

BEFORE

NEW HOPE BOROUGH COUNCIL

In Re: Regular Meeting

- - - -

TUESDAY, APRIL 16, 2019

- - - -

A public meeting was held at the Borough Municipal Building, 125 New Street, New Hope, Pennsylvania 18938, commencing at 7:00 p.m. on the day and date above set forth, before Tara Wilson, Professional Reporter and Notary Public in and for the Commonwealth of Pennsylvania.

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DOYLESTOWN, PENNSYLVANIA 18901
(215) 345-7966

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1 **BOROUGH COUNCIL:**
2 Connie Gering, President
3 Dan Dougherty, Vice-President
4 Tina Leifer Rettig, Pro Tem
5 Alison Kingsley
6 Laurie McHugh
7 Peter Meyer
8 Ken Maisel
9 EJ Lee, Borough Manager
10 T.J. Walsh, Esquire, Solicitor

11 **ALSO PRESENT:**
12 Chief Michael Cummings
13 New Hope Police Department

14 James Ennis, Zoning Officer
15 Damon Drummond, Gilmore Associates

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4

1 **A G E N D A (Continued.)**
2 PAGE

3 - Authorization for Borough Engineer to
4 advertise the Bridge St. Project.....76-78
5 - Authorization for the Borough Manager and
6 the President Pro-Tem to serve as the backup
7 signers for Borough checking accounts with the
8 provision that all checks must contain the
9 signatures of one authorized staff and one
10 authorized Council member.....78

11 5. Consent Agenda:
12 i. Meeting Minutes: Consideration to
13 approve the minutes from the March 16 public
14 meeting and the April 1 workshop.....79
15 ii. Approval of Accounts Payables:
16 March accounts payable in the amount of
17 \$164,378.34 and March 27 and April 10 payroll in
18 the amounts of \$79,392.41 and \$71,341.09.....79

19 6. Council Member Reports on Committees:
20 - Parks and Recreation Board (T. Rettig)....
21 - Shade Tree Commission (L. McHugh).....
22 - Finance Committee (C. Gering, D.
23 Dougherty, T. Rettig).....80-81
24 - Land Use and Historic Preservation
25 (HARB-K. Maisel; ZHB-C. Gering; PC-P. Meyer)...82

7. Manager and Solicitor Reports.....
8. Public Comment.....82-89
9. Adjournment.....89

10
11
12
13
14
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16
17
18
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3

1 **A G E N D A**
2 PAGE

3 1. Call to order, Pledge of Allegiance.....5
4 2. Mayor's Report.....
5 3. Presentation:
6 - ZHB Application for 10 W. Ferry St....6-25
7 (Logan Inn)
8 4. Council President Report

9 - Executive Session Announcement.....6
10 - Arts & Craft Festival Announcement.....25
11 - Authorization for Borough Solicitor to
12 advertise for the public hearing for the
13 Ordinance to authorize the appropriate officers
14 of the Borough of New Hope to enter into an
15 Intergovernmental Agreement between Solebury
16 Township and the Borough of New Hope for the
17 Joint Use of Recreational Facilities.....26-27

18 - Certificate of Appropriateness:
19 i. 50 S. Main - new sign.....27
20 ii. 182 S. Main - demolition and new
21 construction of single family home.....27-40
22 iii. 22 S. Main - modification of
23 exterior first floor and reconstruction of
24 apartment of second floor.....40-74

25 - Temporary Special Event Signs
i. Bucks County Visitor's Bureau -
Restaurant Week.....74-75
ii. Historical Society - Pride
Month Sign.....75

- Resolution to authorize the block grant in
the amount of \$4,500 to the New Hope Eagle Fire
Company that serve New Hope Borough, who would
distribute the funds at \$500 to each of the nine
active volunteer fire fighters and fire police
who reside in New Hope Borough.....75-76

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1 **MS. GERING:** I'd like to call the
2 meeting to order for pledge of allegiance,
3 please.
4 (Pledge of allegiance was recited.)
5 **MS. LEE:** Would you like me to take
6 roll?
7 **MS. GERING:** Yeah, please.
8 **MS. LEE:** President Gering?
9 **MS. GERING:** Here.
10 **MS. LEE:** Vice-president Dougherty?
11 **MR. DOUGHERTY:** Present.
12 **MS. LEE:** President Pro Tem Rettig?
13 **MS. RETTIG:** Here.
14 **MS. LEE:** Ms. Kingsley?
15 **MS. KINGSLEY:** Present.
16 **MS. LEE:** Ms. McHugh?
17 **MS. McHUGH:** Here.
18 **MS. LEE:** Mr. Maisel?
19 **MR. MAISEL:** Here.
20 **MS. LEE:** Mr. Meyer?
21 **MR. MEYER:** Here.
22 **MS. LEE:** The mayor is not here.
23 Solicitor Walsh?
24 **MR. WALSH:** Here.
25 **MR. LEE:** And the borough manager is

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1 here. We also have our Chief of Police, our
2 zoning officer, as well as a representative from
3 our engineering firm and several members of the
4 public.
5 MS. GERING: Thank you.
6 They'll be no mayor's report since our
7 mayor is on vacation. We'd like to announce that
8 we had executive session referring to personnel
9 issues for tonight. And the other statement I'd
10 like to make is, that there's been a lot
11 inquiries about the March 3rd incident that we
12 had in the borough. And the way this borough
13 operates, the police department is overseen by
14 our mayor and not by council. So just to make it
15 clear, where questions need to be directed in the
16 future if anyone has questions, they'll all have
17 to go through our mayor. Thank you.
18 All right. First on our agenda is an
19 application for 10 West Ferry Street for the
20 Logan Inn.
21 MR. JAMES ESPOSITO: Good evening. I'm
22 Jim Esposito. I'm the attorney for the
23 applicant, 10 West Ferry Street Property, LLC,
24 this application to the zoning hearing board.
25 The property involved, as I'm sure you know, is

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1 the Logan Inn. As a little bit of background, my
2 client, the applicant, received prior zoning
3 hearing board relief in April of 2016, which
4 included a special exception and a number of
5 variances to permit the expansion of the inn and
6 restaurant use at the Logan Inn.
7 As I'm sure you know, the project is
8 currently under construction. As part of that
9 prior decision, one of the conditions was that no
10 exterior construction on the project could occur
11 between April 15 and November 1. We're past
12 April 15 right now, construction is still going
13 on, so we submitted an application seeking to
14 amend that condition to permit construction
15 between April 15 and October 1. I don't know if
16 you read the application. The application
17 actually requested relief between April 1 and
18 June 30. We've amended the application to go
19 through October 1.
20 We discussed with the zoning officer
21 who also reviewed all of the prior records with
22 the prior zoning application and decision. And
23 the only reason that condition was included in
24 the prior decision was because of an agreement
25 between my client and a neighboring property

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1 owner, Marsha Brown. We have -- my client has
2 discussed with Marsha Brown and she has consented
3 to the exterior construction between April 15 and
4 October 1. We do have a letter from Marsha Brown
5 stating such, I can give you a copy, if you'd
6 like to see it. We also believe it's in the
7 public interest to continue the construction for
8 safety reasons as opposed to abandoning
9 construction partway through.
10 The other part that we are asking in
11 this relief is that if any further extensions are
12 needed, that the zoning officer be permitted to
13 grant such extensions, provided that Marsha Brown
14 gives her consent to such extension. You can ask
15 any questions, we actually have some employees
16 from the developer if you have any specific
17 construction questions as well.
18 MS. GERING: Any questions from
19 council?
20 MR. DOUGHERTY: Just the only -- I read
21 through this extensively, I think I'm generally
22 in favor of it. The purpose of having further
23 extensions be approved by the zoning officer with
24 the co-approval --
25 MR. JAMES ESPOSITO: Consent of

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1 (inaudible).
2 MR. DOUGHERTY: -- of the thing, I just
3 don't feel comfortable with that, so if that's in
4 there I wouldn't be -- if we -- if it turns out
5 that you needed another extension, then we have
6 other meetings you can come back and say why that
7 other extension was needed. But to just have a
8 rational reason provided to an employee of the
9 borough on something of this size, I think
10 council needs to be -- needs to be able to weigh
11 in on that. Again, we have the avenue of the May
12 meeting and the June meeting, so I don't see a
13 need for -- to advocate that responsibility. I
14 don't know if that was a question. I don't think
15 it was, it was a statement.
16 MS. GERING: That's okay.
17 Anyone else on council?
18 MR. MEYER: Yeah. I'm a little bit
19 confused. You made an initial reference to -- I
20 think the initial document we have in front of us
21 talks about proceeding till June 30, then they
22 reference to October 1.
23 MR. JAMES ESPOSITO: Yes. So we
24 amended the application not resubmitted.
25 MR. MEYER: But now to October 1.

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1 MR. JAMES ESPOSITO: Yes.
 2 MR. MEYER: But the ban only exists
 3 until November 1.
 4 MR. JAMES ESPOSITO: Yes.
 5 MR. MEYER: So why did you stop at
 6 October 1?
 7 MR. JAMES ESPOSITO: That's what our
 8 construction people felt who made that, that we'd
 9 only need to finish construction.
 10 MS. LEE: Do you have data -- can you
 11 tell us when you resubmitted that application?
 12 Because our records only show up to June 30,
 13 which is what we submitted to this council.
 14 MR. JAMES ESPOSITO: Okay. I believe
 15 it was submitted yesterday.
 16 Do you?
 17 MR. ENNIS: I haven't seen that, no.
 18 Did you go through Tom Panzer.
 19 MR. JAMES ESPOSITO: Yes. And we did
 20 discuss with the zoning hearing board solicitor
 21 that he submitted an advertisement, the
 22 advertisement did not include the date that we
 23 requested so that wouldn't be an issue, but we
 24 have -- I know that -- I'm filling in for Paul
 25 Cohen and I know that Paul did speak with

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1 thing, is that the condition was Marsha Brown had
 2 a concern about it knowing that it is going to
 3 end on November 15, so all the neighboring
 4 properties or anybody else who might have had a
 5 problem with it, realized or accepted the fact
 6 that this was going to stop on April and then go
 7 on. So citing Marsha Brown as the only one who
 8 has any skin in the game seems --
 9 MR. JAMES ESPOSITO: I understand that.
 10 We looked through the records and she was the
 11 only one that brought up the concern, but it
 12 still needs to go through this process and it's
 13 going to be in front of the zoning hearing board
 14 if there are other properties owners to express
 15 concern.
 16 MR. WALSH: I think, Ken, she was the
 17 only neighboring property owner that requested
 18 party status. Now, other ones may have shown up
 19 and voiced an opinion or made a comment and those
 20 people will also have the same opportunity to do
 21 this at this meeting.
 22 MR. MAISEL: Gotcha.
 23 MR. ENNIS: Just one thing. When it
 24 comes to the zoning officer's discretion, as
 25 council member Dougherty's already brought up, is

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1 directly Mr. Panzer on this.
 2 MR. WALSH: What about Ms. Brown, is
 3 she okay with that?
 4 MR. JAMES ESPOSITO: Yes. Her letter
 5 specifically says through October 1.
 6 MR. WALSH: Because frankly it's an odd
 7 condition. I mean, it was really only in place
 8 for her benefit.
 9 MR. JAMES ESPOSITO: Yes.
 10 MR. WALSH: And as a practical matter,
 11 we don't have the zoning hearing board weighing
 12 in on when construction can be done. I mean,
 13 that's why it's an incredibly odd condition. So
 14 as long as she's okay with it.
 15 MR. JAMES ESPOSITO: Yes. And that's
 16 why we got her consent because that was the only
 17 reason it was in there, but we need to get the
 18 zoning hearing board's approval because it was in
 19 the decision.
 20 MR. WALSH: No, I understand that. And
 21 it's another example that some of these
 22 conditions are a little non-zoning frankly.
 23 MS. RETTIG: I think we need to see the
 24 letter also.
 25 MR. MAISEL: Just to add one more

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1 council's position that it should actually be to
 2 your discretion for an extension? So I know what
 3 to relay to the zoning hearing board as far
 4 as for the hearing --
 5 MR. WALSH: No. They'd have to go back
 6 and go to another -- it depends on what the
 7 zoning hearing board does. If the zoning hearing
 8 board grants this through the 1st and then they
 9 need another extension, they'd have to go back
 10 and do it again.
 11 MR. ENNIS: So all new submittal zoning
 12 hearing board application for the modification?
 13 MR. WALSH: Yes, correct.
 14 MR. ENNIS: All right.
 15 MR. WALSH: To Mr. Dougherty's point,
 16 they'll have to come back here and say, yep,
 17 we're asking again and then council gets a chance
 18 to weigh in on this application.
 19 MR. ENNIS: I just want to make sure I
 20 relay it properly to the zoning hearing board.
 21 MR. DOUGHERTY: Frankly, I think a
 22 project of this size, well, it's June 30, right,
 23 is that what you're asking for?
 24 MR. JAMES ESPOSITO: October 1.
 25 MR. DOUGHERTY: Now, it's October. So

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1 what we have here, everything I read is not
 2 right.
 3 MS. LEE: Apparently they submitted a
 4 new application yesterday.
 5 MR. JAMES ESPOSITO: I will make sure
 6 that Mr. Walsh does receive a copy of that
 7 application as opposed to --
 8 MR. WALSH: Oh, I don't -- make sure --
 9 I don't --
 10 MR. JAMES ESPOSITO: Yes, we will make
 11 sure obviously, the zoning officer --
 12 MR. DOUGHERTY: Hold on a second. So
 13 in other words, you're saying that they want to
 14 able to work through October 1.
 15 MR. JAMES ESPOSITO: Yes.
 16 MR. DOUGHERTY: And as of two days it
 17 was through June 30 and now it's through October
 18 1 and by the way, if we don't make that deadline,
 19 we'll just work with Jim Ennis as well and get
 20 another extension. In other words, if something
 21 was supposed to be done by April 15 and there's
 22 some weather concerns involved and you're getting
 23 an extra 75 days through the June 30 date, that
 24 was two days ago, which is now apparently
 25 somebody -- that's not enough, we need 215 days.

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1 that. That's what everybody's happy with. Now
 2 saying because of weather, this or that and the
 3 other thing, we need 75 more days. I probably be
 4 fine with that, but I'm not fine with anything
 5 that says October 1 because then -- then why
 6 bother putting any of these dates.
 7 MR. JAMES ESPOSITO: Well, as your
 8 solicitor said himself this is an unusual
 9 condition and it was only because of
 10 neighbor property owner.
 11 MR. DOUGHERTY: Besides that, that was
 12 a condition the zoning hearing board came up with
 13 and your client nodded their head too, so we
 14 weren't there to make --
 15 MR. JAMES ESPOSITO: I understand that,
 16 I'm just --
 17 MR. DOUGHERTY: We're not here to bash
 18 the zoning hearing board.
 19 MR. JAMES ESPOSITO: I'm just trying to
 20 explain the reason that we originally requested
 21 June 30 is we were still trying to get the
 22 consent from Marsha Brown because she was the one
 23 who wanted the condition. So that -- but then
 24 originally elected to give to October 1 that's
 25 why that changed.

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1 It doesn't hang together for me. So that's where
 2 I'm at. It doesn't even come close to hanging
 3 together.
 4 MR. ENNIS: Dan, just for clarification
 5 one, I agree with you, I was not comfortable with
 6 it at the zoning officer's discretion verbiage
 7 anyway.
 8 MR. DOUGHERTY: And it's not fair to
 9 put him in position where he's going to shut down
 10 a project and say, no, I don't feel that this is
 11 appropriate and then there's a \$2 million project
 12 that stops in its track. Then you would have to
 13 come -- it doesn't make sense to just give it --
 14 MR. ENNIS: The other thing, though is,
 15 Dan, just so you understand -- maybe you are
 16 understanding, this is conditions only for
 17 exterior construction so they're just trying to
 18 get the exterior done before they get to the
 19 interior.
 20 MR. DOUGHERTY: I understand. And
 21 apparently it went through zoning and they baked
 22 that cake and there's lots of zoning people
 23 involved and they decided on this stuff and the
 24 developer decided it was acceptable to say April
 25 15 and everybody walked away and was happy with

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1 MR. DOUGHERTY: So is Marsha the
 2 deliberative body here, is it whatever she wants
 3 we should initial that? Because that's what it
 4 sounds like what we're doing.
 5 MR. JAMES ESPOSITO: She was the one
 6 that wanted this condition to begin with and we
 7 had agreed to it, that's why it was in the
 8 original zoning hearing board decision.
 9 MS. GERING: Any more questions from
 10 council?
 11 Any questions from the public? Any
 12 questions from the public?
 13 All right. Council, I guess our choice
 14 here is to send T.J. to represent us at the
 15 zoning hearing board in this matter --
 16 MR. WALSH: Well, do you want to take a
 17 position?
 18 MR. DOUGHERTY: To do what?
 19 MS. GERING: Would you like to take a
 20 position?
 21 MR. DOUGHERTY: How does --
 22 mechanically, how do we take a position or do we
 23 take a vote to take a position --
 24 MR. WALSH: Yes.
 25 MR. DOUGHERTY: -- and then decide what

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1 that position will be? Is that what we do?
 2 MR. WALSH: Well, you'd be voting on
 3 knowing what your position is. If you're not
 4 going to take a position and you're just going to
 5 let the zoning hearing board handle it, you take
 6 no action.
 7 MR. DOUGHERTY: If not, would all seven
 8 of us have to agree to us taking a no position?
 9 MR. WALSH: Majority, be like any other
 10 vote.
 11 MR. DOUGHERTY: So there'd be a vote
 12 to --
 13 MR. MEYER: Excuse me. Just a little
 14 point that I just omitted, I do have to recuse
 15 myself on this one. I own a piece of property
 16 that's part of the notice.
 17 MR. WALSH: Okay. Historically, any
 18 time council doesn't feel the need to take a
 19 position, there's no action, there's no vote,
 20 there's no motion. It's only if you wanted to
 21 take an active position to either oppose it or to
 22 ask certain conditions be attached to any relief
 23 the board might grant. Then you would need a
 24 motion, a second and a majority vote to that
 25 position.

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1 extracting out the zoning officer's thing and
 2 making a position on that. That would at least
 3 give guidance to the zoning hearing board that
 4 this council is generally in favor, if that's the
 5 way we voted, of giving an extension and let them
 6 complete the job as they had wanted to apparently
 7 two days ago, when they gave us or whatever. I'd
 8 be okay with taking a position on the document in
 9 front of us, not one that's modified by an
 10 applicant's attorney.
 11 MS. GERING: So would you like to make
 12 that motion then, please?
 13 MR. DOUGHERTY: I would love to make a
 14 motion. I make a motion to vote on this --
 15 MR. WALSH: I think --
 16 MR. DOUGHERTY: Go ahead.
 17 MR. WALSH: My thought was you're okay
 18 with Part A, not part B.
 19 MR. DOUGHERTY: But not the part that
 20 brings the zoning officer and a constituent --
 21 neighbor constituent.
 22 MR. WALSH: So whatever the zoning
 23 hearing board picks as the new deadline date if
 24 they want to extend past that, they have to file
 25 another zoning hearing board application.

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1 MS. GERING: Would council like to take
 2 a position?
 3 MR. MAISEL: I just want to ask one
 4 more question, please. Is the June 30th request
 5 is the one for October 1 exactly the same as --
 6 well, we don't even have that document, it is
 7 written exactly the same just the dates.
 8 MR. JAMES ESPOSITO: It's exactly the
 9 same other than it says October 1 instead of June
 10 30.
 11 MS. RETTIG: Do you have a copy of that
 12 document with you that we can see?
 13 MR. JAMES ESPOSITO: I don't.
 14 MR. DOUGHERTY: Well, I think first
 15 off, is the process is I think that applicants to
 16 the zoning hearing board typically come to
 17 council to get council buy-in or denial or take a
 18 position on. From what I can understand, the
 19 document that council has before it is June 30.
 20 MS. GERING: That's correct.
 21 MR. DOUGHERTY: That's everything we
 22 have. You could say January 1, April 19, 2037
 23 right now, but right now we don't have any of
 24 that. So I think I'd be okay with taking a
 25 position on this document in the positive

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1 MR. DOUGHERTY: Right. So we'd be
 2 basically voting on this in the positive without
 3 the Ennis. And I'm in favor of that, I'm just
 4 not in favor of just a --
 5 MS. RETTIG: I don't.
 6 MR. WALSH: The recommended motion
 7 would be to take no position on the deadline
 8 change date, but to oppose if you were to ask
 9 that anything past that would be extended by the
 10 staff.
 11 MR. JAMES ESPOSITO: Understood.
 12 MR. WALSH: That would be the
 13 recommended motion.
 14 MR. DOUGHERTY: I think I -- what you
 15 just said, basically no -- say that again, no --
 16 MR. WALSH: Stay neutral, no position.
 17 MR. DOUGHERTY: Stay neutral on what we
 18 have before us --
 19 MS. LEE: For the deadline date.
 20 MR. DOUGHERTY: -- or be negative if
 21 the --
 22 MR. WALSH: The date.
 23 MR. DOUGHERTY: -- deadline --
 24 MS. LEE: June 30 as presented in this
 25 application.

