I was lucky to  
9                   be involved in the 2008 ordinance that was  
10                  basically a conglomerate effort of the North  
11                  Hills COG.

12                                  All the communities in the North  
13                  Hills were to accept that ordinance and that  
14                  was our ordinance from 2008 until 2018 when it  
15                  was updated again, again, through the county's  
16                  Act 67 plan.

17                                  MR. MCDERMOTT:   Act 67 kind of  
18                  tightens the ratchet over time on this; right?

19                                  MR. BANFIELD:    Right.

20                                  MR. MCDERMOTT:   That's why  
21                  we've been increasing the stringency of our  
22                  stormwater ordinances?

23                                  MR. BANFIELD:    Right.  Plus  
24                  the water quality that's required from the MS-4  
25                  permits for each municipality the urban areas

1                                   \*\*Witness Testimony\*\*

2           must have.

3                                   MR. MCDERMOTT:   By the way,  
4           although ten years apart, 2008's and 2018's  
5           stormwater ordinances, both are pretty strong  
6           ordinances, aren't they?

7                                   MR. BANFIELD:   They're very  
8           strong.   And there's very few ordinances that  
9           were based on actual hydrologic models of the  
10          entire watersheds that were -- that was  
11          studied.

12                                  That's how we came up with our  
13          release rate percentages that looked at a  
14          development not as a single, in a box, but how  
15          it affected everything downstream.   That's how  
16          we came up with --

17                                  MR. MCDERMOTT:   From lessons  
18          learned, they've actually --

19                                  MR. BANFIELD:   Exactly.

20                                  MR. MCDERMOTT:   So in addition  
21          to that, the 2018, is it fair to say what Dave  
22          kind of amped up a lot is the quality aspect of  
23          it?

24                                  MR. BANFIELD:   That's correct,  
25          the water quality aspect is much more

1                                   \*\*Witness Testimony\*\*

2           prevalent.

3                                   MR. MCDERMOTT: 2008 was not  
4           shoddy though in terms of the quantity and the  
5           detention and all that kind of stuff?

6                                   MR. BANFIELD: No. It  
7           introduced infiltration and the water quality  
8           credits and extended detention that we require  
9           in all of our detentions.

10                                  MR. MCDERMOTT: And you know  
11           because you've experienced around Western  
12           Pennsylvania that the North Hills model  
13           ordinances actually became a model that was  
14           used around this region by other municipalities.

15                                  MR. BANFIELD: Yes. And by  
16           the --

17                                  MR. MCDERMOTT: Stolen by the  
18           likes of me and taken to other municipalities;  
19           is that correct?

20                                  MR. BANFIELD: And throughout  
21           the state as well, we've been told by DEP.

22                                  MR. MCDERMOTT: And without  
23           going too deeply into it, by the same  
24           comparison, how do our 2008 -- our modern  
25           stormwater ordinances, 2008, 2018 if even

## 1                                   \*\*Witness Testimony\*\*

2           better compared to what we had when our folks  
3           were building our houses in the '80s and the  
4           '70s even up into the '90s?

5                           MR. BANFIELD: Well, they're  
6           much less stringent. I guess they were looking  
7           more at peak rate control only and it would  
8           only be for maybe the larger storms.

9                           Perhaps the 100-year frequency  
10          storm, you know, again, that we get bogged down  
11          in that terminology. It's the storm that's  
12          supposed to occur that only has a 1 percent  
13          chance of occurring. You could have 100-year  
14          storms back to back. But it's only 1 percent --

15                          MR. MCDERMOTT: Which we've  
16          seen?

17                          MR. BANFIELD: Which we have  
18          seen, yes, unfortunately.

19                          But, yeah, so they were only  
20          concerned about those. But what we have found  
21          through stormwater science that we've done and  
22          the work that we've all tried to work on is to  
23          get more frequent storms to be controlled, like  
24          the one-year storm, the two-year storm, because  
25          that's where the impact to the public was being

1                                   \*\*Witness Testimony\*\*

2            seen.

3                                   Obviously, during a large storm  
4            everybody is being flooded. But the storms  
5            that were occurring every day, the one-inch  
6            storms, even at the half-inch storms, those are  
7            the ones that we're trying to provide more  
8            protection --

9                                   MR. MCDERMOTT: Without good  
10           stormwater management they're causing micro  
11           impact within their watersheds?

12                                  MR. BANFIELD: Right. And  
13           they were -- yeah, and they were designing for  
14           the big storms, so they had big control  
15           openings and the small storms would just shoot  
16           right through.

17                                  MR. MCDERMOTT: Okay. Now  
18           moving to your job, your role as a municipal  
19           engineer reviewing the homework checker. Is  
20           that a fair characterization?

21                                  MR. BANFIELD: Yeah.

22                                  MR. MCDERMOTT: You work in a  
23           private sector as well?

24                                  MR. BANFIELD: Yes, I do.

25                                  MR. MCDERMOTT: That's a

1                   \*\*Witness Testimony\*\*

2           little different, isn't it?

3                   MR. BANFIELD:   Yes.

4                   MR. MCDERMOTT:   You design in  
5           that --

6                   MR. BANFIELD:   Yes, I'm doing  
7           -- yes.  I'm doing the design of the facilities  
8           and I'm using the lessons I've learned on this  
9           side of the table as well.

10                  MR. MCDERMOTT:   Some have  
11           suggested that perhaps our engineers should be  
12           involved in the design here or the -- of some  
13           aspects, whether stormwater or other aspects  
14           of --

15                  MR. FARRELL:   Excuse me, I  
16           just have to object.

17                  MR. PETERS:   No.

18                  MR. FARRELL:   No.

19                  MR. PETERS:   No.

20                  MR. FARRELL:   Earlier we had  
21           members that were trying to speak that were not  
22           directly -- the testimony or whatever was being  
23           given was not directly at the plan.  While this  
24           is very good and informative, trust me, I'd  
25           love to listen to it all night.

1                   \*\*Witness Testimony\*\*

2                   It's not being specific, which is  
3                   what some of us were told that we had to move  
4                   on to earlier.

