

BEFORE

NEW HOPE BOROUGH COUNCIL

In Re: Regular Meeting

- - - -

TUESDAY, MAY 22, 2018

- - - -

A public meeting was held at the Borough Municipal Building, 125 New Street, New Hope, Pennsylvania 18938, commencing at 7:05 p.m. on the day and date above set forth, before Edward McKenna, Professional Reporter.

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1 BOROUGH COUNCIL:

2 Alison Kingsley, President

3 Connie Gering, Vice-President

4 Dan Dougherty

5 Laurie McHugh

6 Ken Maisel

7 Tina Leifer Rettig

8 Peter Meyer

9 Mayor Keller

10

11 T.J. Walsh, Esquire, Solicitor

12

13 ALSO PRESENT:

14

15 Chief Michael Cummings, New Hope Police

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1 7. Consent Agenda..... 119-123

2 A. Consideration of approving payment of

3 accounts payable for April, in the amount

4 of \$61,328.86 and payroll for May 9 in the

5 amount of \$63,914.74.

6

7 B. Consideration to approve the minutes for

8 the following meetings:

9 April 17, 2018 regular meeting of the New

10 Hope Borough Council

11 May 7, 2018 workshop meeting of the New

12 Hope Borough Council

13

14 C. Consideration of approving Certificates of

15 Appropriateness, as recommended for

16 approval by HARB for:

17 (1) 142 South Main Street, Alison

18 Kingsley for a sign installation and

19 renovations

20 (2) 12 Stockton Avenue, New Hope Arts for

21 a sign installation and renovations

22 (3) 102 New Street, Justin Lucas for

23 renovations including the installation of

24 a wrap around porch

25 (4) 12 Waterloo Street, Christopher

Asplundh for an amendment to a previous

approval for a fence and the shielding of

utilities

(5) Gordon Haas, 2 Stockton Avenue for a

sign installation

(6) Lou Lou Burger, 110 South Main Street

for a sign installation

(7) Greenhouse, 90 South Main Street for

a sign installation and new roof color

(paint)

8. Council Member Reports on Committees..... 123

A. Parks and Recreation Board (Tina Rettig)

B. Shade Tree Commission (A. Kingsley, C.

Gering, D. Dougherty)

C. Finance Committee (A. Kingsley, C. Gering,

D. Dougherty)

D. Revitalization Committee (P. Meyers)

E. Web Site Committee (K. Maisel, C. Gering,

L. McHugh)

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1 A G E N D A

2 PAGE

3 1. Call to order, Pledge of Allegiance.....6

4 2. Announcements..... --

5 3. Mayor's Report: .....6-8

6 (1) Consideration of appointing Zachary

7 Rellstab as a part-time Parking

8 Enforcement Officer at a rate of \$15

9 per hour

10

11 (2) Consideration of authorizing the Chief of

12 Police to hire Karen Kerins as the

13 full-time Police Department's Secretary

14 replacing Jenna Jones who recently

15 retired.

16

17 4. Council President's report..... --

18

19 5. Council Vice President's report..... 8-11

20

21 Public Works Report

22

23 (1) Consideration to initiate a Preventive

24 Maintenance Vehicle Program for the Police

25 Cars

(2) Consideration to purchase 22 Trash

Receptacles in the amount of \$419.88 for a

total of \$9,929.53 including shipping and

handling

(3) Consideration of approval to pave South

Sugan Road in the amount not to exceed

\$62,000, per engineering specification

previously provided by Gilmore and

Associates

6. Solicitor's Report..... 11-119

A presentation by AMR Realty of New Hope, LLC,

for 18-20 West Mechanic Street

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1 9. Land Use Preservation & Zoning Reports 123-142

2 (Connie Gering)

3

4 (1) Docket 419, Rebecca River Road, 181 West

5 Bridge Street for a presentation on

6 requesting a variance for relief to permit

7 the expanded Cintra Mansion building as

8 well as the cluster buildings 1, 2 and 3

9 to exceed 5,000 square feet of gross floor

10 area

11 10. Other business.....142-160

12

13 11. Adjournment..... 160

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1 MS. KINGSLEY: I'd like to call the  
2 meeting to order, please.  
3 (The Pledge of Allegiance was recited.)  
4 ---  
5 MS. GERING: Mayor Keller?  
6 MR. LABOSKI: Here.  
7 MS. GERING: Alison Kingley?  
8 MS. KINGSLEY: Here.  
9 MS. GERING: Dan Dougherty?  
10 MR. DOUGHERTY: Here.  
11 MS. GERING: Laurie McHugh?  
12 MS. McHUGH: Here.  
13 MS. GERING: Ken Maisel?  
14 MR. MAISEL: Here.  
15 MS. GERING: And Peter Meyer is on his  
16 way, and I'm Connie Gering, and we have about 22  
17 interested residents.  
18 Thank you.  
19 And our chief and solicitor.  
20 MS. KINGSLEY: Okay. Mr. Mayor.  
21 MAYOR KELLER: Yes. A couple of issues.  
22 One asks that I'd like to ask counsel to hire Zach  
23 Rellstab. He is a resident. He lives on Kiltie  
24 Drive, a graduate of New Hope-Solebury High  
25 School.

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1 He also is a current member of the fire  
2 company, and I ask council to hire him as a  
3 parking enforcement officer, because we're always  
4 in need here, and the hours are not going to  
5 change overall, our budgeted hours, but we need  
6 him to fill in for someone that left, and it would  
7 be for \$15 an hour, our standard hourly rate.  
8 MS. KINGSLEY: Do I have a motion?  
9 MS. GERING: I'll make that motion.  
10 MR. DOUGHERTY: Second.  
11 MS. KINGSLEY: Any discussion? Questions  
12 from council?  
13 Any questions from public?  
14 All in favor?  
15 MS. GERING: Aye.  
16 MS. McHUGH: Aye.  
17 MS. KINGSLEY: Opposed?  
18 Motion carries.  
19 Second?  
20 MAYOR KELLER: Yes. Secondly, we had our  
21 chief secretary leave, retire and moved to  
22 Florida, Jeanne Jones, and I'd like to recommend  
23 along with the chief the hiring of Karen Kerins, a  
24 resident of Dublin, PA.  
25 She was an elementary school teacher for

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1 the past 20 years. She holds a bachelor's degree  
2 from California University, a master's degree from  
3 Walden University.  
4 Chief interviewed her initially, and I had  
5 an interview with the chief in the second  
6 interview, and we're both very satisfied that she  
7 has the tools to fill that position. So I ask the  
8 council to vote for hiring her at \$42,000 a year,  
9 along with the appropriate benefit package we  
10 offer.  
11 MS. KINGSLEY: Is there a motion?  
12 MS. GERING: I'll make that motion.  
13 MS. KINGSLEY: Second?  
14 MS. McHUGH: I'll second.  
15 MS. KINGSLEY: Discussion? Questions?  
16 Any questions from the public?  
17 All in favor?  
18 MS. GERING: Aye.  
19 MS. McHUGH: Aye.  
20 MS. KINGSLEY: Motion carries.  
21 I have no reports this evening.  
22 Vice president's report, public works.  
23 MS. GERING: Public works, our first thing  
24 on the agenda is that up to now, the public works  
25 department has been maintaining the nine police

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1 vehicles.  
2 After doing some analysis and talking to  
3 Lukoil, we feel it would be a better move for that  
4 contract to go to them for maintenance, which  
5 means oil changes, rotating tires and general  
6 maintenance and the inspections, and the fee that  
7 they gave us would be \$1,800 a year for the nine  
8 police cars.  
9 I'd like to have a motion for this to be  
10 approved.  
11 MR. DOUGHERTY: I'll make that motion.  
12 MS. KINGSLEY: Is there a second?  
13 MS. LEIFER RETTIG: I'll second it.  
14 MS. KINGSLEY: Discussion?  
15 Questions from the public?  
16 All in favor?  
17 MR. MAISEL: Aye.  
18 MS. McHUGH: Eye.  
19 MS. KINGSLEY: Opposed?  
20 Motion carries.  
21 MS. GERING: The second item on the list  
22 is to purchase garbage receptacles. At this  
23 point, what we have on the streets are really  
24 small containers. It's not conducive to the  
25 tourist town that we really are, and we would like

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1 to purchase 22 receptacles.  
 2 We negotiated a price of \$419.88 for them.  
 3 With shipping charges, it would come out to  
 4 \$9,02.53.  
 5 MS. KINGSLEY: Do we have a motion?  
 6 MS. McHUGH: I'll make the motion.  
 7 MS. KINGSLEY: Second?  
 8 MR. DOUGHERTY: Second.  
 9 MS. KINGSLEY: Discussion? Questions from  
 10 the public?  
 11 All in favor?  
 12 MS. GERING: Aye.  
 13 MR. MAISEL: Aye.  
 14 MS. KINGSLEY: Opposed?  
 15 Motion carries.  
 16 Third item, South Sugan.  
 17 MS. GERING: Yes. We would like to get to  
 18 repave South Sugan Road, and that would be done  
 19 with the fuels money, and it would have to go out  
 20 for bid to Gilmore and Associates, and right now  
 21 that amount -- they were prepared bids.  
 22 MR. DOUGHERTY: 62,000.  
 23 MS. GERING: Not to exceed \$62,000.  
 24 Can we have a motion?  
 25 MR. DOUGHERTY: I'll make that motion.

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1 MS. GERING: Second?  
 2 MR. MAISEL: I'll second it.  
 3 MS. GERING: Any discussion? Public?  
 4 All in favor?  
 5 MR. MAISEL: Aye.  
 6 MS. LEIFER RETTIG: Aye.  
 7 MS. GERING: Opposed?  
 8 Thank you.  
 9 MS. KINGSLEY: Motion carries.  
 10 Next item on the agenda, T.J., if you  
 11 would like to take over, the solicitor's report,  
 12 presentation by AMR Realty of New Hope for 18-20  
 13 West Mechanic Street?  
 14 Just so that everyone is aware, the plans  
 15 and all supporting documents by the applicant were  
 16 handed in prior to the meeting.  
 17 MR. WALSH: I guess I'll tee this up.  
 18 Just for everyone's memory, Council  
 19 President and Councilman Meyer recused themselves  
 20 in this matter. So council vice president Gering  
 21 will be seconding the meeting.  
 22 By way of background, this project  
 23 received Zoning Hearing Board approval in 2012.  
 24 That Zoning Hearing Board approval was modified in  
 25 2015, and the project also received subdivision

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1 land development approval in January of 2016.  
 2 A condition of that plan approval was that  
 3 the applicant needed to secure a certificate of  
 4 appropriateness for both its demolition of  
 5 structures on the property, as well as new  
 6 buildings, and the property that we're discussing  
 7 is 18-20 West Mechanic street. That is the last  
 8 property on north side of West Mechanic Street,  
 9 before you hit the canal. It's the old Tuscany  
 10 restaurant, for those of you who may not be aware.  
 11 The applicant appeared before the New Hope  
 12 Borough HARB Board in December of 2017 and in  
 13 February of 2018 to discuss those COA applications  
 14 that they had submitted, which was required under  
 15 their plan of approval and required under the  
 16 Borough ordinances.  
 17 The applicant then appeared before this  
 18 board, the New Hope Borough Council, in February  
 19 and March of this year, 2018. In March, 2018,  
 20 council voted to deny the certificate of  
 21 appropriateness for the construction, the proposed  
 22 design and the construction of all new structures.  
 23 That written decision denying the  
 24 certificate of appropriateness was issued to the  
 25 applicant on April 6th, 2018. That is an

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1 appealable decision, should the applicant choose,  
 2 can appeal that decision to the Court of Common  
 3 Pleas in Doylestown.  
 4 In accordance with the historic district  
 5 law, the state law that allows historic districts,  
 6 that decision outlined alternatives and changes to  
 7 the plans that would, if the applicant followed,  
 8 would allow the applicant to obtain a COA, and I  
 9 say that because that's partly why they are back  
 10 here tonight.  
 11 In mid April, I received a letter that was  
 12 dated April 23rd. I received that from the  
 13 applicant's attorney. They reached out to me  
 14 asking what the potential procedure would be in  
 15 order to appear before council again to present an  
 16 alternative plan, which was an attempt to address  
 17 the alternatives and/or the deficiencies that were  
 18 noted in the prior denial, and that would  
 19 potentially address the issues raised, and the  
 20 reason for the denial, which would enable them to  
 21 potentially receive a COA.  
 22 Council effectively directed me. I  
 23 received a communication from council directing  
 24 me. I sent a letter April 25th, where council was  
 25 fine with receiving or providing the applicant an

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1 opportunity to appear and make a presentation at  
 2 this meeting, and because as I indicated before,  
 3 the decision from April 6, 2018, is an appealable  
 4 decision, there is a timeline, 30 day timeline  
 5 that attaches to that.  
 6 You have 30 days from the date of its  
 7 issue to appeal it. So in conjunction with  
 8 agreeing to the applicant's request to appear  
 9 tonight, the council agreed, and I memorialized by  
 10 letter that that appeal deadline would be extended  
 11 to the end of this month, end of May, May 31st, as  
 12 opposed to the 30 days, which would have been  
 13 May 6.  
 14 So this presentation, and I will turn it  
 15 over to the applicant's representative, the  
 16 applicant is here with a new or at least a design  
 17 layout. As council president indicated, that had  
 18 been provided in advance to council members.  
 19 There may be actions taken, there may not be  
 20 actions taken by the Board.  
 21 After the conclusion of the presentation,  
 22 there will be an opportunity, as there always is,  
 23 for public comment, but until the applicant  
 24 actually has a chance to make the presentation,  
 25 we'll defer any items until a later point in the

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1 comments in the March letter that council issued  
 2 do not go in any order in terms of the issues that  
 3 they addressed.  
 4 What we have done is we have taken those  
 5 comment numbers, and we have grouped them into  
 6 what we think are common sense groupings.  
 7 The two main groupings are the mass of the  
 8 project and the historical style of the project.  
 9 So comments one, two, five, six and seven will be  
 10 addressed first. We'll go through verbatim each  
 11 of the comments that council issued in their March  
 12 letter, and then we'll move on to three, four and  
 13 eight, which are the architectural style comments,  
 14 and then nine, 10 and 17.  
 15 We think that at the conclusion of the  
 16 presentation, you will see that we have addressed  
 17 each of one of those individually, and each image  
 18 that you see on the screen in front of you will  
 19 relate to testimony that's occurring at that time.  
 20 You'll also notice in your packet that  
 21 there were text provisions. Those text provisions  
 22 again are taken directly from council's findings.  
 23 I've taken the liberty of bolding some of those  
 24 text provisions, and that's only to help me  
 25 articulate the key points of those rather than

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1 meeting.  
 2 So if there's any questions from any  
 3 council members with that background?  
 4 MS. GERING: Thank you.  
 5 When you do your presentation, to make it  
 6 simpler for council, could you state to points  
 7 that were given to you, and your drawings that you  
 8 brought that will explain the changes you made?  
 9 MR. LABOSKI: If I could, just by way of  
 10 introduction, thank you, Mr. Walsh.  
 11 Good evening, council members. It's nice  
 12 to see you all again.  
 13 As you stated, we provided a packet  
 14 showing a series of images and changes to the  
 15 design layout, as well as some other documents  
 16 that relate directly to those comments.  
 17 So as you know, the COA was denied. There  
 18 were sort of conditions imposed on that denial  
 19 that related back to a letter that council issued  
 20 in March of this year. That was numbered one  
 21 through 25. The conditions stated that, Numbers 1  
 22 through 10 and 17 were to be addressed in order to  
 23 perhaps overturn the denial.  
 24 The way we have organized the presentation  
 25 is as follows: The comments do not -- the

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1 reread them entirely, and to direct the audience  
 2 to the issue that's at play in the testimony.  
 3 In terms of the packet, I'm going to have  
 4 Craig hand out packets that have some supplemental  
 5 pages, and I didn't want to do this, but there  
 6 were one or two errors in the pages that didn't  
 7 match up with the testimony. We have corrected  
 8 that.  
 9 There were some additional images to help  
 10 elucidate the points that were made. The  
 11 substance of the changes in terms of the  
 12 architectural style will not change. Those images  
 13 have remained.  
 14 A couple of other minor points before I go  
 15 on. I'd like to just say that following the last  
 16 meeting, the denial of the COA, the applicant,  
 17 along with the architect, took to heart many of  
 18 council's comments, and the items one through 10  
 19 and 17, and went through what they could change to  
 20 try to address those specific items, and we think  
 21 that the result is a plan that is more in keeping  
 22 with the message that council has been delivering  
 23 to the applicant since we have been back before  
 24 you.  
 25 The applicant spent a lot of time before

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1 HARB addressing their concerns and their  
2 requirements, and we recognize that council has a  
3 different viewpoint, and we are happy to try to  
4 comply with those and satisfy those requirements.

5 I don't see Ralph Fey here yet, which is a  
6 little bit of an issue.

7 I'll ask Craig to start as my witness.

8 Craig, you'll have to be sworn.

9 APPLICANT'S EVIDENCE

10 - - -

11 CRAIG NUSH, having been duly sworn, was  
12 examined and testified as follows.

13 DIRECT EXAMINATION

14 BY MR. LABOSKI:

15 Q. So, Craig, it will be difficult for you to do  
16 the pages, first of all, but as you can see, the  
17 first image on the screen shows the red line,  
18 which is the outline of the properties that are  
19 the subject of the application.

20 MR. MAISEL: Excuse me one second. In  
21 deference to Ralph not being here, should we vote  
22 or does it make sense?

23 MR. LABOSKI: He's on his way, apparently.

24 MR. MAISEL: Okay. All right.

25 THE WITNESS: He will be here in three to

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1 dwarfs. The Playhouse building next door, which  
2 is --

3 Q. To the right of the historic structure?

4 A. To the right of the historic structure.

5 Q. Is that building historic?

6 A. Built in the 1980s, and it's to the right on  
7 the drawing, on right in the screen, and that was  
8 not historic.

9 Q. And that building is much larger than the  
10 historic structure in this case, correct?

11 A. Correct.

12 Q. Go back to the previous page, to Page 3,  
13 please.

14 Now, would you explain to council what the  
15 applicant did on the bottom image to change the  
16 overall mass of the structure?

17 A. Sure. Going from right to left on the lower  
18 image, first of all, the addition to the  
19 historical structure, which you'll see on the  
20 right, it is lower.

21 Q. When you say -- let me interrupt you there,  
22 if I could. When you say lower, is the second  
23 floor eliminated?

24 A. Right, second floor is taken off, eliminated  
25 to see more of the original historical building.

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1 four minutes.

2 MS. GERING: I think we can continue.

3 MR. LABOSKI: Thank you.

4 BY MR. LABOSKI:

5 Q. Take a look at the next page. So, the first  
6 comments from council -- keep going -- comment  
7 Number 1, that the overall mass of the buildings  
8 dwarfed the surrounding historic buildings, and  
9 the proposed resolution is the mass of the  
10 buildings must be reduced even with nearby  
11 historic structures.

12 So we take a look at the next page, Craig,  
13 if you would, Page 3, and can you just tell us  
14 what's depicted on the top and bottom of each?

15 A. Sure. The upper drawing was the original  
16 design, the design we went over in the March  
17 Borough Council meeting. The one below is our  
18 alternate design.

19 Should I --

20 Q. That's fine. So in terms of the comment that  
21 the proposed buildings dwarf surrounding historic  
22 buildings, are you able to identify surrounding  
23 historic buildings to this site that these  
24 proposed structures can actually be compared to?

25 A. Actually, none in the immediate vicinity that

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1 The two existing windows are now shown, and  
2 windows are now being able to be seen. We will be  
3 restoring those windows and making them useable  
4 again. The structure is now a one-story with the  
5 wood.

6 Q. So let me just redirect you then. In terms  
7 of speaking of mass, the next words I see there  
8 handwritten are "cut box roof." What does that  
9 mean?

10 A. Sort of a full -- so that one window on the  
11 left, the new townhouse building we call that,  
12 townhouse Number 1, so a full roof structure. We  
13 actually have it cut back to place the roof in a  
14 slope toward the second story.

15 Q. Moving down along the building, you see on  
16 the top image shed dormers and the bottom gable  
17 dormers. What significance does that have on the  
18 mass?

19 A. Instead of having a long linear dormer, as a  
20 shed dormer, we reduced it to two small gable  
21 ended dormers.

