

BEFORE THE RADNOR TOWNSHIP
ZONING HEARING BOARD
DELAWARE COUNTY, PENNSYLVANIA

- - -

APPEAL NO. 3050
EIP Partnership, LLC
147 Conestoga Road

- - -

Public hearing in the above matter held pursuant to notice on Thursday, November 21, 2019, at the Radnor Township Municipal Building, 301 Iven Avenue, Wayne, Pennsylvania, commencing at 7:00 p.m., before Norma Gerrity, Registered Professional Reporter.

- - -

BEFORE: JOHN F. REILLY, Chairman
GEORGE F. NAGLE, Vice Chairman
WILLIAM MARTIN, Member
BRADLEY DELIZIA, Member
RICHARD WEITZMAN, Member

CONSTANTINE ECONOMIDES, Esquire,
Solicitor

APPEARANCES: NICHOLAS J. CANIGLIA, ESQUIRE,
for the Applicant

- - -

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Registered Professional Reporter
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1 THE CHAIRMAN: Good evening. I'd like
2 to call to order the November 2019 meeting
3 of the Radnor Township Zoning Hearing
4 Board.

5 We will begin by joining in the Pledge
6 of Allegiance.

7 - - -

8 (Pledge of Allegiance)

9 - - -

10 THE CHAIRMAN: Thank you. We have one
11 matter on the agenda for this evening.

12 Appeal Number 3050, the applicant, EIP
13 Partnership, LLC, property located at 147
14 Conestoga Road and zoned R-5 Residential.

15 The applicant is equitable owner of a
16 lot dimensioned 106 feet by 150 feet, on
17 which exists a semidetached, one side of a
18 twin home, single family dwelling.

19 Applicant seeks a variance from
20 Section 280-35 A(1) of the zoning code in
21 regards to lot area and lot width in order
22 to create a lot for the existing home with
23 the same lot area and lot width as the
24 adjoined semidetached dwelling.

1 Applicant also seeks a variance from
2 Section 280-35 A(1) to create a lot, the
3 same dimensions as the adjacent lot, and a
4 variance for a newly-created corner lot
5 from Section 280-35 A(3) for a front yard
6 setback for one of the front yards on which
7 the twin home abuts.

8 In the alternative, applicant seeks
9 such other relief required in accordance
10 with the plans and testimony presented to
11 the zoning hearing board.

12 Counsel?

13 MR. CANIGLIA: Nick Caniglia,
14 representing the applicant, and sorry for
15 the wordy application.

16 This is a property that is on the
17 corner of Conestoga and Doyle Road in Wayne
18 up here in this location.

19 Lancaster Avenue runs perpendicular to
20 Conestoga Road, and it is approximately
21 maybe a block or two off the Lancaster
22 Avenue/Conestoga Road intersection.

23 You'll see here the area being
24 purchased is this area here. We are

1 not --

2 THE CHAIRMAN: For the record, that's
3 the dark line on the plan.

4 MR. CANIGLIA: The dark line on the
5 plan.

6 THE CHAIRMAN: Which has not yet been
7 explained.

8 MR. CANIGLIA: Yes. And I'll have the
9 applicant testify to all of this.

10 And just by brief opening, we're
11 purchasing this part of the twin and then
12 the rest of this property.

13 This twin on this side, 145 Conestoga
14 Road, is under separate ownership.

15 You'll see by the lot, we have a lot
16 that's 106 feet wide by 150 feet deep.

17 The proposal here, you'll see the
18 existing plan and the exhibit. One is A-4
19 and one is A-7, the plan.

20 We're buying this half of the twin and
21 this lot here and this area which borders
22 on Doyle and Conestoga, as I mentioned.

23 The proposal is to build two twins in
24 this area on the lot, and that's what the

1 proposal is about.

2 - - -

3 APPLICANT'S EVIDENCE

4 - - -

5 COLLIN WHELAN,

6 having been first duly sworn, was examined and
7 testified as follows:

8 - - -

9 THE WITNESS: My name is Collin
10 Whelan, C-O-L-L-I-N W-H-E-L-A-N.

11 - - -

12 DIRECT EXAMINATION

13 - - -

14 BY MR. CANIGLIA:

15 Q. Collin, where do you reside?

16 A. I reside at 211 Poplar Avenue in
17 Wayne.

18 Q. And what's your relationship with the
19 proposed buyer of the property?

20 A. I'm a member of the LLC purchasing the
21 property.

22 Q. We have marked, and the board has in
23 front of them, the deed, which is marked as A-2.

24 - - -

1 (Applicant's Exhibit A-2 was marked
2 for identification.)

3 - - -

4 BY MR. CANIGLIA:

5 Q. This is the deed to the property?

6 A. Yes, sir.

7 Q. And also we have a redacted portion of
8 the agreement of sale showing that your LLC is
9 purchasing this.

10 The agreement of sale is marked as
11 A-3?

12 A. Yes.

13 - - -

14 (Applicant's Exhibit A-3 was marked
15 for identification.)

16 - - -

17 BY MR. CANIGLIA:

18 Q. A-4, if you can, can you describe for
19 the board what A-4 represents?

20 A. So A-4 represents the existing twin
21 structure that we are purchasing, along with the
22 side lot which corners Doyle and Conestoga.

23 - - -

24 (Applicant's Exhibit A-4 was marked

1 for identification.)