5                   MR. MCDERMOTT: May I address  
6                   that? I think you raised that objection right  
7                   at the point when I said I'm done with the  
8                   background information, moving to this  
9                   application.

10                  I think it is quite germane given  
11                  the seriousness of the stormwater issues in  
12                  this case to have gone through a little bit on  
13                  what our stormwater ordinance is and what we're  
14                  bound to follow in this case.

15                  So with that, I will -- Andy, I'm  
16                  asking you to tell us about your review  
17                  substantively on an application like this.

18                  MR. BANFIELD: We run through  
19                  the stormwater ordinance basically from page 1  
20                  to the end of the book. And each item is  
21                  covered.

22                  We actually develop checklists that  
23                  hit each section. We decide whether it applies  
24                  based on the ordinance rules for that  
25                  development. It's actually a three-page

1                                   \*\*Witness Testimony\*\*

2           checklist right now in a very small font.

3                           MR. MCDERMOTT:   And it's  
4           objective not subjective?

5                           MR. BANFIELD:   Yes.   It's  
6           purely based on what the ordinance requires.

7                           MR. MCDERMOTT:   At the time  
8           today?

9                           MR. BANFIELD:   Correct.

10                          MR. MCDERMOTT:   We're a limited  
11           government with limited powers?

12                          MR. BANFIELD:   Right.

13                          MR. MCDERMOTT:   And we're not  
14           allowed to be arbitrary, are we?

15                          MR. BANFIELD:   Right.   We can't be  
16           arbitrary and we can't interpret.

17                          MR. MCDERMOTT:   We can't change  
18           the rules of the game as we were saying under  
19           section 508 after an application is filed; is  
20           that correct?

21                          MR. BANFIELD:   Right.

22                          MR. MCDERMOTT:   And your only  
23           job and your, actually, fiduciary obligation is  
24           to vet that to grade it, to judge it against  
25           the criteria objectively set forth in the

1                                   \*\*Witness Testimony\*\*

2 ordinance that you just spoke about?

3                                   MR. BANFIELD: That is correct.

4                                   MR. MCDERMOTT: Which is one  
5 of the strongest ordinances in the state?

6                                   MR. BANFIELD: Yes.

7                                   MR. MCDERMOTT: These detention  
8 facilities and all these BMP apparatus, is it  
9 one size fits all or does it change from one to  
10 another or can an Andy Banfield and an equally  
11 competent Joe Sites come up with two different  
12 contraptions for the same property conditions?

13                                   MR. BANFIELD: Yeah, absolutely.  
14 They are not a cookie cutter in any way, shape  
15 or form. They're very different animals  
16 depending on what the downstream conditions  
17 are, depending on how much water is flowing to  
18 those facilities.

19                                   Then also depending on what the  
20 purpose of the facility is. Is it for  
21 infiltration, is it for purely water quality.  
22 Is for peak rate control. Is it for heavy  
23 flood control. And those facilities can be  
24 achieved -- and those goals can be achieved  
25 with many different facilities with different

1                                   \*\*Witness Testimony\*\*

2           layouts --

3                           MR. MCDERMOTT:   More than one  
4           way to skin a cat --

5                           MR. BANFIELD:   Absolutely.

6                           MR. MCDERMOTT:   -- and reach  
7           the same performance result?

8                           MR. BANFIELD:   Right.

9                           MR. MCDERMOTT:   At the same  
10          time, sometimes you may differ when you're  
11          checking a homework, if you were the designer,  
12          you may not do it that way?

13                          MR. BANFIELD:   Absolutely.

14                          MR. MCDERMOTT:   And, in fact,  
15          you may have a gut feeling, I think, I may not  
16          -- I don't like the way it may turn out that  
17          way, but on paper it's working mathematically  
18          and complying with the ordinance.

19                          MR. BANFIELD:   If it complies  
20          with the ordinance, that's right, and that's  
21          the comment that I have to make. I don't  
22          inject my design into it because, again, that  
23          would be a conflict of interest.

24                          MR. MCDERMOTT:   And that whole  
25          concept we talked about, the review process

## 1                   \*\*Witness Testimony\*\*

2           back and forth, series of letters, maybe three,  
3           four, and the homework checker analogy and the  
4           funnel analogy, is that a fair characterization  
5           of how you go from letter one through the  
6           letters that --

7                   MR. BANFIELD:   Yes.

8                   MR. MCDERMOTT:   -- culminate  
9           the end of the process?

10                  MR. BANFIELD:   Yes.   Every  
11           time we receive a submittal from the township  
12           we produce a letter.

13                  MR. MCDERMOTT:   And your  
14           letters are basically a blueprint of how  
15           somebody gets from a C, if they got that on the  
16           first letter, all the way to an A, an  
17           approvable plan, this is how you comply?

18                  MR. BANFIELD:   Right.

19                  MR. MCDERMOTT:   This is how  
20           you failed to comply.   This is what you need to  
21           do to comply.

22                  MR. BANFIELD:   Right.   We make  
23           the comments and we also add the ordinance  
24           sections in them so they know exactly what  
25           we're referring to.

1                                   \*\*Witness Testimony\*\*

2                                   MR. MCDERMOTT: You've done a  
3 series of letters in this case, through, I  
4 believe, January 31 may have been your last  
5 one?

6                                   MR. BANFIELD: Yes.

7                                   MR. MCDERMOTT: And those are  
8 all in the exhibits that are put up and put  
9 into evidence already?

10                                  MR. BANFIELD: Yes.

11                                  MR. MCDERMOTT: Do you have in  
12 front of you your set of letters?

13                                  MR. BANFIELD: Yes. I have  
14 our last letter.

15                                  MR. MCDERMOTT: Just quickly  
16 for the record, can you rattle off the dates of  
17 your letters.

18                                  MR. BANFIELD: All of the  
19 letters?

20                                  MR. MCDERMOTT: Yeah. I think  
21 there's four.

22                                  MR. BANFIELD: The last one  
23 was January 28, 2019. I think the file dates  
24 -- I guess I have to open them all. I guess I  
25 could open them all.

