

BEFORE
NEW HOPE BOROUGH COUNCIL

In Re: Regular Meeting

WEDNESDAY, MAY 22, 2019

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

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350 SOUTH MAIN STREET, SUITE 203

DOYLESTOWN, PENNSYLVANIA 18901

(215) 345-7966

BOROUGH COUNCIL:

Connie Gering, President
Dan Dougherty, Vice President
Tina Leifer Retting, Pro Term
Laurie McHugh
Peter Meyer
Ken Maisel
E.J. Lee, Borough Manager
T.J. Walsh, Esquire, Solicitor

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ALSO PRESENT:

Chief Michael Cummings
New Hope Police Department

James Ennis, Zoning Officer
Mayor Keller
Paul Cohen, Esquire

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1 MR. WALSH: Call the meeting to order.
2 *****
3 (Whereupon, the Pledge of Allegiance was
4 recited at this time.)
5 *****
6 MS. GERING: We will do roll call, please.
7 MS. LEE: Vice President Dougherty?
8 MR. DOUGHERTY: Here.
9 MS. LEE: President Post Term Rettig?
10 MS. RETTIG: Here.
11 MS. LEE: Ms. McHugh?
12 MS. McHUGH: Here.
13 MS. LEE: Mr. Maisel?
14 MR. MAISEL: Here.
15 MS. LEE: Mr. Meyer?
16 MR. MEYER: Here.
17 MS. LEE: Alison Kingsley is not present at
18 the moment.
19 Mayor Keller?
20 MAYOR KELLER: Here.
21 MS. LEE: We also have our Solicitor Walsh,
22 as well as myself, the Borough manager. Oh, and
23 Council President Gering?
24 MS. GERING: Here.
25 MS. LEE: Sorry.

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1 Also, from staff, we have the Chief of
 2 Police, as well as our zoning officer and many members
 3 of the public, as well as our police department.
 4 MS. GERING: There's no announcements
 5 tonight, but we will start with the Mayor's report.
 6 MAYOR KELLER: Sure. Those of you who
 7 weren't here this weekend, you certainly missed a
 8 wonderful Saturday, the Pride Parade, and you'll see
 9 some of the photos of the parade up here on the right
 10 and show the true colors of New Hope and what we're all
 11 about, and it was very exciting. Our Council was there
 12 and even our Junior Council were there, and so it was
 13 great to see all of you, and folks that did come, thank
 14 you very much, and I hope you enjoyed it as much as we
 15 did.
 16 So business, we're in the position again, we
 17 had one of our police officers retire, as most of you
 18 know, and we always are in a position to be looking for
 19 part-time police officers, and we're very fortunate,
 20 Chief has been searching, and we found a gentleman that
 21 we think is a perfect fit for New Hope. When you see
 22 him, you'll understand that he went to Archbishop Wood
 23 High School and my guess is, I never asked him, but I'm
 24 sure he played football there in some way, and he also
 25 went to Bucks Community College and Robert Morris

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1 University, and he's got his Act 120 from Montgomery
 2 County College, and I think he's going to be a great
 3 addition to our department, and I guess the one thing
 4 that I enjoyed was this past Saturday when Chief and I
 5 were out there in 85-degree heat, pulling down all the
 6 caution tape and pulling all the cones out, Chris was
 7 there and did a great job and supported us, and I thank
 8 you for that, Chris, because we were trying to open
 9 that Main Street as quickly as possible, and I guess
 10 last thing that I have to mention, he comes with a
 11 pedigree, his father was a lieutenant in Doylestown
 12 Police Department, Doylestown Township, excuse me,
 13 Lieutenant Matt O'Connor.
 14 So, Council, I ask that you would consider
 15 hiring Chris O'Connor as a part-time police officer in
 16 our department.
 17 MS. GERING: Can I have a motion?
 18 MR. MEYER: So moved.
 19 MS. GERING: Second?
 20 MS. RETTIG: I'll second.
 21 MS. GERING: Discussion? Questions from the
 22 public? All in favor?
 23 MR. MAISEL: Aye.
 24 MS. McHUGH: Aye.
 25 MR. DOUGHERTY: Aye.

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1 MS. GERING: Aye.
 2 MR. MEYER: Aye.
 3 MS. RETTIG: Aye.
 4 MS. GERING: Congratulations.
 5 MAYOR KELLER: You can see why I said he
 6 probably played football for Archbishop Wood.
 7 *****
 8 (Whereupon, the swearing in of Christopher
 9 O'Connor took place at this time.)
 10 *****
 11 MS. GERING: Next we have our Distinguished
 12 Junior Council. Laurie McHugh, you can -- oh, I'm
 13 sorry.
 14 *****
 15 (Off the record.)
 16 *****
 17 MS. GERING: Next on the agenda is our
 18 Distinguished Junior Council awards. Laurie?
 19 MS. McHUGH: Yes. So our Junior Council
 20 program, it allows the students the opportunity to
 21 learn critical skills, including team building and
 22 collaboration, public speaking, public engagements and
 23 running effective meetings, but more importantly, it
 24 allows the students the opportunity to deliberate on
 25 issues that are affecting our community.

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1 This Junior Council has chosen to take on the
 2 environmental issues facing a river town such as ours
 3 and has implemented the green initiative of We Are New
 4 Hope, We Are Green.
 5 After months of careful research, this Junior
 6 Council will present the Plastic Ban Ordinance to
 7 Council at the June meeting and here to make the awards
 8 is Mr. Edward Childs.
 9 MR. CHILDS: Thank you. Good evening and
 10 thank you for inviting the Pennsylvania State
 11 Association of Boroughs to be here tonight to help
 12 honor your Junior Council persons.
 13 The State Association of Junior Council
 14 Person program provides youth in our communities with
 15 an excellent opportunity to engage in borough
 16 government and develop leadership skills and also
 17 allows borough officials to serve as mentors to
 18 students who might become future leaders in their
 19 community.
 20 Now, the State Association is committed to
 21 the success of this program and is pleased to see that
 22 New Hope Borough is contributing to that success. This
 23 is a special occasion for me as I have the opportunity
 24 to present five awards tonight. New Hope is the first
 25 borough of the County to have five Junior Council

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1 people. So you are doing a great job with the program
 2 and the association thanks you.