22 Q. And how about the roofline? What was done  
23 with the roofline to address the mass?

24 A. So I guess the most significant is we now  
25 have turned gables instead of one long linear

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1 roofline. It is a turned gable, this portion, and  
 2 another turned gable on the right side portion.  
 3 Q. Isn't the roofline on the new project lowered  
 4 five foot?  
 5 A. Yes, it is. Instead of being equal to the  
 6 existing as before, equal to the existing  
 7 historical building, we are now lower.  
 8 MR. LABOSKI: Can I have Mr. Fey sworn at  
 9 this time?  
 10 ---  
 11 RALPH FEY, having been duly sworn, was  
 12 examined and testified as follows:  
 13 DIRECT EXAMINATION  
 14 BY MR. LABOSKI:  
 15 Q. We have been talking about changes to the  
 16 outside view of the project, and the reduction of  
 17 mass. I wanted to ask you whether or not you  
 18 have -- let me go back.  
 19 There's three townhouses in this  
 20 configuration, correct?  
 21 A. Yes.  
 22 Q. What has been done to reduce sort of the  
 23 images of this width, if you will?  
 24 A. Sure. I think, listening to Craig's  
 25 response, and comparing the upper drawing to the

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1 you tell us what significance that plays and where  
 2 that comes from?  
 3 A. Sure. So not only do we adjust the stepping,  
 4 if you will, and the height of the buildings, but  
 5 we also adjusted the height and the configuration  
 6 of the brick wall.  
 7 So what you're looking at here, although  
 8 you can't really tell in the upper drawing, but  
 9 from this point to this point was basically a  
 10 long, flat, straight brick wall, and that is  
 11 broken up into a series of piers, and each of  
 12 those four piers in this section here then will  
 13 have a wall of varying heights, and the wall will  
 14 be constructed from a select material to grow over  
 15 the wall.  
 16 We did want the wall to be as covered in  
 17 greenery as it is now, in its new configuration.  
 18 I think it's also easier to see that the wall is  
 19 broken into three walls. There is the wall that's  
 20 in front of the historical property and the new  
 21 one-story addition. There is a gap in the wall,  
 22 and then the wall that's in front of these two  
 23 units, a good gap again in the wall, and then a  
 24 piece of wall at the end.  
 25 So as you're walking down the towpath,

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1 lower drawing, you can see that the townhouses  
 2 that were originally depicted in width, although  
 3 they have the stepping on the plan, there was not  
 4 a lot of variation in the roof height or in the  
 5 dormers. In fact, they were very similar to each  
 6 other, and they all presented as two-story  
 7 structures with a sloping roof and a shed dormer.  
 8 Q. What are the widths of the upper townhouses  
 9 versus the widths of the bottom?  
 10 A. Sure. So when you look at the flat area from  
 11 here to here, that's roughly 38 feet, which is  
 12 very similar to the width of the historical  
 13 building, but on the lower level, there's no width  
 14 of the building that's longer than 18 feet.  
 15 Q. So you've essentially reduced the facade of  
 16 any one building from 38 feet down to nothing  
 17 greater than 18 feet?  
 18 A. Correct, and in the same move then, not only  
 19 have we reduced that in a stepping, but we have  
 20 also turned the gable so that not only the facade  
 21 of the building, but the roofline of the building  
 22 also presented buildings to be narrower, taller,  
 23 residential in nature.  
 24 Q. So taking a look at the bottom image, you  
 25 have the appearance of some vegetation there. Can

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1 you'll have a five-foot wall, might drop down to a  
 2 four-foot-six high wall, and there will be  
 3 sections where your vision will go all the way  
 4 back to the building, so that will be a less  
 5 straight, severe end.  
 6 Q. Next image.  
 7 The next image shows the view of the  
 8 historic property from Mechanic Street. Can you  
 9 tell us what the applicant has done to address the  
 10 issue of mass with this redesign?  
 11 A. Absolutely. This is actually a very direct  
 12 response to some of the comments that were made  
 13 about the size of the addition. Here you can see  
 14 in the space between the townhouses, Number 1, and  
 15 then the historic building.  
 16 Craig referenced the cutting or clipping  
 17 or sloping of this roof, and the removal of the  
 18 second floor addition above the added piece.  
 19 Q. Going to the next image, please.  
 20 MR. DOUGHERTY: Can I -- I'm sorry.  
 21 Should we ask questions along the way? It might  
 22 be hard for us to find which slide you're on if  
 23 you go all the way to the end. It's up to you.  
 24 MR. LABOSKI: My preference would be to  
 25 glide on through it, because I think I can get

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1 through it relative quickly.  
 2 MR. DOUGHERTY: Okay.  
 3 MR. LABOSKI: But if there's something  
 4 important you want to address with Ralph, go right  
 5 ahead.  
 6 MR. DOUGHERTY: On the previous two slides  
 7 ago -- I'm sorry. I didn't -- that slide. I'm  
 8 sorry.  
 9 MR. LABOSKI: Go back.  
 10 MR. DOUGHERTY: The upper elevation has  
 11 chimneys. Does the -- the bottom has no chimneys.  
 12 So will there not be chimneys on these townhouses?  
 13 MR. LABOSKI: Ralph, can you answer that  
 14 question?  
 15 THE WITNESS: We're still proposing  
 16 chimneys on the townhouses. We were focused on  
 17 the elevations that were in the foreground when we  
 18 drew these.  
 19 The chimneys on the townhouses are  
 20 currently proposed to be gas. So if the board did  
 21 not want to have chimneys, we could remove them.  
 22 Gas fireplaces can work with or without a chimney.  
 23 MR. DOUGHERTY: I guess my -- that's where  
 24 I'm going with that. We're talking about reducing  
 25 the roofline one foot. The other elevation, if

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1 THE WITNESS: No, I didn't say that.  
 2 MR. DOUGHERTY: Okay. What --  
 3 THE WITNESS: I said I didn't draw the  
 4 chimneys because they didn't seem germane to  
 5 answering the question of mass and style, but they  
 6 have not left. We are certainly willing to take  
 7 the chimneys away, if the Board wishes it.  
 8 MR. DOUGHERTY: Well --  
 9 THE WITNESS: And I think I said the same  
 10 thing before.  
 11 But did I state it correctly?  
 12 MR. LABOSKI: That's fine.  
 13 MS. McHUGH: Is there anything else  
 14 missing, other than the chimneys, that was going  
 15 to be the proposed plan?  
 16 THE WITNESS: I have no idea. Is there  
 17 sketches meant to show the intention of the  
 18 direction of the project and the changes? They  
 19 are not really meant to connote every detail as  
 20 you see straight on. So I really don't --  
 21 MR. LABOSKI: Go to the creek elevation  
 22 plan.  
 23 BY MR. LABOSKI:  
 24 Q. Same question here, Mr. Fey. The changes to  
 25 the creek elevation, what has that done to reduce

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1 you will, has chimneys sticking out, and the new  
 2 elevation does not have chimneys.  
 3 So if I were just a rational person, I  
 4 would say that the new design you are proposing  
 5 doesn't have chimneys, right? That's a rational  
 6 observation, right?  
 7 So I would ask you to tell us one way or  
 8 the way other. Like, I don't want to sit here and  
 9 negotiate, no, we don't want chimneys or not. I'm  
 10 going off your pictures. There's no chimney.  
 11 MR. LABOSKI: I think the question is,  
 12 this image and these changes are trying to address  
 13 mass, and I think it might be hard to argue that  
 14 the addition or subtraction of chimneys would  
 15 really affect that.  
 16 Again, as Ralph pointed out, these changes  
 17 to the facade are having more of an impact on the  
 18 mass. If you added chimneys or took away  
 19 chimneys, I don't know that that affects mass.  
 20 That's just maybe my view.  
 21 MR. DOUGHERTY: Well, they're at least as  
 22 significant as the pillars on the wall that you  
 23 pointed out to us, but I understand now, that as  
 24 it stands now, you're not intending to put  
 25 chimneys on these houses?

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1 the mass?  
 2 A. Well, the creek elevation is a very different  
 3 elevation. There's two units, townhouses here.  
 4 Again, if you look at the upper drawing, there was  
 5 a connection or I should say lack of clarity maybe  
 6 between the retaining wall, which is holding back  
 7 the dirt, and where the actual building begins.  
 8 So we have not changed the architecture,  
 9 but changed the finishes to clearly define the  
 10 stone retaining wall, and to align that with the  
 11 one straight line where it's retaining the dirt  
 12 coming through.  
 13 You're also looking at some of the  
 14 landscaping and planting. I may have missed it,  
 15 but I am assuming that the 12 trees were discussed  
 16 at the beginning --  
 17 MS. GERING: No.  
 18 THE WITNESS: Okay. The next drawing  
 19 shows the proposed trees, per the drawing done by  
 20 the engineers, Helbling and Associates. There  
 21 are, in this particular elevation, three existing  
 22 trees that remain. 11 trees we could plant at 12  
 23 foot tall, and another 11 trees to be planted at  
 24 11 foot tall, and when we get there, we will show  
 25 the type of tree and the expected growth over the

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1 next five years.  
 2 BY MR. LABOSKI:  
 3 Q. And so just to be clear, this might be a good  
 4 time to address this, in the elevations that we  
 5 have shown tonight, there appear to be vegetation,  
 6 and you took that directly from the engineering  
 7 plan that was approved by council and the Shade  
 8 Tree Commission, correct?  
 9 A. Correct. Every tree that's indicated on the  
 10 elevation is also indicated on the approved site  
 11 plan that was done by the engineers.  
 12 MR. LABOSKI: Next one.  
 13 MR. DOUGHERTY: I have a question about  
 14 this. I don't know if you want questions at the  
 15 end. I have a question on that particular slide  
 16 now.  
 17 The top elevation is the before. The  
 18 middle one is after, right? And then the third  
 19 one with trees?  
 20 THE WITNESS: Sure.  
 21 MR. DOUGHERTY: On the middle one, on the  
 22 left-hand cluster of homes -- yes, those two homes  
 23 there. Is that roofline on those new houses --  
 24 because is that -- has that gotten taller?  
 25 THE WITNESS: Yes. Well, we -- again, in

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1 small. It's microscopic and I literally had to  
 2 stare at it days ago.  
 3 And I wrote on mine, did this actually get  
 4 taller, question mark. That's how I was able to  
 5 ask that question, but I don't think there's  
 6 anybody in this room that's listening to this  
 7 presentation who in a million years would have  
 8 picked up on the fact that that roofline got  
 9 taller.  
 10 So I would ask you, respectfully, if you  
 11 can let us know --  
 12 THE WITNESS: Sure.  
 13 MR. DOUGHERTY: -- these changes,  
 14 especially if they're getting bigger than they  
 15 were?  
 16 THE WITNESS: And, respectfully, we would  
 17 have gotten there when we got to the style part of  
 18 it.  
 19 MR. DOUGHERTY: Yes.  
 20 THE WITNESS: But I understand the  
 21 question.  
 22 MR. DOUGHERTY: Thank you.  
 23 MR. LABOSKI: Next one.  
 24 BY MR. LABOSKI:  
 25 Q. So council's finding Number 2 talked about

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1 response to some feedback that we perceived in the  
 2 comments, we added a gable end to these. We  
 3 actually lowered this line a little bit to be able  
 4 to put a gable end. You're not looking at the  
 5 drawing from this direction, but there are no  
 6 longer any flat roofs.  
 7 MR. DOUGHERTY: So as to reducing the size  
 8 and the mass of the creek side -- let me get this  
 9 right -- of the creek side duplex, if you will,  
 10 the two units, they have actually gotten taller?  
 11 THE WITNESS: I wouldn't say as a result  
 12 of reducing the mass. As a result of improving  
 13 these drawings, based on all feedback that we  
 14 received from style to historic precedent, to  
 15 historic inspirations.  
 16 This drawing does not only represent mass  
 17 change. It represents all of those changes. So  
 18 that's why I did not bring up that roofline when I  
 19 was asked about the mass. We'll bring it up when  
 20 we get further down the road and we're asked about  
 21 the style.  
 22 MR. DOUGHERTY: And I guess, just going  
 23 forward, to the extent that either something  
 24 that's changing -- I mean, I really studied this,  
 25 and I had to stare at it, because the print is so

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1 the wall compound effect, which eliminates the  
 2 scenic vistas and public view lines of the creek,  
 3 the canal from Mechanic Street and from the vista  
 4 of the creek from the Main Street bridge, and the  
 5 proposal is to modify the structures to retain the  
 6 views of the canal, the Aquetong Creek and the  
 7 towpath from Mechanic Street.  
 8 Next image.  
 9 So in this image, Page 7, this is an image  
 10 looking from Mechanic Street to the site.  
 11 Ralph, can you just briefly orient us as  
 12 to where things are please?  
 13 A. Sure. This photograph is taken just before  
 14 entering the bridge. We're looking at the  
 15 historic building from the left side here, and  
 16 you're seeing one of the three buildings to be  
 17 removed behind it.  
 18 And if you look carefully, you can see  
 19 glimpses of the brick wall that is in place here,  
 20 and some of the trees that are growing up in front  
 21 of the brick wall, and I think there's one tree  
 22 behind the brick wall.  
 23 Q. Now, the seasons when there's leaves on those  
 24 trees, you can't see the creek from that view,  
 25 correct?

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1 A. That's correct.  
 2 Q. And tell us what's going to change -- well,  
 3 next image.  
 4 Orient where we are on that image.  
 5 A. Sure. So the upper image is we're now having  
 6 walked onto the bridge, again, a view of the  
 7 historic building, and down the street, looking at  
 8 the front and this side of the historic building,  
 9 the side or I should say the front of one of the  
 10 buildings to be removed, to the side of that  
 11 another building to be removed.  
 12 Down the street, the Bucks County  
 13 Playhouse concrete building, and the lower  
 14 section, we have walked to this point on the  
 15 street and turned and looked at the gap between  
 16 the Bucks County Playhouse building and our  
 17 historic building.  
 18 Q. Now, beginning with the addition of the canal  
 19 side houses, how will the view of the creek  
 20 change, standing on Mechanic Street?  
 21 A. The view of the creek will not change. You  
 22 will see different configurations of the buildings  
 23 and landscape, but you will not see the creek.  
 24 Q. And then on this image, when the addition to  
 25 the historic structure is built, what view change

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1 BY MR. LABOSKI:  
 2 Q. Tell us what we're looking at here.  
 3 A. So, again, we are now progressed on the --  
 4 past the bridge, standing in front of the historic  
 5 building on the left, Bucks County Playhouse  
 6 beyond.  
 7 On the right side, we have a two-story  
 8 building, which presents as two doors, two or  
 9 three residential buildings, in this case retail  
 10 with a flat roof.  
 11 Q. All right. If you were to stand at either of  
 12 those images on the street and view the property  
 13 after construction, would any of your views  
 14 change?  
 15 A. So the view will probably be the same. There  
 16 would be a minor change to the stone wall here.  
 17 That opening will be widened to allow two cars to  
 18 pass each other, going in different directions.  
 19 Right now it's a single lane.  
 20 MR. LABOSKI: Next image.  
 21 BY MR. LABOSKI:  
 22 Q. This shows the view from the creek side view,  
 23 calling it, from Main Street bridge. Again, what  
 24 will change after construction in terms of view of  
 25 the creek and the banks of the creek?

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1 is there?  
 2 A. So about where that car is there would be the  
 3 beginning of the --  
 4 Q. I'm sorry. I said the addition to the  
 5 historic structure.  
 6 A. The addition to the historic structure with  
 7 the newer proposal with a one-story addition, the  
 8 lower window, which is here, will be obscured, and  
 9 the rest of the building will be visible.  
 10 Q. So, presently, on that top image, when you  
 11 look toward the creek, you see the outbuilding  
 12 that's to be removed, correct?  
 13 A. That building will be removed and will be  
 14 replaced by the townhouse buildings.  
 15 Q. So that view won't substantially change, will  
 16 it?  
 17 A. I believe the townhouse building is slightly  
 18 taller, but its relationship will continue to  
 19 block the view.  
 20 Q. But when you add the one-story addition to  
 21 the historic structure, you're not going to see  
 22 that anyway?  
 23 A. No, that's right in here.  
 24 MR. LABOSKI: Next image.  
 25

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1 A. Sure. So as you mentioned, you can see the  
 2 wall of the Main Street bridge here. We are  
 3 standing halfway across the span at the creek, and  
 4 looking at the subject property.  
 5 You are able to see on the buildings to be  
 6 removed, you can just see the edge of the historic  
 7 building here. The two townhouses will fill the  
 8 same or similar frame between that tree that's  
 9 existing and halfway across that building. So  
 10 that view will be changed and removed and the  
 11 townhouses will be there.  
 12 Q. And the bank --  
 13 A. In the foreground --  
 14 Q. Go ahead.  
 15 A. -- can be seen here even more. It won't  
 16 change. There's a retaining wall here. Our  
 17 retaining wall is a little bit in front of that  
 18 retaining wall, but all of the vegetation and all  
 19 of the trees that are currently there will be  
 20 remained, and as I mentioned, there's additional  
 21 trees to be planted.  
 22 MR. LABOSKI: Next image.  
 23 BY MR. LABOSKI:  
 24 Q. So on this page, we see images from the Canal  
 25 Walk development, which is next to this property

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1 across the canal.  
 2 And can you just talk about the mass of  
 3 these new structures compared to the historic  
 4 structures on the right-hand image, and then  
 5 compare to what's being proposed by the applicant?  
 6 A. Sure. The right side of Number 8 is the  
 7 street view of Canal Walk. I think this comes  
 8 very close to replicating the scale and proportion  
 9 of the revised townhouses that are on the canal.  
 10 The historic building in this project is  
 11 here. The buildings that abut this third building  
 12 in this case are taller than the historic  
 13 building. We are fortunate to be able to lower  
 14 our rooflines, so that our buildings, albeit  
 15 directly abut, will be two feet lower, but you can  
 16 see three windows across, stacked windows, windows  
 17 stacked with the doors, paired dormers, turned  
 18 gables, and some in and out on the facades.  
 19 So this, although we have three  
 20 townhouses, and this is showing four, that section  
 21 there is very similar and roughly equal to the  
 22 townhouse configuration that will be on --  
 23 Q. And in terms of Canal Walk, even though those  
 24 four buildings next to the historic structure are  
 25 taller, they don't seem to dwarf them, in your

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1 that there is a lot of green there that is being  
 2 retained and added to.  
 3 There's a good amount of distance between  
 4 the bridge and the buildings, and, again, if you  
 5 looked at the two townhouses that are fronting  
 6 toward Main Street here versus if we put five  
 7 townhouses that are here, and the continuation of  
 8 that, which is significantly more to the 11 range.  
 9 So the mass of this complex and the  
 10 density of that wall, this is far larger than the  
 11 two and the three and the one that is being  
 12 proposed, but I think we're all kind of aware of  
 13 it. If you take a look at the size of that and  
 14 the size of that, this amount of mass is far less  
 15 than what's across the way.  
 16 MR. LABOSKI: So next image, please.  
 17 BY MR. LABOSKI:  
 18 Q. And just for clarification purposes, this is  
 19 Page 125. This is the proposed sheet of the land  
 20 development set that shows the approved  
 21 landscaping plan.  
 22 I have a copy of the letter from 2017  
 23 approving the landscaping plan.  
 24 Next image, please.  
 25 A. Can I just point out that I think we also

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1 opinion, do they?  
 2 A. They seem in context and appropriate.  
 3 MR. LABOSKI: Next image, please.  
 4 BY MR. LABOSKI:  
 5 Q. Can you tell us what we're looking at here on  
 6 Page 12?  
 7 A. Sure. I thought it was important that we  
 8 take the -- not only the plan of the site, and  
 9 show it in context to Canal Walk for scale and  
 10 mass, as has been discussed, to also represent the  
 11 existing trees and some of the new trees.  
 12 As I mentioned, there's 11 12-foot trees  
 13 to be planted and 11 11-foot trees to be planted.  
 14 Also, I don't think we show vegetation well when  
 15 we're drawing architecture with a pen to be going  
 16 to HARB meetings and be showing what the buildings  
 17 are about.  
 18 So here we are continuing to show the  
 19 vegetation that is now on our elevations here and  
 20 here. We have added proposed another one in the  
 21 courtyard.  
 22 I know that this is not a two-story  
 23 addition, but this is the amount of natural  
 24 landscape that is in front of us from the view  
 25 from the bridge, and I think it's important to see

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1 have a larger scale of that here, if that needs to  
 2 be looked at?  
 3 And what we're doing is highlighting the  
 4 type and size of the trees that are to be planted,  
 5 and here we're indicating the growth, the  
 6 anticipated growth of these tree species, the  
 7 three sugar maples growing 18 to 24 inches a year,  
 8 the sweet gums grow two foot a year, and the  
 9 poplar grow four to eight foot a year.  
 10 MR. LABOSKI: Next one.  
 11 BY MR. LABOSKI:  
 12 Q. Next council finding is Number 5, townhouses  
 13 and additions to historic structure nearly  
 14 obliterate natural look in context of the canal,  
 15 inappropriately marginalizes the value of the  
 16 historic canal, and you've got a proposed  
 17 resolution again to reduce mass.  
 18 So next image, please.  
 19 Let me ask you, first of all, Mr. Fey, do  
 20 you share the opinion that these proposed  
 21 structures obliterate the vista and the view of  
 22 the canal?  
 23 A. No, I do not. I'm concerned about the word  
 24 obliterate. They change. There is a difference  
 25 in character and nature, but I'm not sure that

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1 obliterated is appropriate.  
 2 Q. Taking a look at the image that we have in  
 3 front of you now, again, we have been down this  
 4 road, but just very briefly, in terms of the  
 5 natural vista, the image above doesn't really show  
 6 any greenery and the image below does.  
 7 So I don't want you to go back through  
 8 what we have added, but is the purpose of showing  
 9 that to demonstrate that the existing vegetation  
 10 will be replaced with some new vegetation, with  
 11 some of the existing remaining, of course?  
 12 A. Correct.  
 13 Q. Next image.  
 14 Again, on the Mechanic Street image, this  
 15 is Page 15, is there an obliteration, in your  
 16 opinion, of the view of the creek or canal from  
 17 this location?  
 18 A. So I don't believe you could see the creek  
 19 prior or in the proposed. The openness is  
 20 enhanced by the removal of the second floor,  
 21 changing of the rooflines and showing of the  
 22 proposed vegetation.  
 23 Q. Now, sort of keeping these images in mind,  
 24 there's a series of images from Page 16 onto about  
 25 Page 25.