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1 MR. WALSH: Well, I didn't know what
 2 date?
 3 MR. DOUGHERTY: June 30 is what we have
 4 in front of us.
 5 MS. McHUGH: So then don't they just
 6 have to come back for the October date then?
 7 We're make them come back again.
 8 MR. JAMES ESPOSITO: We're going to ask
 9 the zoning hearing board for October 1.
 10 (Indiscernible discussion, simultaneous
 11 speakers.)
 12 THE REPORTER: One at a time, please.
 13 MR. DOUGHERTY: I'm against that
 14 extension.
 15 MR. JAMES ESPOSITO: I understand that.
 16 MS. GERING: All in favor?
 17 MR. WALSH: Well, you don't have,
 18 nobody made the motion. Nobody moved, but need
 19 to reframe it.
 20 MS. GERING: Oh, it's neutral, okay.
 21 MR. WALSH: No, I need to re --
 22 MS. GERING: I'm sorry. Go ahead.
 23 Reframe.
 24 MR. WALSH: He's saying that they're
 25 amending their application whether they done it

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1 MR. MAISEL: I'll second it.
 2 MS. GERING: All right.
 3 All in favor?
 4 MR. WALSH: Who made the motion?
 5 MR. MAISEL: I thought you made the
 6 motion -- you can't --
 7 MR. WALSH: No, I don't make motions, I
 8 just framed it.
 9 MR. MAISEL: So does that framing act
 10 as --
 11 MR. WALSH: The recommended motion
 12 would be to take no position on the application
 13 as submitted, deadline date of June 30, to oppose
 14 the part of the application if there's extensions
 15 beyond that can be granted at the discretion of
 16 the zoning officer.
 17 MS. McHUGH: Okay. I'll make that
 18 motion.
 19 MR. MAISEL: I'll second it.
 20 MS. GERING: All in favor?
 21 MS. McHUGH: Aye.
 22 MR. MAISEL: Aye.
 23 MS. GERING: Aye.
 24 MS. RETTIG: Aye.
 25 MS. GERING: Opposed? We had two

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1 officially or not that they will have it amended
 2 in enough time to have proper public notice to be
 3 October 1; but as originally submitted, it was
 4 June 30. Now, we seen the amendment, the only
 5 time I've seen an October 1 date is that letter
 6 from Ms. Brown.
 7 MS. LEE: Dated yesterday.
 8 MR. WALSH: So Mr. Dougherty's point is
 9 the application pending before them they would
 10 take no position if the date was June 30 on that
 11 piece of it, they would take a position to oppose
 12 any extensions beyond June 30 that would be
 13 granted administratively, you'd need to file
 14 another zoning hearing board application.
 15 Is that what I hear?
 16 MR. DOUGHERTY: Yes.
 17 MS. GERING: Yes. Do not involve --
 18 MR. WALSH: Yeah, that's Part B is that
 19 they're going to oppose that. Now, that would be
 20 the recommended motion and then we get to the
 21 next part of how I think you can convey that the
 22 most cost effective way.
 23 MS. KINGSLEY: I'm recusing myself from
 24 the vote.
 25 MS. GERING: Okay. That's fine.

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1 abstain.
 2 MR. WALSH: Now, I can write a letter
 3 to the board conveying that, so I don't -- you
 4 don't have to -- that's cheaper than paying me to
 5 go is what I'm saying.
 6 MS. GERING: Thank you. We have an
 7 announcement that there's going to be an Arts and
 8 Crafts Festival for September. My note says that
 9 you don't need approval we just have to announce
 10 that you're having your festival here.
 11 MR. WALSH: Is there a --
 12 Jim, before you go, is there a date for
 13 that hearing yet?
 14 MR. ENNIS: No, I haven't received
 15 anything.
 16 MR. WALSH: I'm sorry to interrupt.
 17 MS. GERING: That's okay.
 18 MR. WALSH: No dates have been
 19 scheduled?
 20 MR. JAMES ESPOSITO: We don't have a
 21 date, we were told that it might be May 2, but I
 22 wasn't positive.
 23 MR. WALSH: All right. Well, we'll
 24 find out. Thank you.
 25 MS. GERING: Terry, would you like to

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1 come say something about the Arts & Crafts
 2 Festival.
 3 TERRY MEEHAN: Hi, I'm Terry Meehan,
 4 the president of New Hope Chamber of Commerce and
 5 we're happy to announce that the Chamber is now
 6 going to be doing the New Hope Arts and Crafts
 7 Festival. It's back in your our hands and we're
 8 real happy about it.
 9 MS. McHUGH: We are too.
 10 MS. GERING: Thank you.
 11 We're asking to authorize the solicitor
 12 to advertise for a public hearing of the
 13 ordinance to authorize appropriate officers of
 14 the borough in New Hope to enter into
 15 intergovernmental agreement between Solebury
 16 Township and the Borough of New Hope for a joint
 17 use of recreational facilities.
 18 What this is, prior to now we had an
 19 agreement with Solebury for the shared services
 20 of the children's fields and that original
 21 agreement was from 2006 and we were contributing
 22 \$1500 a year. That contract came to an end in
 23 2017. And now we are proposing a new agreement
 24 between the two towns and the borough would
 25 contribute \$5,000 a year. So what we're asking

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1 recommendation of appropriateness?
 2 MR. MAISEL: I'll make that motion.
 3 MS. GERING: Can I have a second?
 4 MS. RETTIG: I'll second it.
 5 MS. GERING: Any discussion?
 6 MR. MEYER: If I remember the one
 7 correctly, this is one that is the demolition of
 8 an existing old blue building and the creation of
 9 a new building with a rather modern facade. I
 10 find that one of the things that disturbs me
 11 about this is that unlike some of the other
 12 recommendations that we've seen and discussions
 13 that we've seen, there is nothing that enables
 14 anyone, including HARB, to make a judgement as to
 15 what this is going to look like in the
 16 streetscape at the main entrance, if you will,
 17 from the south to the Borough of New Hope.
 18 Yes, it's beyond -- you know, it's
 19 effectively right opposite where we just put a
 20 new building called Odette's. And absent the
 21 sense of what this is going to look like relative
 22 to the buildings next to it, I'm definitely
 23 opposed to the proposal because I don't think
 24 that HARB itself had adequate information from
 25 the decision that it rendered.

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1 is to have that advertised for a public hearing.
 2 Can I have a motion for that?
 3 MR. MEYER: So moved.
 4 MS. GERING: Second?
 5 MS. RETTIG: I'll second it.
 6 MS. GERING: All in favor?
 7 COUNCIL MEMBERS: Aye.
 8 MR. WALSH: So that public hearing will
 9 be May --
 10 MS. LEE: 22nd.
 11 MR. WALSH: -- 22nd.
 12 MS. GERING: Next is certificate of
 13 appropriateness. The first one is 50 South Main
 14 Street for a new sign.
 15 Can I have a motion to accept?
 16 MR. MAISEL: I'll make that motion.
 17 MS. GERING: Can I have a second?
 18 MS. McHUGH: I'll second it.
 19 MS. GERING: All in favor?
 20 COUNCIL MEMBERS: Aye.
 21 MS. GERING: Opposed? Thank you.
 22 Next one is 182 South Main Street and
 23 this is for demolition of the existing property
 24 and a new single family to be built.
 25 Can I have a motion to accept the

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1 MS. GERING: Any other questions or
 2 discussion from council?
 3 MR. DOUGHERTY: Yeah, I have to concur
 4 with Peter. I think we spent a great deal of
 5 time concerning someone enclosing a porch and how
 6 that the enclosure of a 12 by 14 porch on a
 7 riverfront was somehow going to be extremely --
 8 HARB felt that this was going to be extremely
 9 discordant that with the world as we know it, and
 10 we ended up approving that COA -- approving the
 11 denial.
 12 This is actually probably -- this is
 13 actually facing the river not diagonal to it and
 14 this probably got eight or ten times the facial
 15 aspect than the enclosure that porch did. And
 16 yet, to Peter's point, there's no -- there are
 17 nothing in our papers that show how this building
 18 integrates or doesn't integrate height-wise,
 19 where it sits on the lot, all those things, where
 20 -- how far forward it is, what it looks like from
 21 the street. HARB has the contention that the
 22 waterway is the right-of-way, so what it looks
 23 like from the waterway, there's nothing in here,
 24 as far as I can see. So I don't think I could
 25 concur with the COA on this situation.

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1 Now are we voting tonight for the
 2 demolition permit or we voting for both?
 3 MS. LEE: Both.
 4 MR. DOUGHERTY: Both. I mean,
 5 demolition permit's a separate subject, as to
 6 whether or not this is appropriate house to sit
 7 in that particular spot at the entryway to New
 8 Hope across basically from the new Odette's
 9 building, is a different question. I have no
 10 concerns or issues with the look and feel of the
 11 building, I just don't know how tall it is, I
 12 don't know where it is placed on the lot. I
 13 don't know how tall it looks from the street.
 14 The current house is set far down off the street,
 15 I don't know if this is up on 40 foot stilts, I
 16 can't tell.
 17 MS. GERING: Well, I think the other
 18 issue for me personally is it doesn't fit the
 19 character of what's in the surrounding area and
 20 that's one of the issues. One of the
 21 recommendations that was just made by legal
 22 counsel is that we table this till next month and
 23 give the parties a chance to --
 24 MR. WALSH: I just gave you an option.
 25 MR. MAISEL: Are we shutting down any

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1 I think HARB, you know, dealt with it in the
 2 context of what was in their purview and where it
 3 was located, you know, taking into context,
 4 streetscape. And it is really tucked away down
 5 near the river, it's not bringing itself towards
 6 the street at all.
 7 MR. MEYER: That is not at all --
 8 Excuse me, Ken, but that is not all
 9 evident in the documents that I'm looking at here
 10 before me. I'm trying to find evidence of what
 11 it is going to be the streetscape and there is
 12 absolutely none of that. I have no idea from the
 13 documents that I have in front of me exactly how
 14 far -- what the setback from the street. So I
 15 can understand what you're saying what the intent
 16 may be, but this application doesn't show me
 17 that.
 18 MR. MAISEL: That's fair. If it
 19 doesn't speak to you that way, than maybe it
 20 needs to be spoken to you, but I'm suggesting
 21 that it -- it is in breach of what it is that
 22 you're concerned about would be, you know,
 23 mistaken based on my involvement. At the end of
 24 the day, I think it needs to be represented where
 25 it's situated and the height and, you know, to

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1 conversation? Are we going to continue talking
 2 about it or are we not?
 3 MS. GERING: We can continue. Go
 4 ahead.
 5 MR. MAISEL: The property where it's
 6 going to be built, I think is going to be an
 7 incredible addition for the area. It's set back,
 8 you can't even see what's going on there, it's
 9 meeting every height requirement and all the
 10 zoning requirements that are required of -- and
 11 as far as in keeping with the architecture of the
 12 borough, it is -- it's doing exactly what it's
 13 supposed to be doing and not trying to mimic or
 14 identify itself with any historical -- in fact it
 15 is speaking to a, we are what we are now. It is
 16 not taking up a different footprint. I think
 17 it's like a few feet one way or another, so it's
 18 still going to be set down below and it is really
 19 tucked away and I think the -- you need to really
 20 see this site and appreciate where it is because
 21 I think it does speak to where it's being placed
 22 and how it's being constructed.
 23 I thought they did a reasonably good
 24 job, you know, presenting that and I thought, you
 25 know, it spoke to what needs to be spoken to and

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1 your satisfaction.
 2 MR. MEYER: Well, that's I think -- and
 3 that would be my argument in favor of tabling so
 4 we can have from the architect an engineer or
 5 from the applicant a description and
 6 visualization of what this is going to look like
 7 in the streetscape. We certainly have that in
 8 regard to the other application that came before
 9 HARB that we're going to be discussing this
 10 evening. And I can't help but notice the
 11 difference between the two.
 12 MR. MAISEL: Okay.
 13 MS. GERING: Any more discussion from
 14 council?
 15 MS. McHUGH: Wasn't this already in
 16 front of us?
 17 MR. WALSH: On a zoning hearing board
 18 application.
 19 MS. McHUGH: With all the dimensions
 20 and everything, right?
 21 MR. WALSH: Pardon?
 22 MS. McHUGH: We've seen this before.
 23 MR. WALSH: You saw the zoning hearing
 24 board application that showed and the plan that
 25 went with that. I don't know what is shown on

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1 this plan. They did show the setbacks and the
 2 location of the footprint of the building --
 3 MS. McHUGH: Right.
 4 MR. WALSH: -- on that plan.
 5 MS. McHUGH: And that's what we're
 6 discussing right now, the setbacks and the
 7 footprint?
 8 MR. MEYER: But it's not here.
 9 MR. WALSH: Yeah, but I mean, I don't
 10 know if they showed elevations or anything like
 11 that. But there was only, I think, setback
 12 relief required and there might have been an
 13 impervious surface issue too, if I remember
 14 right.
 15 MR. ENNIS: They received several
 16 variances.
 17 MR. WALSH: From the zoning hearing
 18 board.
 19 MR. ENNIS: From the zoning hearing
 20 board, yeah. So, in essence, it's dimensionally
 21 in compliance at this point from the zoning
 22 hearing board's perspective and also from the
 23 zoning perspective, I think, anything that would
 24 need any zoning relief granted from.
 25 MR. DOUGHERTY: What was that last

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1 MR. ENNIS: I mean, quite honestly in
 2 my experience, no, we haven't the applicant for
 3 every COA and then normally it's -- it's the only
 4 time that always seem to have an applicant for
 5 the COA like what's going to have on the next
 6 agenda item concerning --
 7 MR. DOUGHERTY: No.
 8 MR. WALSH: No, that's not entirely
 9 true. But I mean, small stuff with -- yeah, they
 10 may not appear, but this is a pretty big project
 11 especially for the south end of town.
 12 MR. MAISEL: I'm not sure exactly what
 13 the issue is.
 14 MS. McHUGH: Me either.
 15 MR. MAISEL: What is the concern?
 16 MR. DOUGHERTY: Frankly, from the
 17 river, I'm looking at the existing building, it's
 18 three stories tall all in. It's actually two
 19 stories with a cathedral ceiling in that large
 20 room there, there's a ground floor it's about --
 21 a wraparound that, which is the main living floor
 22 which has the cathedral ceilings. It's really
 23 two stories. That's the existing building,
 24 there's a picture of it in the book. You go to
 25 the new building and it's not two and a half or

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1 sentence?
 2 MR. ENNIS: So they either got
 3 variances or what they needed or it was already
 4 in compliance. And I believe it was the building
 5 itself is in compliance with our setbacks
 6 especially from the streets, so they didn't need
 7 a variance for the building front yard setback
 8 they needed a variance for the structure that
 9 will be meeting the street level.
 10 MR. WALSH: There was a wall they were
 11 reconstructing, if I remember right.
 12 MR. ENNIS: Yeah, that wall is in
 13 existence. They need to do that wall so that
 14 they can eventually fold over climbing the
 15 elevated parking structure and they have to
 16 evaluate due to being in flood plain compliance.
 17 MR. DOUGHERTY: Is it normal to have
 18 the applicant at a meeting here? Is the
 19 applicant here this evening?
 20 MR. WALSH: That's what I asked Connie.
 21 I don't think there's --
 22 MR. ENNIS: Quite honestly --
 23 MR. WALSH: -- anybody here for it, so
 24 that's why I thought it was only fair just to let
 25 them show up.

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1 three stories, depending on how you count stories
 2 and I know there's a science or an art to that
 3 too, but if you look at the new building, there's
 4 a ground floor facing the river, there's another
 5 floor, and another floor, and another floor;
 6 there's four floors facing the river. That's
 7 four floors. If there's someone standing up
 8 there, I'm going to call that a floor. I know
 9 some architects don't like to call things floors,
 10 but that's a floor if someone's standing up
 11 there. This one has two and a half stories, this
 12 has four stories, that's the first thing I
 13 notice.
 14 My sense is these ceiling heights are
 15 at least as tall as the existing building is
 16 sitting here. So I think that this new building
 17 is probably 15 feet taller than the building
 18 that's requested.
 19 MR. MAISEL: You're right, I can't
 20 comment on that.
 21 MR. DOUGHERTY: So I don't know that.
 22 MS. McHUGH: It still fits in zoning,
 23 right, Jim?
 24 MR. DOUGHERTY: What we don't have
 25 because unless these pictures here are attempting

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1 to show the houses that are on either side of it,
 2 I don't know if they are. Are these supposed to
 3 look like houses, these little drawings --
 4 MR. MAISEL: Yes.
 5 MR. DOUGHERTY: There on page 5, you'll
 6 note there are very small buildings sitting on
 7 either side of this thing very short buildings
 8 sitting on either side of -- and I thought that
 9 this purpose of this HARB and the COA is to
 10 provide some level of continuity around roof
 11 heights and thing like that. This one does not
 12 seem to do that, that's what my concern is.
 13 MR. MAISEL: They did address that and
 14 maybe it is best that this be tabled, if we --
 15 MS. McHUGH: On what basis, though?
 16 You just don't like it? Or I mean, it meets
 17 zoning, right?
 18 MR. ENNIS: Yes, it meets zoning.
 19 MR. WALSH: But to give the app --
 20 they're not here, that was the though.
 21 MS. McHUGH: That's the thing because
 22 they're not here?
 23 ED DUFFY: That's a new rule.
 24 MR. WALSH: Thank you, Ed.
 25 MS. GERING: Would someone like to make

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1 to what the borough looks like from across the
 2 river. All right? Because I don't what fits
 3 with anything around it and now I'm being told
 4 that at least one of these diagrams is including
 5 something that isn't going to be there. So how
 6 are we supposed to say that we think that HARB
 7 has done its job appropriately? This is
 8 impossible.
 9 MS. GERING: All right, guys. I think
 10 this topic needs to be continued, so I'd like
 11 to have a motion that we table this till next
 12 month.
 13 MR. MEYER: So moved.
 14 MS. GERING: Second?
 15 MR. DOUGHERTY: I'll second it.
 16 MS. GERING: All in favor?
 17 MR. DOUGHERTY: Aye.
 18 MR. MEYER: Aye.
 19 MS. RETTIG: Aye.
 20 MR. MAISEL: Aye.
 21 MS. McHUGH: I'm opposed.
 22 MS. KINGSLEY: Opposed.
 23 MS. GERING: Two opposed. So it's
 24 tabled.
 25 Next is 22 South Main Street and you

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1 a motion to table this?
 2 MR. ENNIS: Just to talk about the
 3 story thing, that top portion that Dan's
 4 referring to as a story. They're asking, they as
 5 in HARB, requested that that be removed.
 6 MR. DOUGHERTY: Is that what we'd be
 7 approving right now, that is off?
 8 MR. ENNIS: Yeah.
 9 MR. DOUGHERTY: Because that's what
 10 happens with HARB.
 11 MR. ENNIS: That top --
 12 MR. DOUGHERTY: That's exactly a
 13 perfect example, they requested it be approved --
 14 MR. ENNIS: Ken, do you recall --
 15 MR. DOUGHERTY: -- and then we vote on
 16 this and it gets approved like this and they go
 17 with this.
 18 MR. ENNIS: No, no. The top part is
 19 going to be removed.
 20 MR. MEYER: Then why don't we have in
 21 front of us an application that tells us what in
 22 fact is going to be done? I mean, this is
 23 ridiculous. I'm looking at something where I
 24 don't know what it's going to do to the
 25 streetscape, I don't know what it's going to do

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1 are looking for modifications of the exterior
 2 first floor and reconstruction apartment on the
 3 second floor, is that correct?
 4 MICHAEL BURNS: That's correct.
 5 MS. GERING: Okay. Thank you.
 6 MICHAEL BURNS: My name is Michael
 7 Burns. I'm an architect and planner from
 8 Lambertville. And I'm here on behalf of the
 9 Panzicas. And I can briefly go through the
 10 presentation that we made to HARB and we did add
 11 some additional information to the PowerPoint
 12 that we showed HARB just to sort of hopefully
 13 make you more clearly understand what we believe
 14 the issues are. And I have a pile of papers, so
 15 if you don't mind, may I sit at the table?
 16 MS. GERING: Take the microphone.
 17 MS. LEE: There's a microphone, you can
 18 use that.
 19 MICHAEL BURNS: So this application is
 20 for 22 South Main Street and on the lower
 21 right-hand portion of the screen you can see a
 22 photograph of the building pretty close to when
 23 it was originally built. It was a fairly modest,
 24 two-story clapboard sided building that was built
 25 as a general store in 1860. And as you can see,

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4 2

1 the most distinctive architectural feature was
 2 that canopy that extended over the sidewalk which
 3 hasn't been there for probably 60 years or so.
 4 At some point in time it was converted to what
 5 was known as the Village Snack Shop. In 1943,
 6 Gerenser's Exotic Ice Cream took it over and ran
 7 the ice cream shop until 2014 when New Hope Ice
 8 Cream took over and converted the lower level to
 9 the ice cream shop. It's located in the Central
 10 Commercial District and, obviously, it's located
 11 in the Historic District.