3 Not many residents, particularly our youth,
 4 know what it takes to govern at the local level. So
 5 the association sees this as a valuable educational
 6 opportunity for both the Borough's youth and the
 7 governing body. The association feels the recognition
 8 of these individuals and the Borough is well deserved
 9 for their contributions to the governmental landscape
 10 in Pennsylvania.

11 Statewide we typically have between 100 and
 12 to 120 Junior Council persons at any one time, and I
 13 have made Junior Council recognition presentations in
 14 other boroughs in Bucks County but never five, and I've
 15 been here before to make presentations. So it's nice
 16 to see you continuing with the program and the success
 17 that you've had.

18 So having said all that, I now invite Ethan
 19 Gross, Larissa Borys, Maryna Chuma to join me up here
 20 for their awards. There are a few people who aren't
 21 here, Kayla Paul-Koch and Ben Dupont who also will be
 22 receiving awards.

23 It is my honor on behalf of the State
 24 Association of Boroughs to present you with these
 25 awards for the achievements you've had. Let me read

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1 what it says. Congratulations on being recognized by
 2 the Pennsylvania State Association of Boroughs annual
 3 Borough Council as an exceptional youth leader. Your
 4 participation in borough government decision making is
 5 very much appreciated and has positively impacted your
 6 community. The Pennsylvania State Association of
 7 Boroughs is proud to acknowledge your dedication and
 8 encourage your continued growth as a local leader.

9 Larissa Borys, you have yours.
 10 MS. BORYS: Thank you.
 11 MR. CHILDS: You're welcome.
 12 Congratulations.

13 Okay. Thank you and goodnight.
 14 MS. GERING: Thank you so much.
 15 MS. THOMAS: Hello. I'm Wendi Thomas. I am
 16 the State Representative to the area, and the State of
 17 Pennsylvania also wishes to recognize your good work as
 18 Youth Council members. I'm sure that you've not only
 19 learned a great deal yourselves but that the rest of
 20 Council may learn some things from you as well. So we
 21 want to recognize you, and hopefully we'll see you in
 22 the House of Representatives one day. Congratulations.

23 Forgive me for one second, Council. I just
 24 wanted to make one other comment, since the timing
 25 worked out. Great job with the Youth Council, but the

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1 next item on your agenda is Fair Districts, and I just
 2 wanted to let you know as your State Representative
 3 that I've signed onto both the bills that are in the
 4 House of Representatives to support the formation of an
 5 independent commission. So I look forward to hearing
 6 what you all decide, but I thought I'd let you know
 7 what I had done. So thank you very much.

8 MR. MAISEL: I just wanted to make a comment
 9 on, first of all, congratulations to the recipients.
 10 It's a great honor seeing this whole thing develop from
 11 a distance, but I've seen it develop, and I'm thrilled
 12 for you guys and the attention that you're getting this
 13 evening.

14 I also want to thank Laurie, our Laurie here,
 15 for spearheading this thing and making it something
 16 that we really as a Council should be very proud
 17 collectively. Not only are we helping mentor people in
 18 what your -- your pursuits, I think it's just
 19 incredible that we're attached to this. So it means a
 20 lot to us as well. So if that is in any way not
 21 noticed, it is. So congratulations.

22 MS. McHUGH: I just wanted to say, these guys
 23 make it really easy, and it does your heart good to
 24 hang out with these guys because you know our future is
 25 in good hands. So thank you.

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1 THE CHAIRMAN: Our next presentation is by
 2 Fair Districts PA. Who's going to be presenting? Come
 3 on up, Kristin.

4 MS. DONNELLY: My name is Kristin Donnelly,
 5 and I live at 10 Old Mill Road. It's actually really
 6 fun with all these presentation with Junior Council
 7 because I was a student government president, and so it
 8 does come back around eventually.

9 So I'm here tonight to talk about a proposed
 10 resolution for a fair method of redirecting legislative
 11 lines. In full disclosure, I am a Democratic committee
 12 person for New Hope, but I stand before you today as a
 13 concerned citizen who is more interested in protecting
 14 democracy than partisan politics.

15 It's a complex issue to explain. So I'm
 16 going to read from my notes to make sure I get all of
 17 the details right.

18 This resolution I'm asking you to consider is
 19 part of the statewide campaign by Fair Districts PA,
 20 which is a non-partisan, citizen-led, statewide
 21 coalition working to create a redistricting process
 22 that is transparent, impartial and fair.

23 Gerrymandering is the manipulation of
 24 electoral district lines to benefit one political party
 25 or person. Essentially, it allows representatives to

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1 choose their voters instead of voters choosing who
2 represents them. It is not new. The term dates back
3 centuries, and it has been practiced for decades by
4 both parties. In recent years, the problem has grown
5 far worse as new mapping and data mining technologies
6 allow parties to predict district outcomes with greater
7 precision and draw borders to protect their party's
8 control.

9 Gerrymandered district lines weaken the power
10 of our votes and are thus, an enemy to true democracy.

11 No other major democracy allows legislators
12 to draw lines that govern their own elections and
13 Pennsylvania's process is among the most partisan in
14 the country.

15 Elected officials in gerrymandered districts
16 can ignore a large portion of their constituents
17 because they don't need their votes with such a rigged
18 system in place. Competitive elections and competitive
19 districts keep politicians accountable to all of their
20 constituents.

21 At Fair Districts, we believe that
22 gerrymandering is the root cause of many of our
23 problems in government today, gridlock, polarization
24 and lack of compromise. You might be thinking, didn't
25 the PA Supreme Court solve the gerrymandering problem

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1 So far, at least 21 counties and 272
2 municipalities statewide have passed this resolution.
3 In Bucks County, at least 19 municipalities have passed
4 it, including our nearby neighbors Solebury, Buckingham
5 Township and Doylestown Borough and Townships.

6 So we need your help. Each and every
7 resolution adds to the public groundswell calling for
8 this change. In addition to a copy of the proposed
9 resolution, I have given Borough Council members an
10 editorial from the Intelligencer urging municipalities
11 to address this issue.

12 I thank you for your time and consideration,
13 and I'm happy to answer any questions as best I can or
14 see if there are other people who want to speak on the
15 issue.