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1 use of the canal for purposes of loading and  
 2 unloading.  
 3 Q. I'm just going to sort of stop you right  
 4 here. When we look at that building particularly  
 5 and its proximity to the canal, and in terms of  
 6 the feeling or the mass of that building, how does  
 7 that compare to what the applicant is proposing  
 8 along the canal?  
 9 A. So it's closer. It's a little taller than  
 10 what we're proposing, and, clearly, it doesn't  
 11 have the breaks. So that will present a little  
 12 larger and a little less articulated.  
 13 Q. Next image.  
 14 Same thing here?  
 15 A. So I guess what we're showing here is that  
 16 there are other areas where there are fences  
 17 and/or walls, fences and/or walls with separation  
 18 and then buildings beyond.  
 19 So although that's not our building, there  
 20 are fences that do have a similar relationship to  
 21 the Canal Walk fence building beyond.  
 22 Q. Next one.  
 23 A. Some might recall this building. You can see  
 24 the back of Union Square, the paper mill. It's  
 25 also the industrial buildings.

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1 Actually, go to Page 16 to 24 -- 'three.  
 2 We'll just scroll through these slowly,  
 3 and these -- again, these images are designed to  
 4 show what exists along the canal now, correct?  
 5 A. Yes.  
 6 Q. Go ahead.  
 7 A. So we have Canal Walk, the buildings here  
 8 along the canal. We have the -- I don't know the  
 9 name of them, but the D'Alessio project along the  
 10 canal, which is two stories from the street side,  
 11 and three stories and the shed dormer. We will be  
 12 seeing the other side on a later slide.  
 13 Q. Next image.  
 14 A. Here we're looking at some of the residential  
 15 properties that we have shown in some of the  
 16 previous examples, two-story buildings, a little  
 17 closer to the canal than our proposal.  
 18 Q. Next one.  
 19 A. Again, in this case, the building is right  
 20 along the canal, and here we have a flat roof  
 21 building that presents as three stories.  
 22 Further down, I would say that the more  
 23 industrial buildings along the canal were some of  
 24 the inspirations we had used on our earlier  
 25 designs, the larger buildings that came out of the

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1 There is some in and out. They do present  
 2 as three-story buildings. They are a little  
 3 closer to the canal.  
 4 I think, more importantly, is to look more  
 5 at the end building, which has a higher charm  
 6 factor, since it is individuality. It is still  
 7 what we call a mill building with a pulley here.  
 8 The barge would have pulled up. They  
 9 would have pulled up the materials and then  
 10 dropped them in, and it's -- if I had to pick an  
 11 industrial building, if it wasn't residential, it  
 12 would fit the character and the scale of the town.  
 13 That is not a large flat like this. It would be  
 14 this building, and we find that building to be  
 15 quite appropriate as a reference.  
 16 Q. But we have -- with this new design, you've  
 17 gotten away from that as a reference for these  
 18 residences, correct?  
 19 A. We moved away from this, but we're still  
 20 looking at the buildings on the river.  
 21 Q. Next one.  
 22 A. Creek.  
 23 Q. Creek. Next one.  
 24 What's the significance of this building?  
 25 Where is it located and why is it here?

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1 A. So we read the comments, and we felt it was  
 2 important that we identify our references before  
 3 the newer, which is residential in nature,  
 4 two-story in nature, stacked windows.  
 5 I think calling them Federal style and  
 6 Colonial style of the town, getting away from the  
 7 industrial style. This is on New Street.  
 8 Q. All right. Next image.  
 9 Now, where are these, this newer  
 10 construction in relation to the image we just saw?  
 11 A. Well, this is a little further down New  
 12 Street, actually just past where we are. It's up  
 13 into the hillside. You can see pretty easily that  
 14 when you're into the hillside and trying to park  
 15 below, buildings can get taller.  
 16 So we are looking at this as an example of  
 17 what our buildings are from the courtyard side,  
 18 but not presenting on the street.  
 19 Q. Next one.  
 20 Compare this -- describe this in  
 21 comparison to what the applicant is proposing.  
 22 A. So this probably comes pretty close to our  
 23 application prior, when we had a longer, flatter  
 24 building. It does present as two stories. It  
 25 does have dormers.

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1 changes to reinforce those.  
 2 So whereas here we have a brick, brick is  
 3 then set back and comes forward to a siding. Then  
 4 we go to a turned gable, which drops back to a  
 5 stucco, back even further to siding, forward to a  
 6 stucco, turned gable and stucco.  
 7 So whereas here the materials were -- they  
 8 did change, but they were not as related to each  
 9 of these planes, and they weren't as reinforcing  
 10 of the setbacks to give it a much more vertical,  
 11 residential feel.  
 12 Q. Next image, please.  
 13 We lost our connection. I'll move on,  
 14 because we don't need the image right away.  
 15 So the next council comment is Number 7,  
 16 buildings in Phase 1 and 2 are much larger in mass  
 17 and height and dwarf the surrounding predominant  
 18 historical residential housing. Again, the  
 19 suggestion is to reduce mass and height.  
 20 Mr. Fey, are you familiar with whether New  
 21 Hope really has a predominant historic style for  
 22 residential housing in the Borough?  
 23 A. If we were to look at the next page, we did  
 24 copy some of the pages out of the New Hope HARB  
 25 manual. I think the manual lists 11 different

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1 But in the current configuration, we're  
 2 taking these sections here and setting them  
 3 forward and back and turning the gables for more  
 4 variation, but you can see the D'Alessio project  
 5 up the street has a similar entrance, drive around  
 6 back, you park underneath.  
 7 Q. And in terms of just the mass, is it your  
 8 opinion that that's a more massive building than  
 9 what the applicant has proposed?  
 10 A. I think that would be an accurate statement.  
 11 Q. Next image.  
 12 Comment Number 6 is that it relates to the  
 13 shallow, barely noticeable setbacks and jut  
 14 forward does not diminish the row home look of the  
 15 canal side homes. And, again, the suggestion is  
 16 to reduce mass and height.  
 17 Next image, please.  
 18 Again, we're back on the canal side  
 19 elevation. We have talked about many of these  
 20 changes, but just briefly, I want to focus you,  
 21 Ralph, just on jut backs and forwards and compare  
 22 the two images.  
 23 A. So we have added a minor amount of additional  
 24 jut backs from the previous plan, but we have also  
 25 taken the opportunity to use some of the material

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1 styles, ranging from the French Mansard of the  
 2 mansion home to the Italian, and, of course, the  
 3 ones that we're more familiar with, when it comes  
 4 to small scale residential, which is Colonial and  
 5 Colonial revival and the Federal style.  
 6 So we are really an amalgamation of  
 7 styles, and that's kind of what gives us the charm  
 8 factor. It's a lot of different styles sitting  
 9 next to each other to create the village feeling  
 10 that we have.  
 11 Q. And that's seen in examples like the Canal  
 12 Walk development?  
 13 A. Canal Walk seems to be playing off that and  
 14 understanding that that differentiation of style  
 15 and building next to each other adds to the  
 16 village feel.  
 17 Q. And so the changes that have been made to  
 18 either the canal and/or the historic structures  
 19 itself, in addition, those have been to try to  
 20 address this comment that they're larger in mass  
 21 and height than the predominant historic style.  
 22 I'm just waiting for the computer to come  
 23 back up.  
 24 A. Yes.  
 25 MR. LABOSKI: So we will move on to the

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1 next section in the packet. This will be Page 31,  
2 and now we're onto additions of historic style.

3 Maybe if council wants to ask questions  
4 about mass, this has finished that topic. Maybe  
5 now is a good time to do that.

6 MR. DOUGHERTY: I have a -- I guess a  
7 question for Ralph is the basic concept is -- I'm  
8 struggling with, maybe you can help me, is that we  
9 have the findings, if you will, point out that  
10 there are a -- you try to basically say historic,  
11 residential properties.

12 A number of the photographs that sort of  
13 corroborate or promote the design that has been  
14 proposed here this evening, the majority of those  
15 photos are actually either non-historic or  
16 non-residential.

17 MR. LABOSKI: Which one? Can we identify  
18 them?

19 MR. DOUGHERTY: I think the new building,  
20 that's not historic. It's historic looking.

21 THE WITNESS: So if I may answer it in  
22 general --

23 MR. DOUGHERTY: No, I didn't have a  
24 question yet, but I was trying to set them up when  
25 you said which buildings. So I started looking

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1 In this part of the presentation, they  
2 were presented in regard to mass, and so the  
3 question that you're asking is related to historic  
4 fabric, and we are certainly going to get to that  
5 next.

6 So I want to make sure that when we go  
7 back to Page 11, we don't pull out of the context  
8 that this doesn't -- these are new structures.

9 The purpose of Page 11, for example, is to  
10 show, to address the specific comment that the new  
11 buildings proposed will dwarf the historic  
12 structure, and you have an example on the  
13 right-hand side of the Canal Walk four new  
14 buildings.

15 And we're not suggesting by any stretch of  
16 the imagination that they're historic, but that  
17 they sit larger than the historic building in that  
18 development. We challenge the concept that those,  
19 in fact, dwarf the historic building.

20 MR. DOUGHERTY: I got you.

21 MR. LABOSKI: So that's the purpose, the  
22 context of those, and, likewise, the photos of 16  
23 through 24 or '5 relate to the types of buildings  
24 that presently exist along the canal.

25 And so what we're trying to emulate, it's

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1 for it.

2 So I said -- I made a statement that the  
3 majority of the photographs that corroborate or  
4 try to support or move the concept that there are  
5 similar buildings, whereas the HARB guidelines say  
6 the historic structures -- and there is a  
7 question.

8 If we want to do the questions now, on  
9 Page 11, there are the Canal Walk buildings, all  
10 Canal Walk buildings, except the one historic  
11 structure.

12 Go to Page 11. Those are all basically  
13 most people who live in New Hope, and the people  
14 who -- our constituents would perceive those  
15 buildings as new construction.

16 THE WITNESS: That is the point. That  
17 comment --

18 MR. LABOSKI: Hold on.

19 MR. DOUGHERTY: I'm just trying to  
20 demonstrate the majority of the photographs in  
21 here, whereas the statements say to sort of a --  
22 that they support the historic fabric --

23 MR. LABOSKI: That's not -- I'm sorry to  
24 interrupt you, but that's not the topic or the  
25 purpose that they were presented at this time.

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1 difficult because our buildings aren't built, is  
2 to say, look, you have examples like Canal Walk on  
3 the left-hand side of Page 11, which are closer in  
4 proximity to the canal perhaps, much, much larger.

5 I think anybody would say, those are  
6 attractive buildings, they were approved by this  
7 Borough, and they represent something far greater  
8 in terms of volume and mass than what the  
9 applicant is proposing.

10 So those are sort of the limited purposes  
11 of those photographs are offered. They aren't  
12 offered to say that they're historic. That's not  
13 the point. We're going to talk about style next.

14 MR. DOUGHERTY: Okay. So as the mass of  
15 them, the mass of the historic buildings in town,  
16 which is that these buildings are -- the proposed  
17 buildings are much larger than the historic  
18 structures in town, and --

19 THE WITNESS: I don't know if --

20 MR. DOUGHERTY: Well, so that was sort of  
21 what the -- if we can find it. Number 1, if you  
22 want to talk about Number 1, the building,  
23 individually and in the aggregate, the overall  
24 mass and visual volume, that they dwarf the  
25 surrounding historic buildings?

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1 Again, okay, so that's the finding, so  
 2 that they -- let me finish.  
 3 Then I guess that was one of the ones that  
 4 you were attempting to corroborate the  
 5 photographs. That's the first one, and we go to  
 6 the photographs, and you point out non-historic  
 7 buildings that they do not dwarf.  
 8 MR. LABOSKI: The testimony of Mr. Nush at  
 9 that point was there are no historic buildings in  
 10 the immediate -- historic residential buildings in  
 11 the immediate vicinity of the property.  
 12 There are some across the street. There  
 13 are some on New Street. So the concept that these  
 14 buildings, proposed buildings dwarf existing  
 15 historic buildings, there's no comparison to make.  
 16 MR. DOUGHERTY: So then the historic  
 17 buildings on the other side, say -- I don't know  
 18 what the number is, but let's say 20, 21, 22 or 23  
 19 West Mechanic, directly across the street --  
 20 MR. LABOSKI: Right. So --  
 21 MR. DOUGHERTY: Those are historic  
 22 buildings, and those -- these are historic  
 23 buildings, and these buildings dwarf those in  
 24 scale and size.  
 25 MR. LABOSKI: But they don't.

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1 was the question, and I don't believe these  
 2 photographs sort of dispute the fact that they  
 3 dwarf the historic buildings that surround them,  
 4 but I guess we can disagree.  
 5 THE WITNESS: Is there a question?  
 6 MR. DOUGHERTY: I was trying to find out  
 7 how, in your mind's eye, the non -- inclusion of  
 8 the vast majority of photographs are non-historic  
 9 structures, which would corroborate or dispute  
 10 that these buildings, proposed buildings don't  
 11 dwarf the surrounding historic structures.  
 12 I think I have my answer though. Thank  
 13 you.  
 14 THE WITNESS: I can answer.  
 15 MR. LABOSKI: I'd like you to answer the  
 16 question.  
 17 THE WITNESS: I think there were two  
 18 answers, two sides to that answer. One was the  
 19 pointing out of the building and the mass that was  
 20 done by Gavin.  
 21 In this image, the buildings that are  
 22 along the street are two-story buildings. They  
 23 can be rather flat on each side and masonry. The  
 24 one to the right, the blue building, I don't know  
 25 the exact width of it, but I know it is longer

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1 MR. DOUGHERTY: That was the question.  
 2 That was what Number 1 was.  
 3 MR. LABOSKI: And this is why we brought  
 4 these up. These are across the street from the  
 5 existing historic structure. From these views,  
 6 you cannot see the proposed buildings.  
 7 So when you say that the new buildings are  
 8 going to dwarf the existing residential buildings,  
 9 they are not in a position to dwarf them. They  
 10 are not near them. They're down the bank.  
 11 They're along the canal.  
 12 So the question of mass is a question of  
 13 perception. So I guess my question to you is,  
 14 when you write Number 1, that proposed buildings  
 15 dwarf the historic, surrounding historic  
 16 buildings, which ones are you referring to?  
 17 MR. DOUGHERTY: The surrounding ones.  
 18 That's why I asked you the question. Those that  
 19 are on Mechanic Street. The fact that they are  
 20 not sitting next to one another doesn't mean they  
 21 are not surrounding it. Surrounding means  
 22 surrounding, not next to.  
 23 MR. LABOSKI: So if there's --  
 24 MR. DOUGHERTY: So I'm sorry they're not  
 25 next to it, but they're surrounding it. So that

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1 than the 40 foot building that is our historic  
 2 building. So let's call it more than 40 feet, and  
 3 it has no articulation in the roof plane in the  
 4 face of the building, and it's roughly the same  
 5 size. It's a two-story building.  
 6 So I am not sure what you would like us to  
 7 do. Do you want us to overlay that with the  
 8 buildings, because I'm not seeing it dwarfing?  
 9 If there's any one building that has any  
 10 ability to dwarf in the entire neighborhood, it's  
 11 this building, which is taller and flatter, but  
 12 there are not any other buildings here that I feel  
 13 are going to dwarf.  
 14 Our buildings are lower than our historic  
 15 building, and our historic building is pretty  
 16 similar to that building.  
 17 So I'm not understanding what you mean by  
 18 dwarf, but I am understanding what you mean by  
 19 dwarf. The historic buildings are the historic  
 20 buildings, and don't confuse new construction. We  
 21 have new construction, but they were there for  
 22 different purposes.  
 23 MR. DOUGHERTY: Okay. Well, if one was to  
 24 stand on the Main Street bridge, and one could  
 25 easily have the vista of both the Perry Mansion

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1 and the Perry Mansion's ice house in your line of  
 2 vision.  
 3 THE WITNESS: Yes.  
 4 MR. DOUGHERTY: In that same line of  
 5 vision will be the new 40 feet wide, 30 -- 30 x  
 6 feet tall townhouses. Those will certainly change  
 7 the perception of what the Perry Mansion is to  
 8 this town when there are buildings that -- maybe  
 9 the word is not dwarfing in that case, but,  
 10 certainly, there's significantly -- at 80 feet  
 11 wide, the two of them are certainly bigger and  
 12 taller than now dwarf.  
 13 THE WITNESS: So they are actually not  
 14 taller, but if you're comfortable making that  
 15 statement, I'm not going to argue with you. So I  
 16 have a feeling that your perception of the two  
 17 buildings that sit in that view scape is that  
 18 they're taller than the Perry mansion. They're  
 19 not.  
 20 MR. DOUGHERTY: Okay.  
 21 THE WITNESS: And, secondly, they are two  
 22 townhouses and the Perry Mansion is one building.  
 23 So take two structures, side by side, each of  
 24 those structures individually is smaller than the  
 25 Perry Mansion.

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1 THE WITNESS: That was what we were  
 2 getting to next.  
 3 MS. GERING: Okay.  
 4 BY MR. LABOSKI:  
 5 Q. So let's go to Page 31, and council findings  
 6 three and four can really be taken together, I  
 7 think. They relate to the style, the findings  
 8 that the historical style of the buildings does  
 9 not match the historic building stock, propose new  
 10 construction materials that are not in line with  
 11 the historic setting and design, fail to enhance  
 12 the historic character, and the proposed  
 13 resolution is to design styles of facades of  
 14 buildings along the creek and the canal must be  
 15 modified to complement the historic district. The  
 16 recommended design must be more in keeping with  
 17 the interpretation that is sympathetic to New  
 18 Hope's existing Colonial and Federal historic  
 19 names.  
 20 MS. McHUGH: Sorry. I didn't mean to  
 21 interrupt you.  
 22 MR. LABOSKI: That's okay.  
 23 MS. McHUGH: I'm not used to this paper.  
 24 BY MR. LABOSKI:  
 25 Q. Mr. Fey, can you take a look at this page,

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1 So, again, I'm a little troubled by the  
 2 word dwarfed and confused by your insistence that  
 3 any of the structures here dwarf any buildings  
 4 that you have seen in that view shot.  
 5 MR. DOUGHERTY: Well, there are a series  
 6 of buildings to the left of the arts building  
 7 there.  
 8 THE WITNESS: There are.  
 9 MR. DOUGHERTY: And they are all sort of  
 10 mostly to -- I better be careful. I think they're  
 11 two and a half story buildings, and you can see  
 12 them from that view shed, and these buildings will  
 13 be much, much larger than that, including the Van  
 14 Sant Mansion -- the Van Sant house. I'm sorry.  
 15 THE WITNESS: I guess the word much, much  
 16 larger, I don't see it.  
 17 MR. DOUGHERTY: I'm sorry?  
 18 THE WITNESS: The word much, much larger  
 19 is not an accurate statement.  
 20 MS. GERING: I have a question for you.  
 21 The two buildings that are going to be facing Main  
 22 Street along the creek -- and you said they're two  
 23 townhouses. They're side by side. Is there a  
 24 break in between those, it looks like, and how big  
 25 of a break is there --

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1 which is page -- I'm sorry -- 33?  
 2 And this is the canal view, and can you  
 3 tell us what changes have been made to the  
 4 building style to more reflect the historic stock  
 5 in New Hope Borough?  
 6 A. When we are looking at the buildings on the  
 7 creek side --  
 8 Q. I'm sorry.  
 9 A. Here is the arts building here, and behind  
 10 dotted in is the historic building. On the upper  
 11 drawing -- I'm going to drop down to the next  
 12 drawing.  
 13 Here you're looking at a retaining wall,  
 14 which is running through the site, separating the  
 15 lower section of the site where the parking lot  
 16 is. These buildings are intended to have a look  
 17 of the mill building that I referenced earlier,  
 18 the red one that's in Union Square.  
 19 It is intentional that the three buildings  
 20 that are on the canal not take the same reference  
 21 from the three buildings -- from the two buildings  
 22 facing here.  
 23 Some of you may know the Kraus Mill.  
 24 Kraus Mill is basically two mill buildings that  
 25 sit side by side at slightly different angles, as

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1 does our building, at slightly different heights,  
 2 as does our building, with slightly different roof  
 3 pitches, as does our building.  
 4 Q. Let me go back. I'm sorry.  
 5 A. The point here is that buildings that are not  
 6 built as houses look different to the eye and they  
 7 distinguish themselves from residential  
 8 structures, and they can create beauty in the  
 9 landscape.  
 10 Now, is that photo right there with the  
 11 water beautiful on its own? Yes, but someone took  
 12 that photo because of those buildings, and the way  
 13 those buildings sit and relate to the landscape.  
 14 It is our goal to take the beauty of two  
 15 buildings, slightly different height, slightly  
 16 different pitches, two different materials sitting  
 17 next to each other, the way Kraus Mills sits next  
 18 to each other, and emulate the idea that buildings  
 19 that sit along the water follow the line of the  
 20 water and are individual.  
 21 Now I'm ready to go on.  
 22 Q. Okay. Now, specifically, talking about each  
 23 of the changes that have been made to this view,  
 24 from the roof to the railings to the windows, et  
 25 cetera --

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1 buildings in New Hope have flat roofs, but we  
 2 heard comments that possibly not having a flat  
 3 roof would be preferred.  
 4 The line of the roof, as you can see here,  
 5 that line there, that was above it. We dropped  
 6 the sill plate a little and added a roof of  
 7 roughly three feet. We could lower that, if that  
 8 was important to the group, and that's what we did  
 9 here.  
 10 The next thing is, of course, we then are  
 11 showing the green, much the way the green is shown  
 12 in the current landscape view, and in the lower  
 13 section, as I mentioned before, added that to the  
 14 existing trees and the proposed trees, and they're  
 15 drawn anywhere from 20 to 30 feet tall, as they  
 16 would be in five years growth.  
 17 Q. Next image. So Page 34, we see the canal  
 18 side image --  
 19 MS. GERING: Can we go back to the page  
 20 before?  
 21 MR. LABOSKI: Of course.  
 22 MS. GERING: Ralph, you were going to  
 23 address that. I'm assuming that's one building or  
 24 two?  
 25 THE WITNESS: So that's one residence.