2 - - -

3 BY MR. CANIGLIA:

4 Q. And looking at A-5, is A-5 just a
5 photograph of the existing twin that you're
6 buying on the right, and the other side of the
7 twin, 145 Conestoga Road, on the left?

8 A. Yes. A-5 is 145 and 147 Conestoga.

9 - - -

10 (Applicant's Exhibit A-5 was marked
11 for identification.)

12 - - -

13 BY MR. CANIGLIA:

14 Q. And A-6, if you can please identify
15 for the board what A-6 represents?

16 A. A-6 represents the structure being
17 purchased, the lot being purchased, the
18 intersection of Conestoga and Doyle, and Doyle is
19 going north towards Lancaster Avenue.

20 - - -

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

23 - - -

24 BY MR. CANIGLIA:

1 Q. Is there any significance in this
2 picture of the homes on Doyle Road?

3 A. So you'll find that all the homes on
4 Doyle are nonconforming for front yard, which is
5 25 feet, and practically all of them are ten feet
6 and under.

7 One is 15 feet to the north of us,
8 but all the others are all nonconforming front
9 yards.

10 Q. And A-7 that I've shown the board, is
11 this the existing survey for the property?

12 A. Yes, that is the existing survey.

13 - - -

14 (Applicant's Exhibit A-7 was marked
15 for identification.)

16 - - -

17 BY MR. CANIGLIA:

18 Q. And currently, 147 Conestoga Road has
19 a driveway in this location. I guess it would be
20 on the north side of the property?

21 A. Yes. There's an existing driveway off
22 of Doyle on the north side of the property.

23 Q. And the proposed -- and first off,
24 currently, the existing plan does not have a

1 sidewalk on Doyle; correct?

2 A. That's correct.

3 Q. It does have a sidewalk on Conestoga
4 Road?

5 A. That's correct.

6 Q. And you did go to the planning
7 commission and approved their recommendation
8 regarding this plan?

9 A. Yes.

10 Q. And what was their recommendation
11 regarding sidewalks?

12 A. One of the recommendations was adding
13 a sidewalk along Doyle, which you'll see later on
14 a supplemental exhibit, that we're adding a
15 sidewalk on Doyle.

16 Q. Okay. Why don't we show that exhibit?
17 Now, this exhibit is very similar to A-8 that's
18 already in the packet.

19 - - -

20 (Applicant's Exhibit A-8 was marked
21 for identification.)

22 - - -

23 BY MR. CANIGLIA:

24 Q. And does this include the sidewalks;

1 is that correct?

2 A. It includes the sidewalks. It also
3 includes the proposed building footprint. And it
4 also includes the driveway layout that the
5 planning commission recommended to eliminate curb
6 cuts on Conestoga and utilize the existing curb
7 cut off of Doyle.

8 THE CHAIRMAN: Nick, my copy of the
9 existing conditions was not marked A-7.

10 MR. CANIGLIA: The existing tract
11 plan, John?

12 THE CHAIRMAN: Yes.

13 MR. CANIGLIA: It's marked on the side
14 of Exhibit A-7.

15 THE CHAIRMAN: Okay. I'm sorry.

16 THE WITNESS: It should be in the
17 title block.

18 MR. DELIZIA: Yes, it is.

19 THE CHAIRMAN: Oh, okay. I'm sorry.
20 I've got it. Okay. Thanks.

21 BY MR. CANIGLIA:

22 Q. Now, we've marked as A-13, this is the
23 new plan?

24 A. That's correct.

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- - -

(Applicant's Exhibit A-13 was marked for identification.)

- - -

BY MR. CANIGLIA:

Q. It's the same as A-8 except that it adds some things?

A. Yes. It's the same as A-8. It just adds the footprint of the proposed building, the proposed driveways for all three lots, and the sidewalk that the planning commission was asking for on Doyle.

Q. And A-8 just shows the building envelope?

A. That's right.

Q. So now you've reduced the footprint to be smaller than the building envelope?

A. That's correct.

Q. And that's reflected as well?

A. That's correct.

Q. Now, currently, as we mentioned, 147 Conestoga Road, the existing twin, they access the property, a part of the property on Doyle.

Are you proposing a driveway on

1 Conestoga Road for that twin?

2 A. Yes. Similar to 145 Conestoga, we are
3 proposing to add the same driveway for 147.

4 Q. And does the plan indicate the
5 driveway for 145 on the applicant's side?

6 A. That's correct.

7 Q. As we mentioned, you do not own 145.
8 Only 147?

9 A. That's correct.

10 Q. And as to the proposed twin that
11 you're constructing, where would the driveway and
12 curb cut be located?

13 A. So the existing curb cut would be
14 re-utilized off of Doyle, and it would be a
15 shared driveway for the two new twins.

16 Q. So we'd have to have an easement
17 agreement?

18 A. That's correct.

19 Q. And also, it indicates sidewalks along
20 Doyle Road as part of the planning commission's
21 recommendation?

22 A. That's correct.

23 Q. Now, what we're doing here, currently
24 145 Conestoga Road is 30 feet wide by 150 feet

1 deep?

2 A. Correct.

3 Q. And 147, are you proposing similar
4 dimensions, 30 feet wide by 150 deep?

5 A. The exact same dimensions as 145.

6 Q. And then for lot two, this lot here,
7 147 Conestoga, lot one, and lot two being the
8 part of the twin adjacent to it, what are the
9 dimensions of that lot?