1                   \*\*Witness Testimony\*\*

2                   We've got January 28, January 15.  
3                   Again, these are 2019. December 19, that will  
4                   be 2018. October 31, 2018. That's my  
5                   birthday.

6                   MR. MCDERMOTT: Sorry.

7                   MR. BANFIELD: And June 30,  
8                   2018. That was our first one.

9                   MR. MCDERMOTT: And so the  
10                  most recent -- the most recent one then is  
11                  January 28?

12                  MR. BANFIELD: Correct.

13                  MR. MCDERMOTT: And that's  
14                  your final. Can you just, in summary form,  
15                  what is the bottom line of your conclusion with  
16                  regard to your view of this application on a  
17                  tentative approval process and where it stands  
18                  in your review.

19                  MR. BANFIELD: We separated it  
20                  into the portions that did apply to preliminary  
21                  approval. The remaining comments we had was  
22                  the acquisition of the state highway occupancy  
23                  permit, that was discussed earlier.

24                  The NPDES permit application which  
25                  was made by Sheffler & Company, we received

1                                   \*\*Witness Testimony\*\*

2                   that information. So that proves that they had  
3                   submitted that. So, again, we don't approve  
4                   that.

5                                   We have to wait for the county or  
6                   the DEP at the time to approve that. Chapter  
7                   105, general permit required for the end wall  
8                   discharges to Crouse Run.

9                                   THE COURT REPORTER: I'm sorry.  
10                   What charges?

11                                   MR. MCDERMOTT: End wall.

12                                   MR. BANFIELD: End wall  
13                   discharges. I'm sorry. So that was the item  
14                   three. And the fourth item we had was grading  
15                   concerns that we had with drainage to other  
16                   lots that were being built within the  
17                   development.

18                                   We've learned to make sure that  
19                   water was not being directed onto those lots.  
20                   And we do have resubmitted plans with the  
21                   exhibits that were submitted for this meeting.

22                                   Obviously, we have not completed  
23                   that review because we wanted to wait until  
24                   this hearing was over to have all the information.

25                                   MR. MCDERMOTT: Sure. Subject

1                                   \*\*Witness Testimony\*\*

2           to that, have you found that they've either  
3           fulfilled or shown the ability to comply with,  
4           comply with or shown the ability to comply  
5           with. Or with your conditions, comply on a  
6           final approval of all of the criteria in our  
7           stormwater ordinance?

8                           MR. BANFIELD: They've shown  
9           for preliminary approval that they can comply.

10                          MR. MCDERMOTT: On permits  
11           that you just alluded to that they would get  
12           post approval, that's pretty common too,  
13           third-party approvals --

14                          MR. BANFIELD: Yes.

15                          MR. MCDERMOTT: -- of that  
16           nature? Was that, in your experience, a fair  
17           characterization of the gentleman with the  
18           regard to the process and the communications  
19           that they go through with the folks, the  
20           regulators in terms of getting a tentative  
21           verbal, that they've applied and they have to  
22           wait as he described it to get the final?

23                          MR. BANFIELD: Yes. Yes,  
24           exactly. And that's --

25                          MR. MCDERMOTT: And that's

1                                   \*\*Witness Testimony\*\*

2                   common to your experience as well?

3                                   MR. BANFIELD:   Right.   And the  
4                   time frame was out of our control so...

5                                   MR. MCDERMOTT:   And that's all  
6                   a risk, they could actually get denied post  
7                   approval from another government entity on some  
8                   of these; right?

9                                   MR. BANFIELD:   Very much so.

10                                  MR. MCDERMOTT:   But they're  
11                   entitled to go try to get that.

12                                  MR. BANFIELD:   That's right.

13                                  MR. MCDERMOTT:   And if they  
14                   get it denied and it impacts the plan, they  
15                   just have to start all over again.

16                                  MR. BANFIELD:   That's correct.

17                                  MR. MCDERMOTT:   But that's  
18                   their right; right?

19                                  MR. BANFIELD:   Right.

20                                  THE COURT REPORTER:  I'm  
21                   sorry.  I apologize.

22                                  MR. MCDERMOTT:   Too fast again?

23                                  THE COURT REPORTER:  Yes.  
24                   Sorry, it's really late.

25                                  MR. MCDERMOTT:   Just a couple

1                                   \*\*Witness Testimony\*\*

2                   clean-up questions.

3                                   There was discussion earlier this  
4                   evening that and from testimony last week about  
5                   this analysis and you kind of covered it  
6                   earlier on the source of the soils and the C  
7                   and D.

8                                   MR. BANFIELD:   Correct.

9                                   MR. MCDERMOTT:   And basically  
10                   the bottom line on that is worse prior, worse  
11                   after, that the way -- under our ordinance  
12                   where they're required to use the C soil as  
13                   the, the pre-existing and the D after.  You get  
14                   the most stringent --

15                                  MR. BANFIELD:   That's correct.

16                                  MR. MCDERMOTT:   -- stormwater  
17                   regulation on the development?

18                                  MR. BANFIELD:   Right, we're  
19                   getting the most stormwater bang for our buck  
20                   basically.

21                                  MR. MCDERMOTT:   The high  
22                   school student came to our last hearing session  
23                   and actually had a thoughtful presentation on  
24                   some concerns around the existing pond on that  
25                   property that you wanted to comment on.

1                                   \*\*Witness Testimony\*\*

2                                   MR. BANFIELD: Yes. Correct.  
3                                   That's why we had added in the maintenance --  
4                                   the operation of maintenance, we asked them to  
5                                   add the existing pond into that since they were  
6                                   taking over the property. And, also, why we  
7                                   had asked for an access drive to there. We  
8                                   were concerned about maintenance that --  
9                                   because obviously we don't have the information  
10                                  right now on what the embankment is like, the  
11                                  outlet structure.

12                                 He also brought up the portion about  
13                                 the lake dying, that word is "eutrophication."  
14                                 But we were also concerned about that as well.  
15                                 That might be something that if the lake begins  
16                                 to be overwhelmed by vegetation, that they  
17                                 could possibly put in a fountain or air  
18                                 bubblers or something to keep the water moving  
19                                 so that the vegetation does not kill the lake.