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1 A. Thank you.  
 2 So if I point to the left side, main body  
 3 of the building here, we are still proposing that  
 4 in a brick material, sitting on a stone base,  
 5 which is the retaining wall.  
 6 We have -- I'm sorry it's a little blurry,  
 7 but the railings have all been changed from  
 8 horizontal railings, more contemporary railing  
 9 than the previous design to vertical pickets,  
 10 wrought iron, if you will.  
 11 The windows have been changed from an  
 12 industrial large scale window to residential  
 13 windows out of wood, ones that open and close,  
 14 double hungs, and we have -- you can see there's a  
 15 little bit here, but these are set back anywhere  
 16 from four feet to eight feet, depending on where I  
 17 point.  
 18 They are not flush. They are set way  
 19 back, and the idea is that when the sun hits them,  
 20 the shadows fill in here, and just like Kraus  
 21 Mill, they will have two seemingly smaller  
 22 buildings of two different materials further out.  
 23 We did add a minimal roof to the side  
 24 pieces of the connectors, so that at no point  
 25 would you ever see a flat roof. About half the

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1 That's another residence.  
 2 MS. GERING: And where is the break in  
 3 between you talked about?  
 4 MR. LABOSKI: It's all one building.  
 5 THE WITNESS: I'm sorry. Break as in a  
 6 gap between them.  
 7 MS. GERING: That's my question.  
 8 THE WITNESS: No, for me -- I'm sorry. I  
 9 meant the break, this is setting eight feet back,  
 10 so that it's really out here and it cuts back.  
 11 It's not a physical separation.  
 12 MS. GERING: We have one -- it's a duplex  
 13 with two townhouses?  
 14 THE WITNESS: Sure.  
 15 MS. GERING: Correct?  
 16 THE WITNESS: Sure.  
 17 MS. GERING: Thank you.  
 18 MR. DOUGHERTY: I'm sorry. One on that  
 19 group, I'm thinking again from -- I don't have the  
 20 sentence. If I was standing on the Main Street  
 21 bridge -- I don't know this answer.  
 22 So if I was standing on Main Street  
 23 bridge, can I see the top of that -- I mean, I'm  
 24 not too concerned about how birds view these  
 25 houses.

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1 Would I be able to see the top of that  
2 roof? In other words, you mentioned the flat  
3 roof, that maybe had told you somewhere that  
4 something, you had gotten some feedback that maybe  
5 it would be better if it were not a flat roof. I  
6 don't know.

7 THE WITNESS: The feedback was that it  
8 should reference more of the historic residential  
9 structures. We took that to mean that flat roofs  
10 were not in the preferences.

11 MR. DOUGHERTY: Okay. So raising the  
12 roof, basically, dropping the bottom lip of the  
13 roof, making the bottom sort of where the gutter  
14 would be, and then increasing the height of the  
15 building is allowing for a three-foot high sort of  
16 A-frame roof. I don't have the right terminology.  
17 Is that true?

18 THE WITNESS: Yes. You have a gable end  
19 when you look at it from the street.

20 MR. DOUGHERTY: Very shallow gable end.  
21 Okay. All right. I understand.

22 So, in total, how much taller is that  
23 building to the sky? How is --

24 THE WITNESS: I'm going to have Craig  
25 answer that, because I don't know.

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1 THE WITNESS: It's a three-story building  
2 sitting on a retaining wall. We really didn't  
3 have a choice on the retaining wall. It's there  
4 now, and if we were to go to the view of this  
5 at -- that one right there. Thank you.

6 The retaining wall is here, is where the  
7 parking lot is. The parking lot height doesn't  
8 change. So what you're seeing is an architectural  
9 drawing. So you're not seeing all of that  
10 greenery and the slope of the hill, but this is  
11 the retaining wall, as you can see here, and  
12 that's the retaining wall height, as can be seen  
13 there.

14 That doesn't change, except that we put a  
15 stone wall so cars don't drive into the canal. We  
16 could have put an open railing there, but we  
17 actually thought it would be better that the cars  
18 in the parking lot, you wouldn't see them from  
19 here. So by putting the stone wall at 36 inches  
20 tall, we hide any cars that might be sitting in  
21 the parking lot.

22 MS. GERING: Okay. I have a question for  
23 you. I'm still looking at this and I'm seeing a  
24 four-story building.

25 Does it have a garage that you drive into

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1 MR. LABOSKI: You mean between the flat  
2 roof and the gable roof change?

3 MR. DOUGHERTY: Yes. So from the surface  
4 of the flat roof to the peak of the gable roof.

5 MR. LABOSKI: I got it.

6 THE WITNESS: I'm here to echo that if the  
7 height is more important than the esthetic of the  
8 roof or lower that --

9 MR. NUSH: It's a two and a half foot  
10 increase.

11 THE WITNESS: At the middle. Visually --

12 MR. DOUGHERTY: So it's two and a half  
13 feet -- that building is two and a half feet  
14 taller now, right?

15 THE WITNESS: I'm going to let you answer  
16 that.

17 MR. NUSH: Compared to the last structure,  
18 the two side wings -- the two side wings, the  
19 connector pieces --

20 MR. DOUGHERTY: Right.

21 MR. NUSH: -- are two and a half feet  
22 taller.

23 MR. DOUGHERTY: All right. Thank you.

24 MS. GERING: And the building is four  
25 stories high; am I reading that correctly?

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1 when you first go into the property? I'm still on  
2 the creek side.

3 THE WITNESS: Can you go to the creek  
4 side?

5 MS. GERING: I'm on Page 33, if it helps  
6 you.

7 THE WITNESS: Sure.

8 MS. GERING: What I'm looking at is, you  
9 got -- I see the wall and then down below --

10 THE WITNESS: That's parking.

11 MS. GERING: Okay. The first floor is a  
12 garage, correct?

13 THE WITNESS: It is a garage, the back  
14 side of the garage.

15 MS. GERING: Okay. Then so that's --

16 THE WITNESS: With an elevator.

17 MS. GERING: Okay. So then the next three  
18 floors would be living space?

19 THE WITNESS: The next two stories, two  
20 floors, one, two.

21 MS. GERING: Why am I seeing three?

22 THE WITNESS: That's just a little window  
23 in the attic, because it is reminiscent of the  
24 windows that was on Kraus Mill. There's no living  
25 space up in here. That's just the attic.

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1 See up here? Just like here, that's just  
 2 attic. We are just following this as a building  
 3 style, but there's no living up in there.  
 4 MS. GERING: So when you pull into the  
 5 garage, is there living space adjacent to the  
 6 garage?  
 7 THE WITNESS: So there's a small study on  
 8 one of them, and the other one there's just a  
 9 stair and an elevator.  
 10 MS. GERING: Okay. So then you got the  
 11 garage first floor, then you have two more floors  
 12 on top of that?  
 13 THE WITNESS: Yes.  
 14 MS. GERING: Okay. Thank you.  
 15 BY MR. LABOSKI:  
 16 Q. Ralph, again, can you explain the changes  
 17 made to the canal side elevation to address the  
 18 historic style found in New Hope?  
 19 A. Sure. So if you recall, when I was showing  
 20 some of the historic buildings on New Street, the  
 21 very first one I referenced was a stone Federal  
 22 style house on New Street. That one had a porch,  
 23 ours don't.  
 24 But these buildings are meant to reference  
 25 and take their inspiration from the two-story

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1 double-hung windows.  
 2 Q. Next.  
 3 This is a page from the guidelines, and it  
 4 identifies the series of the different styles of  
 5 the Borough; is that right?  
 6 A. Yes. We have up here it lists the Georgian  
 7 and Colonial vernacular, the Federal Revival,  
 8 French --  
 9 Q. So --  
 10 A. But these buildings that are actually shown,  
 11 this one is referenced as Colonial vernacular, and  
 12 the Perry Mansion, of course, here. These are  
 13 more about where our inspirations are coming from.  
 14 I think the Perry Mansion is called a Georgian.  
 15 Very subtle differences between what makes  
 16 it Georgian and what makes it Colonial, probably  
 17 the size of height and arch from the dormer, as  
 18 well as some of the details that would be over on  
 19 the porch in the back.  
 20 Q. So the proposed resolution was to adopt more  
 21 of the Colonial and Federal styles, and has that  
 22 been achieved in this new design?  
 23 A. I believe so, yes.  
 24 Q. As well as some other styles that exist?  
 25 A. Correct.

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1 residential structures, like the stone house on  
 2 New Street, and the windows tend to be stacked.  
 3 They're vertical, as opposed to horizontal.  
 4 The newer construction on New Street that  
 5 I referenced, the D'Alessio project, that one was  
 6 a much more horizontal project, more like our  
 7 original drawing, which we are now not doing.  
 8 We also changed all of the railings to  
 9 wood railings, vertical, as opposed to the metal  
 10 railings that were horizontal on the previous  
 11 scheme, horizontal railings, vertical, wood  
 12 railings, and used more traditional materials. So  
 13 there's no longer any cable rail or anything like  
 14 that.  
 15 It is stucco, hand-troweled stucco,  
 16 clapboard, brick. Our brick will be Glen-Gery,  
 17 shown to HARB, handmade antique brick, and all of  
 18 the trim has been updated.  
 19 The windows, we have tried to add more  
 20 volume. So you might see here on the upper part  
 21 where we have two-over-two windows. In the lower  
 22 section, we have gone back to the six-over-six  
 23 windows, and the size of the dormers, again, have  
 24 been reduced from the larger, more industrial shed  
 25 to the individual dormers with the six-over-six

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1 Q. Next.  
 2 So comment eight again relates to historic  
 3 style, and the comments focus mostly on the  
 4 industrial look of the prior buildings, and the  
 5 resolution is to modify the facades to one of the  
 6 existing architectural styles, and specific  
 7 reference is made here to Canal Walk as an example  
 8 of new construction that is both fresh and new,  
 9 while blending in a way that is sympathetic to one  
 10 of the architectural styles of the district.  
 11 Can you go to the next page?  
 12 A. Can you read that again? I want to be sure  
 13 we're on the same page.  
 14 Q. Sure. I was trying to go through it to save  
 15 time.  
 16 A. That it comes through, that it was the  
 17 correct guideline --  
 18 Q. The proposed resolution is twofold: Modify  
 19 facades to an architectural style to one of the  
 20 existing architectural styles that's present in  
 21 the Borough's historic residences.  
 22 And then it says, "Canal Walk is an  
 23 example of new construction that is both fresh and  
 24 new, while blending in a way that is sympathetic  
 25 to one of the architectural styles of the historic

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1 district."

2 A. So when I make reference to Canal Walk for

3 mass and scale, we're also making reference to

4 that statement and being presented to us as

5 blending well with the style.

6 Q. So the approach of the redesign is to get

7 away from the industrial look that you referenced

8 on Union Square, for example?

9 A. Correct.

10 Q. And become more in line with Canal Walk?

11 A. And the historic buildings along New Street,

12 Perry Mansion and the Federal and Colonial styles,

13 yes.

14 Q. Next image.

15 Now, this is another image of Canal Walk

16 along the canal, correct?

17 A. It is. I don't think this is particularly

18 reminiscent of our buildings. It certainly is on

19 the canal and it is referenced, but there are

20 triple windows and larger shed dormers, like the

21 ones that we have gone away from, and there are

22 exposed undersides of porches and mechanicals.

23 So all of those elements are elements that

24 we're not intending to carry forward. We have

25 chosen to carry forward the more positive

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1 a wood railing system.

2 Q. Next.

3 So now we're on the comment Number 9.

4 This is a car ramp design, and the comment here

5 relates to obliterating architectural elements,

6 provide double-wide parking ramp, and the

7 comment -- this was zoning requirements. This is

8 what is driving the need for a two-lane ramp, to

9 not eliminate the requirement and protect

10 historical assets.

11 The proposed resolution is the double-wide

12 car ramp needs to be redesigned or narrowed to one

13 lane so it's not covered over the windows of the

14 historic structure.

15 And before we get into the sort of detail

16 of that -- go to the next page -- we have a

17 provision from the guidelines here, the two

18 primary goals listed there. One of them is to

19 minimize the harm to the historic fabric.

20 And, Mr. Fey, in your experience in

21 working with historic structures, when you work

22 with them, is there some expectation that some

23 elements of the historic structure are going to be

24 compromised?

25 A. So we try to minimize that, but yes, and for

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1 elements.

2 Q. So on Page 39, why don't you go through some

3 of those positive elements you've incorporated

4 from Canal Walk into the redesign?

5 A. Do I really need to do that again?

6 Q. Very briefly.

7 A. So on Canal Walk, of course, some of the

8 positive elements that we mentioned are the breaks

9 in the facade and moving from front to back, the

10 jut-out was used.

11 In transitioning from flat facades to

12 gable ended facade and changing the materials from

13 stucco to clapboard, change of color from what's

14 called a parchment color to a gray, and if you go

15 further down it changes some more.

16 So those are the appropriate, and the

17 lower level of the stone. So that's some of the

18 positive bits that we have incorporated as

19 thinking those are positive, again, taking and

20 transitioning from flat to gable ended, but

21 instead of using the larger shed dormer that's in

22 this picture, going to a smaller gable ended

23 dormer, reducing the amount of volume, and making

24 sure that we did use a railing system that was

25 shown there, which is a -- I don't know if that's

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1 example is sometimes we have to lift buildings out

2 of the floodplain. It's not exactly the scale and

3 proposition we would like, but we do it because

4 the code requires us to.

5 Q. Now, in terms of the ramp, you weren't the

6 engineer on this project, but are you familiar

7 with how that ramp got designed, and how it

8 relates to the building?

9 A. Yes. Of course, we are the architects. We

10 didn't do that drawing, but in our earlier

11 presentations, we had asked to have a one-way

12 ramp, and through the process of the engineers and

13 the meeting with the reviewing agency and borough

14 engineer, it was ascertained that we had no choice

15 but to make it a full double-wide exit and egress.

16 We are also required to provide a safe

17 path through there. So the sidewalk is alongside

18 and has a curb, and it is a ramped, stepped

19 sidewalk, so as to provide a place for people to

20 walk, not in the street or drive.

21 Q. So next image.

22 Let's talk about what we are looking at

23 here on the left and right.

24 A. Thank you. So on the left is a recent photo

25 of the reconstruction of the wall that was failing

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1 on the left. On the right, it's difficult to see  
 2 how bad this one is. I think we took this several  
 3 years ago.  
 4 Presently, the wall is bulging. I think  
 5 you can see the leaning of these windows and that  
 6 window, and so this wall has been reconstructed  
 7 and blocked, shored, turn the corner. And in  
 8 doing so, we were able to go back to what we knew  
 9 the original organization of the windows was, and  
 10 add in the second row of windows, which is,  
 11 obviously, very visible and can be seen as you're  
 12 moving through the street.  
 13 You can see the plywood here, which is  
 14 blocking the proposed opening for the lower  
 15 windows. We were also able to save, I believe,  
 16 three, this window, that was already ruined, and  
 17 this window, and we'll be reusing those windows in  
 18 this facade.  
 19 So this facade will have historic windows.  
 20 I believe two of the four, three of the four, and  
 21 these two in the front. So albeit losing this for  
 22 proper grade and width, able to restore it to its  
 23 original look on the upper level.  
 24 Q. So, essentially, you're trading off losing  
 25 some of the panes of the lower windows, but

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1 requirement to do any further investigation. We  
 2 think it suffices to address that concern. We  
 3 should all rest assured that, according to this  
 4 survey, there are no other historic structures on  
 5 the site.  
 6 Next image, please.  
 7 Number 17 is directly related to the  
 8 addition to the historic structure, and so the  
 9 comment is that the addition is wholly out of  
 10 character with any historic structure in the  
 11 Borough. It goes onto the next one.  
 12 Comments about it, but the resolution is  
 13 eliminate the addition. If that is not possible,  
 14 then reduce its scale to one true story and modify  
 15 its design and materials, so as to at least  
 16 complement the existing structure.  
 17 So if you could look at the next image,  
 18 and that image was there -- if we could go back?  
 19 There's a reference -- and we have talked about  
 20 this previously, the reference to the guidelines.  
 21 There's a reference and findings that  
 22 economic reasons are not a valid basis to, in this  
 23 case, violate guidelines. We don't agree that  
 24 this is a violation of guidelines, but, certainly,  
 25 the guidelines do talk about the need to allow for

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1 getting back the original design of that side of  
 2 the building?  
 3 A. Yes.  
 4 Q. All right. Next image, please.  
 5 And, again, this just shows the redesign,  
 6 finished product, and, again, this is offered just  
 7 to show the relationship of the ramp to the  
 8 windows, not necessarily the style of the addition  
 9 on the back, correct?  
 10 A. Yes.  
 11 Q. Next image.  
 12 We're onto comment Number 10. This one is  
 13 a -- the comment is whether or not any attempt was  
 14 made to determine the age or historical  
 15 significance of the upper structures on the  
 16 property.  
 17 Next image.  
 18 We have shown on Page 45 -- I think you've  
 19 seen this before -- there was a historical survey  
 20 done of the historic structures in the historic  
 21 district, and with respect to this property, the  
 22 only one identified was the historic structure.  
 23 The outbuildings were not identified as  
 24 historically significant.  
 25 The applicant is not aware of any other

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1 some of that economic development to make it  
 2 economically worthwhile. Is that your  
 3 understanding?  
 4 A. It is.  
 5 Q. Next page, please.  
 6 Ralph, why don't you tell us -- the  
 7 comment was eliminate the addition. If that is  
 8 not possible, reduce its scale to one true story.  
 9 What is the applicant proposing?  
 10 A. So we have shown the elimination of the  
 11 second floor, and the change of materials to wood.  
 12 We have some other images of buildings in the  
 13 neighborhood that are what we call street front  
 14 buildings, where there's doors and/or windows,  
 15 transoms above, dental moldings, brackets and  
 16 piers at the end that are all trimmed out and  
 17 painted.  
 18 Q. So more in keeping -- the above image shows  
 19 more of a -- I would call it a modern design. The  
 20 below image is not only smaller, but certainly  
 21 materials and the joists and the design are more  
 22 historical?  
 23 A. No more large scale windows than it is now.  
 24 Q. Okay. Next image, please.  
 25 And you were referencing other buildings

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1 in the Borough --  
 2 A. Sure, and, again -- I apologize. I spoke  
 3 over you.  
 4 Q. That's all right. Go ahead.  
 5 A. Again, two buildings that are very -- we know  
 6 well. There are many that show a one-story  
 7 addition in this case, again, the transoms, large  
 8 windows here and a newer addition, but, again, so  
 9 that you could understand the direction of the  
 10 sketch that we did, not that we're copying this,  
 11 but it's useful to see something in the third  
 12 dimension, full height of doors and windows, as I  
 13 mentioned, the transoms, and one story, of course.  
 14 Q. Next image.  
 15 On this page, the applicant -- the  
 16 associate of the applicant went out to the  
 17 community, collected a series of signatures.  
 18 We'll note that that design shows a second  
 19 story on the addition. This was circulated before  
 20 the design of the first floor.  
 21 If you could go to the next image?  
 22 That is a proposed image of the second  
 23 story, of the addition, for council's consumption  
 24 or comment, if you will. The applicant is  
 25 prepared to go forward with a one-story addition.