10 A. Thirty by 150, the same as the two
11 neighboring twins.

12 Q. And then finally, the dimensions of
13 lot three is larger; correct?

14 A. It would be larger, and it would be 46
15 by 150.

16 Q. Now, there's some issues with lot
17 width here because of dealing with right-of-way
18 and front yard setback?

19 A. So we are seeking relief on front yard
20 setback on Doyle.

21 Q. Do these twins or these three lots all
22 comply with the building coverage requirements of
23 the zoning code?

24 A. Building coverage, yes.

1 Q. Does it also comply with impervious
2 coverage on the zoning code?

3 A. Yes, and you'll see both of that on
4 the zoning table on A-13.

5 Q. Also, I believe that you have some
6 elevations, and I don't know if we've marked
7 them?

8 A. A-14 and A-15.

9 Q. Okay.

10 - - -

11 (Applicant's Exhibits A-14 and A-15
12 were marked for identification.)

13 - - -

14 BY MR. CANIGLIA:

15 Q. A-14, would you tell the board what
16 A-14 represents?

17 A. A-14 represents the proposed
18 renderings of the structures we plan to build.

19 Q. And this is the new twins; correct?

20 A. This is the new twins if you were on
21 Conestoga facing the front elevation.

22 Q. And A-15?

23 A. A-15 is a rendering of the proposed
24 rear elevation of the two twins.

1 Q. Now, I've marked a number of other
2 exhibits. The first one is A-9.

3 - - -

4 (Applicant's Exhibit A-9 was marked
5 for identification.)

6 - - -

7 BY MR. CANIGLIA:

8 Q. First, let me ask you, when were these
9 homes in this area, basically the block from here
10 going up to Lancaster Avenue on both sides of the
11 street, when were these homes built?

12 A. Circa 1920, between 1920 and 1930.

13 Q. And I'm showing you what's been marked
14 as A-9, and that's the Radnor Township Zoning
15 Code that first came into effect in 1928?

16 A. Yes.

17 Q. Okay. And this makes, is part of the
18 record, and the reason is, one, these homes were
19 built before then, but even if they were built
20 after that in 1928, there was no lot width
21 requirements or lot area requirements for twins,
22 although in this zoning district, twins were
23 permitted, as you can see there.

24 There is no dimensional requirements

1 outside of, I believe, a ten-foot or a
2 nine-foot-wide side yard setback requirement.

3 Now, I'm showing you what's been
4 marked --

5 MR. MARTIN: Nick, can I interrupt for
6 a second?

7 MR. CANIGLIA: Yes.

8 MR. MARTIN: You make that point for
9 what significance to the board?

10 MR. CANIGLIA: That we have numerous
11 nonconformities in this area, basically
12 showing this is very consistent with the
13 neighborhood and the fact that this is a
14 nonconformity as regarding dimensional and
15 it's consistent with everything else in the
16 area.

17 MR. MARTIN: Do you happen to know
18 when the currently applicable zoning
19 designation for this property was adopted?

20 THE WITNESS: I would say it probably
21 was 1965, which is when the current zoning
22 code was basically adopted in Radnor
23 Township.

24 MR. MARTIN: Thank you.

1 BY MR. CANIGLIA:

2 Q. Showing you what's been marked as
3 A-10, and A-10, again this is information from
4 the county, as well as the deed for 145 Conestoga
5 Road?

6 A. That's correct.

7 - - -

8 (Applicant's Exhibit A-10 was marked
9 for identification.)

10 - - -

11 BY MR. CANIGLIA:

12 Q. And the deed does indicate, as does
13 the survey, that the lot is 30 feet by 150 feet?

14 A. That's correct.

15 Q. Now, I'm going to show you what's been
16 marked as A-11.

17 - - -

18 (Applicant's Exhibit A-11 was marked
19 for identification.)

20 - - -

21 BY MR. CANIGLIA:

22 Q. And first, if you could just describe
23 the first page of A-11 there and describe where,
24 what area we're talking about and what it

1 represents?

2 A. So A-11 represents the 100 block of
3 Conestoga right after the car wash if you're
4 heading east on Conestoga, and you'll see all the
5 residential structures on the south side of
6 Conestoga are all twins, and all of those lots
7 are under 30 feet wide and nonconforming.

8 To the north is commercial properties,
9 and then residential starts maybe halfway through
10 the block.

11 Q. Now, I've marked as A-11 A, again
12 property cards from the county.

13 - - -

14 (Applicant's Exhibit A-11 A was marked
15 for identification.)

16 - - -

17 BY MR. CANIGLIA:

18 Q. And the purpose of this is it
19 indicates the lot size for these lots.

20 And if you turn to the second page
21 first of A-11, again from the county website, you
22 see basically the boxes; is that right?

23 A. Yes, that's correct.

24 Q. And what A-11 A, A-11 A basically

1 represents the property card for those lots
2 showing the lot dimensions for each?