12 The property itself was developed 6,604
 13 square feet and the footprint of the building is
 14 about 1300 square feet. The current bottom level
 15 of the building is, obviously, the ice cream shop
 16 and the upper level of the building is an
 17 apartment that's presently vacant.

18 And if you could go to the next slide,
 19 please.

20 So this slide is something that we
 21 discovered as we started to investigate the
 22 building. And the areas of the plan both on the
 23 ground floor and the upper floor that are
 24 rendered in blue, are actually the original
 25 building. At some point in time, there was a

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4 3

1 second building that is rendered in red that was
 2 located on the site behind the original building.
 3 Initially we thought there was an addition that
 4 was put on the back of the building that extended
 5 full length, but when we started to investigate
 6 the upper level of the building, we could
 7 determine by the way it was framed that there
 8 were actually two separate buildings. The
 9 building in the rear we have no information about
 10 and the original building we have very little
 11 approval data about how it was configured on the
 12 interior and it clearly wasn't configured the way
 13 it was today.

14 And then at some point in time the
 15 green area that's rendered in between those two
 16 buildings was added to connect the two buildings
 17 and we have no information about when or why that
 18 was done. Neither the rear building nor the
 19 connecting piece of the building had any real
 20 architectural characteristics. Likewise, at some
 21 point in time, the yellow area on the ground
 22 floor was added and wrapped around the original
 23 building to create the current storefront that
 24 faces Main Street and then there was an exterior
 25 stair, an enclosed exterior stair that was added

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4 4

1 to allow access to the second level. I can only
 2 speculate how the original building was organized
 3 on the interior. My guess is that there was
 4 actually the two-story's base that had a
 5 mezzanine of some sort and an interior stair; but
 6 that's pure speculation, we have no empirical
 7 data to demonstrate that.

8 If you look at the elevations, the
 9 elevations that are rendered in blue are the
 10 remaining exposed exterior walls of the original
 11 building. So the building as it fronts Main
 12 Street, the only remaining portion of it is the
 13 second floor with the two windows and the
 14 clapboard siding. On the south side it's the
 15 shorter piece that's on the second floor. The
 16 ground floor's been covered by the addition and
 17 on the north wall, it's the first and second
 18 floor just the front or the west portion of that
 19 wall.

20 Next slide, please.

21 So the proposal is to maintain the ice
 22 cream shop on the ground floor with few to no
 23 interior renovations, but to reconfigure the
 24 storefront towards the street, which I'll show
 25 you those elevations a little bit later on. On

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4 5

1 the second floor, the idea is to create a new
 2 apartment that maintains the existing stair up to
 3 second level as a bedroom in the front with a
 4 second level porch added to it, a small addition
 5 on the south side of the building to accommodate
 6 an additional room for office, a bathroom and
 7 then there's some closets on the opposite side of
 8 the corridor, and then a living, dining and
 9 kitchen space to the rear and the balcony looks
 10 out the rear over the river. So that's the
 11 proposed reconfiguration on the second floor.

12 Next slide, please.

13 These are the elevations, the street
 14 elevation and the south elevation. So the
 15 proposal is to maintain the general configuration
 16 of the original building on the second level with
 17 the added second level porch and then reconfigure
 18 the storefront on the ground level to make it far
 19 more transparent than the current one and much
 20 more in line with the other storefronts on Main
 21 Street, you'll see that we have the street
 22 elevation on another slide. On the south side,
 23 the idea is to basically replace the windows on
 24 the ground floor. Because of the relationship of
 25 the wall to the property line, we're limited in

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1 terms of the number of window openings we can
 2 have on that wall from a building code point of
 3 view, so we're just essentially just replacing
 4 the windows in the existing openings that exist.
 5 On the upper elevation, you can see the second
 6 level porch and then to the rear of the building
 7 we're adding some additional windows to bring
 8 light into the building. The north side of the
 9 building actually sits right on the property line
 10 so we're very restricted in terms of window
 11 openings on that side. So the only real
 12 opportunity to bring light into the building is
 13 from the south side so we wanted to get those
 14 number of windows in that wall so we can bring
 15 light into the apartment on the second level.

16 Next slide, please.

17 So this is the east and north
 18 elevations. As I indicated, the north wall
 19 actually sits right on the property line so that
 20 wall will have to be fire rated and that has some
 21 implications on material selections for that wall
 22 that I'll describe a little bit later on. On the
 23 east elevation, which is the elevation facing the
 24 river, is essentially the same elevation that is
 25 present, it's just being reclassified. It's going

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1 reconstructed. And I'll talk about that in a
 2 little bit later on. It also shows that second
 3 level porch that would overlook the street, as
 4 well as looking south. So the right is a
 5 nighttime version of it and then the lower
 6 left-hand is from the rear looking at the river
 7 with the new balcony that would overlook the
 8 river. There's also a series of images of the
 9 proposed materials, which I'll get into more
 10 detail as we discuss the materials.

11 Next slide, please.

12 So one of the things that we found when
 13 we started to investigate the building is that,
 14 essentially, the original building was built as a
 15 balloon frame, but as you can see in the lower
 16 left-hand side, the balloon frame actually only
 17 went midway up the wall on the second level and
 18 then it was stopped with a new frame on top of it
 19 and that frame has deteriorated to the point
 20 where that condition where the two pieces come
 21 together actually acts now as a hinge. And it
 22 creates a particularly unstable structural
 23 condition.

24 And then to complicate things even
 25 further, at some point in time the original flat

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1 to receive new windows and then a balcony that
 2 would overlook the river.

3 Next slide, please.

4 So these are three street elevations,
 5 the upper street level, the upper street
 6 elevation is the existing elevation as it
 7 presently exists today. The middle elevation is
 8 with the building renovated. As previously
 9 described, and the most particular part of that
 10 is, is in fact the storefront on the ground
 11 level. So the storefront's been opened it'll be
 12 much more transparent and it's been designed in a
 13 way so that it aligns with the other storefronts
 14 along the street. And then the lower drawing is
 15 just a rendered colored elevation of the
 16 streetscape to show the proposed color, which is
 17 essentially the building would be painted white
 18 as it presently is with the new awnings that
 19 would be red in color.

20 Next slide, please.

21 These are some photo merge renderings
 22 of the proposal. The upper left is from the
 23 street, obviously, looking northeast and it shows
 24 the new storefront configuration, as well as the
 25 upper level, which is essentially being

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1 roof was -- there was a new gabled roof built on
 2 top it while the flat roof was still in place.
 3 And then once the gable roof was built, they cut
 4 the flat roof out, so you end up with yet another
 5 condition where there's new framing stacked on
 6 top of the unstable balloon frame creates a
 7 secondary hinge. So when the Panzicas first
 8 bought the building, the whole thing was starting
 9 to sort of just rack back and forth because it
 10 had no stability. And to complicate it even
 11 further, there's no sheathing on the building.
 12 So there's no diaphragm to hold the building
 13 down.

14 So you see the new ceiling beams that
 15 were put in were actually put in just to kind of
 16 stabilize the building so it didn't continue to
 17 rack. The reason we believe that there actually
 18 three separate buildings, the original building,
 19 the rear building and then the infill in between
 20 is the upper right-hand slide you can actually
 21 see that's the rear of the original building and
 22 you can see where the balloon frame actually
 23 stops and the framing for the piece in between
 24 actually runs 90 degrees to all the other framing
 25 in the building. So it's clear that there were

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50

1 two separate buildings that became infill.
2 So I just wanted to give you sort of an
3 idea that essentially what we're going to have to
4 do is take the entire second floor down and
5 reconstruct it. It has no sheathing, it has no
6 insulation, structurally it's in very poor shape.
7 So sadly, you know, 50 years or more of neglect
8 has resulted in essentially very little of the
9 original building remaining presently. And in
10 order to sort of continue the building, we
11 literally have to take the rest of it apart,
12 reframe the building, put proper sheathing on it,
13 proper insulation, new windows, new siding, et
14 cetera. So we're really not talking about a
15 restoration, we're talking about rebuilding the
16 footprint of the original building.
17 Next slide, please.
18 And then is just a final slide. So as
19 my understanding of our meeting with HARB was
20 that the HARB board was essentially in agreement
21 with the concept. Their disagreement was with
22 the selection of materials. And in their letter
23 to us, they indicate that specifically the
24 materials that are Azek, aluminum windows and
25 hardy plank, are troubling to them and they cite

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51

1 a number of items in the Secretary of Interior
2 Standards that support their decision to
3 disapprove those particular materials. I'm not
4 sure that I necessarily agree with the citations
5 that they have in their letter, but more
6 importantly, I think it's a question of
7 interpretation of how those materials can and
8 should be applied.
9 And if you look at the Borough of New
10 Hope's HARB standards they actually do make
11 provisions for Azek, aluminum windows and hardy
12 blank, but the provision is those are typically
13 applied to additions or new buildings within the
14 historic district and not restorations of
15 existing buildings. So the question for me
16 becomes what is -- what exactly are we doing and
17 what is the architectural significance of what
18 we're dealing with? From my point of view,
19 there's really no architectural significance to
20 the rear building, there never was. There's no
21 architectural significance to the infill
22 building, there never was. I think it's safe to
23 say that there's no real architectural
24 significance and there's no real architectural
25 contribution made by the lower one-story

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52

1 storefront as it currently exists. So the only
2 sort of building that has any real architectural
3 significance is the original building of which
4 there's nothing left.
5 So we think that the materials that
6 we're proposing are appropriate and there are
7 examples of those materials within the historic
8 district that have been used most recently that
9 sort of, I think, support our argument that in
10 this particular case, since we're dealing with a
11 building that really has no significance left to
12 it, that the materials are -- give us the ability
13 to represent the original materials in a way so
14 that the building remains compatible with the
15 other buildings in the district, but gives the
16 owners the ability to provide materials that are
17 less maintenance and have much more longevity.
18 And they are in line with other buildings in town
19 that have been recently either renovated or added
20 on to in terms of similar materials.
21 So we believe the material selection is
22 appropriate for this particular application
23 because of the fact that the significant portion
24 of the architecture that really would necessarily
25 require using original or materials that are

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53

1 in-kind, doesn't exist anymore. So we would
2 propose that the materials that we're suggesting
3 are in fact appropriate for this application.
4 That's pretty much it.
5 MS. GERING: Ken, would you like to
6 state HARB's position?
7 MR. MAISEL: Well, actually I would
8 defer -- just technically defer to Jim, but my
9 comments regarding it and it's not necessarily
10 HARB's position, but in part it is, is that this
11 presentation that you made tonight was far more
12 exhausting than what you presented to HARB. This
13 particular application was way more explicit
14 suggesting that the -- it wasn't repair, it
15 wasn't that the building was going to fall apart
16 and, you know, it wasn't an in-kind situation.
17 The presentation was that something completely
18 different and they were deserving of this
19 presentation not the one that they got. So
20 that's my own personal.
21 I think what they asked for seemed
22 reasonable in the context of the guidelines and
23 what -- and the visibility, and the areas of the
24 building that are shown, particularly the north
25 and the south side, I think, personally. But it

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1 doesn't even matter what I think personally. It
 2 seemed like that it was reasonable that the
 3 presentation of design and everything was met
 4 with complete, you know, acceptance and
 5 appreciation. And frankly, you know, I think
 6 they were more pleased with this than what
 7 previously had been granted. But the materials
 8 seemed like a reasonable request in light of the
 9 guidelines and what was presented to them to
 10 respond to, not what was presented tonight, which
 11 suggests that this is the only way to remedy this
 12 situation. So that's -- that would be, you know,
 13 what I think if HARB were here representing
 14 themselves, would comment. They might have a
 15 more technical analysis but that is a
 16 layperson's, you know, analysis.

17 MICHAEL BURNS: I should add one more
 18 fairly impacting issue which is, since the north
 19 wall sits on the property line it's required to
 20 be fire rated. And there's no UL design rated
 21 fire rated firewall that has wood siding. They
 22 do accept aluminum siding, they do accept metal
 23 siding, they do accept hardy plank, but they
 24 don't accept wood siding. So on the north wall
 25 we're really stuck with hardy plank.

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1 MS. McHUGH: So HARB wasn't given that
 2 information about the north side when they based
 3 their judgment.

4 MICHAEL BURNS: At the time I didn't do
 5 the research to determine that wood would not be
 6 acceptable from a building point of view. As
 7 much as I on some levels agree with what you
 8 said, we did -- I did have a discussion at the
 9 HARB meeting about the fact that there's very
 10 little left of the original building. And I'm
 11 sure everyone knows there was a previous
 12 application a couple years ago that we had some
 13 issues with HARB, but we had a fairly lengthy
 14 discussion about how to apply the particular
 15 aspects of your historic ordinance and we clearly
 16 shared different points of view.

17 So one of the beauties of the process
 18 is that they share one perspective, I share
 19 another, we don't necessarily agree, we come here
 20 and we make our argument and hopefully you guys
 21 make a decision. So I didn't really want to get
 22 into a long conversation with the HARB people if
 23 it was going to be well, we think it's going to
 24 be this and you -- and I think it's going to be
 25 that and we can't meet anywhere in the middle.

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1 MR. MAISEL: These are the situations
 2 that I think needed to be -- that HARB needed to
 3 be afforded the opportunity to consult with you
 4 on these matters of -- whether there's legitimacy
 5 to what you just described, I have no reason to
 6 doubt, that's not the case, but I mean, I can't
 7 comment on what materials are out there that
 8 allow you to put wood siding on that would act as
 9 a buffer for, you know, fire rating.

10 MS. LEE: That's also something that
 11 would be run by our building inspector just to
 12 ensure that that is exactly what you have
 13 referenced. We didn't get an opportunity to do
 14 that as well since the HARB meeting. This is the
 15 first time presented you that.

16 Just a little bit of extra information
 17 as was presented to the rest of council. I'm not
 18 sure how clearly it was presented, but HARB's
 19 position on this was in-kind material only for
 20 the existing structures that are there. Any new
 21 structures, such as the balcony, was not privy to
 22 their request for in-kind just the windows, the
 23 doors and the sidings that are already in
 24 existence that are being renovated, widened or
 25 enlarged that they had requested for in-kind.

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1 So -- but I did make some effort to let them
 2 understand that we're talking about basically
 3 rebuilding the building, there's nothing left of
 4 the original building and there'll be even less
 5 of it left when we get done reframing it. I
 6 mean, one of the things from an architectural
 7 point of view that's interesting many times is
 8 going into an old building and be able to dissect
 9 it and find the original framing inside and you
 10 can recognize that that's where the original
 11 building is, but that's going to be gone because
 12 it's over 50 years of neglect have gotten it to
 13 the point where it's not usable. We have to take
 14 it apart and we're not going to find anybody
 15 who's going to make hand -- and lumber for us at
 16 this point in time.

17 So, you know, I think it's reasonable
 18 to -- it's a reasonable approach to maintain the
 19 general character of the building, maintain the
 20 overall visual aspects of the building. It's
 21 clapboard siding, it just happens to be of a
 22 material that's not natural wood and one could
 23 also argue that natural wood after 200 years of
 24 paint, you couldn't really tell the difference
 25 between it and hardy plank in any case. There

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1 are a number of recent buildings in town that
 2 have aluminum storefronts, as well as aluminum
 3 entry doors. And there are a number of buildings
 4 in town that have clad windows, which we're
 5 proposing, so I think we're -- and I realize
 6 that, you know, precedent is an issue, but I
 7 think in terms of compatibility with other
 8 projects in town, this one certainly is in line
 9 with what's been done in other places in town.
 10 MS. McHUGH: What are the addresses of
 11 the properties that you're comparing it to? Are
 12 they directly next door?
 13 MICHAEL BURNS: Well, the Ferry Market
 14 is two buildings down.
 15 MS. McHUGH: Okay.
 16 MICHAEL BURNS: The Playhouse
 17 restaurant is couple more buildings down, Nectar,
 18 which is not on the same street, but visible from
 19 Main Street. The Playhouse offices, the Tap Room
 20 and Nurture Spa.
 21 MR. DOUGHERTY: That's on Ferry Street,
 22 the Nurture?
 23 MICHAEL BURNS: Yeah. I should say the
 24 Logan Inn porch actually has aluminum clad
 25 windows.

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1 I know that -- first off, I think the -- if we're
 2 here to talk about a COA here, I think from a
 3 design perspective, I think it's wonderful, so --
 4 and I know what you're doing with that building
 5 is going to be a tremendous asset to that whole
 6 strip and I couldn't be happier that you're
 7 moving forward with it. So is there a way we can
 8 get them started or basically given what we've
 9 heard today, after corroboration of the fire --
 10 the need for fire wall on the north side, just we
 11 could probably do that pretty quickly you provide
 12 us with something, a letter or something --
 13 MICHAEL BURNS: Sure.
 14 MR. DOUGHERTY: But based on that, is
 15 there a way that we could say we could grant the
 16 COA? What we're here tonight is for, they are
 17 specifically asking for an appeal of the denial
 18 of these materials, that's the only thing that
 19 they denied of what I see here. That's correct?
 20 MR. ENNIS: Yes.
 21 MR. DOUGHERTY: And what I'm hearing
 22 here is these materials are essential, you
 23 literally cannot rebuild the building, there are
 24 not -- you cannot buy the materials, put the
 25 materials back -- well, I did a quick calculation

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1 MS. McHUGH: Okay.
 2 MS. GERING: Any more discussion from
 3 council?
 4 MS. McHUGH: Yeah, I'd like to know the
 5 other side of this. What's HARB's side?
 6 MR. ENNIS: Well, honestly Ken and EJ,
 7 I feel, as memory serves, very much covered their
 8 position. And it really just comes down to they
 9 were fine with -- I don't know if they were fine
 10 with the design, but they really had no comment
 11 on the design or the mass or the appearance.
 12 What it came down to, as far as the original
 13 materials that exists on the building especially
 14 when it comes down to windows, siding and doors
 15 that they were especially when it comes to this,
 16 EJ described they are doing a renovation, that
 17 they would want a replacement in-kind.
 18 And Ken's accurate in that we did not
 19 know about the north -- potential north side
 20 issue with fire rating. It's definitely we'd
 21 have to discuss with our building code official.
 22 If we had known about that information, I would
 23 had that discussion in preparation for tonight's
 24 consideration.
 25 MR. DOUGHERTY: Is it possible with --

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1 approximately only 30 percent of the exterior
 2 shell of that building is the original shell, if
 3 I did my math right. The other 70, so it
 4 basically you can't -- you can't do it, it's an
 5 impossible task to try to replicate this cedar
 6 siding for that expanse of material in that
 7 dimension product and everything else. And by
 8 the time you're done, it's just not the right
 9 solution especially when it's not -- the
 10 building's not -- it's basically being rebuilt.
 11 So it is possible that we could pass this thing
 12 that's where I'm at?
 13 MS. LEE: Just for clarification, HARB
 14 did not legally -- this is something that we
 15 consulted with our solicitor, is that they did
 16 not deny the application, they only -- they did
 17 not make a recommendation for approval based on
 18 the information that was presented to them. So
 19 HARB -- it's -- this application did not receive
 20 a positive recommendation from HARB. And so
 21 what's before you is you can either approve the
 22 application as submitted or you can deny the
 23 certificate of appropriateness as presented.
 24 MS. McHUGH: Yeah, but apparently HARB
 25 didn't have all the information either so they

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1 weren't able to make --
 2 MS. LEE: Right. So this isn't the
 3 same --
 4 MS. McHUGH: -- and informed decision,
 5 so it would be nice if HARB was here and could
 6 answer some of these questions.
 7 MR. DOUGHERTY: There's a letter here
 8 -- I'm sorry -- from, in theory, it's not signed
 9 by any human being, but New Hope Borough
 10 Historical Architectural Review Board.
 11 MS. LEE: Yes.
 12 MR. DOUGHERTY: And the first sentence
 13 says -- I can't believe I have to do this, but in
 14 acc -- this letter to use the materials, dot,
 15 dot, dot was recommended for denial for a
 16 certificate of appropriateness by the HARB board.
 17 That's the sentence.
 18 MS. LEE: Yes. They recommended that
 19 council not approve this, that they deny this
 20 application --
 21 MR. MAISEL: Based on the --
 22 MS. LEE: Based on the application
 23 presented to them.
 24 MR. MAISEL: -- materials, not the
 25 design, just the materials.