20                                 MR. MCDERMOTT: And actually,  
21                                 at one point you agree with the one required it  
22                                 to be a condition that they improve the  
23                                 structural stability of the embankment, the  
24                                 pond?

25                                 MR. BANFIELD: Right. Yeah.

## 1                                   \*\*Witness Testimony\*\*

2           We asked that to be tied into their waiver  
3           request of the pond buffer.

4                           MR. MCDERMOTT:   And, in fact,  
5           you would recommend that be rejected unless  
6           it's affirmatively shown that that's --

7                           MR. BANFIELD:    Right.

8                           MR. MCDERMOTT:   And without  
9           belaboring it, would your testimony be  
10          consistent with regard to the Chapter 106 issue  
11          that was discussed earlier this evening?

12                          MR. BANFIELD:    The chapter 106  
13          regarding the National Historical Preservation?

14                          MR. MCDERMOTT:   Yes.

15                          MR. BANFIELD:    That is purely  
16          for federal entities that are looking to take  
17          over historic properties that are registered.  
18          So since this is not a federal -- again, it's  
19          not fully federally funded, that portion of the  
20          NHPA does not apply.

21                          MR. MCDERMOTT:   Then finally,  
22          there was a comment made with reference to page  
23          2, I guess, of your report and the interpretation  
24          of that with regard to the issue of baseflow  
25          intentionally increasing and how that impacts

1                                   \*\*Witness Testimony\*\*

2                   your assessment under our ordinance.

3                                   MR. BANFIELD:   Right.   As was  
4                   stated earlier, the infiltration is actually  
5                   there to enhance baseflow.   Because we are  
6                   seeing baseflow dropping during low flow  
7                   periods.

8                                   Obviously, you see that during rainfall  
9                   how much runoff we do have and trying to take  
10                  care of that with the stormwater management  
11                  plan.

12                                  But our biggest concern, as Mr.  
13                  Ferry had said, would be with groundwater  
14                  mounding and the overload of the groundwater  
15                  table.   At that point, that's where our comment  
16                  was about and not the regarding the street  
17                  baseflow.

18                                  MR. MCDERMOTT:   And, again,  
19                  that's something you're going to require to be  
20                  pinned down before final --

21                                  MR. BANFIELD:   Absolutely.

22                                  MR. MCDERMOTT:   -- approval  
23                  and the shovel hits the ground?

24                                  MR. BANFIELD:   Yes.

25                                  MR. MCDERMOTT:   Thanks.   I think

1                   \*\*Witness Testimony\*\*

2           that's all I have for Mr. Banfield. Anybody  
3           have any questions of him?

4                   MR. PETERS: Mr. Banfield, I  
5           do have a question.

6                   MR. BANFIELD: Yes, sir.

7                   MR. PETERS: And again, just  
8           boiling it down into very simplistic terms.  
9           Has the applicant designed his stormwater  
10          management system in accordance with the  
11          township's ordinances under the stormwater  
12          management ordinance?

13                   MR. BANFIELD: Yes.

14                   MR. PETERS: And the issues  
15          that you -- that have been raised as far as the  
16          groundwater mounding will be addressed on final  
17          design?

18                   MR. BANFIELD: At final design,  
19          correct. Yes. That's when we will look at the  
20          -- at all the facets of the stormwater.

21                   Right now they're showing from the  
22          calculations that it will work and that's kind  
23          of our -- the thing with our stormwater  
24          management ordinance, we don't have a specific  
25          preliminary, so we ask for a lot more detail

1                                   \*\*Witness Testimony\*\*

2                   and especially in an area that is affected,  
3                   that has downstream residents.

4                                   MR. PETERS:    Right.

5                                   MR. BANFIELD:  So, yeah, we  
6                   will go through that and they will have to show  
7                   all this information or we will have to suggest  
8                   all recommended measures.

9                                   MR. PETERS:    And the same  
10                  concept with the type of soil, whether it's  
11                  type C or a type D, you designed the type C on  
12                  a preliminary --

13                                  MR. BANFIELD:  And that we  
14                  will also have final, because, again, that  
15                  provides the township the best benefit and  
16                  that's what we're here for.

17                                  MR. PETERS:    So, again, it's  
18                  your professional opinion that the applicant  
19                  has met his bar for a preliminary approval?

20                                  MR. BANFIELD:  Yes.

21                                  MR. PETERS:    Thank you.

22                                  MR. MCDERMOTT:  If I could  
23                  briefly, I would like to ask Mr. Sites a few  
24                  questions.  Under the theory of narrowing a  
25                  final, I'm going to ask you fewer questions.

1                   \*\*Witness Testimony\*\*

2                   - - - - -

3                   JOSEPH SITES,

4                   having been previously duly sworn, testified as  
5                   follows:

6                                 MR. MCDERMOTT: I'm going to  
7                   hand you a packet that actually has what I  
8                   believe to be all the review letters that you  
9                   submitted in this matter.

10                                Just cutting to the chase, would you  
11                   fairly characterize that you would agree with  
12                   Mr. Orban and Andy regarding your role, your  
13                   job, your function when you're reviewing an  
14                   application and a plan document under our  
15                   ordinance provisions --

16                                MR. SITES: That's correct.

17                                MR. MCDERMOTT: -- and that's  
18                   standard to review?

19                                MR. SITES: As you refer to it  
20                   as the homework checker.

21                                MR. MCDERMOTT: Yeah. And the  
22                   repeated letters and the narrowing funnel?

23                                MR. SITES: That's correct.

24                                MR. MCDERMOTT: So can we  
25                   narrow the funnel to your most recent letter?

1                   \*\*Witness Testimony\*\*

2                   MR. SITES: Yeah.

3                   MR. MCDERMOTT: And what is  
4 your summarized conclusion in the context of a  
5 tentative approval application under the review  
6 you've done of all the things that you're  
7 responsible for reviewing under our ordinance?