3 A. Correct.

4 Q. And starting with 100, let's go to 100
5 Conestoga Road, the lot dimensions are what?

6 A. 25 by 180.

7 Q. And that would be nonconforming
8 clearly?

9 A. Correct.

10 Q. Then go to 102 Conestoga, we're
11 working our way down Conestoga Road now; correct?

12 A. That's correct.

13 Q. On the side opposite?

14 A. Opposite the property on the south
15 side of Conestoga heading east --

16 Q. So 102 Conestoga?

17 A. 26 by 170.

18 Q. 104 Conestoga Road?

19 A. 50 by 177, but this is a duplex.

20 Q. Okay. So a duplex in the Radnor Code
21 requires 55 foot wide?

22 A. That's correct.

23 Q. 106 Conestoga Road?

24 A. 25 by 170.

1 Q. 108 Conestoga Road?
2 A. 25 by 173.
3 Q. 110 Conestoga Road?
4 A. 25 by 168.
5 Q. 112 Conestoga Road?
6 A. 25 by 168.
7 Q. 114 Conestoga Road?
8 A. 26 by 164.
9 Q. 116 Conestoga Road?
10 A. 26 by 162.
11 Q. 118 Conestoga Road?
12 A. 50 by 158, also a duplex.
13 Q. 120 Conestoga Road?
14 A. 35 by 155.
15 Q. 122 Conestoga Road?
16 A. 38 by 153.
17 Q. And 124 Conestoga Road?
18 A. 71 by 158.
19 Q. And that's also --
20 A. A duplex.
21 Q. Now, I'm going to show you also,
22 looking at the plan, you've indicated lot
23 three --
24 THE CHAIRMAN: And that's A-13, Nick?

1 MR. CANIGLIA: Yes, this is A-13.

2 BY MR. CANIGLIA:

3 Q. On lot three, the required front yard
4 setback would be 25 feet, and actually if we show
5 that on A-8, which is the plan that A-13
6 superseded, it does show the building envelopes,
7 and it indicates the front yard's about, the
8 legal front yard setback for lot three.

9 Now, lot three is a corner lot;
10 correct?

11 A. Correct.

12 Q. And under the Radnor Code, technically
13 you have 25-foot front yard setbacks on each?

14 A. Correct.

15 Q. And we're maintaining a 25-foot
16 setback on Conestoga Road?

17 A. That's correct.

18 Q. It's on Doyle Road that we're asking
19 for the relief. And if we had to comply with a
20 25-foot front setback along Doyle Road for lot
21 number three, how wide would the house be?

22 A. I believe 13 and a half feet.

23 Q. I think it's actually five feet.

24 A. Oh, you're right. Sorry.

1 Q. Now, going back to the exhibit on --

2 MR. DELIZIA: Nick, if you subdivided
3 it into two, that's not the case. Two
4 lots.

5 MR. CANIGLIA: We would have a front
6 yard setback of -- if lot one complied
7 here, the front yard setback for a single
8 would just be 13 and a half feet.

9 So even if we just put a single family
10 here in compliance with zoning in lots two
11 and three --

12 MR. DELIZIA: Two and three with one
13 lot instead of two lots, you would have
14 20-plus --

15 MR. CANIGLIA: We'd still have 13 and
16 a half feet wide.

17 MR. DELIZIA: How is that possible?

18 MR. CANIGLIA: Because if this is --
19 it depends. Well, one, if we kept the 30
20 here, if we kept this as 30, kept lot one
21 as 30 feet wide instead of 40 feet wide, we
22 would be able to widen it to 16 and a half
23 feet for a single, because what you have
24 here is, you have the right-of-way, even

1 though the property line goes to the middle
2 of the street, like it normally does in
3 Radnor on Doyle Road, the right-of-way is
4 16 and a half feet, and then when you're
5 measuring 25 feet in, that's where it comes
6 in.

7 So in this case, for example, if this
8 was still 30, you'd have a ten-foot side
9 yard setback --

10 MR. DELIZIA: Plus 20 to the existing
11 house that's there.

12 MR. CANIGLIA: You'd have the ten-foot
13 side yard setback. You would have the
14 right-of-way, 26 and a half.

15 You would have the setback of 25 more,
16 making it 51 and a half, and the lot is
17 only 56 feet wide.

18 MR. DELIZIA: No. It's 41.

19 MR. MARTIN: There's two lots -- you
20 may be right. Let's clarify.

21 There's two lots that you're seeking
22 to subdivide, a total of 76 feet.

23 MR. CANIGLIA: Correct. That's
24 correct. So if you're going to go one, if

1 we got the relief for 30-foot lot width for
2 lot one, so now we have 76 feet left, you
3 have a ten-foot side yard setback that you
4 have to maintain, that takes you down to
5 66 feet.

6 You have a 16 and a half foot
7 right-of-way, that takes you down to about
8 50 feet, and then you have 25. And I'm
9 trying to think if I'm missing something
10 here.

11 MR. DELIZIA: Yeah, you are.

12 MR. MARTIN: You're missing the
13 difference between one house and two
14 houses.

15 MR. DELIZIA: Yes.

16 MR. CANIGLIA: No, no. I meant if we
17 just put the one house in. I was trying to
18 show you it may not be wide enough for one
19 house.

20 MR. DELIZIA: But again, I guess all
21 I'm asking you. You have one house,
22 20-foot width; right? The other house is
23 20-foot width, with the ten-foot setback.

24 So instead of it being ten, it's 15,

1 or excuse me, 25.

2 So you're basically -- you're making
3 just one house 25 feet wide as opposed to
4 20 feet wide.

5 So there is a way to make this work
6 with less variances. Put a single family
7 on there, that instead of two duplexes at
8 20, you'd have a single single-family at 25
9 and be in compliance with at least the
10 front yard setback on one. You'd be
11 looking at dimensional variances on the
12 subdivision.