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1 applicant to have gone through that process, and  
 2 now for comments about the historic nature of the  
 3 building, to completely change the footprint. The  
 4 tens of thousands of dollars not only that the  
 5 Borough spent, but that the applicant spent on  
 6 redesigning that, or I'm sorry, designing that,  
 7 getting it approved, getting the zoning relief  
 8 that was necessary to build it.  
 9 So we're constrained. When you say to us  
 10 at this late in the game, change the mass of the  
 11 buildings, our options to address that are  
 12 limited, because the footprint is what it is.  
 13 So all that Ralph talked about, you know,  
 14 some of the features that he incorporated, some of  
 15 the things that he did, so beginning with Mechanic  
 16 Street, going down the one story.  
 17 Canal side, I think, has been dramatically  
 18 changed, and those changes are all designed to  
 19 eliminate that perception of greater mass. We  
 20 think we have accomplished that, because what you  
 21 saw before was much larger, and we have heard your  
 22 comments.  
 23 It's taken us a few meetings. I'll  
 24 confess to that, but we hear your comments. We  
 25 have taken them to heart, and Ralph and his crew

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1 If council has some strong feelings about  
 2 the one story or two story, now is the time to let  
 3 us know.  
 4 MS. GERING: I have --  
 5 MR. LABOSKI: With that, we have no other  
 6 presentation.  
 7 I'm sorry.  
 8 MS. GERING: I have a question. Please  
 9 forgive me, because I am not an architect, and  
 10 thank you for your presentation.  
 11 One of the questions council had was the  
 12 massive size of this project, and for you to cut  
 13 down. Now, I know you took a foot off the  
 14 buildings on the canal side, and you changed the  
 15 the windows on some, but, yet, you increased other  
 16 buildings by another two and a half feet.  
 17 Could you tell me how you cut the mass  
 18 size down, because I'm kind of confused here?  
 19 MR. LABOSKI: So, first of all, the first  
 20 issue -- and I'll let Ralph answer this, but the  
 21 first issue we have is, we have an approved land  
 22 development plan, and that sets out a footprint.  
 23 There was a series of variances granted. The  
 24 process took years.  
 25 And it's unreasonable to expect an

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1 spent a long time trying to address that.  
 2 So, Ralph, if you want, just go through  
 3 what these changes do in terms of the perception  
 4 of mass.  
 5 MR. FEY: I think you hit on the key word  
 6 here, perception of mass. I think we all have a  
 7 different idea in our mind when we use the word  
 8 mass. Does it mean height? Does it mean width?  
 9 Does it mean size or girth? Does it mean length  
 10 or does it mean how we perceive it?  
 11 And I think we're using a little bit of  
 12 height, and a little bit of the girth, a little  
 13 bit of the spaces being carved out between the  
 14 buildings, and a lot of the ability to manipulate  
 15 the surfaces of the facades so the buildings feel  
 16 more like buildings nestled next to each other, as  
 17 opposed to larger, flatter, more massive  
 18 buildings.  
 19 Now, we can continue to talk about it, and  
 20 I apologize. I should not have added the gable  
 21 ended roof to the one piece. There are always  
 22 abilities to continue to nibble away the edges to  
 23 effect making it so the perception that the  
 24 building doesn't look massive.  
 25 But let me then also say, mass is also

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1 truly about size, and we have a property next door  
2 that is, from 11 to 19, on that run, and from six  
3 to one on this one. Every facade and length of  
4 these is larger than any one of these three units,  
5 two units, and restoration of the historic  
6 buildings with the one-story facade and addition  
7 on the back.

8 So when we talk about mass of the  
9 buildings that are around us, we do feel that  
10 these are in keeping with the scale and mass of  
11 the Perry Mansion, of the buildings across the  
12 street, of the building next door on Mechanic.

13 We do feel they are, and we were hoping to  
14 help you understand how those would be affected by  
15 changing our drafting style and showing those  
16 change in materials, changes in the texture,  
17 changes in heights, and prepared them and compared  
18 them to a much larger mass.

19 MR. DOUGHERTY: I have a question, and it  
20 only came up because I studied the plans pretty  
21 closely, but on Page 5 -- and it's pretty far  
22 back. They may be duplicates of an earlier one,  
23 but it's basically the creek elevation.

24 This is just a question about content. I  
25 believe it's Page 5. No. Okay. That's fine.

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1 addition, and, certainly, if I had moved the rear  
2 addition. I would let you know.

3 MR. DOUGHERTY: Okay. And I presumed  
4 that. And then the next sort of a similar  
5 question, the top diagram, in the middle, between  
6 the creek buildings and the canal buildings,  
7 there's buildings there, right?

8 MR. FEY: In the background.

9 MR. DOUGHERTY: That building is part of  
10 the canal strip, if you will, I guess.

11 MR. FEY: Absolutely.

12 MR. DOUGHERTY: And that building in the  
13 picture, in the top one has dormers on it, and  
14 that kind of stuff. In the next two pictures, the  
15 dormer is gone. I'm actually asking this because  
16 you changed the front facades. Are you actually  
17 also changing the --

18 MR. FEY: It's the same answer as the  
19 chimneys.

20 MR. DOUGHERTY: Okay.

21 MR. FEY: On those roofs, we focused on  
22 the outline and the major volumes, so as to focus  
23 on what's happening in the front, did not remove  
24 the dormers on the back.

25 MR. DOUGHERTY: And just feedback from

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1 Okay.

2 In the original -- in the prior black and  
3 white drawing, at the top, the structure has an  
4 addition on the rear end of the historic  
5 structure, and I have looked and looked and  
6 looked, and I looked at the next, the middle and  
7 bottom ones, and the historic structure is not  
8 there.

9 So I started thinking, when I was going  
10 through this, by the time I got to Page 48, when  
11 the back of the historic structure was shown  
12 again, I figured that the addition to the historic  
13 structure was going away.

14 Is the addition, the rear of the historic  
15 structure going away?

16 MR. FEY: This is a similar answer to the  
17 last question about chimneys.

18 MR. DOUGHERTY: Right.

19 MR. FEY: We have focused on the  
20 foreground, not background.

21 MR. DOUGHERTY: Right.

22 MR. FEY: We have outlined the buildings  
23 to show the heights and shadowing, but we are not  
24 pretending to hand draw in all of the detail,  
25 including the two little raised pieces of the rear

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1 trying to get a flavor for what's going on in  
2 these things, and making them disappear from one  
3 section to another, one section of one slide to  
4 another section of a slide is not helpful to us.  
5 So I --

6 MR. FEY: No doubt, we could have done  
7 better.

8 MR. DOUGHERTY: Thank you.

9 MR. LABOSKI: I appreciate everyone's  
10 patience, and I tried to get through this as  
11 quickly as possible, and I probably didn't  
12 succeed.

13 So any other questions, we would be happy  
14 to answer them. Otherwise, we think that the  
15 application satisfies the conditions one through  
16 ten and 17, and we would like to see council  
17 reverse their decision, grant the certificate of  
18 appropriateness, and impose those conditions that  
19 you think are appropriate, based upon what you  
20 have seen tonight.

21 Again, if there are other questions or  
22 things you would like to see, we're happy to  
23 answer.

24 MS. McHUGH: I have one question.

25 MR. LABOSKI: Yes.

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1 MS. McHUGH: On Page 14, canal path  
 2 evaluation, what is the distance between that wall  
 3 and the canal?  
 4 MR. FEY: I'm going to give you the short  
 5 answer, and Craig here is going to give what we  
 6 measured today.  
 7 So the edge of the canal to the brick wall  
 8 is 12 feet. Now, the existing wall is more like  
 9 ten feet. We moved the wall back roughly  
 10 two feet, and I say roughly because the existing  
 11 wall is skewed to the path.  
 12 But at the midpoint where we measured from  
 13 the current wall to the proposed wall, it has  
 14 widened the path roughly two feet. So it's  
 15 12 feet to the face of the wall and then an  
 16 additional five feet.  
 17 MR. NUSH: Five feet to the start of the  
 18 building.  
 19 MR. FEY: To the closest building, which  
 20 would be there.  
 21 MS. McHUGH: So all of the trees that  
 22 you're showing are behind that wall?  
 23 MR. FEY: So they're all behind the wall.  
 24 This is behind the wall. This is in the gap  
 25 between the wall, because the wall returns back.

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1 seepage into the new buildings from the canal;  
 2 and, three, what are the roof of the -- all those  
 3 trees going to do to the canal wall underneath;  
 4 oh, and, four, the telephone poles and wires? If  
 5 it's still there. I see them.  
 6 MR. FEY: So I don't know if the builder  
 7 was sworn in, but I want the builder to respond to  
 8 this.  
 9 ---  
 10 RICHARD CALABRESE, having been duly sworn,  
 11 was examined and testified as follows:  
 12 MR. CALABRESE: So the first question was  
 13 necessary shoring, and we have that take place as  
 14 the engineers specify. It would be done prior to  
 15 the removal of the existing buildings, because the  
 16 existing buildings are actually within the  
 17 jurisdictional line right now. So we're going  
 18 back a little bit further than that.  
 19 What was Number 2?  
 20 MS. CAN: Number 2, seepage from --  
 21 MR. CALABRESE: Seepage would be the same.  
 22 There's a detail by the engineers putting a  
 23 perforated pipe alongside the outside foundations  
 24 of the walls with sand and gravel, which is  
 25 standing building detail, which we would follow.

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1 So, yes, the trees that were shown are behind the  
 2 wall. There are currently trees in front of the  
 3 wall. The wall is not our property.  
 4 MS. McHUGH: Yes.  
 5 MR. NUSH: The wall kicks back in some  
 6 areas to be faced -- to the face with the  
 7 beginning of the buildings. That's where we  
 8 placed the trees and these.  
 9 MS. McHUGH: So there is at least 12 foot?  
 10 MR. FEY: There's no less than 12 feet --  
 11 MS. McHUGH: It doesn't go 11 foot  
 12 anywhere?  
 13 MR. FEY: No.  
 14 MS. McHUGH: Okay.  
 15 MR. FEY: We took the closest point of the  
 16 canal and it made to 12. So at some points it's  
 17 actually 13.  
 18 MS. McHUGH: Okay.  
 19 MS. GERING: Is there anyone from the  
 20 audience? Pamm?  
 21 MS. CAN: Pamm Can, 16 Canal Street.  
 22 And I have a question about the canal.  
 23 You're excavating foundations right next to the  
 24 canal. How do you prevent, one, the collapse of  
 25 the canal on that east side; and, two, future

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1 MS. CAN: Can you explain that a little  
 2 more?  
 3 MR. CALABRESE: Yeah. There's a drainage  
 4 pipe that's specified that goes into a pit, that  
 5 goes around the foundation, the base of the  
 6 foundation walls. Foundation walls, they are all  
 7 waterproofed with a black tar substance.  
 8 At the base of that, where the footing is,  
 9 there's a perforated pipe set in sand and gravel,  
 10 which takes any of the other water seepage and  
 11 brings it down into the drainage basin.  
 12 MS. CAN: Into the creek?  
 13 MR. CALABRESE: No, not into the creek.  
 14 We have an approved storm water basin and a storm  
 15 water management agreement that we're working out  
 16 with the township.  
 17 As far as roots, the roots of the trees  
 18 that are existing now --  
 19 MS. CAN: Are you going to rip all of the  
 20 trees out?  
 21 MR. CALABRESE: No, we're going not to rip  
 22 any of the trees out that are -- the ones that are  
 23 designated to be ripped out are on the corners of  
 24 the buildings. The existing trees are going to  
 25 remain, are going to stay in place, and

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1 presently --  
 2 MS. CAN: How can you put trees there when  
 3 you are going to build a house there? There's  
 4 trees all ling that area.  
 5 MR. CALABRESE: That's going to be a field  
 6 condition. We're going to have someone from the  
 7 Shade Commission on that and see if we're going to  
 8 interfere with any of the existing trees and/or  
 9 someone from the canal authority. The canal  
 10 authority has given its approval to proceed with  
 11 this development.  
 12 MS. CAN: Canal authority?  
 13 MR. CALABRESE: Canal authority.  
 14 MS. CAN: DCNR?  
 15 MR. CALABRESE: Yeah, DCNR.  
 16 MS. CAN: Who at DCNR did you get approval  
 17 from?  
 18 MR. CALABRESE: I don't know the person  
 19 offhand.  
 20 MS. GERING: Pamm, you got to come up  
 21 here. We can't hear you. We got to get rolling  
 22 here, Pamm.  
 23 MS. CAN: I'm asking who at DCNR did you  
 24 get approval from?  
 25 MR. CALABRESE: I don't know, but we have

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1 underground with most utilities.  
 2 MR. WALSH: Good luck with that one.  
 3 Here's what I know about utilities: When  
 4 they build new, they have to put them underground.  
 5 If it's anything else, the utilities, it's their  
 6 word is testament. They control it. We, the  
 7 Borough doesn't have say over it.  
 8 MS. CAN: It would be nice if they put  
 9 them underground.  
 10 MR. CALABRESE: It would be lovely.  
 11 MR. WALSH: They would be happy, if you  
 12 wanted to pay for it.  
 13 MR. CALABRESE: Right.  
 14 MR. WALSH: They won't pay for it.  
 15 MS. GERING: Thank you, Pamm.  
 16 Susan?  
 17 MS. TAYLOR: Susan Taylor, executive  
 18 director of the Friends of the Delaware Canal.  
 19 Following up on Laurie's question,  
 20 regarding the setbacks, you state 12 feet back  
 21 from the wall of the canal. How far are you back  
 22 from the actual property line of the state park?  
 23 I'm sorry. How far back from the actual property  
 24 line from the state park?  
 25 MR. FEY: I don't want to give you a long

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1 letters from them.  
 2 MR. WALSH: Just to reiterate --  
 3 MR. CALABRESE: I believe they have been  
 4 submitted to the Borough also.  
 5 MR. WALSH: Hold on a second. They have  
 6 various aspects of this plan approved, not all of  
 7 them, many of which are not germane to the point  
 8 they are here for tonight, but not to discourage  
 9 you from asking questions, but they have to get  
 10 approval from all outside agencies who have  
 11 jurisdiction over this project, one of which would  
 12 be DCNR.  
 13 I don't know the status of that. He's  
 14 saying it exists. I'm not the person who monitors  
 15 that. That would be our engineer and our zoning  
 16 officer, and nothing would go forward until all of  
 17 those outside agencies' approvals are in place.  
 18 MS. CAN: Okay. All right. And the  
 19 telephone poles?  
 20 MR. CALABRESE: The telephone pole would  
 21 have no -- we have not reached out to the utility  
 22 authorities people yet.  
 23 MS. CAN: Because that would change the  
 24 look of the front of those buildings, I think.  
 25 MR. CALABRESE: Yes. PECO plans on going

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1 answer, but rather refer you to go to drawings and  
 2 documents that the engineer has done. I am  
 3 actually not the one that created those documents,  
 4 but we measured it this morning, and it was  
 5 12 feet back.  
 6 MR. NUSH: Our retaining wall for the  
 7 patio is --  
 8 MR. FEY: And these drawings are a matter  
 9 of record, are they not?  
 10 MR. LABOSKI: Yes.  
 11 MR. FEY: We're happy to provide you with  
 12 all of the sets.  
 13 MR. WALSH: So that's a zoning issue.  
 14 MR. CALABRESE: Yes.  
 15 MR. WALSH: And, as I alluded at start of  
 16 the presentation, there was actually a second  
 17 Zoning Hearing Board requirement because the  
 18 surveyor mislaid the location of that property  
 19 line, and I think everyone would concede it's not  
 20 as precisely defined as it could have been.  
 21 So when they relayed it and did some more  
 22 detailed analysis, they had to go back, further  
 23 back. So they had the relief to be within a  
 24 certain distance from the property line, where  
 25 their property and the canal piece shared a

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1 border.

2 MS. TAYLOR: I was just told that the wall

3 begins one foot beyond the state park property

4 line. So that's essentially where you were

5 before, correct? I remember that from the last

6 presentation. That hasn't changed?

7 MR. FEY: No, it hasn't changed.

8 MS. TAYLOR: So it's one foot back from

9 the towpath, which is always problematic to me. I

10 spent four hours in a meeting today with DCNR, the

11 Delaware Canal State Park, telling those people in

12 support of the visitor center here in New Hope

13 that we all want, that New Hope Borough truly

14 wants to embrace the canal and make it better,

15 have visitors populate it more.

16 So that's -- I think you want to do that.

17 We certainly want to do that, and creating these

18 narrow pathways with walls -- and I'm not vaguely

19 saying there are not walls there now, but we're

20 saying, let's do more of them, and let's put those

21 walls very close to the canal, one foot back, and

22 some of them are closer. But do you continue to

23 do that over time?

24 And, quite frankly, I beg you not to plant

25 trees along the towpath, let's learn from the

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1 MR. CALABRESE: I think that's going to be

2 up to the individual wall owner. If they want to

3 come back to the -- if they want to make that

4 choice to go back before the condominium board,

5 and make that suggestion, and then they would come

6 before the council and before HARB to get that

7 approval. Right now the design plans that have

8 been approved, that's an open area.

9 MS. TAYLOR: Again, speaking to the

10 overall we don't like you, we're putting up a

11 wall, putting up a fence aspect of the plan.

12 And what else do I have here? Trees, and

13 Pamm alluded to the integrity and the canal walls

14 and leakage, because, again, historically, things

15 leak from the canal, if not done correctly.

16 And, unfortunately, I think a lot of the

17 groundwork for which you're seeing today was laid

18 back when all of the zoning variances were

19 granted, and that was a time probably to do more,

20 and now it's a charade that it's the best it can

21 be, and that in the future, you are creating a new

22 development that will enhance the canal, enhance

23 your visitors' experience to the town as a whole.

24 MS. GERING: Thank you, Susan.

25 Anyone else from the audience?

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1 past. The waterworks property, when it was

2 developed, there were all a line of trees planted

3 there to make it prettier.

4 Those trees had to be methodically cut

5 down, because they were undermining both the wall,

6 I think, of the property and the canal walls. If

7 you walk the Delaware Canal towpath in New Hope

8 today, roots are a tremendous problem. Trees do

9 not stay in one little pot. They're not potted

10 plants.

11 All trees along the towpath do is create a

12 hazard for the visitors. So they're lovely. I

13 love trees, but trees in close proximity just

14 aren't compatible, and you end up them cutting

15 down. You feel better in the beginning, but in

16 the future, no good.

17 And then regarding the wall, again, along

18 the properties on the towpath side, they now vary,

19 I believe, from five foot to 4-6, and there is an

20 opening.

21 Do you envision in the future that opening

22 having to be closed off with fencing so that

23 people don't wander into the property?

24 MR. FEY: I'm going to let the developer

25 answer that question.

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1 MS. O'NEILL: Eileen O'Neill, 19 Canal

2 Street.

3 I just have a general comment, and then

4 maybe a question or two.

5 In general, and Susan just alluded to

6 this, I feel the number of variances that were

7 approved for this project appear to indicate that

8 the size of the property is not ideal, and the

9 position of the property lines are just not ideal

10 for a project of this size and scope. I just

11 wanted to put that on record.

12 We talked about the setbacks. We talked

13 about integrity of our precious canal, which our

14 tourists love and residents love as well.

15 The overall design of the townhouses

16 overlooking the creek, in my opinion, look like a

17 forced fit and just look out of place. So I just

18 wanted to say that.

19 The artist's rendition of the trees on the

20 canal side, again, we talked about that may not be

21 the best thing for the canal.

22 Has the design of the restaurant terrace

23 changed since we last saw it? I last saw it maybe

24 three years ago. I wanted to know if the size of

25 that changed. At that time, I think they were

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1 being restricted to seat 16 people. I just wanted  
 2 to check that out.  
 3 MS. KINGSLEY: Can you answer that?  
 4 MR. CALABRESE: Yes. The zoning variances  
 5 have not changed, nor the initial approval. It  
 6 has 16 seats presently as maximum seating on the  
 7 outside terrace.  
 8 MS. O'NEILL: Thank you very much.  
 9 Also, at a previous Borough Council  
 10 meeting, about three years ago, we were assured  
 11 that there would be no amplified music or there  
 12 would be no speakers playing music on the terrace,  
 13 as we do value the serene nature of the canal. So  
 14 I just wanted to assure that that's still the  
 15 case.  
 16 MR. WALSH: Yes.  
 17 MS. O'NEILL: And just a curiosity, in  
 18 what order will construction occur? Will you  
 19 finish the restaurant first, and then the  
 20 townhouses or the townhouses first, then the  
 21 restaurant?  
 22 MR. CALABRESE: The sequencing of the  
 23 project was initially discussed with --  
 24 MS. GERING: Can you go to the microphone,  
 25 please?