8                   If you could, why don't you kind of  
9 let us know -- I guess you hit everything,  
10 except for stormwater?

11                  MR. SITES: Okay. In my  
12 letter of January 31, 2019, I had prepared an  
13 executive summary at the end of the letter  
14 which outlined the review. Stated that overall  
15 the plans submitted have met many of the  
16 requirements for the PRD based on a review.  
17 The following items remain outstanding and/or  
18 need to be conditions of approval.

19                  Number one, all hydrology and  
20 stormwater management comments from my review  
21 prepared by PVE must be addressed. Number two,  
22 the geotechnical report has been reviewed and  
23 all our comments have been addressed. We would  
24 recommend that the developer should clearly  
25 state that ACA, the preparer of the

**\*\*Witness Testimony\*\***

1  
2 geotechnical report and the recommendations  
3 will be used to provide full-time site  
4 inspections during the construction phase of  
5 the project to confirm that recommendations are  
6 properly implemented. At the completion of the  
7 work, ACA must provide a summary letter  
8 indicating the same.

9           Number three, Section 310-46-D1  
10 states that the development shall be designed  
11 and programmed so as to minimize earth moving,  
12 erosion, tree clearing and the destruction of  
13 natural amenities, especially wetlands, all  
14 requirements of Section 310 61 of this chapter  
15 shall be met.

16           In order to satisfy this requirement,  
17 the developers designer has agreed to prepare a  
18 grading and landscaping plan for each lot  
19 indicating the contemplated house elevation or  
20 footprint, driveway location and grading limits,  
21 as well as the tree replacement requirement.  
22 No building permit shall be issued for any lot  
23 which does not have a landscape plan submitted  
24 whereby the minimum number of trees is shown to  
25 be planted on such lot.

1                                   \*\*Witness Testimony\*\*

2                                   Number four, since there have been  
3                                   changes made to the plan that was presented,  
4                                   that resulted in unusual zoning hearing board  
5                                   case number 18-13 decision, and the applicant  
6                                   was before the zoning hearing board on January  
7                                   23, 2019, requesting clarification as to the  
8                                   decision applied to the current site plan,  
9                                   revised plans must be provided for review upon  
10                                  a decision being made as a result of the  
11                                  January 23, 2019, clarification.

12                                 And I will add to that, you know,  
13                                 this is preliminary approval, as we talked  
14                                 about, that is something that could be provided  
15                                 during the final submission. Number five, the  
16                                 applicant shall comply with the recommendations  
17                                 of the EAC related to the preservation of areas  
18                                 of unique tree and wildflower stance.

19                                 Number six, the applicant has  
20                                 requested a modification or the length of  
21                                 Chalfant Street, Section 2a-50L states that a  
22                                 cul-de-sac street shall not be approved when  
23                                 the through street is practical and shall not  
24                                 be more than 800 feet in length unless a  
25                                 modification of exception to this requirement

1                   \*\*Witness Testimony\*\*

2           is granted under Article 8.

3                   The current roadway design has a  
4           cul-de-sac street to the length 2,550 -- I'm  
5           sorry, 2,550 feet.

6                   Again, you know, I think as Mr. Orban  
7           referred to, the requirement of the 800 feet  
8           was due to the limited length of fire hoses.  
9           And I think, you know, today's designs and  
10          developer agreements to add more fire hydrants  
11          reduces the need to have that limitation on the  
12          length of the cul-de-sac street since there's  
13          more hydrants being installed.

14                   MR. MCDERMOTT: And you've  
15          also been involved in any developments where  
16          we've commonly approved those?

17                   MR. SITES: Yes, we have. And  
18          I think the one thing to be said there is that  
19          we generally try to get feedback and input from  
20          the fire departments when we're doing these  
21          land developments to get their placement of  
22          fire hydrants so they're satisfied to properly  
23          serve the development.

24                   Number seven, Section 280-50B  
25          addresses the continuation of streets. The



1                                   \*\*Witness Testimony\*\*

2           ask you with regard to that open space matter.  
3           And I won't belabor it if council is satisfied  
4           with that. Joe is prepared to speak, I know  
5           he's kind of clear as mud last month when you  
6           were asking for clarifications on that. Joe is  
7           prepared to speak to that a little if you would  
8           like him to supplement that.

9                                   MR. PETERS: Sure.

10                                  MR. SITES: Sure. Yes. What  
11           we had done, you know, as going through the  
12           calculations of the development, the total  
13           developable acreage is 36.38 acres.

14                                  The required minimum open space is  
15           30 percent of the developable area, which is  
16           10.91 acres. The provided open space that is  
17           shown on the plans is 23.85 acres.

18                                  Then I corrected what I said before  
19           from a prior comment because we were using the  
20           wrong amount of acreage, we were using a  
21           greater number. So the correction should be  
22           that per the ordinance, at least 25 percent of  
23           it required open space, 25 percent of the 10.91  
24           acres must be located on buildable land which  
25           is suitable for active recreation which amounts

1                                   \*\*Witness Testimony\*\*

2                   to 2.72 acres.

3                                   As Mr. Ferry referred to and I agree  
4                   with what he said earlier, open space indicates  
5                   total reserve for active recreation is 2.99  
6                   acres, which amounts to the 1.99-acre trail and  
7                   the 1 acre of the existing pond on the  
8                   property.

9                                   So I believe they're in compliance  
10                   with the open space requirements.

11                                   MS. JOHNSON:   Actually, can I  
12                   ask a question there.

13                                   MR. SITES:     Sure.

14                                   MS. JOHNSON:   You very  
15                   specifically said "buildable land" when you  
16                   were describing this open space requirement for  
17                   active recreation.

18                                   MR. SITES:     You're right.  
19                   That's what it says.   And I think what -- you  
20                   know, going back and forth with the developer  
21                   or the designer, we had some differing of  
22                   opinion of the difference between active and  
23                   passive recreation.

24                                   Generally, active recreation is  
25                   something that's an organized activity, such as

1                   \*\*Witness Testimony\*\*

2           having a place for children to play baseball or  
3           a basketball court or something that's organized.