16 MS. GERING: Thank you. Any questions from
17 Council or comments?

18 MR. MEYER: I guess I got a question, which
19 is, can we act on this now?

20 MS. GERING: Yes.

21 MR. MEYER: Then I'd like to move the
22 adoption of this resolution.

23 MS. GERING: Can we have a second?

24 MS. RETTIG: I'll second.

25 MS. GERING: Discussion from Council? Any

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1 last year? Unfortunately, no. It only changed the
2 federal districts, not the state districts. It also
3 did not decide how redistricting will be done in the
4 future. It did not change the current process in which
5 five legislators get behind closed doors to draw the
6 lines. Our maps are due to be redrawn in 2021 after
7 the 2020 census. So it's important that we change this
8 process now.

9 There are bills in the PA House and Senate
10 which would create an Independent Citizens' Commission
11 to take over the process of drawing our district lines
12 in a fair, impartial and transparent way.

13 They have bipartisan support, and Wendi
14 Thomas, our current State Representative, who I did not
15 know would be here, but it's great, is cosponsoring the
16 legislation, including House Bills 23 and 22. Our
17 State Senator is Steve Santasiero is also a strong
18 proponent of this legislation.

19 So we're asking New Hope Borough Council to
20 pass this resolution because it shows our legislators
21 there is wide constituent support for changing this
22 process. We've also gathered 126 signatures from New
23 Hope Borough residents in both parties who support the
24 Council passing this resolution. There are also a
25 number of residents here who support it.

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1 comments from the public? Yes.

2 UNIDENTIFIED SPEAKER: Could you read the
3 resolution?

4 MS. GERING: She just did. We'll give you a
5 copy.

6 UNIDENTIFIED SPEAKER: Okay. That's great.

7 MS. DONNELLY: For the record, I read my own
8 comments and then the resolution is what you have in
9 front of you is a template from Fair Districts PA.
10 It's what most of the other municipalities passed, and,
11 yeah, I can make sure you get a copy.

12 MS. GERING: Yes.

13 MS. ANDERS: Hi. My name is Stacy Anders
14 from 25 Chestnut Street, and I just wanted to say I
15 fully support this resolution and really hope you guys
16 will vote yes on it. I feel like it's good for our
17 community, with Wendi Thomas and Steve Santasiero. I
18 just wanted to share that.

19 MS. GERING: Any other comments from the
20 public?

21 Those in favor, Council?

22 MR. MAISEL: Aye.

23 MS. McHUGH: Aye.

24 MR. DOUGHERTY: Aye.

25 MS. GERING: Aye.

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1 MR. MEYER: Aye.
 2 MS. RETTIG: Aye.
 3 MS. GERING: Opposed? Resolution is passed.
 4 Thank you.
 5 MR. WALSH: Next up is the public hearing
 6 number five on the agenda on the consideration of
 7 ordinance that approves an Intergovernmental Agreement
 8 between New Hope Borough and Solebury Township. Any
 9 time you have an agreement between municipalities, you
 10 have to adopt it by ordinance pursuant to what's called
 11 the Pennsylvania Intergovernmental Cooperation Act.
 12 For those of you -- for some background on
 13 this, the Borough and Solebury Township had an
 14 agreement many, many years ago, I think it went back to
 15 2006, which allowed for New Hope residents to use the
 16 public recreation facilities in Solebury Township and
 17 would charge the rate as if those New Hope residents
 18 were Solebury residents. That agreement remained in
 19 affect. In exchange for that, New Hope paid an annual
 20 fee. The Borough paid it to the township. This was in
 21 addition to whatever the individual fee for the
 22 participants they would charge them. That agreement
 23 remained in place until sometime in 2017 when it was
 24 terminated pursuant to potentially negotiating a new
 25 one. The new one has been negotiated. It's similar in

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1 that individual, they would be charged, if they were a
 2 township resident, correct.
 3 MR. DUFFY: Great. Thank you.
 4 MR. WALSH: I don't know what those rates
 5 are.
 6 MR. DUFFY: That's cool. Thank you.
 7 MS. GERING: Steve?
 8 MR. COPPENS: Thank you. Steven Coppens.
 9 Question --
 10 THE REPORTER: I'm sorry. Your name?
 11 MR. COPPENS: Steven Coppens.
 12 THE REPORTER: Can you spell it?
 13 MR. WALSH: Let the record show the witness
 14 presented his card to the stenographer. He came
 15 prepared.
 16 MR. COPPENS: I've been here before. How
 17 many residents use the fields, do you know?
 18 MR. WALSH: I do not know the answer to that.
 19 MR. COPPENS: Well, offhand, I'm totally
 20 opposed to this. Council President tells me it was
 21 about a year and a half ago, we went through this.
 22 MR. WALSH: I believe it was in the fall of
 23 '17 it was terminated.
 24 MR. COPPENS: Anyhow, I went through my notes
 25 really quickly, and at that time in reviewing my notes,

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1 nature to the prior one except it's for three years.
 2 It sets forth the annual fee that would be paid by New
 3 Hope to Solebury at \$5,000 per year. It runs from
 4 June 1st starting this year '19 until May 31st of the
 5 following year and two more years after that.
 6 So you have -- I was directed to advertise
 7 this ordinance for consideration at the following
 8 public hearing tonight. We have proof that the public
 9 notice of this hearing was advertised in the May 15th,
 10 2019, addition of the Intel, and this would be the
 11 opportunity for anybody in the audience, the public to
 12 comment or ask questions on the ordinance, and once
 13 that is finished, we would close the public hearing so
 14 Council can consider that if they want to adopt it or
 15 not.
 16 MR. DUFFY: Ed Duffy, New Hope. What are the
 17 financial considerations for the agreement? What are
 18 you agreeing to?
 19 MR. WALSH: \$5,000 a year.
 20 MR. DUFFY: That's the whole thing, right?
 21 MR. WALSH: That's correct.
 22 MR. DUFFY: And the people that want to use
 23 the fields or facilities pay their own fees for the
 24 different teams?
 25 MR. WALSH: Whatever the township charges

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1 I don't think any of our public tax money should be
 2 used to go for Solebury Township fields. What's next,
 3 a house at the Jersey Shore, an equestrian field,
 4 NASCAR, somebody wants to be a pilot, you know, cabin
 5 in the Poconos, things like that.
 6 MS. GERING: Are these options?
 7 MR. COPPENS: I'm just saying, as I mentioned
 8 to President Gering --
 9 MR. WALSH: Well, the public perks, some of
 10 those might be questionable, but public use, public
 11 fields is --
 12 MR. COPPENS: Well, I never used one ever,
 13 and I been here since '73, and once we played softball.
 14 Anyway, so telling her that I thought maybe
 15 if Council purchased us stuff in the village I'd kind
 16 of be okay with that because it's in the Borough, but
 17 I'm really not into that, and at the time of the
 18 comments that I have heard going back and forth through
 19 Council from the various people speaking on behalf or
 20 against the support of the Solebury fields by New Hope
 21 Borough, I don't think I heard one speaker say, I.
 22 It's always the kids, you know, the kids are going to
 23 suffer, and my notes also say that if they worry about
 24 kids suffering, they should worry about the kids in
 25 limbo.