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1 towpath.  
 2 MR. DOUGHERTY: So that's part of the --  
 3 call it of the historic structures, the addition  
 4 plus the rear addition?  
 5 MR. CALABRESE: Correct. Not the rear  
 6 addition, the side.  
 7 MR. DOUGHERTY: I'm sorry. Side addition.  
 8 So the rear addition --  
 9 MR. CALABRESE: One story or the two  
 10 story, whatever you would prefer.  
 11 MR. DOUGHERTY: And the rear addition  
 12 would be after almost everything, I would imagine.  
 13 MR. CALABRESE: Yes, unless a tenant comes  
 14 up immediately, and, obviously, if there's  
 15 occupancy and a tenant, we would build it.  
 16 MR. DOUGHERTY: Okay.  
 17 MS. GERING: And the shell for the  
 18 restaurant, how are you proposing? Are you going  
 19 to put that up in the first phase, too?  
 20 MR. CALABRESE: Yes.  
 21 MS. GERING: Okay.  
 22 MR. CALABRESE: The side addition.  
 23 MS. GERING: The side. Okay.  
 24 MR. CALABRESE: Right.  
 25 MS. O'NEILL: Thank you.

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1 MR. CALABRESE: The initial sequencing of  
 2 the project came up with the first council  
 3 meeting. They were very concerned also. So the  
 4 first building to go under construction,  
 5 obviously, would be finishing, the rehabbing of  
 6 the historic building, and then we were going to  
 7 go into the three houses along the towpath.  
 8 MS. O'NEILL: So completely finishing the  
 9 the restaurant part?  
 10 MR. CALABRESE: Completely finishing --  
 11 not completely finishing, unless there's a tenant,  
 12 we would finish the outside shell.  
 13 MR. WALSH: The outside would be finished  
 14 last?  
 15 MR. CALABRESE: The outside shell, not the  
 16 inside, and then we continue on with the three  
 17 townhouses along the towpath, and then go into the  
 18 two houses on the canal.  
 19 MS. O'NEILL: Okay. Thank you.  
 20 MR. DOUGHERTY: When would the addition on  
 21 the historic structure be tackled? Is that part  
 22 of --  
 23 MR. CALABRESE: That's going to come with  
 24 Phase 1. That's going to be prior to or in  
 25 coordination with the three townhouses on the

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1 MR. CALABRESE: You're welcome.  
 2 MS. O'NEILL: Thank you.  
 3 MS. KINGSLEY: Yes.  
 4 MR. KELLY: Scott Kelly, Solebury.  
 5 I don't know. I've just watched this from  
 6 afar, and I applaud the council for sending it  
 7 back multiple times, because I think the final  
 8 iteration that we see today is a heck of a lot  
 9 better than where we started. So thank you for  
 10 your diligence.  
 11 I also applaud, you know, all the work and  
 12 resources and time that went in. I just think the  
 13 end product now is suitable, and I think everybody  
 14 is tired of just seeing that beautiful property  
 15 run down, and it's time to move forward and do  
 16 something about it.  
 17 My specific question to you all is, do you  
 18 have a preference with regard to the breezeway  
 19 connector, whether it should be one or two  
 20 stories? I have a strong preference. I won't  
 21 tell you what it is, but I'm curious what you  
 22 think.  
 23 MR. WALSH: Don't keep us in suspense.  
 24 MR. KELLY: I think the one story looks  
 25 better, better scale.

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1 MR. CALABRESE: Oh, no.  
 2 MS. GERING: All right. One more  
 3 question.  
 4 Ron.  
 5 In full disclosure, this is my husband.  
 6 MR. GERING: I'm actually here as a member  
 7 of the Shade Tree Commission, and Ralph mentioned  
 8 we did look at a landscape plan, which I think you  
 9 show on 1245.  
 10 MR. LABOSKI: Yes, that's correct.  
 11 MR. GERING: So on that plan, what we  
 12 looked at, this is really addressing the canal  
 13 side of the project. There are two trees that are  
 14 identified there, and if you go back now to Page  
 15 12, you can a little bit clearer. So, yes.  
 16 Those trees on the landscape plan are  
 17 identified as poplar and dogwoods. They would top  
 18 out at about 20 feet maybe. So if you go -- so  
 19 the issue is they are a small species. They're  
 20 not going to be invasive.  
 21 If you go to Page 14, and you look at the  
 22 rendering -- and this is what was confusing to the  
 23 Shade Tree Commission when we looked at it. The  
 24 larger trees there, which do a lot to break up the  
 25 mass of the buildings, because they're much

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1 what we looked at. That rendering is not what was  
 2 the landscape plan that was --  
 3 MR. WALSH: Correct.  
 4 MR. GERING: So that was a disconnect.  
 5 MR. LABOSKI: We're not intending for this  
 6 iteration to change the approved landscape plan.  
 7 MR. FEY: Yeah, I apologize. The two  
 8 trees that were discussed are drawn too tall,  
 9 based on that information. The size of the tree  
 10 should be more like the tree on the right, sitting  
 11 on the terrace, and the person that added the  
 12 trees to the plan --  
 13 MR. WALSH: Has been fired?  
 14 MR. FEY: No.  
 15 MR. WALSH: Or did you do it?  
 16 MS. KINGSLEY: I actually did the other  
 17 side. They should have been drawn smaller.  
 18 MR. WALSH: Thank you for that  
 19 clarification.  
 20 MR. WEBER: Just quickly, Brett Weber,  
 21 Friends of the Delaware Canal.  
 22 Just a couple of brief comments. One, as  
 23 an architect, I did want to compliment Ralph for  
 24 his valiant efforts in redesigning this.  
 25 For the Friends, I want to underscore

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1 taller, but they don't have the trees that are on  
 2 the plan, landscape plan.  
 3 The dogwoods maybe would get to about the  
 4 second story, maybe. So those comments about what  
 5 happens with trees and the canal, larger species  
 6 trees are going to do that. The ones that were  
 7 approved, smaller species are going to be much  
 8 smaller. That will create a different perception  
 9 of what this project looks like from the canal  
 10 side. So I just wanted to point that out.  
 11 Also, the request from the Shade Tree  
 12 Commission is that if, in fact, that landscape  
 13 plan has now changed, in terms of substituting  
 14 other trees and other sizes of tree, that we would  
 15 like an opportunity to have that discussion again  
 16 with the project developers to figure out what  
 17 trees would be used.  
 18 Thank you.  
 19 MS. GERING: Is there a response to that?  
 20 MR. WALSH: Ron, to clarify, they would  
 21 have to go back if the plan is approved by the  
 22 Shade Tree Commission --  
 23 MR. GERING: If it's being changed, yes.  
 24 We looked at it. There's certain species  
 25 identified for certain locations. That's kind of

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1 comments about the wall along the canal. I would  
 2 strongly encourage the developer and the Borough  
 3 to encourage the developer to control that wall.  
 4 Unresolved and open areas on the public  
 5 way are not typical and indicative of the  
 6 historical context along the canal. So a closed  
 7 opening is better than an opening that's resolved  
 8 later.  
 9 I would add that we would not want to  
 10 encourage additional trees to be planted along the  
 11 towpath.  
 12 In terms of the last comment on scale, I  
 13 would echo the last comment about the single  
 14 story, the historic structure. That's probably a  
 15 better break to the rest of the project.  
 16 And, lastly, I would say that for the  
 17 Friends, officially, we are aware that DCNR has  
 18 formally acknowledged the boundaries of the  
 19 property, but has not formally approved or made  
 20 other recommendations otherwise. There was one  
 21 comment that was --  
 22 MR. WALSH: I didn't say they did.  
 23 MR. WEBER: I'm not disputing that. I  
 24 just wanted to clarify that we're not aware of any  
 25 other formal approvals.

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1 There was a recommendation or  
 2 acknowledgment by DCNR at one of the prior  
 3 meetings about ongoing coordination with the  
 4 developer for the construction process to ensure  
 5 that the canal wall and the canal structure and  
 6 integrity is not otherwise undermined.  
 7 I would strongly encourage New Hope  
 8 Borough, even though there is not a formal  
 9 mechanism for such, for the building department to  
 10 be actively involved in that process, and not  
 11 simply to ask the developer to coordinate with  
 12 DCNR. You have a major public asset here that's  
 13 worth protecting.  
 14 Thank you.  
 15 MS. GERING: Thank you.  
 16 All right. One more question and we're  
 17 going to wrap it up.  
 18 MR. FEY: Brett, so I fully understand  
 19 your suggestion of some kind of fence or  
 20 separation in the gaps would be appropriate to  
 21 separate --  
 22 MR. WEBER: I would encourage it as  
 23 opposed to leaving it open.  
 24 MR. FEY: Thank you.  
 25 MS. GERING: Geri?

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1 with the removal of the second floor above the  
 2 addition, and the square footage changed in this  
 3 end building with the sloping shed in the back  
 4 roof, which is no longer habitable space.  
 5 We strongly heard your comment that coming  
 6 over the bridge was a particular point of concern,  
 7 and we knew that to make the biggest impact we  
 8 will need to lower and nibble and push that point,  
 9 and those are the two places where we lost some  
 10 square footage.  
 11 MS. DELEVICH: The area where you show  
 12 greenery, especially along the Aquetong Creek  
 13 area, what kind of vegetation were you planning in  
 14 that area?  
 15 MR. FEY: There is a drawing.  
 16 Can we bring it up?  
 17 MS. DELEVICH: It's not grass, I assume?  
 18 MR. FEY: Did we give it away? There is a  
 19 drawing done by engineers, and I believe there was  
 20 the Shade Tree Commission. So I would be leaving  
 21 it off as opposed to telling you what many of you  
 22 know, but all of these species are in here, and,  
 23 unfortunately, I can't read them on the screen.  
 24 MS. DELEVICH: I guess my question is, are  
 25 they basically a plant that's native, like maybe

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1 MS. DELEVICH: Geri Delevich, New Hope.  
 2 In regard to the trees, I definitely agree  
 3 with what has been said. Although the trees very  
 4 much soften the look, a possible suggestion that  
 5 also softens the look would be to have more window  
 6 boxes, add to the charm look that you have on some  
 7 of the other periods.  
 8 And I had a question on Page 5. What did  
 9 you say was the material for the outside of the  
 10 building, the part facing the Main Street, on the  
 11 Aquetong Creek? I'm not sure you mentioned.  
 12 MR. FEY: Initially, the proposal was for  
 13 flat siding and in the gaps, and brick on these  
 14 two side facades. We are proposing now to have  
 15 two different colors of brick, like a gray-brown  
 16 brick or a gray-white brick and a reddish brick,  
 17 and these would be clapboard, clapboard to match  
 18 the clapboard that's on the residential  
 19 structures, and, again, the railings to also  
 20 match.  
 21 MS. DELEVICH: Thank you. Also, has the  
 22 square footage in any of these buildings changed?  
 23 MR. FEY: So the square footage changed  
 24 in -- good question. So the square footage  
 25 changed in the addition to the historic building,

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1 the wildflowers?  
 2 MR. FEY: So I know there's three taller  
 3 plant materials of trees. There's a sugar gum --  
 4 MS. DELEVICH: I'm actually talking about  
 5 the vegetation on the ground.  
 6 MR. FEY: It slowly comes down to  
 7 eight-foot high vegetation, six-foot high  
 8 vegetation and grounds, and only Craig can read  
 9 this.  
 10 MS. DELEVICH: So it's not necessarily  
 11 going to be a lawn that's going to be mowed?  
 12 MR. FEY: I don't believe there's any  
 13 lawn. The intention is that it's indigenous and  
 14 not requiring a lot of maintenance.  
 15 MS. DELEVICH: Thank you.  
 16 MS. GERING: All right. Any more  
 17 questions from council?  
 18 MR. FEY: There are wildflowers.  
 19 MS. GERING: Okay. Last one.  
 20 MS. KERR: Pamm Kerr.  
 21 I asked a lot of people who came in for  
 22 the memorial what their buildings were made of in  
 23 New Hope, and invariably they said stone and  
 24 brick.  
 25 I'm always surprised how much brick there

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1 is, because what the impact is, the perception is  
 2 stone and brick. So I just would like really  
 3 appreciate that you listened and you made a lot of  
 4 changes based on nonindustrial, more residential,  
 5 but it's still adding more brick to a town that's  
 6 perceived that way, making it change more by that.  
 7 The other comment was every time there's a  
 8 reference to the Canal Walk, whatever it's called,  
 9 on the other side, it's one of few places where  
 10 there's going to be masses on both sides of the  
 11 canal.  
 12 The other reference points are there's a  
 13 massive building, but nothing around it or there's  
 14 a massive building and a few pieces across from  
 15 it. So it will change things, and that's why  
 16 perception is so important.  
 17 Without putting pictures, everything  
 18 complete, you don't get a sense of how much.  
 19 It's not that you could see the creek. It's that  
 20 you could see that you saw more sky. So now  
 21 you're looking at more buildings.  
 22 So how you see those buildings, how do  
 23 they fit with what you're doing, because what was  
 24 on the other side isn't really a reference point.  
 25 That's a whole different thing from the towpath or

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1 MR. LABOSKI: No. No, the cut-out The  
 2 red line represents the property.  
 3 MR. DUFFY: That's your property?  
 4 MR. CALABRESE: Not mine.  
 5 MR. DUFFY: Do we know who that belongs  
 6 to? Is that George Michaels'?'  
 7 MR. FEY: That's part of Canal Walk.  
 8 MR. DUFFY: He does have a presentation  
 9 about his wife there.  
 10 MR. CALABRESE: Right.  
 11 MR. DUFFY: So that's going to stay there,  
 12 and that's going to stay open property?  
 13 MR. FEY: So we're just going to say, on  
 14 our site plan, it's indicated as belonging to the  
 15 same parcel as Canal Walk.  
 16 MS. CAN: No, that's not accurate.  
 17 MR. DUFFY: Okay.  
 18 MR. FEY: It says 2 Mechanic Street  
 19 Investors, LP, on our site plan.  
 20 MR. DUFFY: I think George owns it,  
 21 because he has a dedication to his wife there,  
 22 just off the canal. So I would assume that  
 23 carve-out is his piece.  
 24 Okay. Great, because that's a nice piece  
 25 there, and if that's preserved, that's part -- you

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1 Tuscany or whatever.  
 2 So I just want to say all those things. I  
 3 appreciate what you've done so far, but stone  
 4 seems to be present, but I just wanted to say what  
 5 I heard.  
 6 MR. FEY: And in response, thank you. We  
 7 had more brick on the project when we originally  
 8 started. This entire building was brick. That  
 9 entire building was brick, brick, brick, and we  
 10 are happy and enthusiastic about as much brick as  
 11 this board and community would like to have.  
 12 MR. WALSH: Anyone else?  
 13 MS. GERING: Any more questions?  
 14 All right, Ed. You're the last one.  
 15 MR. DUFFY: Are you okay with it or what?  
 16 Am I inconveniencing you?  
 17 Ed Duffy, New Hope.  
 18 I have a curiosity question. The first  
 19 couple of slides you had the red outline of the  
 20 project. There was a little carve-out there. I  
 21 think Geri might have touched on this.  
 22 MR. LABOSKI: This here?  
 23 MR. DUFFY: Yeah, exactly. Is that your  
 24 property?  
 25 MR. CALABRESE: Yes.

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1 got to keep every foot of the canal open that we  
 2 can.  
 3 Thank you very much, and thank you kindly.  
 4 MS. GERING: Thank you so much.  
 5 Go ahead.  
 6 MR. MAISEL: I just wanted to -- I don't  
 7 know where this is going to land, but I want to  
 8 thank you for making a serious effort at improving  
 9 your presentation, and I think you really spoke to  
 10 a lot of things, and I think you made a big  
 11 difference with regard to the mass and historic  
 12 styles as well, and I like the ones-tory concept  
 13 as well. So I appreciate the effort.  
 14 MR. LABOSKI: Thank you.  
 15 MS. GERING: We're going to take a five  
 16 minute break and go into executive session. So  
 17 we'll be right back.  
 18 ---  
 19 (Recess.)  
 20 ---  
 21 MR. WALSH: Thank you for your patience.  
 22 Council deliberated in an executive  
 23 session. Before I frame the motion, I just want  
 24 to sort of outline procedural-wise.  
 25 Council is going to make a -- and I'll

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1 recommend the motion, the framing and then someone  
 2 will consider it, but it will effectively touch on  
 3 the decisions from March. It will address the  
 4 decision tonight or the presentation tonight.  
 5 So the applicant will effectively still  
 6 have council's decision as it relates to the prior  
 7 plan, and then they'll have the decision as it  
 8 relates here.  
 9 So first part to frame the motion would be  
 10 council affirms its prior decision from March on  
 11 the prior plan. There's no changes to that.  
 12 The second part would be as follows:  
 13 Going through the items, Numbers 1 through 10 and  
 14 17, the frame of the motion would be to note that  
 15 Numbers 9, 10 and 17 are satisfied.  
 16 Numbers 3, 4 and 8 are only partially  
 17 satisfied. They're satisfied as to the canal  
 18 side, but not as to the creek side. And Numbers  
 19 1, 2, 5, 6 and 7, as stated in the prior denial,  
 20 those have not been satisfied.  
 21 So the recommended motion would be to deny  
 22 the COA, based upon one, two, five, six and seven  
 23 being unchanged, and three and four and eight only  
 24 partially modified and satisfied. That would be  
 25 the recommendation.

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1 MR. DOUGHERTY: So moved.  
 2 MS. McHUGH: I'll second that.  
 3 MS. GERING: All in favor? Any questions?  
 4 All right. We'll take a vote.  
 5 Ken?  
 6 MR. MAISEL: What am I being asked to vote  
 7 on?  
 8 MS. GERING: Are you in favor of the  
 9 motion that was on the table?  
 10 MR. MAISEL: Yes.  
 11 MS. KINGSLEY: Laurie?  
 12 MS. McHUGH: Yes.  
 13 MS. GERING: Dan?  
 14 MR. DOUGHERTY: Yes.  
 15 MS. GERING: Tina?  
 16 MS. LEIFER RETTIG: Yes.  
 17 MS. GERING: And I'm voting yes.  
 18 MR. WALSH: Okay. Thank you all for  
 19 coming. You'll get a follow-up decision.  
 20 MR. LABOSKI: Thank you, everyone.  
 21 MS. GERING: Thank you.  
 22 MS. KINGSLEY: All right. We're going to  
 23 continue with the agenda, consent agenda,  
 24 consideration of approving payment of accounts  
 25 payable for April in the amount of \$240,449.39 in

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1 payroll and for April 25th in the amount of  
 2 \$61,328.86; payroll for May 9 in THE amount of  
 3 \$63,914.74, also the profit and loss as attached  
 4 and also the revenue that's attached.  
 5 Do I have a motion?  
 6 MS. GERING: I'll make that motion.  
 7 MS. KINGSLEY: Second?  
 8 MS. LEIFER RETTIG: I'll second it.  
 9 MS. KINGSLEY: Discussion? We have no  
 10 second?  
 11 MR. MAISEL: I'll second.  
 12 MS. KINGSLEY: Tina, I'm sorry.  
 13 Discussion? Any questions from the  
 14 public?  
 15 All in favor?  
 16 MS. McHUGH: Aye.  
 17 MR. MAISEL: Aye.  
 18 MS. KINGSLEY: Opposed?  
 19 Motion carries.  
 20 Consideration to approve the minutes of  
 21 the following meetings: April 17th, regular  
 22 meeting of council, and May 7th workshop meeting  
 23 of council.  
 24 DO I have a motion?  
 25 MS. GERING: Id make the motion.

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1 MS. KINGSLEY: Second?  
 2 MR. MEYER: Second.  
 3 MS. KINGSLEY: Discussion?  
 4 Any corrections or additions to the  
 5 minutes?  
 6 Any questions from the public?  
 7 All in favor?  
 8 MS. McHUGH: Aye.  
 9 MR. MAISEL: Aye.  
 10 MR. MEYER: Aye.  
 11 MS. KINGSLEY: Motion opposed? Sorry.  
 12 Motion carries.  
 13 Item C, Numbers 2 through 7, motion for  
 14 consideration of approving certificates of  
 15 appropriateness from HARB for 12 Stockton Avenue,  
 16 New Hope Arts sign installation and renovations;  
 17 102 New Street, Justin Lucas for renovations,  
 18 including the installation of a wrap-around porch;  
 19 12 Waterloo Street, Chris Asplundh for an  
 20 amendment to a previous approval for a fence and  
 21 the shielding of utilities; Gordon Haas, 2  
 22 Stockton Avenue for a sign installation; Lou Lou  
 23 Burger, 110 South Main for a sign installation;  
 24 and the Greenhouse, 90 South Main Street, for a  
 25 sign installation and new roof color.