13 I'm trying to figure out if there's an
14 alternative scenario there.

15 MR. CANIGLIA: I understand.

16 MR. DELIZIA: And again, I'm only --
17 the other thing I want to caution you on,
18 and I talked just briefly with the
19 solicitor, I think your impervious coverage
20 is wrong. I don't think you're taking into
21 account sidewalks.

22 MR. CANIGLIA: If it's not in the
23 right-of-way, we don't have to.

24 MR. DELIZIA: For the existing

1 property?

2 MR. CANIGLIA: In Radnor --

3 MR. ECONOMIDES: Not the existing. In
4 the new; right?

5 MR. DELIZIA: No, I'm looking at the
6 existing one, too.

7 MR. CANIGLIA: The denominator on
8 impervious coverage is, again, we're not
9 asking for relief on it, so obviously it's
10 off.

11 MR. DELIZIA: I get that. But it's a
12 set of plans saying you're actually in
13 compliance with -- you're at the limit for
14 impervious for everything.

15 So this lot two cannot even add a
16 single paver without having to come to us.
17 So there's no patio, no nothing, which I
18 can speak from experience, because I know
19 my neighbors, they were at their impervious
20 coverage, they added stuff.

21 It's actually a negative when you have
22 nothing left for people to do.

23 MR. CANIGLIA: According to this,
24 according to A-13, which is the engineered

1 plans, it indicates that the maximum
2 permitted is 40 percent.

3 Lot one is 39, so it's close. Lot two
4 is 40, and lot three is 28.4. So you're
5 right. They're close on all of them.

6 MR. DELIZIA: Yeah. And again,
7 assuming, not taking the sidewalks. I was
8 just doing counts, because it seems like
9 it's more than 40 percent, just from
10 looking at it.

11 And you're right, it's really, really
12 close, but it's clearly not taking into
13 account any sidewalks on lot two. And I
14 don't even know, I didn't do the counts on
15 lot one. But it is certainly --

16 MR. CANIGLIA: Just going back, I
17 think on the numbers that we're talking
18 about for single family, if we have a
19 76-foot wide, assuming that this lot one is
20 30 feet wide, which leaves us with 76 feet
21 for this lot here, correct, for lot two and
22 three.

23 So if you take away the ten-foot side
24 yard setback, it brings you to 66. If you

1 add the 16 and a half and the 25, we're
2 talking 41 and a half.

3 So that would be 51. We're still, I
4 believe, 16, 41, 51, so we're talking about
5 25 foot wide.

6 MR. DELIZIA: Right. So it is
7 possible.

8 MR. CANIGLIA: A 25-foot-wide single
9 home.

10 MR. DELIZIA: You're building two 20s,
11 so 25 is better. I understand, it's only
12 one home built.

13 MR. CANIGLIA: Going to -- I'll move
14 along.

15 BY MR. CANIGLIA:

16 Q. Going to A-12, can you describe for
17 the board what A-12 represents?

18 A. A-12 represents the aerial view of
19 Doyle Road from Conestoga to Lancaster showing
20 the nonconformity of the front yard setback.

21 - - -

22 (Applicant's Exhibit A-12 was marked
23 for identification.)

24 - - -

1 BY MR. CANIGLIA:

2 Q. And can you just describe what we're
3 talking about here, what the numbers represent?

4 A. The numbers represent from the
5 right-of-way to the front of each house.

6 Q. And can you describe what they are as
7 you go up the street?

8 A. Yes. So we have the property
9 immediately to the north of our property is a --
10 has a 15-foot setback.

11 The next one to the north is 10, 10,
12 10, and then the entire east side of Doyle Road
13 is also ten-foot setbacks.

14 MR. MARTIN: Are those homes up and
15 down Doyle singles?

16 THE WITNESS: Some are twin.

17 MR. CANIGLIA: The one on the
18 corner --

19 THE WITNESS: Is definitely a twin.

20 - - -

21 (Discussion off the record.)

22 - - -

23 THE WITNESS: I'm not sure.

24 MR. CANIGLIA: Just from experience.

1 MR. MARTIN: Just to respond to the
2 folks, anyone who wants to speak after
3 these folks will have a chance to speak.

4 MR. CANIGLIA: There's another duplex
5 up on the corner by Lancaster.

6 That's all I have at this time.

7 THE CHAIRMAN: Questions from the
8 board?

9 - - -

10 CROSS EXAMINATION

11 - - -

12 THE CHAIRMAN: I will start with,
13 reference was made to the exhibit of the
14 planning commission.

15 THE WITNESS: That's correct.

16 THE CHAIRMAN: And the planning
17 commission made some recommendations but
18 took no position on whether it would advise
19 this board to grant relief, but made it
20 known that in the event that we were
21 inclined to grant relief, there are,
22 there's at least one of the
23 recommendations, if not more, that are
24 beyond the purview of this board, making

1 reference to development criteria that I
2 don't think we are as conversant with.

3 MR. CANIGLIA: I think they may have
4 been referring to the actual footprint, I
5 believe. I could be mistaken.

6 THE CHAIRMAN: But without having been
7 at the planning commission meeting, and
8 only seeing their report, I was curious as
9 to what your observations might be
10 regarding why the planning commission took
11 no position one way or the other on the
12 proposal.

13 MR. CANIGLIA: Basically, and I think
14 I'm not misstating, two planning commission
15 members said, we would just approve it the
16 way it is; one said, I'm not in favor,
17 disapprove it; and the rest kind of said,
18 if it's approved, we would like to see
19 these conditions.