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1 So, yes, I'm very opposed to that, and I also
 2 had in my notes that the school is top ranking in all
 3 kinds of stuff. Let's let these kids go play on the
 4 fields at the school. Thank you.
 5 MS. GERING: Thank you, Steve.
 6 Kristin.
 7 MS. DONNELLY: Kristen Donnelly, 10 Old Mill.
 8 Just in regards to I'm a parent with a small child. I
 9 have a lot of friends who are residents with small
 10 children. You can play sports through the school at a
 11 higher level, but they don't have 4-year-old soccer,
 12 except through the community. So I believe children
 13 are residents of this Borough, and we should support
 14 those fields, and I think it's actually a fairly small
 15 ask, and I don't know all of the back story when all of
 16 the shared services, so Solebury giving money toward
 17 the library. I really don't know a lot of the total
 18 numbers, but I'm just speaking as a parent who does
 19 support this. I think we need to have a good
 20 relationship with Solebury, and the fields are used by
 21 residents.
 22 MS. GERING: Thank you. Any other comments?
 23 Twice, Mr. Duffy?
 24 MR. DUFFY: Yeah.
 25 UNIDENTIFIED SPEAKER: Do you have a card?

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1 MS. GERING: Thank you. Pam, we need your
 2 address when you come up here, please.
 3 MS. KERR: Pamela Kerr, K-E-R-R. 127 North
 4 Main Street. I'm concerned that you're coming up with
 5 a dollar figure when you don't know how many children
 6 participate. I don't know how many children are in
 7 town. I am concerned that the work that was done last
 8 year by Borough Council to have a comprehensive
 9 agreement with Solebury Township is being, you know,
 10 parsed out so that how does it all fit together. I
 11 don't know, you know, if we have 50 kids in town and
 12 we're upping the fee to more than they were paying
 13 individually, is that good -- I mean, all that
 14 financial stuff you did last year and the year before,
 15 I just worry this is happening without the facts, the
 16 figures, and we pay the taxes up to the school with all
 17 those fields and when Solebury makes a unilateral
 18 decision to do something and then gets annoyed that New
 19 Hope isn't doing their share when it wasn't a New Hope
 20 decision, I'm just concerned how this is going, and I'd
 21 rather see everything dealt with at once and that way
 22 you could logically look at each piece.
 23 MS. GERING: Thank you for your comments.
 24 Yes?
 25 MS. ANDERS: Stacy Anders. I came to the

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1 MR. DUFFY: I didn't bring my cards today.
 2 Just to answer perhaps offset the cost situation, I
 3 know we have a great New Hope park and rec group, and
 4 they might be able to come up with a donation every
 5 year of \$5,000. Since they don't do any recreational,
 6 but they do a great job with the parks, now they can
 7 put the R in the P and R.
 8 So, Ms. Rettig?
 9 MS. RETTIG: They do recreational not the
 10 same way as sports and fields, but we just had an event
 11 last week. There are things, and we can discuss it at
 12 another time, but parks and rec already donates back to
 13 the Borough and in the form of plantings, all the
 14 gardening, everything that you see.
 15 MR. DUFFY: That's the park side of you.
 16 MS. RETTIG: Well --
 17 MR. DUFFY: Okay. It's a thought. Maybe we
 18 can pursue that.
 19 MS. GERING: Thank you. Oh, you're up again?
 20 That's your final after this question.
 21 MR. COPPENS: If Ed can go twice, I can go
 22 twice. Steven Coppens here. I'm sorry to -- why not
 23 give the money to unfunded liabilities or other debts
 24 or leave it in a rainy day account or lower the taxes.
 25 Thanks.

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1 Council and spoke about this when this started a year
 2 or two ago, and I just want to thank you guys for
 3 finding compromise and finding a way to make this work
 4 because I think there are a lot of parents that were
 5 here back then at that meeting that went until
 6 11 o'clock and really appreciate that you guys have
 7 found a solution. So I just want to say thank you, and
 8 I'm in full support.
 9 MS. GERING: Thank you. All right. Can I
 10 have a motion from Council?
 11 MR. DOUGHERTY: I'll make that motion.
 12 MR. MAISEL: I'll second.
 13 MS. GERING: All in favor?
 14 MR. MAISEL: Aye.
 15 MS. McHUGH: Aye.
 16 MR. DOUGHERTY: Aye.
 17 MS. GERING: Aye.
 18 MR. MEYER: Aye.
 19 MS. RETTIG: Aye.
 20 MS. GERING: Opposed? Motion stays. Thank
 21 you.
 22 MR. WALSH: Motion to adopt the ordinance.
 23 MS. GERING: Yes. Thank you.
 24 Council had an executive session on May 6,
 25 and that was to discuss personnel issues. Now I'd like

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1 to appoint the building inspector to fill a vacancy by
 2 term set to expire December 2019. His name is Matt
 3 Wojaczyk, who is our building inspector, and he'll be
 4 sitting on the HARB board. Can I have a motion to
 5 appoint him?
 6 MS. RETTIG: I'm make that motion.
 7 MS. GERING: Second?
 8 MR. MAISEL: Second.
 9 MS. GERING: All in favor?
 10 MR. MAISEL: Aye.
 11 MS. McHUGH: Aye.
 12 MR. DOUGHERTY: Aye.
 13 MS. GERING: Aye.
 14 MR. MEYER: Aye.
 15 MS. RETTIG: Aye.
 16 MS. GERING: Next I'd like to have a motion
 17 to appoint Sally Onesti Blair to the Park and Rec board
 18 to fill a vacancy that will expire on December 2019.
 19 Can I have that motion?
 20 MS. RETTIG: I'll submit that motion.
 21 MS. GERING: Second?
 22 MS. McHUGH: I'll second.
 23 MS. GERING: All in favor?
 24 MR. MAISEL: Aye.
 25 MS. McHUGH: Aye.