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1 Do I have a motion?  
 2 MS. GERING: I'll make that motion.  
 3 MR. MAISEL: Second.  
 4 MS. KINGSLEY: Discussion? All in favor?  
 5 MR. MAISEL: Aye.  
 6 MS. McHUGH: Aye.  
 7 MS. KINGSLEY: Opposed?  
 8 Motion carries.  
 9 Connie, do you want to take item C-1.  
 10 MS. GERING: Yes.  
 11 MS. KINGSLEY: I need to recuse myself  
 12 because that's my property.  
 13 MS. GERING: 142 South Main Street for  
 14 sign installation and renovations.  
 15 Can I have a motion?  
 16 MS. LEIFER RETTIG: I will make the  
 17 motion.  
 18 MS. GERING: Second?  
 19 MR. MEYER: Second.  
 20 MS. KINGSLEY: Discussion?  
 21 All in favor?  
 22 MS. McHUGH: Aye.  
 23 MR. MEYER: Aye.  
 24 MS. GERING: Opposed?  
 25 MS. KINGSLEY: Okay. Council reports,

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1 on submitting the application, they are asking the  
 2 Zoning Hearing Board to continue relief already  
 3 granted; is that correct?  
 4 MS. KINGSLEY: It sounds better when you  
 5 say it.  
 6 MR. WALSH: No, it doesn't, not at this  
 7 hour. Very official.  
 8 MS. KINGSLEY: So we have Joe Price and  
 9 Peter Stempfll doing the presentation.  
 10 Gentlemen, take it away.  
 11 MR. WALSH: It's pretty straightforward.  
 12 MR. STAMPFL: Good evening. I'm Peter  
 13 Stempfll. With me is Joe Price. We are  
 14 ReAlliance. We are a real estate development  
 15 company, and we would like to present this evening  
 16 our concept for Cintra, which has been in front of  
 17 council, in front of the planning commission, and  
 18 as well as zoning and HARB previously.  
 19 Mr. Robert Hillier had taken it through  
 20 the entire process. There are very few  
 21 modifications that we are looking to do to his  
 22 original concept.  
 23 Initially, there were 29 residences  
 24 proposed, and we're not looking to change the 29,  
 25 the number of residences proposed. The difference

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1 park and rec?  
 2 MS. LEIFER RETTIG: Nothing.  
 3 MS. KINGSLEY: No report.  
 4 The Shade Tree?  
 5 MS. McHUGH: Nothing at this time.  
 6 MS. KINGSLEY: Thank you.  
 7 Finance?  
 8 MR. DOUGHERTY: We have no report on that  
 9 right now.  
 10 MS. KINGSLEY: Okay. Thank you.  
 11 Revite committee?  
 12 MR. MEYER: I have not been here, though I  
 13 have no report.  
 14 MS. KINGSLEY: Website?  
 15 MS. McHUGH: Nothing at this time.  
 16 MS. KINGSLEY: Next would be land use  
 17 preservation and zoning. We have on the agenda  
 18 Rebecca River Road, which is the Cintra project,  
 19 181 West Bridge Street, and they're looking for  
 20 various approvals.  
 21 And correct me if I'm wrong, T.J., they  
 22 are looking for an amended approval, while keeping  
 23 the original approval in place. Am I correct on  
 24 that?  
 25 MR. WALSH: If I understand how they plan

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1 is that there were two cottages on the property  
 2 that were proposed as residential use.  
 3 We are proposing that they become  
 4 amenities for the community. So the number still  
 5 is 29, but the allocation of those 29 units is  
 6 slightly different, and they're located directly  
 7 behind the Cintra Mansion.  
 8 The first plan that -- and I believe that  
 9 most of you have it open in front of you. In the  
 10 gray shade are the existing structures that are  
 11 currently on the property. You have the largest  
 12 building in the center, which is the Cintra  
 13 Mansion.  
 14 There are two smaller buildings behind,  
 15 which are the cottages, and then there is the  
 16 existing barn in the right-hand bottom portion of  
 17 the page.  
 18 MR. DOUGHERTY: Excuse me. What are  
 19 you -- it's a massive project. What exactly are  
 20 you asking us?  
 21 MR. STAMPFL: Sure. I can keep it very  
 22 brief. I know it's been a long evening.  
 23 MR. DOUGHERTY: I appreciate that.  
 24 MR. STAMPFL: The only variance that we're  
 25 asking for is the one that deals with the square

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1 footage per use, and this variance was granted  
 2 previously by the Zoning Hearing Board on  
 3 May 26th, 2011, when the previous applicant  
 4 applied for a number of variances and waivers.  
 5 This was one of them. It was granted.  
 6 Because we are making some modifications to the  
 7 lower level of the mansion, we are adding two  
 8 sunken terraces, as well as a patio area on the  
 9 ground level for the proposed cluster, this  
 10 triggered us having to go to the Zoning Hearing  
 11 Board again.  
 12 So that is the long and short of what  
 13 we're proposing to do, and so if you have  
 14 questions, we would be more than happy to answer  
 15 them.  
 16 MS. GERING: I have one question.  
 17 MR. STAMPFL: Yes.  
 18 MS. GERING: A piece of the property is  
 19 going to the library?  
 20 MR. STAMPFL: Yes.  
 21 MS. KINGSLEY: Okay. And my question is,  
 22 when does their ten year time start? They have  
 23 ten years to develop. Is it from 2011, 2013, when  
 24 you got the variances or is it after you had built  
 25 it?

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1 MS. KINGSLEY: So they're indicating you  
 2 have three years based on --  
 3 MR. WALSH: Well, I'm reading the decision  
 4 from 2011. There's a paragraph in here, and I  
 5 don't have land development approval in front of  
 6 me, but chances are that it carries forward.  
 7 It simply says the conveyance of the lot  
 8 will be subject to restriction and reversion  
 9 language acceptable to the Borough that is to be  
 10 developed for a library only within ten years from  
 11 the date of this decision. That's the Zoning  
 12 Hearing Board decision.  
 13 Further, the plans for the development of  
 14 the library lot have not been submitted. If plans  
 15 for the development of the library lot have not  
 16 been submitted within that ten year period, the  
 17 library lot would revert to the association of  
 18 unit owners as opposed to residential units of the  
 19 condo.  
 20 I think that's what you're talking about.  
 21 MR. STAMPFL: Right.  
 22 MR. WALSH: So ten years is a long time in  
 23 2011; in 2018 it is not.  
 24 MR. STAMPFL: Right.  
 25 MR. WALSH: So to the extent that

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1 MR. STAMPFL: Great question, and -- I'm  
 2 sorry, Alison. Was there --  
 3 MS. KINGSLEY: It's guess it's a letter  
 4 from the library, and I'm going to pass it down.  
 5 This just got handed to me.  
 6 So as I read this, correct me if I'm  
 7 wrong, but you had discussion earlier today with  
 8 the library; is that correct?  
 9 MR. STAMPFL: I spoke with Beth Holston  
 10 today.  
 11 MS. KINGSLEY: All right. And it appears  
 12 that you, as the developers, are willing to start  
 13 the time clock over again for the ten years,  
 14 because the library is indicating they still have  
 15 an interest in building on the site?  
 16 MR. STAMPFL: That's not quite my  
 17 understanding of the conversation. What we had  
 18 discussed is we are more than willing to sit down  
 19 with them and discuss an extension or whatever  
 20 would have to happen.  
 21 We're not opposed to the library being  
 22 there. We don't see it as a negative to what we  
 23 are trying to do with the property, but I didn't  
 24 commit going to we're going to start the clock  
 25 over. I just wanted to be clear on that.

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1 condition can be attached to the variance, we  
 2 should address this window, and the plan of  
 3 approval was not far on the heels of this Zoning  
 4 Hearing Board decision. I think it was --  
 5 Joe, do you have when the original plan  
 6 was? Do you have the date?  
 7 MR. STAMPFL: We have it in the file. I  
 8 think it was in 2013.  
 9 MR. WALSH: That sounds about right.  
 10 MR. STAMPFL: It wasn't far after.  
 11 MR. WALSH: So that's within the realm of  
 12 2011, but five years after that, so that I  
 13 think --  
 14 MS. KINGSLEY: Okay. So the way that  
 15 release would say is that it specifically has to  
 16 be the plans would have to be submitted?  
 17 MR. WALSH: Plans for the development of  
 18 the library lot.  
 19 MS. KINGSLEY: They don't necessarily have  
 20 to build in three years. They have to have the  
 21 plans.  
 22 MR. WALSH: That's correct.  
 23 MS. KINGSLEY: Okay. Pete?  
 24 MR. MEYER: Can I read very quickly to  
 25 clarify the issue that has been presented to us by

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1 the treasurer of the library?  
 2 Prior to tonight's meeting, I want you to  
 3 know the library intends to build on the site,  
 4 that we always intended to build on that site, but  
 5 at this point, doing so within three years would  
 6 be difficult.  
 7 We do not want to lose this opportunity  
 8 just because Mr. Hillier did not move ahead, as  
 9 expected. So we will petition you and other  
 10 Borough committees to begin the ten-year window  
 11 when ReAlliance has begun construction.  
 12 So I guess the question then would be,  
 13 given this petition from the library, and the  
 14 request that they're making, I guess the  
 15 appropriate question would be, what is your  
 16 position on that request?  
 17 MR. STAMPFL: I think from -- I will  
 18 answer the question, one of the things that we  
 19 have to take into consideration is Mr. Hillier's  
 20 thoughts on that subject.  
 21 If we do not move forward and purchase the  
 22 property, I wouldn't want to commit him to  
 23 something he is not comfortable with.  
 24 I can speak for ReAlliance. Again, we are  
 25 not opposed to the library being there, and we are

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1 years, not construction itself, which might also  
 2 provide the opportunity for the library to  
 3 function within that ten-year timeframe.  
 4 MR. WALSH: That's correct.  
 5 MR. MEYER: Okay. I will communicate  
 6 back, and I suspect that he may want to try to  
 7 make sure that the library is represented when you  
 8 go before the Zoning Hearing Board.  
 9 MR. STAMPFL: Okay.  
 10 MS. KINGSLEY: So before these gentlemen  
 11 go to zoning, does council want to take a position  
 12 to support or oppose?  
 13 MR. DOUGHERTY: I mean, I had a question  
 14 before we got to the library. You said that it's  
 15 modification of the square footage, right, I  
 16 believe?  
 17 MR. STAMPFL: Yes.  
 18 MR. DOUGHERTY: From what? There's two  
 19 numbers involved. From what number to what  
 20 number? Is it just to the modification on the  
 21 mansion or something like that?  
 22 MR. STAMPFL: No, it's a modification to  
 23 the mansion for the addition of the sunken  
 24 terraces. We are utilizing more square footage of  
 25 the lower level than what was previously proposed.

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1 more than happy to sit down with them, and meet  
 2 with them, and figure out some kind of timeline  
 3 that works for them, that works for us.  
 4 So we're certainly not opposed to granting  
 5 more time. I just want to make sure Mr. Hillier,  
 6 if we don't move forward for whatever reason, he  
 7 would be --  
 8 MR. WALSH: So just so you don't have that  
 9 limiting language in there. When you go to the  
 10 Zoning Hearing Board, ask the Zoning Hearing Board  
 11 to clarify the condition, because, frankly, I  
 12 don't know how they have jurisdiction to oppose,  
 13 but that's besides the point. He agreed to it,  
 14 and council adopted it when they had the plan, but  
 15 have them clarify. Ten years should be hard and  
 16 fast, so to speak.  
 17 MR. STAMPFL: Okay.  
 18 MR. WALSH: I don't think the Borough  
 19 council has a dog in that fight, to be honest with  
 20 you. It's either going to be open space or a  
 21 library, neither of which I think is an offensive  
 22 use of the property from council's perspective.  
 23 MR. MEYER: In addition to which,  
 24 certainly, the line that you just read said that  
 25 the plans needed to be in place within three

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1 MS. KINGSLEY: All of these modifications  
 2 apply to the mansion then? They're not changing  
 3 the square footage of the cottage or of the 29  
 4 units or are they?  
 5 MR. STAMPFL: The 21 new construction,  
 6 there are three clusters, and in each cluster, the  
 7 square footage of those has increased slightly.  
 8 We are not using the cottages for residential. So  
 9 we have taken that square footage and rolled it  
 10 into the new cluster construction.  
 11 MR. DOUGHERTY: So you -- I'm sorry. By  
 12 how much? I need numbers here. There's two  
 13 numbers here.  
 14 MR. STAMPFL: There's a chart. Excuse me.  
 15 MS. GERING: While you're looking, you had  
 16 a variance. 29 units, will it still be 29 units?  
 17 MR. STAMPFL: Yes.  
 18 MS. GERING: Okay.  
 19 MR. DOUGHERTY: Okay. It looks like maybe  
 20 this includes the sunken terrace, but you're going  
 21 from a total of 15,500 feet to 18,900 feet, which  
 22 is about -- that it seems about a 20 percent  
 23 increase in square footage.  
 24 How much of that -- I guess I can get into  
 25 this, but how much of that is the sunken terrace

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1 expansion?  
 2 MR. STAMPFL: I'm looking at the  
 3 comparison table.  
 4 MR. DOUGHERTY: I am, too.  
 5 MR. STAMPFL: And if you look at the gross  
 6 area square footage, I got 10,136.  
 7 MR. DOUGHERTY: I have comparison summary  
 8 of building square foot, and there's a little lot  
 9 on the right-hand side. Mine says proposed --  
 10 previously proposed Lot B, proposed Lot B, which  
 11 would -- maybe there's a different -- to what  
 12 extent -- how much square footage -- you don't  
 13 have that number, is that what I'm hearing, right?  
 14 You want us to --  
 15 MR. STAMPFL: It's spread out over all of  
 16 the buildings, other than the part of the -- the  
 17 mansion itself, the square footage that is being  
 18 used is increasing. Because patios, decks,  
 19 balconies are included in that square footage, it  
 20 appears that we're adding on to the mansion and  
 21 we're not. We're just utilizing additional square  
 22 footage within the physical structure.  
 23 As far as the clusters go, the clusters  
 24 are increasing. The footprint of clusters  
 25 increases from approximately 200 square feet to

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1 you went before us, we voted to go in front of, I  
 2 guess, zoning with this? When's the next time?  
 3 When do you plan to go to zoning?  
 4 MR. WALSH: Whenever a hearing is  
 5 scheduled.  
 6 MR. STAMPFL: June 21st we believe is the  
 7 next Zoning Hearing Board meeting, and we are --  
 8 it's understanding we are on that schedule,  
 9 June 7th.  
 10 MR. DOUGHERTY: Because what we have done  
 11 in the past, my understanding is we tend to nod  
 12 our heads with this stuff as council, councils,  
 13 not this one, and it turns out that we didn't  
 14 realize what we are were actually nodding our  
 15 heads about.  
 16 We have a work session in two weeks that I  
 17 believe we're allowed to vote on at those work  
 18 sessions.  
 19 MR. MEYER: Yes.  
 20 MR. DOUGHERTY: Is T.J. here?  
 21 MS. KINGSLEY: We can.  
 22 MR. WALSH: We can.  
 23 MR. DOUGHERTY: You can't?  
 24 MS. KINGSLEY: Sure, it's a public  
 25 hearing, but I mean, if they know we're going to

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1 850 square feet, depending on which cluster you're  
 2 talking about.  
 3 MR. DOUGHERTY: Per cluster?  
 4 MR. STAMPFL: Per cluster, but then you  
 5 have three stories. So that's how you get up to  
 6 that higher square footage. One of the largest  
 7 increases in the square footage is we're proposing  
 8 a basement.  
 9 Those basements, in total, are 10,000  
 10 square feet. The basement are used for  
 11 mechanical. They're proposed to be used for  
 12 storage for the residents. So there's no living  
 13 space.  
 14 MR. DOUGHERTY: There wasn't going to be  
 15 storage or mechanic before? They were going to be  
 16 up inside?  
 17 MR. STAMPFL: The mechanicals were going  
 18 to be in the unit, in the residence itself. So  
 19 that's why some of that square footage, I think,  
 20 looks much larger than what might be.  
 21 MR. DOUGHERTY: I have question for you,  
 22 just a logistical question. Let's suppose we are  
 23 neutral, no, yes, we take a vote. When would that  
 24 be helpful to you in your process? When's the  
 25 next time you have a piece of paper saying that

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1 vote then --  
 2 MR. DOUGHERTY: You see where I'm going.  
 3 It will give us a chance to look at this.  
 4 MR. MEYER: Another point.  
 5 MS. KINGSLEY: So, Pete, before the Zoning  
 6 Hearing Board meets, I would feel comfortable, I  
 7 don't know about anybody else, but if we let them  
 8 know we're going to discuss it again on the work  
 9 session.  
 10 MR. STAMPFL: Just one additional thing.  
 11 So we did meet with residents of Kiltie Drive. We  
 12 got their feedback. We presented the plan you see  
 13 that's in front of you.  
 14 MR. DOUGHERTY: I just, from a personal  
 15 perspective, on this type of stuff, it seems like  
 16 not -- when previous councils had not really  
 17 studied that, that plus the library thing, three  
 18 years later, we're sitting here going, well, it's  
 19 too late now, and so that's where I'm coming from.  
 20 MS. KINGSLEY: I think that's fair.  
 21 So a couple of things that didn't come out  
 22 in this, I think. The fact that I believe in  
 23 reference to inclusion of basements, the thought  
 24 process is not only is it mechanicals, but is it  
 25 my understanding that this is going to be sold out

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1 as opposed to rent?  
 2 MR. STAMPFL: That's correct. It's a  
 3 for-sale residence.  
 4 MR. PRICE: Our concept is slightly  
 5 different than Mr. Hillier whereas we're looking  
 6 at for-sale condominium residences, for permanent  
 7 residents in the community. Mr. Hillier's product  
 8 had micro-units and apartment type units.  
 9 To accommodate a permanent residence, you  
 10 needed to have more two bedrooms, and a little bit  
 11 bigger space inside of the houses, so that they  
 12 would be selling homes as opposed an apartment  
 13 space. So that's what precipitated the increase  
 14 in the square footage.  
 15 MS. DELEVICH: What is the increase and  
 16 what was the square footage back then?  
 17 MR. PRICE: It gets confusing, because a  
 18 lot of the square footage we got from the basement  
 19 and outside areas. The actual units have not been  
 20 increased in scale that much. It's really just  
 21 the basement and the exterior spaces create -- per  
 22 this zoning code, have to be included in that  
 23 number.  
 24 MR. STAMPFL: The increase is -- again, it  
 25 depends on which residence you're talking about.