20 THE CHAIRMAN: And to be clear, the
21 approval of the planning commission is not
22 a precondition to our granting relief.

23 It's just a procedural step that has
24 to be taken under the zoning code for

1 certain applications.

2 Don't take from the question the
3 belief that they had to approve it, because
4 they did not have to approve it.

5 The other question I'm struck with is,
6 this lot, well, this property has been in
7 this condition for some time, an unimproved
8 condition.

9 And I'm serious as to why, I mean,
10 obviously you and your partner have got
11 together and see an opportunity.

12 I'm just curious as to why it may have
13 remained undeveloped, unimproved for as
14 long as it has.

15 THE WITNESS: The only real answer, I
16 think, is it's been in the same family
17 since the property was built.

18 The original owner, Mary Donatoni,
19 sold it to her relatives in the '90s, and
20 then she's been the current owner until she
21 put it for sale this year.

22 So the only reason I can think of is
23 it's been in the same family since
24 construction.

1 THE CHAIRMAN: It hasn't been
2 available for development.

3 THE WITNESS: That's correct.

4 MR. MARTIN: A quick question in
5 regards to A-14, which is the rendering.

6 It clearly is a rendering, so it's not
7 intended to be too precise.

8 Is that missing a driveway on
9 Conestoga?

10 THE WITNESS: That is not showing the
11 driveway for 147, that's correct.

12 MR. MARTIN: That would kind of be
13 wedged there in between the two of them?

14 THE WITNESS: Yeah. It's shown on
15 A-13, which mimics what exists at 145.

16 MR. CANIGLIA: Approximately, I would
17 say, 22, 23 feet between the two
18 structures.

19 THE WITNESS: The planning commission
20 asked that we elongate it past the front of
21 the existing home, which we've done.

22 MR. MARTIN: Thank you.

23 THE WITNESS: The other comments from
24 the planning commission were trying to

1 re-utilize the existing curb cut off of
2 Doyle, which we're doing, and adding the
3 sidewalk on Doyle, which we've shown.

4 THE CHAIRMAN: Any other board
5 questions?

6 - - -

7 (No response.)

8 - - -

9 THE CHAIRMAN: Is there any member of
10 the public who wish to speak?

11 - - -

12 JESSICA FULGINITI WALTMAN,
13 having been first duly sworn, was examined and
14 testified as follows:

15 - - -

16 MS. WALTMAN: I'm Jessica Fulginiti
17 Waltman, J-E-S-S-I-C-A F-U-L-G-I-N-I-T-I
18 W-A-L-T-M-A-N.

19 My husband and I own 10 Doyle Road.
20 And I would just like to note many of my
21 neighbors have -- were unable to attend
22 tonight.

23 I know at least -- quite of few of
24 them plan to or have already written in

1 about this.

2 We all received a notice of the
3 potential variance, and we usually get in
4 Radnor Township fairly regularly.

5 This one was really confusing to us.
6 We, as neighbors, talked about it quite a
7 bit and tried to get some information.

8 My neighbors had contacted you, I
9 know. I know that they intended to write
10 to you. All of us have significant
11 concerns about this proposal.

12 So my property, there is a property in
13 between Conestoga Road and this driveway.

14 MR. MARTIN: If I could interrupt you
15 for a second, perhaps we could put A-6 on
16 the board and you could show us where your
17 property is.

18 MS. WALTMAN: Okay. Sure. Yes.

19 MR. MARTIN: Point to it on the plan.

20 MS. WALTMAN: Right here.

21 MR. MARTIN: Thank you.

22 MS. WALTMAN: And then on the other
23 side of Conestoga and then on Doyle Road,
24 they all have similar concerns. So we have

1 a number concerns.

2 My husband and I have owned that home
3 for 15 years. In between our home and this
4 home, there is a home that is in extremely
5 poor condition that has been its own
6 subject of zoning issues.

7 And anyway, the through road has a
8 curb, as you can see. So living in that
9 house, and there is no sidewalk there.

10 So if we just move the sidewalk, it's
11 probably the only thing that I've heard so
12 far in speaking to us.

13 It is an extremely dangerous corner,
14 and the thing about that street is that it
15 is a cut-through.

16 And so people come at fairly high
17 rates of speed, particularly off of
18 Conestoga Road, and up every single day,
19 especially during rush-hour times.

20 So there's a lot of children that live
21 on Doyle Road. One of the questions was
22 about why the property hadn't been
23 developed.

24 So one thing I wanted to point out is

1 while it has been owned by the same family
2 for a long time, it has been a rental for a
3 long time, and it is frequently rented by
4 people with children, who actively use the
5 side yard.

6 And that is the only place to play.
7 And so it is not currently rented by
8 someone with a child, but it was fairly
9 recently.

10 And so for the 15 years that we've
11 lived there, most of the time it has been
12 rented by someone with children who played
13 in the backyard.

14 It is -- our street has some traffic
15 challenges. It is too short to put speed
16 bumps on. People come on and off of it all
17 of the time.

18 There is a bus stop on that corner
19 that is very heavily utilized for bus stops
20 for all of the many children that live on
21 Doyle Road, for high school, middle school,
22 and elementary school, all of the children
23 that live on Conestoga Road going up toward
24 where the Flag Lady was, because of the

1 significant number of children, all of the
2 children that live on Lantoga, all of the
3 children that live on Conestoga going south
4 for about a block or two.