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1 did a lot of good, hard work, and they decided that it
 2 was time for a change. So they've resigned, and we're
 3 prepared to rebuild HARB, because we're committed to
 4 it, I believe as a Council, and I'm almost certain of
 5 that, and that's all we're planning on doing with the
 6 addition of Matt, and E.J. was -- did a great job
 7 teaming up a group that is going to help us facilitate
 8 the revitalization of the resurrection of the HARB
 9 board, in addition to the two people that we believe
 10 are staying on board, I know at least one of those two,
 11 and E.J. put us in front of a group called Richard
 12 Grubb & Associates.
 13 I can tell you a little bit about the
 14 organization. They were established in 1988 as a full
 15 service cultural resource management firm and is
 16 growing to become one of the largest independent
 17 archaeological and historic preservation consulting
 18 companies in the Mid-Atlantic, Midwest and Northeast.
 19 So the gentleman who came in who made the
 20 presentation to us to a committee was incredibly
 21 impressive from the standpoint of really touching
 22 everything that we need to have touched, that is, the
 23 resurrection of a board that needs to be added to and
 24 coupled with the expectations of Council and speaking
 25 to the kinds of things that are being presented to

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1 MR. DOUGHERTY: Aye.
 2 MS. GERING: Aye.
 3 MR. MEYER: Aye.
 4 MS. RETTIG: Aye.
 5 MS. GERING: I'd like to have a motion to
 6 appoint Bill Goodwin to the Zoning Hearing Board as the
 7 alternate with his term to expire December 2019. Can I
 8 have that motion?
 9 MR. MAISEL: Make that motion.
 10 MR. MEYER: I'll second.
 11 MS. GERING: All in favor?
 12 MR. MAISEL: Aye.
 13 MS. McHUGH: Aye.
 14 MR. DOUGHERTY: Aye.
 15 MS. GERING: Aye.
 16 MR. MEYER: Aye.
 17 MS. RETTIG: Aye.
 18 MS. GERING: All right. Ken, do you want to
 19 do the next one?
 20 MR. MAISEL: Yes. Thank you. I've been the
 21 liaison for HARB, the architect review board, for the
 22 last three years, and I wanted to acknowledge, I think
 23 we did this last one, the resignations of three of the
 24 members of the board, specifically Carolyn Chaiko,
 25 Kevin Joy and Helene Bowman, who was the chair. They

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1 Council these days in the last few years specifically,
 2 so we can help facilitate the gentleman that we were
 3 talking to as a historic preservation planner. He is
 4 an executive at the Grubb group, and he can help us
 5 through, and he described a mechanism where he can help
 6 facilitate us through this stage of HARB, which right
 7 now in the short term needs some backup in terms of
 8 getting through the few things that we're dealing with
 9 now. There's a couple of sign issues and a couple
 10 other things that need to be addressed. So without
 11 having a quorum that we need right now, until we can
 12 bolster up the HARB, we'll have a mechanism in place
 13 that's going to address the issues that are in front of
 14 us, at least in the short term. This gentleman is
 15 going to help facilitate and be on board, addressing
 16 what we need to do to get this thing growing again and
 17 helping us get the people on board that we need to
 18 address the things that I think we all cherish in this
 19 town and that is, you know, having a historic
 20 preservation.
 21 So with that in mind, I would like to make
 22 a -- with those discussions, I would like to make a
 23 motion for Council to engage Richard Grubb & Associates
 24 for consulting services and for assisting HARB, you
 25 know, decisions.

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1 MS. GERING: Can I have a second?
 2 MR. MEYER: You have one.
 3 MS. GERING: Discussion from Council?
 4 Any questions from the public? Yes, Gerry.
 5 MS. DELEVICH: Gerry Delevich, 17 Old Mill
 6 Road. How much are we paying this person and are they
 7 basically selecting the next HARB group?
 8 MR. MAISEL: What the -- no, first of all,
 9 the economics of it, I guess, are -- it's -- I think
 10 it's relatively inexpensive, unless you start putting a
 11 number attached to the multiplier, I mean, it's I
 12 believe \$99 is a maximum on per hour and which I think
 13 is a modest charge for the expertise that this person
 14 is providing. It only goes down from that based on
 15 their support staff, and the expectation is we don't
 16 have a short or an intermediate identification as to
 17 what it's going to take in terms of hours, but we're
 18 certainly going to keep a lid on it to the extent that
 19 we can to help make sure that we are delivering a
 20 quality HARB board to -- and it's not only just
 21 delivering the board, it's helping us streamline things
 22 and maybe in light of the things that are being
 23 presented to, have been presented to HARB over the last
 24 couple of years, which might be different than they
 25 were eight or ten years ago, try to address it and try

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1 around the state that would know what works and is a
 2 consultant who --
 3 MS. DELEVICH: So does that mean they're
 4 going to sit on the HARB board?
 5 MR. MAISEL: No. They will not be voting
 6 members of the board.
 7 MS. DELEVICH: So it's basically because
 8 Council and HARB haven't agreed on the past issues
 9 which is why --
 10 MR. MAISEL: Well, that's an
 11 interpretation --
 12 MS. DELEVICH: Well, that's what people say.
 13 MR. MAISEL: But the point is, we are where
 14 we are now and we're committed to the board, the HARB
 15 board, and we're going to try to make it a great board
 16 and make it be, you know, identify it as something
 17 that's got teeth and at the same time is fair and is,
 18 you know, preserving this Borough. I don't think
 19 anything has really changed other than we're getting
 20 another look at it. This group of people is getting
 21 another look at how this could or should be framed and
 22 we're getting an expert to help us do it. So I think
 23 you're well served by virtue of us getting a quality
 24 outfit at an affordable price, and we might get to and
 25 we expect to get to a finish line that's going to be