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1 want long term -- we've been down this road with
 2 lots of other buildings in town about what the
 3 materials are. And what we're creating not just
 4 for this building, but for other buildings by
 5 forcing the in-kind with wood, et cetera, is
 6 that, you know, we've been down the road of
 7 having people hand us a piece of artificial slate
 8 versus real slate, we all held them side by side
 9 and no one could tell the difference. We've done
 10 the same thing with Azek, you know, my feeling is
 11 as long as a building is architecturally in
 12 keeping with HARB's guidelines, that people in
 13 the modern world need to be able to choose modern
 14 maintenance-free materials so that this town
 15 continues to look good 15 years from now and
 16 people aren't repainting every three or four,
 17 five years, which they can't afford to do and
 18 then our town looks drab and dreary, which if you
 19 really take a good look, that's what we got. You
 20 know, people -- the building right next door
 21 approximately, I don't know maybe 20 years ago,
 22 30 years ago now, that building looks the way it
 23 looks today because that person came in, spent
 24 probably close \$40,000 for approvals and it went
 25 fallow because of materials and other concerns.

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1 MS. LEE: And they gave information on
 2 what would constitute an approval if they were to
 3 go buy in-kind materials as their recommendation.
 4 MICHAL BURNS: But just to be clear,
 5 they were presented with a full set of material
 6 specifications in terms of what we were
 7 proposing. And my recollection of the discussion
 8 at the meeting was they would either give us a
 9 COA if we would agree to use in-kind materials or
 10 if we chose not to do that, then they would not
 11 approve it based on the materials that were
 12 presented.
 13 MR. MAISEL: That's correct.
 14 MR. DOUGHERTY: Okay. Ken, that's your
 15 understanding too.
 16 MR. MEYER: That's the reading of the
 17 document I've got in front of me.
 18 MR. MAISEL: That's my understanding.
 19 MARLENE PANZICA: And the one thing
 20 they wanted the doors were in-kind, but the doors
 21 are aluminum, so we don't -- you know.
 22 MR. DOUGHERTY: Well, let's --
 23 MS. McHUGH: So then --
 24 LARRY PANZICA: Can I add something?
 25 MS. KINGSLEY: This comes down to do we

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1 So now the building is sitting there rotting and
 2 that's what we got going on.
 3 And so I think this just points out
 4 here's a building, only 30 percent of it on a
 5 good day -- I mean, if you go up and look closely
 6 at this building, it's cobbled together and so
 7 you have a chance to put a building back together
 8 that's going to stay looking nice, right smack in
 9 the middle of your central commercial district
 10 with millions of dollars being spent all around
 11 it and, you know, we're here trying to decide if
 12 procedurally they presented the right thing to
 13 HARB. It just doesn't make any sense anymore.
 14 MS. GERING: To be fair to HARB --
 15 MS. KINGSLEY: It's not even a
 16 question.
 17 MS. GERING: Well, that's okay. Were
 18 they aware that only 30 percent of the building
 19 is --
 20 MICHAEL BURNS: Yes.
 21 MS. GERING: So they were aware of
 22 that. Thank you.
 23 MICHAEL BURNS: The other thing I would
 24 add is that, you know, the evolution of the
 25 buildings mark periods of time in history. And

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1 they often represent materials that are available
 2 at a particular time that weren't available
 3 before and may not available after. I mean, the
 4 industrial revolution is a prime example. And
 5 one of the issues that the Department of Interior
 6 Standards raises is that you shouldn't try to
 7 replicate history, you should clearly identify
 8 new pieces of architecture when they're attached
 9 to old pieces of architecture. So I think by
 10 using material that are current standards to
 11 reconstruct the building and be sympathetic to
 12 its overall volume, to its context in the
 13 borough, but use materials that represent
 14 themselves to be something other than 1860
 15 materials, is actually very much in line with the
 16 intention of the Department of Interior
 17 Standards.

18 So somebody can come 50 years from now,
 19 look at this building and say, that's hardy plank
 20 on there, this is not original material and this
 21 is aluminum storefront, this is not original
 22 material when the building was built in 1860 and
 23 I think that's a good thing. Because it helps
 24 mark the periods in time when this building had
 25 been worked on, added to, modified, whatever.

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1 before.
 2 MICHAEL BURNS: -- aluminum storefront,
 3 the Playhouse restaurant has the aluminum
 4 storefront. The Nectar has aluminum storefronts,
 5 so I think that's perfectly in line and your HARB
 6 regulations actually suggest that aluminum
 7 storefronts are acceptable as long as there are
 8 other ones within the general area, so there
 9 clearly are.

10 MS. McHUGH: Jim, can you tell me is
 11 there other storefronts that we made use wood
 12 recently?

13 MR. ENNIS: I was just only probably
 14 for the last several months have been sitting
 15 with HARB and being their liaison, so I'm not --
 16 I can't adequately answer that question right
 17 now.

18 ED DUFFY: The new Odette's.

19 MR. MAISEL: I mean, I think I've been
 20 at just about HARB meeting for the last several
 21 years. And doors, I mean, it's always a mantra
 22 to in-kind with a wood door and an attempt to put
 23 a wood door where a door existed. But just and
 24 so I can't speak to that any more than that
 25 whether it's just wood door or --

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1 MS. McHUGH: Okay. Very quickly, can
 2 you just explain to me the difference between
 3 what HARB wants and what you want? Pros and cons
 4 real quickly.

5 MICHAEL BURNS: With respect to the
 6 clapboard siding, they were suggesting that we
 7 should use cedar wood siding. With respect to
 8 the windows, they would prefer wood windows as
 9 opposed to aluminum clad windows. And with
 10 respect to the aluminum storefront, they were
 11 suggesting that we use a wood storefront. And in
 12 terms of Azek versus cedar wood trim.

13 MS. McHUGH: So they want wood --

14 MICHAEL BURNS: Correct.

15 MS. McHUGH: -- where you want
 16 aluminum?

17 MICHAEL BURNS: Correct.

18 MS. McHUGH: And the reason is, is
 19 because of maintenance?

20 MICHAEL BURNS: A combination of
 21 maintenance. We believe that the aluminum
 22 storefront's actually in line with other
 23 storefronts within the historic district here.

24 The Ferry Market has --

25 MS. McHUGH: All the ones you named

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1 MS. McHUGH: Is this a standard that we
 2 made other people do?

3 MR. MAISEL: You know, because maybe
 4 you can come off it the door even or maybe even
 5 the windows or but this concept that we're
 6 dealing with 30 percent like as if it's mantra,
 7 this is a number that is was -- I do not recall
 8 30 percent being the percentage assigned to the
 9 viability of the building, I don't remember that.
 10 So we're getting caught up in this idea well,
 11 this thing is going to fall apart any minute and
 12 it has to be, you know, resurrected with new
 13 materials. I'm just not sure that that was the
 14 belief and I just can't get away from the concept
 15 that HARB was not -- you know, didn't have these
 16 materials and this commentary similarly available
 17 to what we have and the contemplation that we're
 18 experiencing should have been their
 19 contemplation.

20 MS. McHUGH: I agree.

21 MICHAEL BURNS: Just with respect to
 22 that, from my point of view it's not just the
 23 fact that the original building's only 30 percent
 24 of what's there. It's a question of the -- you
 25 know, and last night I was putting together my

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1 notes for this presentation and I'm watching on
 2 the news as the cathedral at Notre Dame is
 3 burning and I'm saying to myself, wow, this is a
 4 weird place to be. It think it's a question of
 5 architectural significance. The reality is that
 6 the storefront that exists on the building today
 7 has nothing to do with the architectural
 8 character of the Borough of New Hope. And in
 9 fact the three doors serve as part of that
 10 storefront are not wood doors at all, they are
 11 clad doors presently. And in fact, what I would
 12 normally refer to as a bunker of an addition that
 13 created that storefront, has no architectural
 14 character whatsoever, has no significance
 15 whatsoever. I think all we're doing is making it
 16 better, but we're not -- it's not something that
 17 has any historical character, it's not anything
 18 that has architectural significance.
 19 So we're trying to deal with something
 20 that really doesn't have any architectural
 21 influence on the borough whatsoever. Likewise,
 22 the two rear portions of the building are
 23 buildings that have no architectural
 24 significance. So I think you have to weigh how
 25 you how you apply the standards based on what the

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1 MS. KINGSLEY: I think if you look at
 2 Nectar and you look at the way that building
 3 originally was --
 4 And Connie, you were --
 5 MS. GERING: I'm familiar with the
 6 building.
 7 MS. KINGSLEY: -- you lived in that
 8 building. And you look at that building now and
 9 I remember the building from 1960. The only
 10 thing left on that building that's anywhere near
 11 original is in fact the second floor front
 12 windows. All the rest of that building has
 13 basically been totally gutted, totally
 14 reconstructed inside with an addition added onto
 15 the back with the doors that totally open,
 16 totally contemporary. I actually have no idea
 17 what they're made out of, but I'm sure they're
 18 clad, aluminum clad. So that building has
 19 literally almost nothing left of it from the
 20 original structure. The window was moved out,
 21 the door -- I think the door might --
 22 MS. GERING: Gone.
 23 MS. KINGSLEY: That's gone too, okay?
 24 A whole new entrance down the side everything is
 25 gone that was there except for that little

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1 significance of the building is. If we're
 2 talking about the cathedral at Notre Dame, then
 3 clearly we'd be looking to replicate as much of
 4 it as we possibly could because it's an iconic
 5 landmark. Sadly this is not an iconic landmark,
 6 it may have been at one time as modest as it was,
 7 but the canopy that went over the sidewalk was
 8 the most distinguishable feature and it was gone
 9 60 years ago.
 10 The building itself has been wrapped
 11 around the lower portion of it and taken away.
 12 The lower portion of the original part of the
 13 building is completely gone, the upper portion
 14 has been neglected for so many years that it's
 15 completely rotted by virtue of water and
 16 (inaudible). The roof has been completely
 17 reconfigured and during that process, leaving the
 18 structure completely damaged. So we're really
 19 not talking about restoring a building here,
 20 we're talking about reconstructing a building in
 21 a way so that it continues to contribute to the
 22 fabric of New Hope, but does it with materials
 23 that are up to current standards and will provide
 24 a level of longevity that you can't get off
 25 natural materials.

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1 section upstairs. So this is the same scenario
 2 it just happens to be on a different street.
 3 MS. GERING: All right. Any more
 4 discussion from council here?
 5 MR. MEYER: Just a quick question on
 6 clarification on one point, I guess from an
 7 aesthetics point of view. What kind of a
 8 difference in a visual would it make if you were
 9 to use the original materials, assuming that you
 10 could, versus what you are proposing?
 11 MICHAEL BURNS: I don't think visually
 12 you would be able to tell the difference.
 13 MR. MEYER: Thank you.
 14 MS. GERING: All right. We have a
 15 choice you can make a motion to approve
 16 certificate of appropriateness as long as the
 17 applicant uses in-kind materials; you can deny
 18 for lack of using materials; or you can make a
 19 motion to approve the certificate of
 20 appropriateness as presented by the applicant and
 21 allow the use of hardy plank for siding and all
 22 the new windows.
 23 MR. WALSH: Those first two are the
 24 same. Because if you deny it, you have to give
 25 them an option of what plan changes can get you

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1 the COA and it's essentially the same thing.
 2 MR. DOUGHERTY: Who's allowed to make a
 3 motion?
 4 MS. GERING: Who would like to make
 5 motion?
 6 MR. DOUGHERTY: I'd like to make a
 7 motion to approve the certificate of
 8 appropriateness with the -- as the plans indicate
 9 with the hardy plank and the other materials that
 10 are -- have been laid out here and the design
 11 that we have been shown today.
 12 MS. GERING: Can I have a second?
 13 MS. KINGSLEY: Second.
 14 MS. GERING: All in favor?
 15 MR. MEYER: Aye.
 16 MS. RETTIG: Aye.
 17 MS. GERING: Aye.
 18 MS. KINGSLEY: Aye.
 19 MR. DOUGHERTY: Aye.
 20 MS. McHUGH: Aye.
 21 MS. GERING: Opposed?
 22 MR. MAISEL: Opposed.
 23 MS. GERING: Congratulations, guys.
 24 We need approval. I'd like to have a
 25 motion to approve the Bucks County Visitor

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1 each nine of their volunteer firefighters that
 2 reside in New Hope Borough.
 3 MS. McHUGH: I'll make that motion.
 4 MS. KINGSLEY: Second.
 5 MS. GERING: All in favor?
 6 MR. DOUGHERTY: Should there be --
 7 MS. GERING: Oh, discussion.
 8 MR. DOUGHERTY: Claire, do you want to
 9 say anything about this?
 10 CLAIRE SHAW: No. I think everybody
 11 knows the facts and I appreciate your
 12 consideration.
 13 MS. GERING: Any other comments?
 14 All in favor?
 15 COUNCIL MEMBERS: Aye.
 16 MS. GERING: Thank you.
 17 Do I have a motion to authorize the
 18 borough engineer to advertise the Bridge Street
 19 project? Now, I think before we do that, there's
 20 -- we have a choice of two different colors, one
 21 is a -- well, one's a red color for the sidewalk,
 22 additional cost of 5,950 or the red color and
 23 brick imprint on the cement sidewalk would be
 24 16,575. So I guess we have to --
 25 MS. LEE: Well, no, you don't have to

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1 Bureau's banner for restaurant week.
 2 Hello, guys.
 3 Can we have a motion to approve Bucks
 4 County Visitors Bureau banner for restaurant
 5 week?
 6 MS. McHUGH: I'll make that motion.
 7 MS. GERING: Second?
 8 MS. RETTIG: I'll second.
 9 MS. GERING: All in favor?
 10 COUNCIL MEMBERS: Aye.
 11 MS. GERING: Can we have a motion the
 12 banner for the Historical Society for Pride
 13 Month. We need a motion.
 14 MS. KINGSLEY: I make the motion.
 15 MS. RETTIG: I'll make that motion.
 16 MR. MEYER: Second.
 17 MS. GERING: Any discussion? Any
 18 comments?
 19 All in favor?
 20 COUNCIL MEMBERS: Aye.
 21 MS. GERING: Before we go -- we need a
 22 motion to adopt Resolution 2019-02 to authorize
 23 the block grant in the amount of \$4,500 to the
 24 New Hope Eagle Fire Company that serves New Hope
 25 Borough and would distribute the funds at \$500 to

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1 decide on the alternate.
 2 MS. GERING: Oh, we don't?
 3 MS. LEE: Those are alternates that are
 4 included in the bid that you can decide once
 5 those numbers come in what you would like to do.
 6 The base bid is the 107,269.50 is the probable.
 7 That's the bare basic that PennDOT has already
 8 authorized for this project. We included two
 9 alternates in there as we had discussed at
 10 previous workshops. One is a red color treatment
 11 and the other has a red color treatment with a
 12 fake brick imprint to make it look like it's
 13 brick just for aesthetics. And the probable
 14 costs for those additional are in there, but we
 15 really won't know until the bids come in. Those
 16 two alternates are completely optional once the
 17 bids come in whether council would like to
 18 consider them or not.
 19 MS. GERING: Thank you.
 20 MR. MEYER: So we're advertising for
 21 bids on three, on the original plus two
 22 alternatives?
 23 MS. LEE: Yes.
 24 MR. MEYER: Thank you.
 25 MS. GERING: Can we have a motion?

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1 MR. MEYER: So moved.
 2 MS. GERING: Second?
 3 MS. RETTIG: I'll second that.
 4 MS. GERING: Any discussion?
 5 Any comments from the public?
 6 All in favor?
 7 COUNCIL MEMBERS: Aye.
 8 MS. GERING: Thank you.
 9 Do I have a motion to authorize the
 10 borough manager and president pro tem to serve as
 11 the backup signers for borough checking accounts
 12 with the provision that all checks must be --
 13 contain a signature of one authorized staff and
 14 one authorized council member?
 15 MS. McHUGH: I'll make that motion.
 16 MS. GERING: Second?
 17 MS. LEE: Could I -- this just came up,
 18 I'm sorry to throw this in at the last minute,
 19 but I wasn't sure if the name's already been
 20 removed, but the previous council president name
 21 may still be on there, just throw in the motion
 22 with that to also remove other names that may
 23 still be on the account.
 24 MS. McHUGH: Absolutely.
 25 MS. GERING: Okay. Any discussion from

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1 MS. GERING: Any questions from
 2 council?
 3 Any from the public?
 4 All in favor?
 5 COUNCIL MEMBERS: Aye.
 6 MS. GERING: Any report from park and
 7 rec?
 8 MS. RETTIG: Not at this time.
 9 MS. GERING: Shade tree?
 10 MS. McHUGH: We did have a meeting, but
 11 we have nothing to report.
 12 MS. GERING: Okay. Finance committee.
 13 MR. DOUGHERTY: We have had a meeting,
 14 there's a new process in place. Basically we
 15 meet a couple days prior to the work session and
 16 then a couple days prior to that, just for
 17 everyone's information it's the easiest way to
 18 get it out, is we get -- the finance committee
 19 gets a draft of the draft of the check requests,
 20 we look them over and get them questions to EJ
 21 before that. Then you get those same check
 22 requests on Thursday, by the time you get them,
 23 we've had them for a couple of days and we've
 24 asked probably, this last time it was about eight
 25 questions. So sometimes you'll see some stuff in

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1 council?
 2 Any questions from the audience?
 3 All in favor?
 4 COUNCIL MEMBERS: Aye.
 5 MS. GERING: Thank you.
 6 All right. We're going to go down to
 7 our consent agenda.
 8 Like a motion to approve the minutes
 9 from the March 16 meeting and the April 1
 10 workshop.
 11 MS. McHUGH: I'll make that motion.
 12 MS. GERING: Second?
 13 MS. KINGSLEY: Second.
 14 MS. GERING: Any discussion from
 15 council?
 16 Any questions from the public?
 17 All in favor?
 18 COUNCIL MEMBERS: Aye.
 19 MS. GERING: Approval accounts payable
 20 March accounts payable in the amount of
 21 \$164,378.34; March 27 and April 10 payroll in the
 22 amount of \$79,392.41 and \$71,341.09.
 23 Can we have a motion?
 24 MR. DOUGHERTY: I'll make that motion.
 25 MR. MEYER: Second.