5 So it's a fairly heavy bus stop in the
6 morning. And I can tell you that that
7 corner is a significantly difficult corner
8 to make either a left or a right-hand turn
9 out of, and it is a significantly difficult
10 corner to make a left-hand turn onto Doyle
11 Road.

12 I myself was in a very serious
13 accident. One of the main problems with
14 that corner is a lack of visibility that
15 currently exists just because there's a lot
16 of shrubbery there.

17 Now, I recognize that they plan to
18 remove some of the shrubbery that is
19 problematic now, but I can tell you that
20 while that shrubbery is problematic, you
21 can see through it, not great, but you can
22 see through it.

23 You will not be able to see through a
24 fairly large-sized house. So that is a big

1 concern.

2 I have a daughter who is 16 years old
3 and has a permit. And this is a very good
4 child, and she cannot navigate the turn
5 into our own street very successfully yet,
6 because it is so frightening to make that
7 turn. We have seen many accidents there.

8 Another thing that is another accident
9 happened on our street. My driveway is
10 here, and they're proposing to have a
11 driveway here.

12 And I can tell you that this house on
13 12 Doyle Road has two driveways, a driveway
14 right there, they don't use it.

15 It's never been used. There's a
16 cut-through there. It has never been used.
17 It is overgrown. It has never been used.

18 The driveway next to it is not a well
19 utilized driveway. A lot of the people
20 that have lived there do not have cars.

21 The family before that, just before
22 that, they had one car, and it is a very
23 under-utilized driveway.

24 If you are adding two homes with a

1 much wider driveway and accommodating more
2 parking, I have a concern, because I can
3 say from backing out of my own driveway,
4 with the cars that come up at a rapid rate
5 of speed, it is very challenging to get in
6 and out of my own driveway, and there have
7 been numerous accidents. And again, with a
8 new driver, it's a serious concern.

9 My neighbors on the other side of the
10 street also have a similar problem. There
11 is a bend there in the curb.

12 As you can see on this, that whole
13 second half of the house was a two-story
14 addition we put on.

15 We did not need to get any variances
16 for it. But we put that on about seven
17 years ago. It took over a year to
18 complete.

19 It was -- I can speak as someone who's
20 had construction at her home that is
21 further up the street.

22 There is nowhere for construction
23 vehicles to go. They cannot go on
24 Conestoga Road there.

1 The addition of the proposed driveway
2 also, I can see, is a huge traffic hazard.
3 There really isn't a space to back in and
4 out of that driveway so close to the
5 street.

6 You can't really see from the
7 proposal, but South Devon comes in right
8 about there, and it would be very close to
9 the South Devon corner.

10 There are cars constantly cutting in
11 and out of Doyle Road to go down to South
12 Devon.

13 THE CHAIRMAN: Would the potential
14 harm to the neighborhood or the increase in
15 some of the issues that you've discussed be
16 meaningfully increased if there were two
17 houses instead of one, because --

18 THE WITNESS: I personally think one
19 house would be better, if you had to do
20 anything.

21 I recognize that our homes are
22 characterized repeatedly as out of
23 compliance or, you know, the variations or
24 stuff.

1 I personally live in what is a Sears
2 Catalog home. There is less than 10,000
3 recognized Sears Catalog homes in the
4 United States.

5 Mine is one of them. It has historic
6 value. It was built in 1919. Yes, it has
7 a ten-foot front yard.

8 I think if you drove by it, you will
9 see that it is a home my husband and I take
10 extreme pride in and have maintained every
11 conceivable step to keep it historically
12 accurate, even adding onto it.

13 But adding new construction --

14 MR. MARTIN: But my question, if we
15 could --

16 MS. WALTMAN: Yeah. One house would
17 be better. This is an older stone house.
18 I don't really think that it, I mean,
19 personally, I just don't aesthetically see
20 that fitting in very well with such a small
21 yard, but that's my personal opinion.

22 I think one house would be better than
23 two. But all of those traffic concerns
24 would be clear, because if you put a single

1 family home, you would still have the
2 driveway on Conestoga, which would be very
3 significantly cutting into the constant
4 degree of left-hand turns onto South Devon.

5 That backs up significantly at both
6 morning and afternoon rush right there.
7 Getting a driveway in and out, there's
8 already a driveway there that's lightly
9 utilized, the twin that exists.

10 So you would have another, I mean, it
11 would be two. One would be less than two.
12 But you would still have that.

13 And another concern, you know, again
14 that we have is with where the construction
15 would go. That's a bus stop right there.

16 And I don't, I mean, I can speak from
17 experience. There is nowhere for these
18 trucks to go.

19 Our neighbor that lives at 12 Doyle
20 Road has some involvement with Minella's
21 Diner, and almost -- multiple times a week
22 parks a refrigerator truck in front of that
23 house illegally and has been directed to
24 move.

1 And the amount of blocking and
2 problems caused by just that one truck on
3 the street, I know from our own experience,
4 we had to use our driveway, and then we
5 were able to do something with Donoghue's
6 Funeral Home to have trucks and things
7 there, which is something we negotiated
8 with them.

9 But it's too far away. It was a
10 struggle for our contractor to have the
11 construction there. So it will be a
12 problem.