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1 to streamline it but at no time risk devaluing the
 2 process. So that's the goal.
 3 MS. DELEVICH: What would be the process in
 4 selecting the next HARB?
 5 MR. MAISEL: I mean, we're certainly -- and
 6 I'm speaking for the entire Council, which I can't
 7 necessarily do because we are a committee and we're
 8 making a proposal now.
 9 MR. DOUGHERTY: Can I interject?
 10 MR. MAISEL: Yeah, go ahead.
 11 MR. DOUGHERTY: There's not anything in here
 12 that's modifying our selection of our board members.
 13 MS. DELEVICH: Because there is a definite
 14 process on how to select HARB.
 15 MR. DOUGHERTY: We have a process in place.
 16 We have applicants that have applied and they're going
 17 to be vetted in the normal way, Gerry. This isn't a
 18 third party or anything like that that's going to start
 19 selecting HARB board members or anything like that.
 20 This is more about what -- to what level -- say someone
 21 has a major construction job, maybe there's a different
 22 way that HARB application or certificate of
 23 appropriateness could be applied for versus perhaps
 24 someone wants to take the front of -- paint their front
 25 door. This person has that expertise at various HARBs

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1 very satisfying.
 2 MS. DELEVICH: Thank you.
 3 MR. WALSH: Gerry, do you recall a gentleman
 4 by the name of Spencer Saunders?
 5 MS. DELEVICH: Yes.
 6 MR. WALSH: Spencer was a consultant and I
 7 think helped HARB with the applications and gave them
 8 advice and much like the zoning officer. So my
 9 understanding is that's what this is, the limited role
 10 that this group would play, what Spencer did. Spencer
 11 did it, I mean, that was years ago, but for those of us
 12 who have been around --
 13 MR. DUFFY: Board president.
 14 MR. WALSH: I think he also afterwards still
 15 served in that capacity.
 16 MS. DELEVICH: Thank you.
 17 MS. GERING: Thank you. Yes?
 18 MS. McDONOUGH: Enid McDonough, E-N-I-D
 19 M-C-D-O-N-O-U-G-H, New Hope Borough, member of HARB. I
 20 have a couple questions. I know that we're all in the
 21 same place and want to keep HARB as an independent
 22 advisory committee to the Council. How will this hire
 23 interact with the HARB members? I'm having a little
 24 trouble understanding, you know, the whole idea of a
 25 big construction project, where would this person be

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1 advising applicants, would this person be advising us?
2 I'm a little confused as to the role given that HARB is
3 independent and that person will not be a voting
4 member.

5 MR. MAISEL: I don't know if I'm absolutely
6 assured of being able to describe exactly because it's
7 somewhat fluid. I think we haven't really established
8 that, but first of all, I think you should identify
9 yourself as a HARB -- you're currently a HARB board
10 member.

11 MS. McDONOUGH: Yes, that's correct. I
12 believe I said that on the record.

13 MR. MAISEL: Well, I don't know if that was
14 on the record. So I'm glad that you're going to remain
15 on board. I don't know, I'm not sure we know the exact
16 mechanism as to how it's going to play out in terms
17 of how --

18 MS. LEE: If I could just chime in real
19 quick. First of all, as soon as -- if this Council
20 decides to engage with this consulting firm, the first
21 thing we would do is meet with Bob Weiss, who would be
22 the consultant that would be working with us, to go
23 over the applications that we currently have, to have
24 an understanding of what the applications are
25 requesting and also recognize what are some questions

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1 the firm that I think may answer your question?
2 Mr. Weiss will review the HARB ordinance and the
3 application or applications and then attend the
4 aforementioned meeting, prepare to interpret the
5 ordinance provisions for the applications being
6 presented. That's basically what he's saying he's
7 going to do. There is nothing -- I just -- listening
8 to your question, I just reviewed the proposal.
9 There's absolutely no lines in this proposal mentioning
10 any -- dealing with the actual applicants outside of
11 the context of the HARB meeting itself when he's there
12 advising HARB.

13 MS. LEE: If I could just chime in, this was
14 actually something that was recommended by PHMC. We
15 had reached out to the Pennsylvania Historic Museum
16 Commission about a month ago, and one of the
17 recommendations from PHMC as well as what's in their
18 current design guidelines on how HARB should operate,
19 one of the recommendations is if an opportunity is
20 available and if the municipality is willing, you know,
21 they do recommend using a historic consultant as part
22 of the HARB to provide guidance and provide basic
23 knowledge that a more technical and well versed person
24 in that field might be able to provide and help the
25 Borough.

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1 that HARB should be asking in some of these
2 applications, what are some of the things we should be
3 reviewing, as well as whatever questions that HARB
4 members may have with regards to any application, he
5 should be able to respond and also be able to provide
6 guidance in how you can perceive certain scenarios of
7 different things that the application is seeking. It
8 really -- he would be there more as a guide to be able
9 to answer any questions about architecture, about
10 trends, about what it is that really you should be
11 looking for as you're doing a review.

12 MS. McDONOUGH: E.J., do you see any conflict
13 of interest between in the idea of Council hiring
14 someone who's going to be obviously somebody you've
15 interviewed, I hope, advising you, advising HARB on
16 what we should be asking and also perhaps having
17 interaction with applicants, is there a bit of a
18 conflict of interest there?

19 MS. LEE: The consultant would only interact
20 with an applicant at the public meeting that he felt
21 would not be a voting member. The consultant would be
22 available for any technical as well as, you know,
23 historical questions based from whatever the
24 application is seeking.

25 MR. MEYER: Can I read from the proposal from

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1 MR. MEYER: And the firm currently provides
2 that kind of services. I'm just again looking at the
3 proposal to eight different municipalities basically in
4 and around this county.

5 MS. McDONOUGH: I appreciate you reading it
6 to me. I do have some concerns, but I think I voiced
7 them already. Thank you very much.

8 MS. GERING: Yes, Mr. Duffy.

9 MR. DUFFY: Ed Duffy, 23 Olden Way, New Hope.
10 I have full confidence in Ken. I know Ken will sort
11 this out. He got it thrown on his desk, so to speak,
12 and he's got to sort it out. So I think he's going to
13 do a great job. He's been watching HARB, as I have,
14 and I'm kind of disheartened with the three people that
15 left. That was a core amount of knowledge that's hard
16 to replace. That's why you got a consultant coming in.
17 But let's give Ken his full support to get this back
18 together.