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1 there that it's been through one level of
 2 vetting, but by no means does that change --
 3 we're not saying we're approving them, I want to
 4 clear about that. It's still incumbent upon all
 5 council members to review the check requests.
 6 The second thing is, as you know, we
 7 passed a thing recently that allows the
 8 management team here at the borough to pay
 9 repetitive utility type bills prior to the
 10 meeting and then those are in your packet here,
 11 but then they are shared with us. But these
 12 bills are already paid. We are going to do our
 13 best or the management team's going to do its
 14 best to get that list down to as few bills as
 15 absolutely necessary by working with some of
 16 these vendors so that the bill pay dates aren't
 17 so close to our meeting, so that they'll be less
 18 bills in those two prepaid chunks and they'll all
 19 actually be bills that you're really, really
 20 approving.
 21 MS. McHUGH: I like that idea.
 22 MR. DOUGHERTY: So that's just
 23 something that -- those are two things I wanted
 24 to share with you and thank you.
 25 MS. McHUGH: Thank you. We appreciate

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1 you doing that.
 2 MS. GERING: Any report from HARB?
 3 MR. MAISEL: No, no report.
 4 MS. GERING: Planning commission?
 5 MR. MEYER: Has not had a meeting this
 6 year.
 7 MS. GERING: Zoning had a meeting on
 8 the 18th of this month in reference to River Cat
 9 Cafe. Zoning denied for the request for
 10 variances.
 11 Manager's --
 12 MR. WALSH: They meet -- they also meet
 13 Thursday, right?
 14 MS. LEE: Yes.
 15 MR. WALSH: Well, just to advise
 16 everybody about that.
 17 MS. GERING: Oh, that's true. There's
 18 also a meeting on the 18th.
 19 MR. WALSH: That's just a continued
 20 Mansion Inn hearing.
 21 MS. GERING: Mansion Inn. Thank you.
 22 Manager, solicitor reports.
 23 MS. LEE: I have nothing to report.
 24 MR. WALSH: No to report.
 25 MS. GERING: Any public comments?

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1 being raised, it was raised to enhance this room
 2 to make it more usable. For example, if -- I
 3 mean, the intent was to make this a community
 4 room, so that someone might have a party here if
 5 they wanted to from the community, or that, for
 6 example, there were dancers who might want to
 7 come in and do a show on the stage. There was
 8 one time this group, not a group, but they wanted
 9 to do dances from India, but we might have
 10 decided that we needed better lighting in here
 11 and that lighting to focus on the stage, would be
 12 an enhancement of it. Also if the community
 13 decided they would like a screen to see films in
 14 here or a projector that would be used, but not
 15 for the general maintenance of the room. Is that
 16 clear?
 17 MR. MAISEL: So you're saying we're
 18 using it for the general maintenance of the room?
 19 GERI DELEVICH: Well, did it buy this
 20 rug here? Someone told me it did. The runner
 21 here came out --
 22 MS. LEE: This was discussed at a park
 23 and rec and park and rec authorized -- made a
 24 recommendation to utilize some of the funds that
 25 they raised in the past for some of that

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1 Yes. Please give your full name and
 2 address.
 3 GERI DELEVICH: Geri Delevich, 17 Old
 4 Mill Road in New Hope. I just wanted to remind,
 5 especially the park and rec board, the original
 6 intent for the money that we raised for the tiles
 7 was to enhance this room, not to maintain it, not
 8 to like buy a rug or for the new carpeting here,
 9 but the intent was this room was to be used by
 10 the community and that events would come up and
 11 we realize we need something additional, maybe
 12 some kind of lighting, maybe a screen, maybe a
 13 projector. But it was never intended to paint
 14 the walls or maintain the room as it is. So the
 15 records from past council meetings will show
 16 that.
 17 Thank you.
 18 MS. GERING: Thank you. Any other
 19 public comments?
 20 MR. MAISEL: I'm not sure what -- Geri,
 21 I didn't understand what you were saying what --
 22 well just the whole thing.
 23 GERI DELEVICH: Well, for example, the
 24 money that was raised for the tiles, which I
 25 think was about \$16,000, when that money was

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1 enhancements the rug in here, as well as the
 2 painting of the room. That was discussed last
 3 fall during project season and that what was
 4 included in the budget.
 5 MS. GERING: Right. But that intent of
 6 the money wasn't to maintain the building like
 7 paint the walls. Do you understand what I'm
 8 saying what the intent was? The intent was to do
 9 something to enhance this room.
 10 MS. KINGSLEY: Geri, was that actually
 11 written anywhere on what the specifics were?
 12 MS. GERING: Is it in minutes? Yes.
 13 It's in the minutes as to why the money was being
 14 raised and when people donated money they knew
 15 that that's what it was -- originally --
 16 MS. KINGSLEY: I guess my question -- I
 17 understand what you're saying. My question is,
 18 I've been down this road recently, were they
 19 specific about where that dividing line was
 20 between maintenance and like the carpet could be
 21 considered an enhancement or it could be
 22 considered a maintenance item. So was there
 23 anything specific written that would give people
 24 direction as to how to interpret what the spirit
 25 of that?

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1 GERI DELEVICH: The spirit of it was,
 2 let's say for example, that this room started to
 3 be used and people said, we made a piano in here
 4 that money could then go to a piano.
 5 MS. McHUGH: Can it be used for
 6 marketing for the room?
 7 GERI DELEVICH: Probably not.
 8 MS. McHUGH: Nobody's using it so
 9 nobody's asking for anything.
 10 GERI DELEVICH: Originally people were
 11 asking, but they were being denied for a variety
 12 of reasons.
 13 MS. McHUGH: Because you weren't
 14 allowed to do anything in this room.
 15 GERI DELEVICH: You couldn't do
 16 anything. So like when the dancers from India
 17 wanted to dance on the stage, which was a great
 18 cultural aspect for New Hope, they were told that
 19 they might mark up the stage with their dancing.
 20 MS. McHUGH: Well, the original
 21 ordinance has been changed so that it's not so
 22 restrictive. Now, we just have to let people
 23 know.
 24 MR. MEYER: It sounds to me that we
 25 have a publicity problem here.

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1 saying it, 'cause I heard the money was being
 2 spent in a way that really wasn't designed.
 3 MS. GERING: Thank you.
 4 Any other public comment? Yes, Mr.
 5 Duffy.
 6 ED DUFFY: Ed Duffy, New Hope, 23 Arden
 7 Way.
 8 Ken, thanks for working and trying to
 9 defend the HARB position. This is the second
 10 time that the same applicant came to you to
 11 override what they had decided -- or recommended.
 12 And he was right that they made a different
 13 presentation because they weren't serious about
 14 making a presentation to HARB because they know
 15 they come here and get what they want, and they
 16 did. So that's FYI, okay?
 17 MS. McHUGH: Yeah, but we only got one
 18 side of the argument because HARB wasn't here to
 19 defend the position.
 20 ED DUFFY: That's exactly right, but
 21 there's -- there ought to be some trust in what
 22 HARB recommends.
 23 MS. McHUGH: I agree.
 24 ED DUFFY: Otherwise why have the
 25 board.

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1 MS. McHUGH: Well, that's why I was
 2 asking about the marketing.
 3 GERI DELEVICH: No, I don't think the
 4 money's for marketing.
 5 MR. MEYER: I think the room deserves
 6 some marketing is I think what I'm saying.
 7 GERI DELEVICH: Yeah, maybe that's
 8 something park and rec can take a look at or
 9 other people.
 10 MS. GERING: Geri, you might want to go
 11 to a park and rec meeting and kind of remind them
 12 what the goal.
 13 GERI DELEVICH: Okay. That's why I was
 14 saying it here, but I did want council to hear
 15 that, so that in future they know that. And it
 16 could, like I said, it could've been a piano, it
 17 could've been a recorder, who knows.
 18 MS. RETTIG: This predates me, so I
 19 knew nothing about it.
 20 GERI DELEVICH: It predates everybody
 21 on park and rec.
 22 MS. RETTIG: So I just made note of it
 23 and I have no problem taking it back, but this is
 24 first time I'm hearing of it.
 25 GERI DELEVICH: And that's why I'm

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1 MS. McHUGH: I agree.
 2 ED DUFFY: And this ruling here has put
 3 a big hole HARB's story because any savvy lawyer
 4 could look at this ruling and say, okay, I can
 5 what they did and just break it -- start to pull
 6 apart the historical district. And as far as the
 7 doors, the wooden doors and so forth, about 75
 8 percent of the doors starting at the bridge on
 9 East Bridge Street or whatever it is and you come
 10 around starting to go east and go all the way
 11 down, 75 percent are wood doors. So they took
 12 the paint to do the right thing and this -- the
 13 HARB kind of ordinance and so forth is really
 14 something that good neighbors should not have a
 15 hard time in complying. Some applicants as
 16 exhibited today have a different attitude towards
 17 New Hope, so we need be aware of that. This is
 18 going to happen again and again and the
 19 historical district's going to disappear. So
 20 thank you.
 21 MS. GERING: Any other public comments?
 22 With that, we adjourn.
 23 (Meeting concluded at 8:34 p.m.)
 24
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CERTIFICATE

I hereby certify that the proceedings and evidence are contained fully and accurately, to the best of my ability, in the notes taken by me at the meeting in the above matter; and that the foregoing is a true and correct transcript of the same.

TARA WILSON, C.R.

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A				
abandoning 8:8	45:6 46:7	allegiance 3:3	45:2 46:15	3:13 27:13
ability 52:12,16	76:22 77:14	5:2,4	app 38:19	28:1 61:23
90:10	83:11	allow 44:1 55:8	apparently 14:3	62:16 73:16,20
able 9:10 14:14	additions 51:13	73:21	14:24 15:21	74:8
57:8 62:1	address 38:13	allowed 74:2	20:6 61:24	approval 4:9
64:13 73:12	83:2	86:14	appeal 60:17	11:18 25:9
absent 28:20	addresses 58:10	allows 81:7	appear 36:10	43:11 61:17
absolutely 32:12	adequate 28:24	alternate 77:1	appearance	63:2 74:24
78:24 81:15	adequately	alternates 77:3,9	59:11	79:19
abstain 25:1	68:16	77:16	applicant 6:23	approvals 64:24
acc 62:14	adjourn 89:22	alternatives	7:2 33:5 35:18	approve 4:8
accept 27:15,25	Adjournment	77:22	35:19 36:2,4	61:21 62:19
54:22,22,23,24	4:18	aluminum 50:24	73:17,20 88:10	63:11 73:15,19
acceptable	administrativ...	51:11 54:22	applicant's	74:7,25 75:3
15:24 56:6	23:13	58:2,2,24	20:10	79:8
68:7	adopt 75:22	63:21 66:21	applicants 19:15	approved 8:23
acceptance 54:4	advertise 3:10	67:9,10,16,21	89:15	39:13,16
accepted 12:5	4:3 26:12	68:2,3,4,6	application 3:6	approving 29:10
access 44:1	76:18	72:18	6:19,24 7:13	29:10 39:7
accommodate	advertised 27:1	amend 7:14	7:16,16,18,22	81:3,20
45:5	advertisement	amended 7:18	9:24 10:11	approximately
account 78:23	10:21,22	9:24 23:1	13:12,18 14:4	61:1 64:21
accounts 4:5,9	advertising	amending 22:25	14:7 20:25	April 1:9 4:9,10
4:10 78:11	77:20	amendment	21:25 22:25	7:3,11,12,15
79:19,20	advise 82:15	23:4	23:9,14 24:12	7:17 8:3 12:6
accurate 59:18	advocate 9:13	amount 3:21	24:14 32:16	14:21 15:24
accurately 90:9	aesthetics 73:7	4:10 75:23	33:8,18,24	19:22 79:9,21
act 24:9 55:8	77:13	79:20,22	39:21 41:19	architect 33:4
action 18:6,19	afford 64:17	amounts 4:11	52:22 53:3,13	41:7
active 3:22	afforded 55:3	analysis 54:15	56:12 61:16,19	architects 37:9
18:21	agenda 4:7 6:18	54:16	61:22 62:20,22	architectural
acts 48:21	36:6 79:7	announce 6:7	applied 51:8,13	42:1 43:20
add 11:25 41:10	ago 14:24 20:7	25:9 26:5	apply 56:14	51:17,19,21,23
54:17 63:24	56:12 64:21,22	announcement	70:25	51:24 52:2
65:24	71:9	3:8,9 25:7	appreciate	57:6 62:10
added 43:16,22	agree 15:5 18:8	answer 62:6	31:20 76:11	70:5,7,13,18
43:25 45:4,17	51:4 56:7,19	68:16	81:25	70:20,23
52:19 66:25	63:9 69:20	anybody 12:4	appreciation	architecturally
72:14	88:23 89:1	35:23 57:14	54:5	64:11
adding 46:7	agreed 17:7	anymore 53:1	approach 57:18	architecture
addition 31:7	agreement 3:11	65:13	appropriate	31:11 52:24
43:3 44:16	7:24 26:15,19	anyway 15:7	3:10 15:11	66:8,9
45:4 70:12	26:21,23 50:20	apart 50:11	26:13 30:6	Arden 88:6
72:14	ahead 20:16	53:15 57:14	52:6,22 53:3	area 30:19 31:7
additional 41:11	22:22 31:4	69:11 89:6	appropriately	43:15,21 68:8
	aligns 47:13	apartment 3:16	40:7	areas 42:22
	Alison 2:3	41:2 42:17	appropriateness	53:23

argue 57:23	Aye 24:21,22,23 24:24 27:7,20 40:17,18,19,20 74:15,16,17,18 74:19,20 75:10 75:20 76:15 78:7 79:4,18 80:5	beams 49:14 beauties 56:17 bedroom 45:3 behalf 41:8 belief 69:14 believe 8:6 10:14 35:4 41:13 49:17 52:21 62:13 67:21	book 36:24 borough 1:3,12 2:1,6 3:9,11,12 3:21,23 4:2,4,5 5:25 6:12,12 9:9 26:14,16 26:24 28:17 31:12 40:1 51:9 62:9 66:13 70:8,21 75:25 76:2,18 78:10,11 81:8	46:8,9,12 47:8 47:17 48:13,14 49:8,11,12,16 49:18,19,21,25 50:9,10,12,16 51:20,22 52:2 52:3,11,14 53:15,24 55:11 56:6,10 57:3,4 57:8,11,19,20 59:13,21 60:4 60:23 61:2 64:4,11,20,22 65:1,4,6,7,18 66:11,19,22,24 69:9 70:6,22 71:1,10,13,19 71:20 72:2,6,8 72:8,9,10,12 72:18 85:6
Arts 3:9 25:7 26:1,6	Azek 50:24 51:11 64:10 67:12	benefit 11:8 best 38:14 81:13 81:14 90:10 better 70:16 84:10 beyond 23:12 24:15 28:18 bid 77:4,6 bids 77:15,17,21 big 36:10 89:3 bill 81:16 bills 81:9,12,14 81:18,19 bit 7:1 9:18 44:25 46:22 48:2 55:16 blank 51:12 block 3:20 75:23 blue 28:8 42:24 44:9	bother 16:6 bottom 42:14 bought 49:8 breach 32:21 break 89:5 brick 76:23 77:12,13 bridge 4:3 76:18 89:8,9 briefly 41:9 bring 46:7,12,14 bringing 32:5 brings 20:20 brought 12:11 12:25 Brown 8:1,2,4 8:13 11:2 12:1 12:7 16:22 23:6 Bucks 3:18 74:25 75:3 budget 85:4 buffer 55:9 building 1:12 28:8,9,20 29:17 30:9,11 34:2 35:4,7 36:17,23,25 37:3,15,16,17 41:22,24 42:13 42:15,16,22,25 43:1,2,4,6,9,10 43:18,19,23 44:2,11,11 45:5,16 46:2,6	60:23 61:2 64:4,11,20,22 65:1,4,6,7,18 66:11,19,22,24 69:9 70:6,22 71:1,10,13,19 71:20 72:2,6,8 72:8,9,10,12 72:18 85:6 building's 61:10 69:23 buildings 28:22 38:6,7 43:8,16 43:16 49:18 50:1 51:13,15 52:15,18 58:1 58:3,14,17 64:2,4 65:25 70:23 built 27:24 31:6 41:23,24 48:14 49:1,3 66:22 bunker 70:12 Bureau 3:18 75:4 Bureau's 75:1 burning 70:3 Burns 41:4,6,7 41:19 54:17 56:4 58:13,16 58:23 60:13 63:4 65:20,23 67:5,14,17,20 68:2 69:21 73:11 buy 60:24 63:3
asked 35:20 53:21 80:24	<hr/> B <hr/> B 20:18 23:18 back 9:6 13:5,9 13:16 22:6,7 26:7 31:7 43:4 49:9 60:25 65:7 72:15 87:23 background 7:1 backup 4:4 78:11 baked 15:21 balcony 45:9 47:1 48:7 55:21 balloon 48:15,16 49:6,22 ban 10:2 banner 75:1,4 75:12 bare 77:7 base 44:4 77:6 based 32:23 56:2 60:14 61:17 62:21,22 63:11 70:25 bash 16:17 basic 77:7 basically 21:2,15 30:8 45:23 57:2 60:8 61:4 61:10 72:13 80:14 basis 38:15 bathroom 45:6	board 4:12 6:24 7:3 10:20 11:11 12:13 13:3,7,8,12,20 16:12,18 17:8 17:15 18:5,23 19:16 20:3,23 20:25 22:9 23:14 25:3 33:17,24 34:18 34:20 50:20 62:10,16 83:5 88:25 board's 11:18 34:22 body 17:2	building 1:12 28:8,9,20 29:17 30:9,11 34:2 35:4,7 36:17,23,25 37:3,15,16,17 41:22,24 42:13 42:15,16,22,25 43:1,2,4,6,9,10 43:18,19,23 44:2,11,11 45:5,16 46:2,6	60:23 61:2 64:4,11,20,22 65:1,4,6,7,18 66:11,19,22,24 69:9 70:6,22 71:1,10,13,19 71:20 72:2,6,8 72:8,9,10,12 72:18 85:6 building's 61:10 69:23 buildings 28:22 38:6,7 43:8,16 43:16 49:18 50:1 51:13,15 52:15,18 58:1 58:3,14,17 64:2,4 65:25 70:23 built 27:24 31:6 41:23,24 48:14 49:1,3 66:22 bunker 70:12 Bureau 3:18 75:4 Bureau's 75:1 burning 70:3 Burns 41:4,6,7 41:19 54:17 56:4 58:13,16 58:23 60:13 63:4 65:20,23 67:5,14,17,20 68:2 69:21 73:11 buy 60:24 63:3
asking 8:10 13:17,23 26:11 26:25 39:4 60:17 86:9,11 87:2				
aspect 29:15 86:18				
aspects 56:15 57:20				
asset 60:5				
assigned 69:8				
Associates 2:11				
assuming 73:9				
attached 18:22 66:8				
attempt 68:22				
attempting 37:25				
attitude 89:16				
attorney 6:22 20:10				
audience 79:2				
Authorization 3:9 4:2,4				
authorize 3:10 3:20 26:11,13 75:22 76:17 78:9				
authorized 4:6,6 77:8 78:13,14 84:23				
available 66:1,2 66:3 69:16				
avenue 9:11				
aware 65:18,21 89:17				
awnings 47:18				