13 And you cannot really park easily if
14 you have -- it's illegal to park on that
15 side of Doyle Road.

16 It's illegal to park anywhere on Doyle
17 Road because of the visibility and the
18 traffic issues.

19 So I just have concerns about adding
20 what would undoubtedly be at least a
21 year-long construction project.

22 We already have the doctor's office
23 being built at the end of the street next
24 to the funeral home.

1 So we are just concerned about the
2 noise and honestly where the flow of
3 materials and traffic would go.

4 That part of the road would
5 significantly block traffic because of the
6 Conestoga improvements.

7 And it caused huge traffic problems
8 for the whole surrounding neighborhood.
9 Adding this driveway and adding
10 construction vehicles, I think, would have
11 a similar effect.

12 THE CHAIRMAN: Okay. Any other
13 questions from the board?

14 - - -

15 (No response.)

16 - - -

17 THE CHAIRMAN: Thank you.

18 Do any other members of the public
19 wish to speak?

20 - - -

21 (No response.)

22 - - -

23 THE CHAIRMAN: Seeing none.

24 MR. MARTIN: In the way of

1 clarification for the record, while I think
2 Mrs. Waltman's testimony was in good faith,
3 I think we need to disregard her references
4 to other neighbors.

5 Are we aware of any letters having
6 come in from any neighbors? No? Okay. So
7 I think we take her testimony for her
8 testimony.

9 MS. WALTMAN: I think a lot of
10 people --

11 THE CHAIRMAN: No, no. We're --

12 MS. WALTMAN: I think they're coming.

13 THE CHAIRMAN: Well, I think they're
14 late.

15 MS. WALTMAN: We just found out about
16 this.

17 THE CHAIRMAN: If there is no other
18 public comment, Nick, do you want to move
19 your exhibits?

20 MR. CANIGLIA: Yes. We had a couple
21 new ones. I haven't marked all of them.
22 I've marked A-15, A-16, A-17. I'll hand
23 them up for the record.

24 - - -

1 (Discussion off the record.)

2 - - -

3 (Witness excused.)

4 - - -

5 MR. ECONOMIDES: I think we have A-15.

6 MR. CANIGLIA: I'm sorry. They were
7 16, 17, 18. They all got notices from
8 Radnor. They all were within 500 feet.

9 THE CHAIRMAN: They all got notices?

10 MR. CANIGLIA: Yes, they all got
11 notices. And actually, I think I may have
12 made a mistake on marking them.

13 Gus told me we were already up to
14 A-15, so it's 16, 17, and 18.

15 MR. ECONOMIDES: Correct.

16 - - -

17 (Applicant's Exhibits A-16 through
18 A-18 were marked for identification.)

19 - - -

20 THE CHAIRMAN: So 16 is Gilmore?

21 MR. CANIGLIA: 16 is Gilmore, 17 is
22 Whitehead, and 18 is Shertz.

23 MR. MARTIN: Are any of these
24 particularly in proximity to the property?

1 THE WITNESS: One is on the 100-block
2 of Conestoga and one is on the 100-block of
3 Lancaster. The other is West Wayne.

4 MR. MARTIN: Are each of them off the
5 screen?

6 MR. CANIGLIA: Yes, they're not on --
7 they're off the screen.

8 MR. MARTIN: Okay.

9 THE CHAIRMAN: Anything else, Nick?

10 MR. CANIGLIA: If I could just have a
11 minute.

12 THE CHAIRMAN: Sure.

13 - - -

14 (Discussion off the record.)

15 - - -

16 MS. WALTMAN: Two of my neighbors sent
17 an e-mail to you directly today about this,
18 so I'm letting you know they both texted
19 me.

20 MR. CANIGLIA: Just, if I may, talking
21 to Mr. Whelan, we're willing to remove all
22 our requests except for the request for lot
23 one, for lot width on lot one, and we
24 request that would be 30 feet.

1 And that would be the only request
2 that we're making.

3 THE CHAIRMAN: So the request for all
4 other variances would be withdrawn?

5 MR. CANIGLIA: Correct.

6 THE CHAIRMAN: And only the request
7 for the lot one variance is for our
8 consideration.

9 MR. MARTIN: Can I just restate that
10 in my language, to make sure that I'm
11 understanding you?

12 That you're seeking to subdivide this
13 parcel so that lot one, as you pointed out,
14 sort of mimics the size of the parcel of
15 its partner twin, and that you would then
16 have a second new parcel that would
17 constitute the remainder, and then you'd
18 have to decide what you could develop and
19 whether you need relief or not.

20 MR. CANIGLIA: Correct.

21 THE CHAIRMAN: I'll ask for a motion
22 to approve the modification to the
23 application which was just described by Mr.
24 Martin.

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MR. DELIZIA: Motion.

THE CHAIRMAN: Second?

MR. MARTIN: Second.

THE CHAIRMAN: Discussion?

- - -

(No response.)

- - -

THE CHAIRMAN: Seeing none, all in favor, please indicate by saying aye.

- - -

(The Board unanimously responds aye.)

- - -

THE CHAIRMAN: All opposed?

- - -

(No response.)

- - -

THE CHAIRMAN: There are none.

MR. CANIGLIA: Thank you.

- - -

(Proceedings concluded at 7:54 p.m.)

- - -

1
2
3 CERTIFICATE OF REPORTER
4
5

6 I, Norma Gerrity, a Registered
7 Professional Reporter, do hereby certify that the
8 foregoing record is a true and accurate
9 transcript of my stenographic notes in the
10 above-captioned matter.
11
12
13

14 Norma Gerrity, RPR
15 Official Court Reporter
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