19 UNIDENTIFIED SPEAKER: Here, here, I agree.

20 MR. MAISEL: Thank you. I think in deference
21 to Enid and Jeff, I mean, who are staying on, there's
22 no denying that a void has been left and bringing an
23 expert on the short and intermediate term only makes
24 sense and, frankly, I say this respectfully, I don't
25 see any conflict whatsoever. I don't even know where

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1 that, you know, even enters into it. They're not going
 2 to be voting and they might have an opinion that's
 3 different than yours when you're a part of the group,
 4 but, you know, so what, I mean, that's the way it goes.
 5 So I really don't even see that.

6 MR. DUFFY: Yeah, I think maybe we should
 7 look at to fill the seats for the core group, people
 8 that are either from New Hope, Doylestown or Newtown,
 9 because they're similar environments and have similar
 10 HARB issues. They have haven't used consultants, but
 11 they haven't had this happen where you lose your core
 12 knowledge essentially.

13 MR. MAISEL: One last thing I will comment on
 14 is that this -- Bob said this was -- I mean, his
 15 familiarity with exactly what we're experiencing was,
 16 like, unbelievable, I mean, this happens a lot, you
 17 know, there's defections and then there's a
 18 revitalization, so to speak. It happens all the time,
 19 and in talking about what is, you know, what needs to
 20 be dealt with, you know, we can start a sentence and he
 21 could finish it for us. It was really compelling, you
 22 know.

23 MR. DUFFY: Well, I know you do a good job,
 24 and I'm sorry there was such a drop in support from the
 25 Council for HARB.

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1 MR. DOUGHERTY: Aye.
 2 MS. GERING: Aye.
 3 MR. MEYER: Aye.
 4 MS. RETTIG: Aye.
 5 MR. WALSH: Peter seconded it.
 6 MS. GERING: Opposed? Okay. Motion passes.
 7 Thank you.
 8 Next is, do I have a motion to engage with
 9 Hamburg, Rubin, Mullin, Maxwell & Lupin to serve as
 10 special counsel for zoning enforcement? This is a law
 11 firm that we would be retaining that would handle
 12 outside zoning issues that the Borough has.

13 MR. DOUGHERTY: I'll make that motion.
 14 MS. GERING: Second?
 15 MS. RETTIG: I'll second it.
 16 MS. GERING: Discussion from Council? Any
 17 questions from the public? All in favor?
 18 MR. MAISEL: Aye.
 19 MS. McHUGH: Aye.
 20 MR. DOUGHERTY: Aye.
 21 MS. GERING: Aye.
 22 MR. MEYER: Aye.
 23 MS. RETTIG: Aye.
 24 MS. GERING: Next, do I have a motion to
 25 execute the parking agreement with the Bucks County

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1 MR. MAISEL: Everyone is on board at this
 2 point.
 3 MR. DUFFY: So that's over the hill, and
 4 we're moving forward. Thank you.
 5 MS. GERING: Thank you, Ed. Any other
 6 questions? Steve.
 7 MR. COPPENS: Steven Coppens, West Bridge
 8 Street, New Hope. I was going to leave this until the
 9 end of the meeting, but it seems like it's appropriate
 10 now. You know I've been coming to the meetings with
 11 the committees and boards, whatever, HARB especially I
 12 found extremely knowledgeable and, yes, I am sorry to
 13 hear there are vacancies there now, but what I wanted
 14 to say about all of those committees and boards, even
 15 Council, is that members are usually very
 16 knowledgeable, eager to ideas and suggestions,
 17 sensitive to comments and criticism, if any, and
 18 they're dedicated to their tasks, especially the chief,
 19 but I think HARB was, like, way up there. Thank you.

20 MS. GERING: Thank you. Any other? All
 21 right. All right.
 22 MR. MAISEL: I'll make the motion.
 23 MS. GERING: All in favor?
 24 MR. MAISEL: Aye.
 25 MS. McHUGH: Aye.

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1 Playhouse. This is the agreement where the Playhouse
 2 has been leasing parking spots in the orange lot and
 3 they asked if they could take their remaining spots to
 4 use for their parking there, and that's what the
 5 agreement is. They will be paying the Borough \$40,000
 6 a year for a three-year term for the parking lot there.
 7 Can I have a motion to accept the contract?
 8 MR. DOUGHERTY: I'll make that motion.
 9 MS. GERING: Second?
 10 MS. RETTIG: I'll second.
 11 MS. GERING: Any questions from Council?
 12 MR. MEYER: Yeah. What is it that we
 13 actually tend to make per parking spaces, if we had a,
 14 you know, meter, if it was a metered slot, not that we
 15 have meters anymore, but you know what I mean, on an
 16 hourly basis?
 17 MS. GERING: Well, that's always been private
 18 parking up there. So you wouldn't have had any meter
 19 up there.
 20 MR. MEYER: Point taken. Thank you.
 21 MS. GERING: Okay. Any other questions? All
 22 in favor?
 23 MR. MAISEL: Aye.
 24 MS. McHUGH: Aye.
 25 MR. DOUGHERTY: Aye.

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1 MS. GERING: Aye.
 2 MR. MEYER: Aye.
 3 MS. RETTIG: Aye.
 4 MS. GERING: Opposed? The motion passes.
 5 Next is our Consent Agenda. Can we have a
 6 motion to pass the minutes from the April 16th regular
 7 meeting and the May 6th workshop? Can I have a motion?
 8 MS. McHUGH: I'll make that motion.
 9 MS. GERING: Second?
 10 MR. MEYER: Second.
 11 MS. GERING: All in favor?
 12 MR. MAISEL: Aye.
 13 MS. McHUGH: Aye.
 14 MR. DOUGHERTY: Aye.
 15 MS. GERING: Aye.
 16 MR. MEYER: Aye.
 17 MS. RETTIG: Aye.
 18 MS. GERING: Opposed?
 19 We need approval of accounts payable for
 20 April in the amount of \$381,149.89. I'm sorry. That's
 21 for April 24th, and May 22nd payroll in the amount of
 22 \$125,582.14 and \$64,255.28. Can I have a motion for
 23 approval?
 24 MR. MAISEL: Say those numbers again.
 25 MS. GERING: I'll do that again. All right.