4                   Whereas passive is more of a trail  
5           or a gazebo. And, you know, in light of what  
6           has been presented in this development to try  
7           to preserve as many trees on the site, maybe  
8           the modification should be not necessarily for  
9           the active open space but for passive  
10          recreation space which would preserve more of  
11          the trees on the property.

12                   MS. JOHNSON: Whether it's  
13          passive or active recreation, you very  
14          specifically said buildable land.

15                   MR. SITES: Right.

16                   MS. JOHNSON: Calculations  
17          were supposed to be based on buildable land.  
18          And I would argue that a pond surface is not a  
19          buildable land.

20                   MR. SITES: Right. I think  
21          that's what they're asking for -- that's what  
22          they're asking for their modification for --

23                   MS. JOHNSON: Okay.

24                   MR. SITES: From.

25                   MR. MCDERMOTT: Finally, I

## 1                                   \*\*Witness Testimony\*\*

2           want to touch on the, similar to the stormwater  
3           analysis where you use different assumptions  
4           and different -- C versus the D, there's been  
5           talk about the impact of the PRD mechanism and  
6           zoning and planning.

7                               MR. SITES:    Sure.

8                               MR. MCDERMOTT:  And sometimes  
9           that's called cluster zoning --

10                              MR. SITES:    Correct.

11                              MR. MCDERMOTT:  -- in layman's  
12           terms.  Have you looked at and can you speak to  
13           the difference between utilizing a cluster zone  
14           and a PRD-type zoning versus a straight out,  
15           kind of cookie, you know, a subdivision plan of  
16           the lots, development and the impact that could  
17           have here?

18                              Have you analyzed that?

19                              MR. SITES:    I have, Tom.  And,  
20           you know, in the grand scheme of things,  
21           generally a PRD is a conservation subdivision  
22           in some cases.  And there's specific design  
23           requirements that are posed with a planned  
24           residential development which differ from a  
25           major land development subdivision that would

1                                   \*\*Witness Testimony\*\*

2           be constructed, you know.

3                                   Design standards in a PRD like this  
4           one, you know, try to preserve trees, try to  
5           have open space that's dedicated, is more  
6           preserving versus a large development --

7                                   MR. MCDERMOTT:   I guess --

8                                   MR. SITES:   -- and in this  
9           case here, we looked at this piece of property  
10          and if there was just a major subdivision  
11          constructed on his property without any  
12          preservation, no open space, you would end up  
13          with 68 lots versus the 40 single family and  
14          the 14 duplex lots that you have here.   Okay.

15                                  MR. MCDERMOTT:   With a cluster  
16          zoning and your PRD, we allow people to trade  
17          with smash, kind of cluster density in one  
18          location and trade that for more open space --

19                                  MR. SITES:   That's true.   In  
20          many cases the PRD permits you to provide a lot  
21          that's less than the typical size for that  
22          zoned district.

23                                  Because you're doing that trade-off  
24          of what you're not putting into the individual  
25          lots, you're putting into the open space --

1                   \*\*Witness Testimony\*\*

2                   MR. MCDERMOTT: In other words --

3                   MR. SITES: -- or buffer.

4                   MR. MCDERMOTT: -- in our  
5 grandparents' subdivision every lot had to be  
6 60 by 120?

7                   MR. SITES: Right.

8                   MR. MCDERMOTT: Everyone had  
9 to have this setback --

10                  MR. SITES: Correct.

11                  MR. MCDERMOTT: -- that shape,  
12 that size?

13                  MR. SITES: Right.

14                  MR. MCDERMOTT: Where in the  
15 modern, we allow more creativity but they may  
16 be able to smash some of the structures  
17 together, but in return -- and then they get  
18 some density bonuses in that section, but in  
19 return for that they're giving us more open  
20 space in the other areas.

21                  Is that kind of --

22                  MR. SITES: That's true. And  
23 in some cases, some of these developments have  
24 resulted in newer PRDs, or age-restricted  
25 communities have resulted in zero setbacks.

1                   \*\*Witness Testimony\*\*

2                   MR. MCDERMOTT: So actually,  
3                   the density is kind of really not what we're  
4                   looking at. We're looking at -- because  
5                   density units, numbers of units they actually  
6                   can increase, but they're putting them closer  
7                   together.

8                   What we're talking about is impact  
9                   on disturbance; is that correct?

10                  MR. SITES: That's correct.

11                  MR. MCDERMOTT: And how have  
12                  you found that to compare versus a traditional  
13                  subdivision application versus a PRD-type as  
14                  presented here?

15                  MR. SITES: Yeah, a PRD is  
16                  going to preserve more. Whereas a traditional  
17                  subdivision, which is mainly going to be a  
18                  clear-cut -- well, excavation of the entire  
19                  property and build the houses then.

20                  MR. MCDERMOTT: Do we have  
21                  actually an illustration of that, regarding  
22                  this property?

23                  MR. ORBAN: I don't believe we  
24                  do.

25                  MR. MCDERMOTT: And how did

1                                   \*\*Witness Testimony\*\*

2           that come about?

3                           MR. SITES:   There actually --  
4           there was one proposed subdivision that one  
5           developer had come back, I think ten years ago  
6           and then we prepared a second one based on the  
7           information we had that showed that we could  
8           get the 68 lots.

9                           MR. MCDERMOTT:   So we actually  
10          found in our files, there was a concept plan  
11          that was submitted --

12                          MR. SITES:   Yes.

13                          MR. MCDERMOTT:   -- or looked  
14          at sometime in 2008 or so that would have  
15          developed this property as a traditional --

16                          MR. SITES:   As a traditional subdivision.

17                          MR. LEE:   I talked about  
18          something in 2016 and I was told it was not  
19          pertinent.   Now we're going back 10 years now.

20                          MR. MCDERMOTT:   I beg your  
21          pardon.   What I'm talking about is the  
22          disturbance impact of this development that's  
23          been raised as an issue.

24                          What the engineer is talking about  
25          is the dens- -- the disturbance impact that

1                   \*\*Witness Testimony\*\*

2           folks are concerned about under this  
3           application as filed compared to what it can be  
4           lawfully if they don't utilize a PRD and do a  
5           straight out subdivision.