83:8 84:19 buy-in 19:17	81:2 changed 16:25 86:21 changes 73:25 character 30:19 57:19 70:8,14 70:17 characteristics 43:20 cheaper 25:4 check 80:19,21 81:5 checking 4:5 78:11 checks 4:5 78:12 Chief 2:9 6:1 children's 26:20 choice 17:13 73:15 76:20 choose 64:13 chose 63:10 chunks 81:18 cite 50:25 citing 12:7 citings 51:4 clad 58:4,24 67:9 70:11 72:18,18 Claire 76:8,10 clapboard 41:24 44:14 57:21 67:6 clarification 15:4 61:13 73:6 clear 6:15 49:25 63:4 81:4 84:16 clearly 41:13 43:12 55:18 56:15 66:7 68:9 71:3 client 7:2,25 8:1 16:13 climbing 35:14 close 15:2 41:22 64:24 81:17	closely 65:5 closets 45:7 co-approval 8:24 COA 29:10,25 36:3,5 38:9 60:2,16 63:9 74:1 cobbled 65:6 code 46:2 59:21 Cohen 10:25 color 47:16,19 76:21,22 77:10 77:11 colored 47:15 colors 76:20 combination 67:20 come 9:6 13:16 15:2,13 19:16 22:6,7 26:1 48:20 56:19 66:18 69:4 77:5,15,17 83:10 84:7 88:15 89:9 comes 12:24 59:8,14,15 63:25 comfortable 9:3 15:5 commencing 1:13 comment 4:17 12:19 37:20 54:14 55:7 59:10 88:4 commentary 69:16 comments 53:9 75:18 76:13 78:5 82:25 83:19 89:21 Commerce 26:4 commercial 42:10 65:9 commission 4:13	82:4 committee 4:13 80:12,18 Committees 4:12 Commonwealth 1:16 community 83:10 84:3,5 84:12 Company 3:21 75:24 comparing 58:11 compatibility 58:7 compatible 52:14 complete 20:6 54:4 completely 53:17 71:13,15 71:16,18 77:16 compliance 34:21 35:4,5 35:16 complicate 48:24 49:10 complying 89:15 concept 50:21 69:5,14 concern 12:2,11 12:15 36:15 38:12 concerned 32:22 concerning 29:5 36:6 concerns 14:22 30:10 64:25 concluded 89:23 concur 29:3,25 condition 7:14 7:23 11:7,13 12:1 16:9,12 16:23 17:6 48:20,23 49:5 conditions 7:9	11:22 15:16 18:22 configuration 45:15 47:24 configured 43:11,12 confused 9:19 Congratulations 74:23 connect 43:16 connecting 43:19 Connie 2:2 35:20 72:4 cons 67:3 consent 4:7 8:14 8:25 11:16 16:22 79:7 consented 8:2 consider 77:18 consideration 4:8 59:24 76:12 considered 85:21,22 constituent 20:20,21 constitute 63:2 constructed 31:22 construction 3:15 7:8,10,12 7:14 8:3,7,9,17 10:8,9 11:12 15:17 consult 55:3 consulted 61:15 contain 4:5 78:13 contained 90:9 contemplation 69:17,19 contemporary 72:16 contention 29:21 context 32:2,3
-----------------------------------	--	--	---	---

53:22 66:12	78:7,14,20	dancing 86:19	27:23 28:7	dimensionally
continue 8:7	79:1,4,15,18	data 10:10 43:11	30:2,5	34:20
31:1,3 49:16	80:2,5 81:5	44:7	demonstrate	dimensions
50:10	83:15 87:14	date 1:14 10:22	44:7	33:19
continued 4:1	council's 13:1	14:23 20:23	denial 19:17	dining 45:8
40:10 82:19	counsel 30:22	21:8,19,22	29:11 60:17	directed 6:15
continues 64:15	count 37:1	22:2,6 23:5,10	62:15	direction 85:24
71:21	County 3:18	24:13 25:12,21	denied 60:19	directly 11:1
continuity 38:10	74:25 75:4	Dated 23:7	82:9 86:11	58:12
contract 26:22	couple 56:12	dates 16:6 19:7	deny 61:16,22	disagreement
contribute 26:25	58:17 80:15,16	25:18 81:16	62:19 73:17,24	50:21
71:21	80:23	day 1:14 32:24	department 2:9	disappear 89:19
contributing	covered 44:16	65:5	6:13 66:5,16	disapprove 51:3
26:21	59:7	days 14:16,23,24	depending 37:1	discordant 29:9
contribution	Craft 3:9	14:25 16:3	depends 13:6	discovered
51:25	Crafts 25:8 26:1	20:7 80:15,16	describe 46:22	42:21
conversation	26:6	80:23	described 47:9	discretion 12:24
31:1 56:22	cream 42:6,7,8,9	deadline 14:18	55:5 59:16	13:2 15:6
converted 42:4,8	42:15 44:22	20:23 21:7,19	description 33:5	24:15
convey 23:21	create 43:23	21:23 24:13	deserves 87:5	discuss 10:20
conveying 25:3	45:1	deal 29:4 70:19	deserving 53:18	48:10 59:21
copy 8:5 14:6	created 70:13	dealing 51:18	design 54:3,20	discussed 7:20
19:11	creates 48:22	52:10 69:6	59:10,11 60:3	8:2 77:9 84:22
correct 13:13	49:6	dealt 32:1	62:25 74:10	85:2
19:20 41:3,4	creating 64:3	decide 17:25	designed 47:12	discussing 33:9
60:19 63:13	creation 28:8	65:11 77:1,4	88:2	34:6
67:14,17 90:12	cultural 86:18	decided 15:23	detail 48:10	discussion 22:10
correctly 28:7	Cummings 2:9	15:24 84:10,13	deteriorated	28:5 29:2
corridor 45:8	current 30:14	88:11	48:19	33:13 56:8,14
corroboration	42:14 43:23	decision 7:9,22	determine 43:7	59:2,23 63:7
60:9	45:19 66:10	7:24 11:19	56:5	73:4 75:17
cost 23:22 76:22	71:23	17:8 28:25	developed 42:12	76:7 78:4,25
costs 77:14	currently 7:8	51:2 56:21	developer 8:16	79:14
could've 87:16	52:1	62:4	15:24	discussions
87:17	cut 49:3	defend 88:9,19	diagonal 29:13	28:12
council 1:3 2:1		defer 53:8,8	diagrams 40:4	dissect 57:8
3:7 4:6,12 6:14	D	definitely 28:22	diaphragm	distinctive 42:1
8:19 9:10,17	D 3:1 4:1,13	59:20	49:12	distinguishable
10:13 12:25	damaged 71:18	degrees 49:24	difference 33:11	71:8
13:17 17:10,13	Dame 70:2 71:2	Delevich 83:3,3	57:24 64:9	distribute 3:22
18:18 19:1,17	Damon 2:11	83:23 84:19	67:2 73:8,12	75:25
19:17,19 20:4	Dan 2:2 15:4,15	86:1,7,10,15	different 30:9	district 42:10,11
27:7,20 29:2	Dan's 39:3	87:3,7,13,20	31:16 53:18	51:14 52:8,15
33:14 55:17	dance 86:17	87:25	56:16 73:2	65:9 67:23
59:3 62:19	dancers 84:6	deliberative	76:20 88:12	89:6
73:4 75:10,20	86:16	17:2	89:16	district's 89:19
76:15 77:17	dances 84:9	demolition 3:14	dimension 61:7	disturbs 28:10

dividing 85:19	Dougherty's 12:25 13:15	empirical 44:6	16:19 17:5	55:24
document 9:20 19:6,12,19,25 20:8 63:17	Doughtery's 23:8	employee 9:8	19:8,13 21:11	existing 27:23 28:8 36:17,23 37:15 45:2 46:4 47:6 51:15 55:20
documents 32:9 32:13	DOYLESTO... 1:24	employees 8:15	22:8,15 25:20	exists 10:2 47:7 52:1 59:13 70:6
doing 17:4 26:6 31:12,13 51:16 59:16 60:4 70:15 82:1	drab 64:18	enables 28:13	Esquire 2:6	Exotic 42:6
dollars 65:10	draft 80:19,19	enclosed 43:25	essence 34:20	expanse 61:6
donated 85:14	drawing 47:14	enclosing 29:5	essential 60:22	expansion 7:5
dont' 34:9	drawings 38:3	enclosure 29:6 29:15	essentially 46:3 46:24 47:17,25 48:14 50:3,8 50:20 74:1	experience 36:2
door 58:12 64:20 68:22,23 68:23,25 69:4 72:21,21	dreary 64:18	ended 29:10	et 50:13 64:5	experiencing 69:18
doors 55:23 58:3 59:14 63:20,20 68:21 70:9,10 70:11 72:15 89:7,7,8,11	Drummond 2:11	engineer 4:2 33:4 76:18	evaluate 35:16	explain 16:20 67:2
dot 62:14,15,15	due 35:16	engineering 6:3	evening 6:21 33:10 35:19	explicit 53:13
dot 62:14,15,15	Duffy 38:23 68:18 88:5,6,6 88:20,24 89:2	enhance 83:7 84:1 85:9	Event 3:17	express 12:14
doubt 55:6	<hr/> E <hr/>	enhancement 84:12 85:21	events 83:10	extend 20:24
Dougherty 2:2 4:14 5:10,11 8:20 9:2 13:21 13:25 14:12,16 15:8,20 16:11 16:17 17:1,18 17:21,25 18:7 18:11 19:14,21 20:13,16,19 21:1,14,17,20 21:23 22:3,13 23:16 29:3 30:4 34:25 35:17 36:7,16 37:21,24 38:5 39:6,9,12,15 40:15,17 58:21 59:25 60:14,21 62:7,12 63:14 63:22 74:2,6 74:19 76:6,8 79:24 80:13 81:22	E 3:1 4:1 90:4,4	enhancements 85:1	eventually 35:14	extended 21:9 42:2 43:4
	Eagle 3:21 75:24	enlarged 55:25	everybody 15:25 76:10 82:16 87:20	extension 8:14 9:5,7 13:2,9 14:20 20:5 22:14
	easiest 80:17	Ennis 2:10 10:17 12:23 13:11,14,19 14:19 15:4,14 21:3 25:14 34:15,19 35:2 35:12,22 36:1 38:18 39:2,8 39:11,14,18 59:6 60:20 68:13	everybody's 16:1	extensions 8:11 8:13,23 23:12 24:14
	east 46:17,23 89:9,10	ensure 55:12	everyone's 80:17	extensively 8:21
	Ed 38:23,24 68:18 88:6,6 88:20,24 89:2	enter 3:11 26:14	evidence 32:10 90:9	exterior 3:16 7:10 8:3 15:17 15:18 41:1 43:24,25 44:10 61:1
	effective 23:22	entire 50:4	evident 32:9	extra 14:23 55:16
	effectively 28:19	entirely 36:8	evolution 65:24	extracting 20:1
	effort 57:1	entrance 28:16 72:24	exactly 19:5,7,8 31:12 32:13 36:12 39:12 51:16 55:12 88:20	extremely 29:7,8
	eight 29:14 80:24	entry 58:3	example 11:21 39:13 66:4 83:23 84:2,6 86:2	<hr/> F <hr/>
	either 18:21 35:2 36:14 38:1,7,8 52:19 61:21,25 63:8	entryway 30:7	examples 52:7	F 90:4
	EJ 2:6 59:6,16 80:20	especially 35:6 36:11 59:13,15 61:9 83:5	exception 7:4	fabric 71:22
	elected 16:24	Esposito 6:21,22 8:25 9:23 10:1 10:4,7,14,19 11:4,9,15 12:9 13:24 14:5,10 14:15 16:7,15	Excuse 18:13 32:8	facade 28:9
	elevated 35:15		executive 3:8 6:8	faces 43:24
	elevation 45:14 45:14,22 46:5 46:23,23,24 47:6,6,7,15		exhausting 53:12	facial 29:14
	elevations 34:10 44:8,9,25 45:13 46:18 47:4		exhibited 89:16	
			exist 46:4 53:1	
			existed 68:23	
			existence 35:13	

facilities 3:12 26:17	25:10 26:2,7	34:2,7 42:13 50:16	68:8 84:15,18	50:2 52:12
facing 29:13 37:4,6 46:23	fields 26:20	forcing 64:5	generally 8:21 20:4	63:8 73:24 83:1 85:23
fact 12:5 31:14 39:22 47:10 52:23 53:3 56:9 69:23 70:9,11 72:11	fighters 3:22	foregoing 90:12	Gerenser's 42:6	given 56:1 60:8
facts 76:11	file 20:24 23:13	forth 1:14 49:9 89:7,13	Geri 83:3,3,20 83:23 84:19 85:10 86:1,7 86:10,15 87:3 87:7,10,13,20 87:25	gives 8:14 52:15
fair 15:8 32:18 35:24 65:14	filling 10:24	forward 29:20 60:7	Gering 2:2 4:13 4:15 5:1,7,8,9 6:5 8:18 9:16 17:9,19 19:1 19:20 20:11 22:16,20,22 23:17,25 24:2 24:20,23,25 25:6,17,25 26:10 27:4,6 27:12,17,19,21 28:3,5 29:1 30:17 31:3 33:13 38:25 40:9,14,16,23 41:5,16 53:5 59:2 65:14,17 65:21 72:5,22 73:3,14 74:4 74:12,14,17,21 74:23 75:7,9 75:11,17,21 76:5,7,13,16 77:2,19,25 78:2,4,8,16,25 79:5,12,14,19 80:1,6,9,12 82:2,4,7,17,21 82:25 83:18 85:5,12 87:10 88:3 89:21	giving 20:5
fairly 41:23 54:18 56:13	final 50:18	found 48:12		go 6:17 7:18 10:18 12:6,12 13:5,6,9 20:16 22:22 25:5,12 31:3 36:24 39:16 41:9 42:18 63:3 65:5 75:21 79:6 86:4 87:10 89:10,10
fake 77:12	finance 4:13 80:12,18	four 37:6,7,12 64:16		goal 87:12
fall 53:15 69:11 85:3	find 25:24 28:10 32:10 57:9,14	frame 48:15,16 48:18,19 49:6 49:22		going 7:12 12:2 12:6,13 15:9 18:4,4 22:8 23:19 25:7 26:6 28:15,21 29:7,8 31:1,6,6 31:8,18 32:11 33:6,9 36:5 37:8 39:19,22 39:24,25 40:5 46:25 50:3 53:15 56:23,23 56:24 57:8,11 57:14,15 60:5 65:2,8 69:11 79:6 81:12,13 89:18,19
fallow 64:25	fire 3:21,22,22 46:20 54:20,21 55:9 59:20 60:9,10 75:24	framed 24:8 43:7		
familiar 72:5	firefighters 76:1	framing 24:9 49:5,23,24 57:9		
family 3:15 27:24	firewall 54:21	frankly 11:6,22 13:21 36:16 54:5		
far 13:3 29:20 29:24 30:14 31:11 32:14 45:18 53:11 59:12 89:6	firm 6:3	front 9:20 12:13 20:9 22:4 32:13 33:16 35:7 39:21 44:18 45:3 63:17 72:11		
favor 8:22 20:4 21:3,4 22:16 24:3,20 27:6 27:19 33:3 40:16 74:14 75:9,19 76:5 76:14 78:6 79:3,17 80:4	first 3:16 6:18 19:14 27:13 37:12 41:2 44:17 49:7 55:15 60:1 62:12 73:23 87:24	fronts 44:11		
feature 42:1 71:8	fit 30:18	full 43:5 63:5 83:1		
feel 9:3 15:10 18:18 30:10 59:7	fits 37:22 40:2	fully 90:9		
feeling 64:10	five 64:17	funds 3:22 75:25 84:24		
feet 31:17 37:17 42:13,14	flat 48:25 49:2,4	further 8:11,22 48:25 49:11		
felt 10:8 29:8	flood 35:16	future 6:16 87:15		
Ferry 3:6 6:19 6:23 58:13,21 67:24	floor 3:16,16 36:20,21 37:4 37:5,5,5,8,10 41:2,3 42:23 42:23 43:22 44:13,15,18,22 45:1,11,24 50:4 72:11	FYI 88:16		
festival 3:9 25:8	floor's 44:16	<hr/> G <hr/>		
	floors 37:6,7,9	G 3:1 4:1		
	focus 84:11	gable 49:3		
	fold 35:14	gabled 49:1		
	foot 30:15	game 12:8		
	footprint 31:16	general 41:25 45:15 57:19		
				getting 14:22 69:10
				Gilmore 2:11
				give 8:5 15:13 16:24 20:3 30:23 38:19
				grants 13:8
				great 29:4 86:17

green 43:15	64:12 89:3	hold 14:12 49:12	59:17 63:3,9	83:6,9 84:3
ground 36:20	HARB-K 4:15	hole 89:3	63:20 64:5	85:5,8,8
37:4 42:23	hard 89:15	home 3:15	68:22 73:17	intention 66:16
43:21 44:16,22	hardy 50:25	honestly 35:22	inaudible 9:1	interest 8:7
45:18,24 47:10	51:11 54:23,25	36:1 59:6	71:16	interesting 57:7
group 84:8,8	57:25 66:19	Hope 1:3,13 2:9	incident 6:11	intergovernm...
guess 17:13 44:3	73:21 74:9	3:11,12,21,21	include 10:22	3:11 26:15
73:6 76:24	head 16:13	3:23 26:4,6,14	included 7:4,23	interior 15:19
85:16	hear 23:15 87:14	26:16 28:17	77:4,8 85:4	43:12 44:3,5
guidance 20:3	heard 60:9 88:1	30:8 42:7 62:9	including 28:14	44:23 51:1
guidelines 53:22	hearing 3:10	70:8 71:22	40:4	66:5,16
54:9 64:12	6:24 7:3 10:20	75:24,24 76:2	incredible 31:7	interpret 85:24
gutted 72:13	11:11,18 12:13	83:4 86:18	incredibly 11:13	interpretation
guys 40:9 56:20	13:3,4,7,7,12	88:6 89:17	incumbent 81:4	51:7
74:23 75:2	13:20 16:12,18	Hope's 51:10	India 84:9 86:16	interrupt 25:16
	17:8,15 18:5	hopefully 41:12	indicate 50:23	investigate
<hr/>	19:16 20:3,23	56:20	74:8	42:21 43:5
H	20:25 22:9	house 30:6,14	indicated 46:18	48:13
half 36:25 37:11	23:14 25:13	houses 38:1,3	Indiscernible	involve 23:17
hand 57:15 64:7	26:12 27:1,8	human 62:9	22:10	involved 6:25
handle 18:5	33:17,23 34:17		industrial 66:4	14:22 15:23
hands 26:7	34:19,22 60:21	<hr/>	infill 49:19 50:1	involvement
hang 15:1	82:20 87:24	I	51:21	32:23
hanging 15:2	height 31:9	ice 42:6,7,7,9,15	influence 70:21	issue 10:23
happen 89:18	32:25	44:21	information	30:18 34:13
happens 39:10	height-wise	iconic 71:4,5	28:24 41:11	36:13 54:18
57:21 73:2	29:18	idea 32:12 45:1	43:9,17 55:16	58:6 59:20
happier 60:6	heights 37:14	45:23 50:3	56:2 59:22	issues 6:9 30:10
happy 15:25	38:11	69:10 72:16	61:18,25 63:1	30:20 41:14
16:1 26:5,8	held 1:11 64:8	81:21	80:17	56:13 66:5
HARB 28:14,24	Hello 75:2	identify 31:14	informed 62:4	it'll 47:11
29:8,21 32:1	help 33:10	66:7	initial 9:19,20	item 36:6 85:22
33:9 38:9 39:5	helps 66:23	ii 3:14,19 4:9	17:3	items 51:1
39:10 40:6	Hi 26:3	iii 3:15	Initially 43:3	
41:10,12 50:19	hinge 48:21 49:7	images 48:8	inn 3:6 6:20 7:1	<hr/>
50:20 51:10	historic 4:14	impacting 54:18	7:5,6 58:24	J
53:12 54:13	42:11 51:14	impervious	82:20,21	James 2:10 6:21
55:2,14 56:1,9	52:7 56:15	34:13	inquiries 6:11	8:25 9:23 10:1
56:13,22 61:13	67:23	implications	inside 57:9	10:4,7,14,19
61:19,20,24	historical 3:19	46:21	72:14	11:4,9,15 12:9
62:5,16 65:13	31:14 62:10	importantly	inspector 55:11	13:24 14:5,10
65:14 67:3	70:17 75:12	51:6	insulation 50:6	14:15 16:7,15
68:5,15,20	89:6,19	impossible 40:8	50:13	16:19 17:5
69:15 82:2	Historically	61:5	integrate 29:18	19:8,13 21:11
88:9,14,18,22	18:17	imprint 76:23	integrates 29:18	22:8,15 25:20
89:13	history 65:25	77:12	intended 83:13	January 19:22
HARB's 53:6,10	66:7	in-kind 53:1,16	intent 32:15	Jim 6:22 14:19
55:18 59:5		55:19,22,25		25:12 37:23