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1 community very excited -- I think you sold ten  
 2 units that night -- was the fact that this was  
 3 going to be green and it was going to be very  
 4 energy efficient.  
 5 Also, the fact that New Hope demographics  
 6 are -- you have a lot of -- most of the population  
 7 is 50 and over. There are a lot of people that  
 8 want to downsize that live here. So that night,  
 9 there was ten people that lived here who were  
 10 interested.  
 11 So they are very much interested in the  
 12 fact that these were not going to be big, they're  
 13 not going to be 2,000 square feet, and they were  
 14 very interested in the fact that the price at that  
 15 time was in the high 300s.  
 16 We got the impression they were going to  
 17 be high-end, smaller units. Is that still your  
 18 vision? And, also, there were going to be sod  
 19 roofs. I don't know if you're still going to do  
 20 that.  
 21 MR. STAMPFL: We are going to have green  
 22 roofs. That's part of the previous approval, and  
 23 I believe we show it on our drawings. So they are  
 24 going to be energy efficient.  
 25 The square footage, 2,000, the only ones

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1 It can be as little as 175, it can be as high as  
 2 300, but it varies depending on which residence  
 3 you're talking about.  
 4 MR. DOUGHERTY: I'm sorry.  
 5 MS. KINGSLEY: My suggestion, would you be  
 6 able to come on the 4th to the work session?  
 7 We'll put it on the agenda, and could you please  
 8 figure out the footage, the exact number?  
 9 MR. STAMPFL: Sure. Sure.  
 10 MS. KINGSLEY: That would be great.  
 11 MS. McHUGH: Do you have an extra hard  
 12 copy of the plan?  
 13 MR. DOUGHERTY: These guys.  
 14 MR. PRICE: What time is that meeting and  
 15 is it here at --  
 16 MS. KINGSLEY: It's here at 4 o'clock on  
 17 June 4th. It's a Monday, yes.  
 18 MR. DOUGHERTY: The good news for you is  
 19 I'm on vacation.  
 20 MS. KINGSLEY: Any other questions?  
 21 Okay. Geri?  
 22 MS. DELEVICH: Geri Delevich, Old Mill  
 23 Road, New Hope.  
 24 I was on council when this plan was  
 25 originally presented, and two factors that had the

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1 that were that size were the ones in the mansion,  
 2 and that's just because the mansion is that big,  
 3 and there are four units proposed for the mansion.  
 4 We're going to be 3,000 in some cases,  
 5 that's square foot. That's physically that's what  
 6 the planning is. All of the other residences that  
 7 we're proposing new construction are under 1,400  
 8 square feet.  
 9 So we're not talking about large units  
 10 here. The two bedrooms, probably the smallest  
 11 ones are going to be somewhere around 1,100, and  
 12 they're going to go up to right around 1,400.  
 13 The one bedrooms are going to vary from I  
 14 would say the mid 800s up to, you know, high 900s,  
 15 maybe even --  
 16 MS. DELEVICH: Is that square footage or  
 17 price?  
 18 MR. STAMPFL: That is square footage, and  
 19 the price we have not established yet, just  
 20 because the architectural designs are not far  
 21 enough along for us to really establish some  
 22 prices.  
 23 We have a community that we did in  
 24 Lambertville, townhouses on the canal. They sold  
 25 in the 700s. It was a high level finish, and

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1 we're looking to do something similar here, but  
 2 they are going to be a good level, high-level  
 3 finish, and certainly they would --  
 4 MS. DELEVICH: That's a \$400,000 increase.  
 5 MR. STAMPFL: It will happen for the one  
 6 bedrooms. We're not looking to price ourselves  
 7 out of the market. We have a market study being  
 8 done currently, and our initial projections are in  
 9 line with the initial feedback we got from the  
 10 market.  
 11 MS. DELEVICH: Great. Thank you. Good  
 12 luck.  
 13 MR. STAMPFL: Thank you.  
 14 MS. KINGSLEY: Okay. Thank you.  
 15 Any other questions from the public?  
 16 Okay. So we'll see you gentlemen on the  
 17 4th.  
 18 MR. STAMPFL: Okay. Thank you.  
 19 MS. KINGSLEY: Any other business from  
 20 council?  
 21 MR. MEYER: Yes.  
 22 MS. KINGSLEY: Peter?  
 23 MR. MEYER: Yeah, I'm going to,  
 24 unfortunately, delay us a little bit further.  
 25 This has to do with the Shared Services

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1 currently has children at home either, and we then  
 2 proceeded to show and demonstrate some  
 3 differences.  
 4 And, basically, what the letter is saying  
 5 is, provided that Solebury is prepared to  
 6 acknowledge that we have shared services, other  
 7 than just the playing fields, about which they  
 8 have made a great deal of noise.  
 9 One of those shared services that we  
 10 pointed out was the library, which I made some  
 11 comment earlier, and another one is the fact that  
 12 we provide all the police services to a school  
 13 that happens to be located in the Borough.  
 14 Anyway, that to the extent that Solebury  
 15 is prepared to acknowledge that we share a number  
 16 of different services, ALS being yet another one  
 17 and so on, that we're prepared to meet with them,  
 18 and discuss how to move forward on our shared  
 19 services.  
 20 So I request -- I guess I would like to  
 21 move that the Borough Council approve this letter.  
 22 I think it might --  
 23 MS. KINGSLEY: Okay.  
 24 MR. MEYER: I would make a motion.  
 25 MS. KINGSLEY: So Peter is making a

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1 Committee, and the position that three of us on  
 2 the Shared Services Committee agreed upon, and I  
 3 just wanted to see what we're dealing with.  
 4 The first half of this document I'm going  
 5 to give you is the letter that appeared last week  
 6 in the Herald, and the bottom half is our  
 7 proposed, that is to say the response that Tina,  
 8 Alison and I have agreed upon, and we just wish to  
 9 inform you that we will be transmitting this to  
 10 the Herald and to Solebury Township.  
 11 MS. KINGSLEY: With council's approval?  
 12 MR. MEYER: With council's approval.  
 13 MS. KINGSLEY: Thank you.  
 14 MR. MEYER: I might just send a letter in  
 15 without it, but that's a different story.  
 16 And that's, basically, for those of you  
 17 that are not reading what I have here, which I  
 18 guess I should probably give you a copy, is the  
 19 letter makes strong reference to paying their fair  
 20 share of taxes, and also with reference to  
 21 providing for children.  
 22 Mr. Mankin opened his letter by pointing  
 23 out that he is a Solebury taxpayer who does not  
 24 have children. Our response to that particular  
 25 statement, since nobody on Borough council

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1 motion. Is there a second? We'll have a  
 2 discussion.  
 3 MS. GERING: I'll second it.  
 4 MS. KINGSLEY: Okay. Open for discussion?  
 5 Can you read it for us?  
 6 MR. MEYER: Certainly. Do you want me to  
 7 read the the whole thing? I'll read it.  
 8 The letter, as I said, basically, Dennis  
 9 Mankin from Solebury Township focused exclusively  
 10 on the playing fields, and our response is, we  
 11 echo Dennis Mankin's call in his May 17 letter for  
 12 us to all pay our fair share in taxes, his  
 13 language. Like him, we are taxpayers with no  
 14 children at home. We ARE also members of New Hope  
 15 Borough Council and our Shared Services Committee.  
 16 We share many services with Solebury Township, not  
 17 just children's recreation.  
 18 New Hope pays the state mandated minimum  
 19 amount per capita in support of the New  
 20 Hope-Solebury Library. Solebury does not meet  
 21 that standard. Isn't the library important to  
 22 the, quote, well-educated, well-rounded child,  
 23 Mr. Mankin wants to support? Again, a quote from  
 24 Mr. Mankin.  
 25 With regard to education and the safety of

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1 our schools, New Hope pays for police services and  
2 criminal responses for our school district.  
3 Solebury makes no contribution to this expense.  
4 Is that fair?

5 Moreover, during the period 2012 to 2018,  
6 Solebury contributed nothing at all to the  
7 workmen's compensation fund for the volunteer  
8 firefighters, who serve both our communities. Is  
9 that fair? Parenthetically, New Hope pays all of  
10 that workmen's compensation contribution.

11 Then there's Advanced Life Support  
12 Ambulance Service, which is charged on a per tax  
13 parcel basis, based on the payments actually made  
14 to the service. New Hope pays \$54.67 per parcel,  
15 while Solebury pays \$52.89 per parcel. Is that  
16 fair.

17 Please be clear, the issue at hand is not  
18 that New Hope Council refuses to talk with  
19 Solebury supervisors. The issue is that Solebury  
20 wants to focus only on recreation field expenses.  
21 New Hope council wants to talk about all of our  
22 shared services.

23 When Solebury supervisors are willing to  
24 address that broader agenda and paying their fair  
25 share, we are more than willing to meet to discuss

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1 MR. MEYER: I know, but there is a  
2 microphone.

3 MS. KINGSLEY: I'm sorry.

4 MR. MEYER: And I'm a deaf old man.

5 MR. DOUGHERTY: I think where you're going  
6 to go is you checked with the library and the fire  
7 company?

8 MS. KINGSLEY: We actually met with the  
9 library and met with the fire department.

10 MR. DOUGHERTY: If they didn't get no  
11 money, then that's --

12 MR. MEYER: That's where that comes from.

13 MS. KINGSLEY: So treasurer of the fire  
14 department, but to your point, maybe clarifying  
15 that, you know --

16 MR. MEYER: More important, brevity that  
17 you seen here then is a function of trying to get  
18 a letter into the newspaper. In terms of what we  
19 sent to Solebury, we may want to elaborate that  
20 slightly more. I'm more than willing to make that  
21 modification.

22 MR. DOUGHERTY: I got you. Thank you.

23 ---

24 (Discussion off the record.)

25 ---

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1 moving forward, end of letter.

2 MR. DOUGHERTY: Just for council's  
3 discussion, Pete, this would be from Alison --  
4 this is exactly who it would be from. It wouldn't  
5 be from the New Hope Borough Council?

6 MR. MEYER: No, it's from the members of  
7 the Shared Services Committee.

8 MR. DOUGHERTY: The only thing I'd say is  
9 where it's -- I'm not trying to work spin, but  
10 Solebury makes no contribution, and Solebury  
11 contributed nothing.

12 I would ask or suggest that that itself is  
13 in some way -- that as we understand it, we do not  
14 know all of the inner workings of Solebury's  
15 financials and payments systems, and for all we  
16 know, everything that we have been able to show,  
17 what we want is to say they pay nothing?

18 There may be some avenue by which that  
19 money gets there that we can't find, that we're  
20 unaware of. That's just a suggestion.

21 MS. KINGSLEY: Yeah, and I think the  
22 statement, when the committee is going --

23 MR. MEYER: I can't hear you, Alison.

24 MS. KINGSLEY: I'm sorry. There's nobody  
25 left.

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1 MR. MAISEL: I mean, I think the response,  
2 there nothing wrong with it, but when do we stop  
3 trying to litigate this through newspapers, and  
4 when are we going sit down?

5 MR. MEYER: Well, that's what we're asking  
6 them for.

7 MR. MAISEL: But why not -- let's sit  
8 down. Maybe it's as simple as that. Let's sit  
9 down and get it together, because this is just  
10 more antagonizing, and maybe deservedly so,  
11 because we feel that way, justifiably. Let's get  
12 on with it. This is going on too long.

13 MR. MEYER: On one level, I'm completely  
14 in agreement with you. On another level, let's be  
15 very specific, I have seen absolutely nothing in  
16 the last nine months or however long this has gone  
17 on in which Solebury has so much as once admitted  
18 that there is any kind of shared service, other  
19 than the playing fields.

20 And I want to make sure that that is on  
21 the agenda when we meet, and I want an agreement  
22 that that's on the agenda when we meet.

23 Otherwise, I don't see what we're meeting for, and  
24 I think that that request is, therefore,  
25 absolutely necessary. That's my position, Ken,

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1 and I am --

2 MR. MAISEL: No, laying down the ground

3 rules, I think it's no different than China and

4 the United States laying down ground rules for

5 which -- on the basis of how we can work on it. I

6 mean, we're hunkering down, too, you know, as much

7 as they are.

8 MS. KINGSLEY: So establishing the ground

9 rules, the question is --

10 MR. MAISEL: We feel -- and I think

11 deservedly. I'm not minimizing our position in

12 any way. We should not cave in, but I think it's

13 been a year already. I don't know how long it's

14 been at this point, and we are nowhere.

15 MAYOR KELLER: I agree with Alison also.

16 The one line that says, with regard to education,

17 safety of our schools, New Hope pays for police

18 services and criminal responses for our school

19 district. Solebury makes no contribution to these

20 expenses. Is that fair?

21 And I think that one can certainly argue,

22 since the one elementary school is up on the Sugan

23 Road, they can certainly -- I'm sure that they

24 have occasion that they have to respond to some

25 incident of our school, so.

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1 So unless you're taking that step to set

2 that meeting, and then if they won't have the

3 meeting, then is the paper better than Facebook?

4 How do you make the meeting happen, because you're

5 basically saying you don't want to hear this any

6 more, and you would like to either go a long way

7 or get them to start paying their fair share.

8 Is your agenda truly going to get them to

9 pay fair share is the question. Do you need a

10 meeting? If you don't care, if you're willing to

11 pay what you're paying, and you're just making the

12 decision not to pay them for the playing fields,

13 which they have never -- the school is voted on by

14 both entities. ALS was voted on by entities.

15 This is the only thing that they just did and

16 expect compensation for it.

17 So there's lots of layers to this, but,

18 really, what's the paper going to do for you at

19 this point? Do you want to get smutty or do you

20 not care? You just want to shut them up about

21 what they're talking about? So, you know, once

22 you know that, then you know what the meeting

23 should be about, I think.

24 MS. KINGSLEY: Steve?

25 MR. COHEN: Thank you. Steven Cohen, New

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1 MS. KINGSLEY: We actually get a response.

2 MAYOR KELLER: I think we have to sit

3 down, you know, this going back and forth. So I

4 look at that line, and that's not quite

5 100 percent right. So I'm just pointing that out

6 from the police perspective.

7 MS. KINGSLEY: So with revision to this to

8 clarify a few items.

9 MS. KERR: I have a thought, Alison.

10 MS. KINGSLEY: Pamm.

11 MS. KERR: Pamm Kerr, K-e-r-r.

12 Could we hold off with the paper and just

13 find out will they take a meeting? I'm only

14 saying that because the paper is their game. It's

15 been their game for ages. You just play catch-up.

16 If you ask for a meeting, specify these

17 are the things on your agenda, including what they

18 have asked for, and then if they won't take it,

19 maybe then it's time to put it in the paper, but

20 why now?

21 You've said clearly this. You stated the

22 numbers, done that. It's been in the paper and it

23 was clearly taken. The only thing that wasn't

24 stated was asking where they come up with their

25 one set of numbers. So it's been in there.

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1 Hope resident.

2 I'm sure you all know how I feel about a

3 lot of this stuff. As far as recreation fields

4 go, what Solebury did, let them deal with it.

5 I don't think we should pay any of that,

6 none, shared services for ALS, police, everything

7 else. I mean, ALS, fire company, whatever, that's

8 all fine.

9 In the letter, where you say something

10 about the worker's comp, if you're going to

11 include that, I think you should say something

12 that as far as we are aware, they have not paid

13 their fair share of that. They have not paid

14 nothing, and we have paid our share in full, as

15 discussed. I think in a work session somewhere,

16 you might want to include the bussing that you

17 discussed in one of those work sessions. No?

18 MS. GERING: I personally think that's a

19 bad move.

20 MR. COHEN: Okay. You have an opinion, so

21 do I. And the other thing is we mention the fact

22 that the high school and middle school and

23 whatever is over here on that campus is New

24 Hope-Solebury--- is in New Hope, and we get no

25 property tax revenue from that. That could be a

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1 huge chunk of change.  
 2 The other thing is that I read in the  
 3 papers how the kids suffer. Let them go China and  
 4 see what suffering is.  
 5 Thank you.  
 6 MS. KINGSLEY: Thank you, Steve.  
 7 Geri?  
 8 I'm sorry.  
 9 MR. MACONIE: Good evening. My name is  
 10 Mike Maconie (Ph.). I'm a New Hope resident, and  
 11 so this issue is really poignant to me as someone  
 12 who lives in the Borough and has four kids, and  
 13 came from baseball practice, and does soccer  
 14 practice, and is the cub master of our local den.  
 15 Really appreciate Ken's approach and  
 16 opinion. Try and find a solution, because pretty  
 17 soon we are going to have fall and have to pay  
 18 soccer registration, and I will have to shell out  
 19 \$150 so that my three kids can play soccer with  
 20 their friends that they go to school with.  
 21 And I don't feel we should be a community  
 22 where we inflict that kind of price to pay within  
 23 our own Borough. The community here is well  
 24 respected. The school district is well rated  
 25 among Pennsylvania, in the top tier, and that

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1 but I agree with Ken.  
 2 It's not a -- don't bring these two towns  
 3 fighting against each other. We have always lived  
 4 copacetic, and let the governments work it out  
 5 among themselves and not drag everybody into it.  
 6 Thank you.  
 7 MR. MEYER: I happen to agree fully with  
 8 the last two sentiments, and for that matter fully  
 9 with Ken. The problem is that we have been  
 10 getting dragged through the newspaper all along,  
 11 and the problem is that at some stage of the game,  
 12 we have gotten enough public opinion pushing  
 13 against us that we need to more publicly and more  
 14 thoroughly and more effectively argue our case in  
 15 the court of public opinion in order, in my  
 16 opinion, for that sitdown meeting that I very much  
 17 want to have to actually work, and I guess that's  
 18 my concern.  
 19 I think the other comment that I would  
 20 like to make to your three kids, for whom you have  
 21 to pay \$50, if you lived in Buckingham Township,  
 22 you wouldn't have to pay \$50, even though they  
 23 played on the same field, and that is also totally  
 24 inappropriate, and I don't know what the hell is  
 25 wrong with Solebury imposing that only on New

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1 drives property values.  
 2 School districts, park and rec, families  
 3 come here. Families love being here. We love  
 4 being here. I encourage -- I don't recall your  
 5 name, but that you wait on the letter, until after  
 6 a formal meeting has been requested with an  
 7 agenda. I think it's a really smart move, and I  
 8 appreciate everyone's help on the issue.  
 9 MS. KINGSLEY: Thank you.  
 10 MS. DELEVICH: I completely agree with  
 11 Ken. I don't really want to go to a verbal war  
 12 with people in Solebury. We have always had a  
 13 good relationship with the people, not necessarily  
 14 the government always, but I agree that why not  
 15 sit down and talk to them?  
 16 We have a great case, when you consider  
 17 we're one square mile, and we have a nontaxable  
 18 interest, the school district basically here, the  
 19 fire department, the library, the Catholic church,  
 20 the synagogue. We are a little town and we have  
 21 it all here, not to mention the school busses and  
 22 the football games and all that stuff.  
 23 I do believe that the Solebury Police  
 24 Department would be here in minutes if we had a  
 25 problem. They're pretty much here anyway a lot,

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1 Hope, and that is something else that needs to be  
 2 out there.  
 3 MR. MACONIE: My understanding is that  
 4 it's actually going to be everyone not in  
 5 Solebury.  
 6 MR. MEYER: That's a shift. That's good.  
 7 MR. MACONIE: The concern is that as a  
 8 baseball coach and soccer coach is that it's  
 9 actually going to collapse park and rec.  
 10 One other point. I really think that  
 11 there's a -- to your press comment, I really  
 12 actually think it's an opportunity to look like  
 13 the more adult in the room, and once there's a  
 14 resolution, to take it to the press at that point,  
 15 New Hope Borough Council led the way in a very  
 16 difficult issue to find a resolution within this  
 17 community, despite Solebury Borough Township  
 18 being, fill in whatever language that you want  
 19 there.  
 20 I actually think there's quite the  
 21 opportunity to win the press war once there's a  
 22 resolution and come out at that point, and I  
 23 encourage everyone to think about it that way as  
 24 well because --  
 25 MR. MEYER: It's a valid point.

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1 MR. MACONIE: We're all leaders in this  
 2 community, in one way, shape or form, and I think  
 3 leaders vote for resolution and try to find the  
 4 best approach, and I think when you do that,  
 5 success will follow.  
 6 MS. GERING: Thank you.  
 7 MS. KINGSLEY: That's it.  
 8 MR. DUFFY: Ed Duffy, New Hope.  
 9 I think I have to kind of speak in  
 10 opposition to Mr. Cohen's position. I assume that  
 11 the New Hope taxpayers should pick up sporting  
 12 events that are outside of New Hope. If it was in  
 13 New Hope, on the fields of New Hope, if it was at  
 14 the school fields, then I think it would be highly  
 15 appropriate.  
 16 I just don't see the connection of the  
 17 being children outside of New Hope and have  
 18 somebody else pay for it. I just don't see that  
 19 connection.  
 20 Thank you.  
 21 MS. KINGSLEY: Okay. Let's put it on the  
 22 agenda for the workshop.  
 23 MS. McHUGH: Yes.  
 24 MS. KINGSLEY: Let's do that.  
 25 Workshop, Peter?

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1 MS. KINGSLEY: So is there any other new  
 2 business?  
 3 MS. DELEVICH: You asked for a meeting?  
 4 Will you be asking for a meeting with Solebury?  
 5 MS. KINGSLEY: We're going to discuss how  
 6 we're going to handle this, whether we meet in  
 7 person or --  
 8 MS. LEIFER RETTIG: In two weeks from now,  
 9 so.  
 10 MS. KINGSLEY: June 4th.  
 11 All right. If there's no other new  
 12 business --  
 13 MR. MACONIE: Would it be totally  
 14 inappropriate for you guys to go to a Solebury  
 15 Township meeting instead of writing letters and  
 16 things like? Can you do that?  
 17 MS. KINGSLEY: It's the same night. We  
 18 can all go there.  
 19 All right. Meeting adjourned.  
 20 (At 10:30 p.m., proceedings were  
 21 concluded.)  
 22 ---  
 23  
 24  
 25

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1 MR. MEYER: I'm okay.  
 2 MS. KINGSLEY: Okay. You're not going to  
 3 object?  
 4 MR. MEYER: I'll withdraw the motion to  
 5 streamline things, Alison. I'll withdraw the  
 6 position or --  
 7 MS. GERING: I'll second it. I  
 8 withdraw --  
 9 MS. KINGSLEY: What's that?  
 10 MR. DUFFY: Is there a vote on the floor?  
 11 MS. KINGSLEY: Nothing. We didn't vote on  
 12 anything.  
 13 MR. MEYER: We agreed to withdraw the  
 14 motion that I put on the table.  
 15 MS. KINGSLEY: Yes. So I'll give  
 16 everybody a chance to chew on this and decide what  
 17 we think is the best course of action.  
 18 MR. MACONIE: Is it possible to send out a  
 19 meeting request ahead? Isn't it clear that a  
 20 meeting is needed between the towns?  
 21 MR. DOUGHERTY: Is this a work session --  
 22 MS. KINGSLEY: There's no motion.  
 23 MR. DOUGHERTY: I'm sorry, but this is not  
 24 like where we're just working on a project here.  
 25 So we have move on at some point.

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1  
 2  
 3 **CERTIFICATE**  
 4  
 5  
 6 I hereby certify that the proceedings and  
 7 evidence are contained fully and accurately, to  
 8 the best of my ability, in the stenographic notes  
 9 taken by me at the meeting in the above matter;  
 10 that the foregoing is a true and correct  
 11 transcript of the same.  
 12  
 13  
 14 **EDWARD McKENNA, C.R.**  
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