6                   Is that what we're taking about?

7                   MR. SITES: That's correct.

8           Yes.

9                   MR. MCDERMOTT: And this  
10          document is simply an illustration of what one  
11          could do today using the traditional model,  
12          that they're still allowed to use?

13                  MR. SITES: Yeah. And that  
14          would be just -- just the use for the zoning  
15          district.

16                  MR. MCDERMOTT: Okay. And the  
17          purpose of our question and answer here is to  
18          compare the context of this present application,  
19          the disturbance impact under the PRD model  
20          versus a traditional subdivision development  
21          model.

22                  MR. SITES: Yes. These lots  
23          that are illustrated here, would meet the  
24          requirements of the RB zoning district.

25                  MR. MCDERMOTT: And the

1                                   \*\*Witness Testimony\*\*

2                   disturbance?

3                                   MR. SITES:   Would be significantly  
4                   greater.

5                                   MR. MCDERMOTT:   That's all have  
6                   for Mr. Sites.  If council has any questions.

7                                   MR. PETERS:   Yes, I do.  
8                   Again, Mr. Sites, I have a similar question to  
9                   ask you that I asked Mr. Banfield.

10                                   MR. SITES:   Sure.

11                                   MR. PETERS:   In your review of  
12                   the plan and the information that's been  
13                   provided by the developer, and in your  
14                   responses back and forth with the developer, is  
15                   it your professional opinion that they've met  
16                   the threshold of the information that they have  
17                   to provide for a preliminary approval, with the  
18                   exception of the few items, the items that you  
19                   mentioned that would be modifications or  
20                   conditions?

21                                   MR. SITES:   Yes.

22                                   MR. PETERS:   Does anybody else  
23                   have any questions?

24   (No response.)

25                                   MR. PETERS:   Tom?

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2                                   MR. MCDERMOTT: Yes, sir.

3                                   MR. PETERS: I'm going to  
4 short-circuit you for a few minutes.

5                                   MR. MCDERMOTT: No problem.

6                                   MR. PETERS: We will stipulate  
7 for the record that Mr. Goetz is our traffic  
8 engineer expert.

9                                   - - - - -

10                                  ROBERT GOETZ,

11 having been previously duly sworn, testified as  
12 follows:

13                                  MR. PETERS: Bob, could you  
14 state your name and firm for the reporter.

15                                  MR. GOETZ: Robert Goetz,  
16 G-O-E-T-Z. And firm is Trans Associates.

17                                  MR. PETERS: So the question I  
18 have, and again, it's a similar question --  
19 well, actually two. You've done traffic  
20 studies on Windmont and the ingress and egress  
21 on South Pioneer and also on West Hardies Road,  
22 I believe?

23                                  MR. GOETZ: That's correct.  
24 Yeah, there was a -- I will call it a more  
25 comprehensive traffic study. And Mr. Wooster

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2           did -- our study expanded all the way to Route  
3           8 and Hardies Road.

4                           MR. PETERS:   Okay.  What was  
5           your conclusion of that study as it pertains to  
6           the increased amount of traffic that this  
7           development would cause on the roads that you  
8           studied?

9                           MR. GOETZ:   Right, in a  
10          nutshell it's a minimal impact.  And by that,  
11          our yardstick, we used PennDOT's criteria where  
12          we can't deteriorate any intersection greater  
13          than 10 seconds delay.  So an additional 10  
14          seconds with a development versus without  
15          development.

16                          The most impacted intersection was  
17          an additional 3.3 seconds.  So we were well  
18          within that acceptable range.

19                          MR. PETERS:   So your study  
20          basically showed -- concurred with Mr. Wooster's  
21          study that there would be a minimal impact and  
22          no degradation of the class on the intersections?

23                          MR. GOETZ:   Correct.

24                          MR. PETERS:   So, and, again,  
25          my second question would be the same that I

1                                   \*\*Witness Testimony\*\*

2                   asked the other two gentlemen. In your  
3                   professional opinion has the information that's  
4                   been provided by the applicant regarding the  
5                   Windmont development, does that information  
6                   meet the requirements for preliminary approval?

7                                   MR. GOETZ: Yes, it does.

8                                   MR. PETERS: And also the last  
9                   question, in your opinion, you know, we've  
10                  heard a lot about the connector from Crestview  
11                  into the Windmont plan.

12                                 I would like to hear what your  
13                  professional opinion is on that.

14                                 MR. GOETZ: It has some  
15                  benefits. And just, I will mention a few  
16                  obvious ones. Right now the Wicklow plan,  
17                  which is what Lakewood Drive is known as, has  
18                  one means of ingress and egress to West Hardies.

19                                 So the benefit of having this  
20                  connector would be, for emergency purposes, you  
21                  have a secondary public road connector.  
22                  Existing Crestview has no turnaround on it,  
23                  which means township snowplows, refuse trucks,  
24                  et cetera, may have to back out of Crestview  
25                  without a turnaround in it.

1                   \*\*Witness Testimony\*\*

2                   If it were connected, obviously,  
3                   that would eliminate that. It would provide  
4                   another means of access for Lakewood residents  
5                   to get out and go down to South Pioneer Road  
6                   without having to go out onto Hardies -- West  
7                   Hardies Road.

8                   Then also it provides a pedestrian  
9                   connection. Now, granted, the pedestrian  
10                  connection could be done without the actual  
11                  road connection there.

12                  But having a public right-of-way  
13                  would be a definite benefit for the residents  
14                  being able to walk through there, rather than,  
15                  again, going out onto Hardies Road.

16                  And just looking at some of the  
17                  national sources and the guidelines on  
18                  connectivity -- I know some of this has been  
19                  mentioned already, but the one source we rely  
20                  on is Institute of Transportation Engineers,  
21                  and in their smart growth transportation  
22                  guidelines they heavily encourage connectivity  
23                  of neighborhoods such as this.