53:8 68:10 job 20:6 31:24 40:7 joint 3:12 26:16 judgement 28:14 judgment 56:3 June 7:18 9:12 9:21 10:12 13:22 14:17,23 16:21 19:4,9 19:19 21:24 22:3 23:4,10 23:12 24:13	54:4,5,12,16 55:9 57:17 58:6 59:4,9,19 60:1,4 63:21 64:6,10,20,21 65:11,24 69:3 69:12,15,25 77:15 81:6 86:23 87:15 88:14 knowing 12:2 18:3 known 42:5 59:22 knows 37:2 56:11 76:11 87:17	57:3,5 72:10 72:19 left-hand 48:6 48:16 legal 30:21 legally 61:14 legitimacy 55:4 Leifer 2:3 length 43:5 lengthy 56:13 let's 63:22 86:2 letter 8:4 11:4 11:24 23:5 25:2 50:22 51:5 60:12 62:7,14 level 35:9 38:10 42:8,14,16 43:6 44:1 45:3 45:4,16,17,18 46:6,15 47:5 47:11,25 48:3 48:17 71:24 81:1 levels 56:7 liaison 68:15 light 46:8,12,15 54:8 lighting 83:12 84:10,11 Likewise 43:20 70:21 limited 45:25 line 45:20,25 46:9,19 52:18 54:19 58:8 66:15 67:22 68:5 85:19 list 81:14 literally 50:11 60:23 72:19 little 7:1 9:18 11:22 18:13 38:3 43:10 44:25 46:22 48:2 50:8 55:16 56:10	72:25 lived 72:7 living 36:21 45:8 LLC 6:23 located 32:3 42:9,10 43:2 location 34:2 Logan 3:6 6:20 7:1,6 58:24 long 11:14 56:22 64:1,11 68:7 73:16 longevity 52:17 71:24 look 28:15,21 30:10 33:6 37:3 38:3 44:8 51:9 64:15,19 65:5 66:19 72:1,2,8 77:12 80:20 87:8 89:4 looked 12:10 looking 32:9 36:17 39:23 41:1 47:23 48:4,6 65:8 71:3 looks 29:20,22 30:13 40:1 45:9 64:18,22 64:23 lot 6:10 29:19 30:12 lots 15:22 64:2 love 20:13 lower 41:20 42:8 47:14 48:5,15 51:25 71:11,12 lumber 57:15	44:11 45:20 58:19 maintain 44:21 45:15 57:18,19 83:7,14 85:6 maintains 45:2 maintenance 52:17 67:19,21 84:15,18 85:20 85:22 maintenance-f... 64:14 Maisel 2:5 4:15 5:18,19 11:25 12:22 19:3 24:1,5,9,19,22 27:16 28:2 30:25 31:5 32:18 33:12 36:12,15 37:19 38:4,13 40:20 53:7 55:1 62:21,24 63:13 63:18 68:19 69:3 74:22 82:3 83:20 84:17 majority 18:9,24 making 20:2 70:15 88:14 management 81:8,13 manager 2:6 4:4 4:16 5:25 78:10 82:22 Manager's 82:11 Mansion 82:20 82:21 mantra 68:21 69:6 March 4:8,10,10 6:11 79:9,20 79:21 mark 65:25 66:24 86:19 Market 58:13
<hr/> K <hr/>	<hr/> L <hr/>			
keeping 31:11 64:12 Ken 2:5 12:16 32:8 39:14 53:5 59:6 63:14 88:8 Ken's 59:18 kind 49:15 73:7 83:12 87:11 89:13 Kingsley 2:3 5:14,15 23:23 40:22 63:25 65:15 72:1,7 72:23 74:13,18 75:14 76:4 79:13 85:10,16 kitchen 45:9 knew 85:14 87:19 know 6:25 7:7 7:15 9:14 10:24,25 13:2 22:1 28:18 29:9 30:11,12 30:13,15 31:24 31:25 32:1,3 32:22,25 33:25 34:10 37:8,21 38:2 39:24,25 50:7 53:16	Lack 4:13 lack 73:18 laid 74:10 Lambertville 41:8 Land 4:14 landmark 71:5,5 large 36:19 LARRY 63:24 Laurie 2:4 lawyer 89:3 layperson's 54:16 leaving 71:17 Lee 2:6 5:5,8,10 5:12,14,16,18 5:20,22,25 10:10 14:3 21:19,24 23:7 27:10 30:3 41:17 55:10 61:13 62:2,11 62:18,22 63:1 76:25 77:3,23 78:17 82:14,23 84:22 left 47:22 52:4 52:11 56:10			
			<hr/> M <hr/>	
			main 1:23 3:14 3:14,15 27:13 27:22 28:16 36:21 40:25 41:20 43:24	

67:24	62:4 63:23	Meyer 2:4 4:15	money 83:6,24	10:9 11:17,23
marketing 86:6	67:1,13,15,18	5:20,21 9:18	83:25 85:6,13	13:9 14:25
87:2,4,6	67:25 68:10	9:25 10:2,5	85:14 86:4	16:3 18:18,23
MARLENE	69:1,20 74:20	18:13 27:3	88:1	22:18,21 23:13
63:19	75:6 76:3	28:6 32:7 33:2	money's 87:4	25:9 31:19
Marsha 8:1,2,4	78:15,24 79:11	34:8 39:20	month 3:19	34:24 35:6,13
8:13 12:1,7	80:10 81:21,25	40:13,18 63:16	30:22 40:12	60:10 64:13
16:22 17:1	86:5,8,13,20	73:5,13 74:15	75:13 82:8	74:24 75:13,21
mass 59:11	87:1 88:17,23	75:16 77:20,24	months 68:14	83:11 89:17
material 46:21	89:1	78:1 79:25	motion 18:20,24	needed 8:12 9:5
52:21 55:19	mean 11:7,12	82:5 86:24	20:12,14,14	9:7 35:3,8 55:2
57:22 61:6	30:4 34:9 36:1	87:5	21:6,13 22:18	55:2 84:10
63:5 66:10,20	36:9 38:16	mezzanine 44:5	23:20 24:4,6	needs 9:10,10
66:22	39:22 55:6	Michael 2:9	24:11,18 27:2	12:12 31:25
materials 48:9	57:6 65:5 66:3	41:4,6,6,19	27:15,16,25	32:20,24 40:10
48:10 50:22,24	68:19,21 84:3	54:17 56:4	28:2 39:1	negative 21:20
51:3,7 52:5,7	means 81:2	58:13,16,23	40:11 73:15,19	neglect 50:7
52:12,13,16,20	mechanically	60:13 65:20,23	74:3,5,7,25	57:12
52:25 53:2	17:22	67:5,14,17,20	75:3,6,11,13	neglected 71:14
54:7 55:7	Meehan 26:3,3	68:2 69:21	75:14,15,22	neighbor 16:10
59:13 60:18,22	meet 56:25	73:11	76:3,17 77:25	20:21
60:24,25 62:14	80:15 82:12,12	MICHAL 63:4	78:9,15,21	neighboring
62:24,25 63:3	meeting 1:6,11	microphone	79:8,11,23,24	7:25 12:3,17
63:9,11 64:3	4:8,9 5:2 9:12	41:16,17	motions 24:7	neighbors 89:14
64:14,25 66:1	9:12 12:21	middle 47:7	moved 22:18	Neither 43:18
66:13,15 69:13	31:9 35:9,18	56:25 65:9	27:3 40:13	neutral 21:16,17
69:16 71:22,25	50:19 55:14	midway 48:17	72:20 78:1	22:20
73:9,17,18	56:9 63:8	Mill 83:4	moving 60:7	never 51:20,22
74:9	68:20 79:9	million 15:11	Municipal 1:12	83:13
math 61:3	80:10,13 81:10	millions 65:10		new 1:3,12,12
matter 11:10	81:17 82:5,7	mimic 31:13	N	2:9 3:11,12,14
17:15 54:1	82:18 87:11	mind 41:15	N 3:1 4:1	3:14,21,21,23
90:11	89:23 90:11	minute 69:11	name 41:6 78:20	13:11 14:4
matters 55:4	meetings 9:6	78:18	83:1	20:23 26:4,6
mayor 5:22 6:7	83:15	minutes 4:8,8	name's 78:19	26:14,16,23
6:14,17	meets 38:16,18	79:8 85:12,13	named 67:25	27:14,24 28:9
mayor's 3:4 6:6	member 4:6,12	mistaken 32:23	names 78:22	28:17,20 30:7
McHugh 2:4	12:25 78:14	modern 28:9	natural 57:22,23	30:8 36:25
4:13 5:16,17	members 6:3	64:13,13	71:25	37:3,16 38:23
22:5 24:17,21	27:7,20 75:10	modest 41:23	near 32:5 72:10	42:7 45:1 47:1
26:9 27:18	75:20 76:15	71:6	necessarily 51:4	47:18,24 48:7
33:15,19,22	78:7 79:4,18	modification	52:24 53:9	48:18 49:1,5
34:3,5 36:14	80:5 81:5	3:15 13:12	56:19	49:14 50:13,13
37:22 38:15,21	memory 59:7	modifications	necessary 81:15	51:9,13 55:20
40:21 56:1	merge 47:21	41:1	Nectar 58:17	62:9 66:8
58:10,15 59:1	met 54:3	modified 20:9	68:4 72:2	68:18 69:12
59:4 61:24	metal 54:22	66:25	need 6:15 9:13	70:8 71:22

72:24 73:22 75:24,24 76:2 80:14 83:4,8 86:18 88:6 89:17 news 70:2 nice 62:5 65:8 night 69:25 nighttime 48:5 nine 3:22 76:1 nobody's 86:8,9 nodded 16:13 non-zoning 11:22 normal 35:17 normally 36:3 70:12 north 44:17 46:8 46:17,18 53:24 54:18,24 56:2 59:19,19 60:10 northeast 47:23 Notary 1:16 note 25:8 38:6 87:22 notes 70:1 90:10 notice 18:16 23:2 33:10 37:13 Notre 70:2 71:2 November 7:11 10:3 12:3 number 7:4 46:1 46:14 51:1 58:1,3 69:7 numbers 77:5 Nurture 58:20 58:22	14:17 16:5,24 19:5,9 22:6,9 23:3,5 odd 11:6,13 Odette's 28:20 30:8 68:18 office 45:6 officer 2:10 6:2 7:20 8:12,23 14:11 20:20 24:16 officer's 12:24 15:6 20:1 officers 3:10 26:13 offices 58:19 official 59:21 officially 23:1 Oh 14:8 22:20 76:7 77:2 82:17 okay 9:16 10:14 11:3,14 18:17 19:24 20:8,17 22:20 23:25 24:17 25:17 33:12 41:5 58:15 59:1 63:14 65:17 67:1 72:23 78:25 80:12 87:13 88:16 89:4 old 28:8 57:8 66:9 83:3 omitted 18:14 once 49:3 77:4 77:16 one's 76:21 one-story 51:25 ones 12:18 67:25 68:8 open 72:15 opened 47:11 openings 46:1,4 46:11 operates 6:13	opinion 12:19 opportunity 12:20 46:12 55:3,13 oppose 18:21 21:8 23:11,19 24:13 opposed 8:8 14:7 24:25 27:21 28:23 40:21,22,23 67:9 74:21,22 opposite 28:19 45:7 option 30:24 73:25 optional 77:16 order 3:3 5:2 50:10 ordinance 3:10 26:13 56:15 86:21 89:13 organized 44:2 original 17:8 26:20 42:24 43:2,10,22 44:2,10 45:16 48:14,25 49:18 49:21 50:9,16 52:3,13,25 56:10 57:4,9 57:10 59:12 61:2 66:20,21 69:23 71:12 72:11,20 73:9 77:21 83:5 86:20 originally 16:20 16:24 23:3 41:23 72:3 85:15 86:10 ought 88:21 overall 57:20 66:12 overlook 47:2 48:3,7 override 88:11	overseen 6:13 owner 8:1 12:17 16:10 owners 12:14 52:16	<hr/> P <hr/> p.m 1:14 89:23 packet 81:10 page 3:2 4:1 38:5 paid 81:12 paint 57:24 83:13 85:7 89:12 painted 47:17 painting 85:2 Panzer 10:18 11:1 PANZICA 63:19,24 Panzicas 41:9 49:7 papers 29:17 41:14 Pardon 33:21 park 80:6 83:5 84:22,23 87:8 87:11,21 parking 35:15 Parks 4:12 part 7:8 8:10 18:16 20:18,18 20:19 23:18,21 24:14 39:18 47:9 53:10 70:9 71:12 particular 30:7 47:9 51:3 52:10,22 53:13 56:14 66:2 particularly 48:22 53:24 parties 30:23 partway 8:9 party 12:18 84:4 pass 61:11	passed 81:7 Paul 10:24,25 pay 81:8,16 payable 4:10 79:19,20 Payables 4:9 paying 25:4 payroll 4:10 79:21 PC-P 4:15 pending 23:9 PennDOT 77:7 Pennsylvania 1:13,17,24 people 10:8 12:20 15:22 56:22 64:7,12 64:16,20 69:2 85:14,23 86:3 86:10,22 87:9 percent 61:1 65:4,18 69:6,8 69:23 89:8,11 percentage 69:8 perfect 39:13 perfectly 68:5 periods 65:25 66:24 permit 7:5,14 30:2 permit's 30:5 permitted 8:12 person 64:23 personal 53:20 personally 30:18 53:25 54:1 personnel 6:8 perspective 34:22,23 56:18 60:3 Peter 2:4 29:4 Peter's 29:16 photo 47:21 photograph 41:22 piano 86:3,4 87:16
--	---	---	---	---	---

picks 20:23	65:3	55:15,17,18	product 61:7	82:25 83:19
picture 36:24	police 2:9 3:22	61:18,23 62:23	Professional	88:4 89:21
pictures 37:25	6:1,13	63:5,12 65:12	1:15	publicity 86:25
piece 18:15	poor 50:6	73:20	project 4:3 7:7	pull 89:5
23:11 43:19	porch 29:5,6,15	presenting	7:10 13:22	pure 44:6
44:15 49:23	45:4,17 46:6	31:24	15:10,11 36:10	purpose 8:22
64:7	48:3 58:24	presently 42:17	76:19 77:8	38:9
pieces 48:20	portion 39:3	47:7,18 50:9	85:3	purview 32:2
66:8,9	41:21 44:12,18	70:11	projector 83:13	put 15:9 28:19
pile 41:14	52:23 71:11,12	Preservation	84:14	43:4 49:15,15
place 11:7 49:2	71:13	4:14	projects 58:8	50:12 55:8
70:4 80:14	portions 70:22	president 2:2	proper 23:2	60:24 65:7
placed 30:12	position 13:1	3:7 4:4 5:8,12	50:12,13	68:22 89:2
31:21	15:9 17:17,20	26:4 78:10,20	properly 13:20	putting 16:6
places 58:9	17:22,23 18:1	pretty 36:10	properties 12:4	69:25
plain 35:16	18:3,4,8,19,21	41:22 53:4	12:14 58:11	
plan 33:24 34:1	18:25 19:2,18	60:11	property 6:23	Q
34:4 42:22	19:25 20:2,8	previous 56:11	6:25 7:25	question 9:14
73:25	21:7,16 23:10	77:10 78:20	12:17 16:10	19:4 30:9 51:6
plank 50:25	23:11 24:12	previously 47:8	18:15 27:23	51:15 65:16
54:23,25 57:25	53:6,10 55:19	54:7	31:5 42:12	68:16 69:24
66:19 73:21	59:8 88:9,19	Pride 3:19 75:12	45:25 46:9,19	70:4 73:5
74:9	positive 19:25	prime 66:4	54:19	85:16,17
planner 41:7	21:2 25:22	prior 7:2,9,21,22	proposal 28:23	questions 6:15
Planning 82:4	61:20	7:24 26:18	44:21 45:15	6:16 8:15,17
plans 74:8	possible 59:25	80:15,16 81:9	47:22	8:18 17:9,11
Playhouse 58:16	61:11	privy 55:21	propose 53:2	17:12 29:1
58:19 68:3	possibly 71:4	pro 2:3 5:12	proposed 45:11	62:6 79:2,16
please 5:3,7 19:4	potential 59:19	78:10	47:16 48:9	80:1,20,25
20:12 22:12	PowerPoint	Pro-Tem 4:4	proposing 26:23	quick 60:25 73:5
42:19 44:20	41:11	probable 77:6	52:6 58:5 63:7	quickly 60:11
45:12 46:16	practical 11:10	77:13	73:10	67:1,4
47:3,20 48:11	precedent 58:6	probably 16:3	Pros 67:3	quite 35:22 36:1
50:17 83:1	predates 87:18	29:12,14 37:17	provide 38:10	
pleased 54:6	87:20	42:3 60:11	52:16 60:11	R
pledge 3:3 5:2,4	prefer 67:8	64:24 68:13	71:23	R 90:4
plus 77:21	prepaid 81:18	80:24 86:7	provided 8:13	rack 49:9,17
point 13:15	preparation	problem 12:5	9:8	raised 83:6,24
18:14 23:8	59:23	86:25 87:23	provision 4:5	84:1,1,25
29:16 34:21	present 2:8 5:11	procedurally	51:12 78:12	85:14
42:4,25 43:14	5:15 46:25	65:12	provisions 51:11	raises 66:6
43:21 46:2	presentation 3:5	proceeding 9:21	public 1:11,16	ran 42:6
48:19,25 51:18	41:10 53:11,17	proceedings	3:10 4:8,17 6:4	rated 46:20
56:6 57:7,13	53:19 54:3	90:8	8:7 17:11,12	54:20,20,21
57:16 69:22	70:1 88:13,14	process 12:12	23:2 26:12	rating 55:9
73:6,7	presented 21:24	19:15 56:17	27:1,8 78:5	59:20
points 56:16	53:12 54:9,10	71:17 80:14	79:16 80:3	rational 9:8