24                  You heard earlier that, you know,  
25                  the right-of-way that exists for Crestwood

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2           (sic) or for Crestview Drive extends right to  
3           the property line of this development. So  
4           obviously there was some intent when that  
5           subdivision was approved that this would be a  
6           through road.

7                               PennDOT -- going from, I guess the  
8           national level down to the state level,  
9           PennDOT, and for that matter the New Jersey  
10          DOT, in their transportation guidebook, they  
11          also recommend connectivity -- and not to get  
12          into too much technical mumbo jumbo, they call  
13          -- there's something called a Beta index. And  
14          what that is, is that's a ratio between the  
15          number of roadway connections and the number of  
16          roadway terminations.

17                              That includes intersections,  
18          cul-de-sacs, et cetera. They like to see plans  
19          have a Beta index of about -- plans such as  
20          this -- have a Beta index of about 1.4.

21                              So just going through some quick  
22          calculations, the Beta index without the  
23          Crestview connector is a 1. And I'm talking  
24          about Wicklow and the Windmont Farms plan with  
25          it it's 1.1.

1                   \*\*Witness Testimony\*\*

2                   So, I mean, we're not really into  
3                   the range of 1.4 where it is probably where we  
4                   would like to be, but at least it's an  
5                   improvement over the 1.0.

6                   MR. PETERS: Thank you. Any  
7                   other questions?

8                   MS. JOHNSON: Just one quick  
9                   question. Does that calculation that you just  
10                  gave with the Crestview connection and without  
11                  take into account the connection through  
12                  Pioneer?

13                  MR. GOETZ: It takes into  
14                  account the connection with South Pioneer, yes.

15                  MR. MCDERMOTT: Thank you,  
16                  Mr. Peters, because you cleaned up all the  
17                  questions much quicker than I would have asked  
18                  them.

19                  If there was a connector made would  
20                  that create what, in traffic engineering  
21                  parlance, would be known as a "pass-through  
22                  road" --

23                  MR. GOETZ: Yeah, I think --

24                  MR. MCDERMOTT: -- or a  
25                  cut-through road.

1                   \*\*Witness Testimony\*\*

2                   MR. GOETZ: Cut-through. And  
3 we really don't see that for a number of  
4 reasons.

5                   First of all, there's no time  
6 savings for traffic on West Hardies to cut into  
7 Lakewood, make a left on Crestview, go through  
8 this new development, go down to the exit out  
9 onto South Pioneer and continue on their way.

10                  You can do that a lot faster staying  
11 on Hardies to South Pioneer.

12                  MR. MCDERMOTT: And some folks  
13 -- residents have mentioned they may use this  
14 to get in and on out of the neighborhood. And  
15 in traffic engineer parlance, when we say the  
16 word "cut-through" we're talking about  
17 strangers unassociated with the neighborhood  
18 using it as a shortcut, not folks that live  
19 there; is that correct?

20                  MR. GOETZ: Yes, that's correct.

21                  MR. MCDERMOTT: When we say  
22 "live there," we would mean that would be  
23 Chalfant, Windmont and the existing adjacent,  
24 those would be the neighborhoods; right?

25                  MR. GOETZ: Yes. And

## 1                                   \*\*Witness Testimony\*\*

2           obviously, I mean, the Wicklow plan traffic  
3           would use the new connector but also Windmont,  
4           to some degree, would use this connector as  
5           well. And they have access to an always top  
6           intersection.

7                                However, the studies we've done -- I  
8           mean, the volume using that, is -- we're  
9           talking about less than 10 vehicles an hour,  
10          that would actually be an increase of 10  
11          vehicles an hour from Windmont. But then some  
12          of the Wicklow traffic would be diverting down  
13          through Windmont.

14                              MR. MCDERMOTT: But those  
15          folks wouldn't be pass-through in engineer  
16          parlance?

17                              MR. GOETZ: Cut-through.

18                              MR. MCDERMOTT: Cut-through.

19                              MR. GOETZ: Not cut-through;  
20          correct?

21                              MR. PETERS: Thank you. Okay.

22                              So that concludes the public  
23          hearing. Can I have a motion to close the  
24          public hearing?

25                              MR. LEE: Sir, can I make one

1                                   \*\*Witness Testimony\*\*

2           comment? A current comment relative to South  
3           Pioneer and Route 8?

4                           MR. PETERS: No, I'm sorry.

5                           MR. LEE: But it's very  
6           pertinent, sir. The other night my wife and I  
7           came home at 5:15. We pulled up to make our  
8           turn into South Pioneer. There were five cars  
9           going into the shopping center.

10                          We were one of five cars trying to  
11           move onto South Pioneer. We sat there for  
12           close to a minute. And there were many people  
13           trying to do stupid things to get past that,  
14           cut in front of traffic and so forth.

15                          That was at 5:15 with current cars  
16           on the road, not an increase that we're  
17           expecting.

18                          MS. CROMER: Well, thank you.

19                          MS. JOHNSON: I move that we  
20           close the public hearing.

21                          MS. BLACKBURN: Second.

22                          MR. PETERS: Roll call.

23                          MS. GOLD-LUKAS: Mr. Blackburn?

24                          MS. BLACKBURN: Favor.

25                          MS. GOLD-LUKAS: Mr. Dunlap?

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MR. DUNLAP: Favor.

MS. GOLD-LUKAS: Dr. Johnson?

MS. JOHNSON: Favor.

MS. GOLD-LUKAS: Ms. Neugebauer?

(No response.)

MS. GOLD-LUKAS: Mr. Peters?

MR. PETERS: Favor. Meeting

adjourned.

- - - - -

(The hearing concerning the  
18-06 Application for Tentative Approval  
concluded at 1:08 a.m.)

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C E R T I F I C A T E

I hereby certify that the transcript of the proceedings and evidence contained herein are a true and accurate transcription of my stenographic notes taken by me at the time and place of the within cause; that the transcription was reduced to printing by me; and that this is a true and correct transcription of the same.

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Kimberly Ann Deitrick,  
Notary Public in and for the  
Commonwealth of Pennsylvania

My Commission expires  
December 1, 2019.

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