<p>read 7:16 8:20 14:1 reading 63:16 real 26:8 43:19 46:11 51:23,24 52:2 64:8 67:4 reality 70:5 realize 58:5 83:11 realized 12:5 really 11:7 31:18 31:19 32:4 36:22 50:14 51:19 52:11,24 54:25 56:21 57:24 59:8,10 64:19 70:20 71:18 77:15 81:19,19 88:2 89:13 rear 43:9,18 45:9,10 46:6 48:6 49:19,21 51:20 70:22 reason 7:23 9:8 11:17 16:20 49:17 55:5 67:18 reasonable 53:22 54:2,8 57:17,18 reasonably 31:23 reasons 8:8 86:12 rebuild 60:23 rebuilding 50:15 57:3 rebuilt 61:10 rec 80:7 83:5 84:23,23 87:8 87:11,21 recall 39:14 69:7 receive 14:6 47:1 61:19 received 7:2 25:14 34:15</p>	<p>recited 5:4 recladded 46:25 recognize 57:10 recollection 63:7 recommendati... 28:1 61:17,20 63:3 84:24 recommendati... 28:12 30:21 recommended 21:6,13 23:20 24:11 62:15,18 88:11 recommends 88:22 reconfiguration 45:11 reconfigure 44:23 45:17 reconfigured 71:17 reconstruct 50:5 66:11 reconstructed 48:1 72:14 reconstructing 35:11 71:20 reconstruction 3:16 41:2 recorder 87:17 records 7:21 10:12 12:10 83:15 Recreation 4:12 recreational 3:12 26:17 recuse 18:14 recusing 23:23 red 43:1 47:19 76:21,22 77:10 77:11 refer 70:12 reference 9:19 9:22 82:8 referenced 55:13 referring 6:8</p>	<p>39:4 reframe 22:19 22:23 50:12 reframing 57:5 regard 33:8 regarding 53:9 Regular 1:6 regulations 68:6 relationship 45:24 relative 28:21 relay 13:3,20 relief 7:3,17 8:11 18:22 34:12,24 remaining 44:10 44:12 50:9 remains 52:14 remedy 54:11 remember 28:6 34:13 35:11 69:9 72:9 remind 83:4 87:11 remove 78:22 removed 39:5,19 78:20 rendered 28:25 42:24 43:1,15 44:9 47:15 renderings 47:21 renovated 47:8 52:19 55:24 renovation 59:16 renovations 44:23 repainting 64:16 repair 53:14 repetitive 81:9 replace 45:23 replacement 59:17 replacing 46:3 replicate 61:5 66:7 71:3 report 3:4,7 6:6</p>	<p>80:6,11 82:2,3 82:23,24 Reporter 1:15 22:12 REPORTING 1:23 reports 4:12,16 82:22 represent 17:14 52:13 66:1,13 representative 6:2 represented 32:24 representing 54:13 request 19:4 54:8 55:22 82:9 requested 7:17 10:23 12:17 16:20 37:18 39:5,13 55:25 requests 80:19 80:22 81:5 require 52:25 required 31:10 34:12 54:19 requirement 31:9 requirements 31:10 research 56:5 reside 3:23 76:2 Resolution 3:20 75:22 respect 67:5,7 67:10 69:21 respond 54:10 responsibility 9:13 rest 50:11 55:17 72:12 restaurant 3:18 7:6 58:17 68:3 75:1,4 restoration</p>	<p>50:15 restorations 51:14 restoring 71:19 restricted 46:10 restrictive 86:22 resubmitted 9:24 10:11 resulted 50:8 resurrected 69:12 Rettig 2:3 4:12 4:14 5:12,13 11:23 19:11 21:5 24:24 27:5 28:4 40:19 74:16 75:8,15 78:3 80:8 87:18,22 review 62:10 81:5 reviewed 7:21 revolution 66:4 ridiculous 39:23 right 6:18 7:12 13:14,22 14:2 17:13 19:23,23 21:1 24:2 25:23 28:19 33:20 34:3,6 34:14 35:11 37:19,23 38:17 39:7 40:2,9 46:9,19 48:4 61:3,8 62:2 64:20 65:8,12 68:16 73:3,14 79:6 82:13 85:5 88:12,20 89:12 right-hand 41:21 49:20 right-of-way 29:22 river 29:13 32:5 36:17 37:4,6 40:2 45:10</p>
--	--	---	--	---

46:24 47:2 48:6,8 82:8 riverfront 29:7 road 64:1,6 83:4 85:18 roll 5:6 roof 38:10 49:1 49:1,2,3,4 71:16 room 36:20 45:6 58:19 83:7,9 83:14 84:1,4 84:15,18 85:2 85:9 86:2,6,14 87:5 rotted 71:15 rotting 65:1 rug 83:8 84:20 85:1 rule 38:23 ruling 89:2,4 run 55:11 runner 84:20 runs 49:24	83:12 84:13 season 85:3 second 3:16 14:12 18:24 24:1,19 27:4,5 27:17,18 28:3 28:4 40:14,15 41:3 43:1 44:1 44:13,15,17 45:1,3,4,11,16 45:17 46:5,15 48:2,17 50:4 72:11 74:12,13 75:7,8,16 76:4 78:2,3,16 79:12,13,25 81:6 88:9 secondary 49:7 Secretary 51:1 section 73:1 see 8:6 9:12 11:23 19:12 29:24 31:8,20 41:21,25 45:21 46:5 48:15 49:14,21,22 60:19 80:25 84:13 seeking 7:13 seen 10:17 23:4 23:5 28:12,13 33:22 selection 50:22 52:21 selections 46:21 send 17:14 sense 15:13 28:21 37:14 65:13 sentence 35:1 62:12,17 separate 30:5 43:8 49:18 50:1 September 25:8 series 48:8 serious 88:13	serve 3:21 4:4 70:9 78:10 serves 59:7 75:24 services 1:23 26:19 session 3:8 6:8 80:15 set 1:14 30:14 31:7,18 63:5 setback 32:14 34:11 35:7 setbacks 34:1,6 35:5 seven 18:7 Shade 4:13 80:9 shape 50:6 share 56:18,18 81:24 shared 26:19 56:16 81:11 SHAW 76:10 sheathing 49:11 50:5,12 shell 61:2,2 shop 42:5,7,9,15 44:22 short 38:7 shorter 44:15 show 10:12 29:17 32:16 34:1 35:25 38:1 44:24 47:16 83:15 84:7 showed 33:24 34:10 41:12 shown 12:18 33:25 53:24 74:11 shows 47:23 48:2 shut 15:9 shutting 30:25 side 38:1,7,8 44:14 45:5,7 45:22 46:8,11	46:13 48:16 53:25 56:2 59:5,5,19 60:10 64:8,8 72:24 88:18 sided 41:24 sidewalk 42:2 71:7 76:21,23 siding 44:14 50:13 54:21,22 54:23,24 55:8 57:21 59:14 61:6 67:6,7 73:21 sidings 55:23 sign 3:14,19 27:14 signature 78:13 signatures 4:6 signed 62:8 signers 4:5 78:11 significance 51:17,19,21,24 52:3,11 70:5 70:14,18,24 71:1 significant 52:23 Signs 3:17 similar 52:20 similarly 69:16 simultaneous 22:10 single 3:15 27:24 sit 30:6 41:15 site 31:20 43:2 sits 29:19 46:9 46:19 54:19 sitting 37:16 38:6,8 65:1 68:14 situated 32:25 situation 29:25 53:16 54:12 situations 55:1 size 9:9 13:22 skin 12:8	slate 64:7,8 slide 42:18,20 44:20 45:12,22 46:16 47:3,20 48:11 49:20 50:17,18 smack 65:8 small 36:9 38:6 45:4 Snack 42:5 Society 3:19 75:12 Solebury 3:11 26:15,19 solicitor 2:6 3:9 4:16 5:23 10:20 16:8 26:11 61:15 82:22 solution 61:9 somebody 14:25 66:18 someone's 37:10 sorry 22:22 25:16 62:8 78:18 sort 41:12 44:5 49:9 50:2,10 52:2,9 sounds 17:4 86:24 south 1:23 27:13 27:22 28:17 36:11 40:25 41:20 44:14 45:5,14,22 46:13 48:4 53:25 Spa 58:20 space 45:9 speak 10:25 31:21 32:19 68:24 speakers 22:11 speaking 31:15 special 3:17 7:4 specific 8:16
S				
S 3:14,14,15 sadly 50:7 71:5 safe 51:22 safety 8:8 satisfaction 33:1 savvy 89:3 saw 33:23 saying 14:13 16:2 22:24 25:5 32:15 70:3 81:3 83:21 84:17 85:8,17 87:6 87:14 88:1 says 11:5 16:5 19:9 25:8 62:13 scenario 73:1 scheduled 25:19 science 37:2 screen 41:21				

85:19,23	stopped 48:18	stuff 15:23 36:9	87:8	16:3 20:1
specifically 11:5	stops 15:12	80:25	taken 71:11	37:12 38:7,11
50:23 60:17	49:23	subject 30:5	90:10	38:21 39:3
specifications	store 41:25	submittal 13:11	talk 39:2 48:1	49:8 60:18
63:6	storefront 43:23	submitted 7:13	60:2	61:11 63:19
specifics 85:11	44:24 45:18	10:13,15,21	talking 31:1	64:10 65:12,23
speculate 44:2	47:10,24 52:1	14:3 23:3	50:14,15 57:2	66:23 69:11
speculation 44:6	66:21 67:10,11	24:13 61:22	71:2,19,20	72:10 74:1
spent 29:4 64:23	68:2,4 70:6,10	suggest 68:6	talks 9:21	81:6,7 83:22
65:10 88:2	70:13	suggesting 32:20	tall 30:11,13	89:12
spirit 85:24 86:1	storefront's	53:2,14 67:6	36:18 37:15	things 28:10
spoke 31:25	47:11 67:22	67:11	taller 37:17	29:19 37:9
spoken 31:25	storefronts	suggests 54:11	Tap 58:19	48:12,24 57:6
32:20	45:20 47:13	SUITE 1:23	Tara 1:15 90:17	81:23
spot 30:7	58:2 67:23	support 51:2	task 61:5	think 8:21 9:9
square 42:13,14	68:4,7,11	52:9	team 81:8	9:14,20 11:23
St 3:6 4:3	stories 36:18,19	supposed 14:21	team's 81:13	12:16 13:21
stability 49:10	36:23 37:1,1	31:13 38:2	technical 54:15	19:14,15,24
stabilize 49:16	37:11,12	40:6	technically 53:8	20:15 21:14
stacked 49:5	story 39:3,4 89:3	sure 6:25 7:7	tell 10:11 30:16	23:21 28:23
staff 4:6 21:10	street 1:12,23	13:19 14:5,8	57:24 64:9	29:4,24 30:17
78:13	6:19,23 27:14	14:11 36:12	68:10 73:12	31:6,16,19,21
stage 84:7,11	27:22 29:21	51:4 55:18	tells 39:21	32:1,24 33:2
86:17,19	30:13,14 32:6	56:11 60:13	tem 2:3 5:12	34:11,23 35:21
stair 43:25,25	32:14 35:9	69:13 72:17	78:10	37:16 40:6,9
44:5 45:2	40:25 41:20	78:19 83:20	Temporary 3:17	51:6,22 52:5,9
standard 69:1	43:24 44:12,24	surface 34:13	ten 29:14	53:21,25 54:1
standards 51:2	45:13,21,21	surrounding	term 64:1	54:5,13 55:2
51:10 66:6,10	47:4,5,5,14,23	30:19	terms 46:1,10	56:23,24 57:17
66:17 70:25	48:3 58:18,19	sympathetic	52:20 58:7	58:5,7 60:1,2,3
71:23	58:21 73:2	66:11	63:6 67:12	65:3 66:9,23
standing 37:7,10	76:18 89:9		Terry 25:25	68:5,19 70:4
start 89:5	streets 35:6	T	26:3,3	70:15,24 72:1
started 42:21	streetscape	T 4:12,14 90:4,4	thank 6:5,17	72:21 73:11
43:5 48:13	28:16 32:4,11	T.J 2:6 17:14	25:6,24 26:10	76:10,19 83:25
60:8 86:2	33:7 39:25	table 30:22 39:1	27:21 38:24	87:3,5,6
starting 49:8	47:16	40:11 41:15	41:5 65:22	thought 20:17
89:8,10	strip 60:6	tabled 38:14	73:13 76:16	24:5 31:23,24
state 53:6	structural 48:22	40:24	77:19,24 78:8	35:24 38:8
statement 6:9	structurally	tabling 33:3	79:5 81:24,25	43:3
9:15	50:6	take 5:5 17:16	82:21 83:17,18	three 36:18 37:1
stating 8:5	structure 35:8	17:19,22,23,23	88:3 89:20	47:4 49:18
status 12:18	35:15 71:18	18:4,5,18,21	thanks 88:8	64:16 70:9
stay 21:16,17	72:20	19:1,17 21:7	theory 62:8	77:21
65:8	structures 55:20	23:10,11 24:12	they'd 13:5,9	throw 78:18,21
stilts 30:15	55:21	41:16 50:4,11	thing 9:2 12:1	Thursday 80:22
stop 10:5 12:6	stuck 54:25	57:13 64:19	12:23 15:14	82:13

tiles 83:6,24	60:5	49:6	visualization	19:3 20:24
till 9:21 30:22	trim 67:12	unusual 16:8	33:6	56:21 59:17
40:11	troubling 50:25	upper 42:16,23	visually 73:11	64:1 67:3,13
time 18:18 22:12	true 36:9 82:17	43:6 46:5 47:5	voiced 12:19	67:15 76:8
23:2,5 29:5	90:12	47:5,22,25	volume 66:12	81:3 84:6
36:4 42:4,25	trust 88:21	49:20 71:13	volunteer 3:22	87:10,14 88:15
43:14,21 48:25	try 61:5 66:6	upstairs 73:1	76:1	wanted 16:23
55:15 56:4	trying 15:17	usable 57:13	vote 17:23 18:10	17:6 18:20
57:16 61:8	16:19,21 31:13	84:2	18:11,19,24	20:6 46:13
65:25 66:2,24	32:10 65:11	use 3:12 4:14 7:6	20:14 23:24	50:2 63:20
71:6 80:8,22	70:19 88:8	26:17 41:18	39:15	81:23 83:4
80:24 84:8	tucked 31:19	62:14 63:9	voted 20:5	84:5,8 86:17
87:24 88:10	32:4	66:13 67:7,11	voting 18:2 21:2	wants 17:2 67:3
89:15	TUESDAY 1:9	68:11 73:9,21	30:1,2	wasn't 25:22
times 29:14 57:7	turns 9:4	uses 73:17		33:15 43:12
Tina 2:3	two 14:16,24	utility 81:9	W	53:14,15,16
today 43:13 47:7	20:7 24:25	utilize 84:24	W 3:6	56:1 78:19
60:9 64:23	26:24 33:11		walked 15:25	85:6 88:2,18
70:6 74:11	36:18,23,25	V	wall 35:10,12,13	watching 70:1
89:16	37:11 40:23	vacant 42:17	44:17,19 45:25	water 71:15
told 25:21 40:3	43:8,15,16	vacation 6:7	46:2,14,18,20	waterway 29:22
84:20 86:18	44:13 48:20	variance 35:7,8	46:21 48:17	29:23
Tom 10:18	50:1 58:14	variances 7:5	54:19,24 60:10	way 6:12 14:18
tonight 6:9 30:1	70:22 73:23	34:16 35:3	walls 44:10	20:5 23:22
53:11 54:10	76:20 77:8,16	82:10	83:14 85:7	31:17 32:19
60:16	77:21 81:18,23	variety 86:11	Walsh 2:6 5:23	43:7,12 47:13
tonight's 59:23	two-story 41:24	vendors 81:16	5:24 11:2,6,10	52:13 53:13
top 39:3,11,18	two-story's 44:4	verbiage 15:6	11:20 12:16	54:11 60:7,15
48:18 49:2,6	type 81:9	version 48:5	13:5,13,15	64:22 71:21
topic 40:10	typically 19:16	versus 64:8	14:6,8 17:16	72:2 80:17
totally 72:13,13	51:12	67:12 73:10	17:24 18:2,9	88:2,7 89:10
72:15,16	U	vetting 81:2	18:17 20:15,17	we'll 14:19
town 36:11	UL 54:20	viability 69:9	20:22 21:6,12	25:23
52:18 58:1,4,8	understand	Vice-President	21:16,22 22:1	we're 7:11 13:17
58:9 64:2,14	11:20 12:9	2:2 5:10	22:17,21,24	16:17 17:4
64:18	15:15,20 16:15	view 46:3 51:18	23:8,18 24:4,7	22:7,8 26:5,7
towns 26:24	19:18 22:15	56:6,16 57:7	24:11 25:2,11	26:11,25 33:9
Township 3:12	32:15 41:13	69:22 73:7	25:16,18,23	34:5 45:25
26:16	57:2 83:21	Village 42:5	27:8,11 30:24	46:3,7,10 50:3
track 15:12	85:7,17	virtue 71:15	33:17,21,23	50:14,15 51:18
transcript 90:12	understanding	visibility 53:23	34:4,9,17	52:6,10 53:2
transparent	15:16 50:19	visible 58:18	35:10,20,23	54:25 57:2,14
45:19 47:12	63:15,18	Visitor 74:25	36:8 38:19,24	58:4,5 60:1,16
treatment 77:10	Understood	Visitor's 3:18	73:23 82:12,15	64:3 65:11
77:11	21:11	Visitors 75:4	82:19,24	69:5,10,17
tree 4:13 80:9	unstable 48:22	visual 57:20	want 13:19	70:15,16,19
tremendous		73:8	14:13 17:16	71:1,18,20

77:20 79:6 81:3,3 84:17 we've 7:18 28:12 28:13 33:22 60:8 64:1,6,9 80:23,23 weather 14:22 16:2 week 3:18 75:1,5 weigh 9:10 13:18 70:24 weighing 11:11 weird 70:4 went 15:21 33:25 48:17 64:24 71:7 weren't 16:14 62:1 66:2 86:13 88:13 west 6:19,23 44:18 whatsoever 70:14,15,21 white 47:17 widened 55:24 Wilson 1:15 90:17 window 46:1,10 72:20 windows 44:13 45:23 46:4,7 46:14 47:1 50:13,24 51:11 55:22 58:4,25 59:14 67:8,8,9 69:5 72:12 73:22 wonderful 60:3 wood 54:21,24 55:8 56:5 57:22,23 64:5 67:7,8,11,12 67:13 68:11,22 68:23,25 70:10 89:11 wooden 89:7 words 14:13,20	work 14:14,19 80:15 worked 66:25 working 81:15 88:8 workshop 4:9 79:10 workshops 77:10 world 29:9 64:13 wouldn't 9:4 10:23 wow 70:3 wraparound 36:21 wrapped 43:22 71:10 write 25:2 written 19:7 85:11,23 <hr/> X <hr/> Y <hr/> yard 35:7 yeah 5:7 9:18 23:18 29:3 34:9,20 35:12 36:9 39:8 58:23 59:4 61:24 87:7 88:17 year 26:22,25 82:6 years 42:3 50:7 56:12 57:12,23 64:15,17,21,22 66:18 68:21 71:9,14 yellow 43:21 yep 13:16 yesterday 10:15 14:4 23:7 <hr/> Z <hr/> ZHB 3:6	ZHB-C 4:15 zoning 2:10 6:2 6:24 7:2,20,22 8:12,23 10:20 11:11,18 12:13 12:24 13:3,7,7 13:11,20 14:11 15:6,21,22 16:12,18 17:8 17:15 18:5 19:16 20:1,3 20:20,22,25 22:9 23:14 24:16 31:10 33:17,23 34:17 34:19,21,23,24 37:22 38:17,18 82:7,9 <hr/> 0 <hr/> 1 <hr/> 1 3:3 4:9 7:11,15 7:17,19 8:4 9:22,25 10:3,6 11:5 13:24 14:14,18 16:5 16:24 19:5,9 19:22 22:9 23:3,5 79:9 10 3:6 4:10 6:19 6:23 79:21 107,269.50 77:6 12 29:6 125 1:12 1300 42:14 14 29:6 15 7:11,12,15 8:3 12:3 14:21 15:25 37:17 64:15 1500 26:22 16 1:9 4:8 79:9 16,000 83:25 16,575 76:24 164,378.34 4:10 79:21	17 83:3 182 3:14 27:22 1860 41:25 66:14,22 18901 1:24 18938 1:13 18th 82:8,18 19 19:22 1943 42:5 1960 72:9 1st 13:8 <hr/> 2 <hr/> 2 3:4 15:11 25:21 20 64:21 200 57:23 2006 26:21 2014 42:7 2016 7:3 2017 26:23 2019 1:9 2019-02 75:22 203 1:23 2037 19:22 215 1:24 14:25 22 3:15 40:25 41:20 22nd 27:10,11 23 88:6 25 3:9 26-27 3:12 27 3:14 4:10 79:21 27-40 3:15 <hr/> 3 <hr/> 3 3:5 30 7:18 9:21 10:12 13:22 14:17,23 16:21 19:10,19 21:24 22:3 23:4,10 23:12 24:13 61:1 64:22 65:4,18 69:6,8 69:23	30th 19:4 345-7966 1:24 350 1:23 3rd 6:11 <hr/> 4 <hr/> 4 3:7 4,500 3:21 75:23 40 30:15 40-74 3:16 40,000 64:24 <hr/> 5 <hr/> 5 3:3 4:7 38:5 5,000 26:25 5,950 76:22 50 3:14 27:13 50:7 57:12 66:18 500 3:22 75:25 <hr/> 6 <hr/> 6 3:8 4:12 6-25 3:6 6,604 42:12 60 42:3 71:9 <hr/> 7 <hr/> 7 4:16 7:00 1:13 70 61:3 71,341.09 4:11 79:22 74-75 3:18 75 3:19 14:23 16:3 89:7,11 75-76 3:23 76-78 4:3 78 4:6 79 4:9,11 79,392.41 4:11 79:22 <hr/> 8 <hr/> 8 4:17 8:34 89:23 80-81 4:14 82 4:15
--	---	---	--	--

82-89 4:17
89 4:18

9

9 4:18
90 49:24