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1 MS. GERING: Thank you. Shade Tree, Laurie.
 2 MS. McHUGH: Shade Tree, we did have a
 3 meeting but nothing to report.
 4 MS. GERING: Thank you.
 5 Mr. Dougherty, Finance Committee.
 6 MR. DOUGHERTY: We did have a meeting, but
 7 nothing to report.
 8 MS. GERING: Ken, do you have a HARB report?
 9 I guess you just did.
 10 MR. MAISEL: No report.
 11 MS. GERING: For Zoning, we had -- Zoning had
 12 a meeting on May 9th, and it was in reference to the
 13 Mansion Inn. The Mansion Inn was approved with
 14 variations that the building in the back that they're
 15 doing, the height had to be lowered. It couldn't be as
 16 as high as they originally proposed. So that was what
 17 was changed with that.
 18 Let's see. Next we have a application for 27
 19 West Mechanics Street. Mr. Cohen.
 20 MR. COHEN: Okay. All right. My name is
 21 Paul Cohen, and I represent Mutual Design Group, LLC.
 22 I'm here this evening with the principals of that
 23 entity, Mike Dolowicz (ph) and Patrick Pastella. We're
 24 here today on a Zoning Hearing Board application for
 25 the property at 27 West Mechanics Street. That

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1 The first one is \$381,149.89, and that's for the
 2 April 24th payables and then May 22nd payroll in the
 3 amount of \$125,582.14 and \$64,255.28. Can I have a
 4 motion?
 5 MS. RETTIG: I'll make that motion.
 6 MS. GERING: Second?
 7 MR. DOUGHERTY: I'll second it.
 8 MS. GERING: All in favor?
 9 MR. MAISEL: Aye.
 10 MS. McHUGH: Aye.
 11 MR. DOUGHERTY: Aye.
 12 MS. GERING: Aye.
 13 MR. MEYER: Aye.
 14 MS. RETTIG: Aye.
 15 MS. GERING: All right. Do we have a report
 16 from Park and Rec?
 17 MS. RETTIG: Yeah, they had a successful
 18 story-telling event last Wednesday up on the green roof
 19 by the police station. Unfortunately, I was out of the
 20 country, but by everybody's account from Parks and Rec
 21 board, it was wonderful. It was adult oriented,
 22 meaning, that it was for over the age of 12. It wasn't
 23 for little children story-telling. They had popcorn,
 24 refreshments and everybody seemed very happy with the
 25 way it went.

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1 property is pictured on the screen. You may be
 2 familiar with the property. Most recently, this
 3 property was occupied by Le Chateau Exotique, which is
 4 a retail, adult retail shop that moved to Main Street.
 5 The property is owned by the operator of that business
 6 who left this property to move into town and operate on
 7 Main Street. The property has been vacant for about
 8 two years. It is a two-story retail space. There's a
 9 level below the street level.
 10 My clients are requesting a variance from the
 11 Zoning Hearing Board to use this property for
 12 residential purposes. This property is in the Central
 13 Commercial District. Residential is very limited
 14 there. It only allows for a residential conversion or
 15 a residence in combination with a business. My clients
 16 are looking to construct a single-family residence on
 17 this site.
 18 If you can go to the next slide for me. I'm
 19 sorry, but I appreciate your help.
 20 MS. LEE: No problem.
 21 MR. COHEN: This is the plan that was
 22 submitted with the zoning application. Essentially,
 23 what my clients are proposing to do is build the
 24 residence on the footprint of the existing building,
 25 but they're actually going to scale it back a bit.

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1 They're going to reduce the footprint of the building.
2 They're going to reduce the building coverage. It will
3 actually they're claiming it will bring the building
4 into compliance with building coverage requirements for
5 that zoning district.

6 We are requesting a few variances. Basically
7 we're looking to expand an existing nonconforming
8 structure. So in addition to the use variance to allow
9 a residential use in the Central Commercial District,
10 we are also asking for variances. One relates to the
11 driveway. Right now, there's no parking on site. We
12 are proposing the driveway that would have up to three
13 off street parking spaces, but that driveway is located
14 less than 10 feet from the property line. So a
15 variance is required for that.

16 We are looking to extend the existing
17 structure, although augmented, more than 10 feet up
18 because we are going to be adding a second story to the
19 structure, and a variance is required for that.

20 We're also looking to expand a nonconforming
21 structure on a nonconforming lot, requires a variance.

22 We do believe that the lot size itself, the
23 front yard setback and the side yard setbacks are all
24 existing nonconforming conditions, but to the extent
25 that the Zoning Hearing Board feels that those are not

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1 commercial property west of the canal in that section
2 of the CC District. It is separated by the canal, and
3 frankly it's not a viable property for a continued
4 commercial use. I think the best evidence of that is
5 the business that left that property as it was failing
6 and then suddenly had a resurgence when they moved to
7 Main Street without many other changes in the business.

8 Ms. Brinkman (ph), who is the seller of the
9 property, we're hoping will be able to come to the
10 Zoning Hearing Board hearing on June 6th to present
11 some information about that, but we really don't
12 believe that this area does not get the foot traffic
13 that is required for a commercial property for a retail
14 shop to survive, would be better suited for residential
15 use. It is a better match with the surrounding
16 properties, and it does make sense for that area.

17 If you can flip to the next. The other
18 direction. So this is just another couple of pictures
19 of the site. As you can see, a large portion of the
20 property is actually blocked from street access due to
21 the bridge. So it does have a limited street access.
22 There is a drop on the side. I think if you go to the
23 next slide, you can see that the building does go down
24 a level. So again, there's unusual topography that
25 limits the location of the building, that affects the

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1 legal existing nonconformities, we're asking for
2 variances to allow a zero foot front yard, obviously
3 the building is right on the road and a smaller than
4 required side yard.

5 If you can go to the next -- I had
6 highlighted the lot. So I apologize it's not showing
7 the actual uses for the properties. So if I may, I
8 will project my voice. This is the lot here. You can
9 see this area is the Central Commercial District. This
10 is the lot that's being proposed. All of the lots
11 surrounding it with the exception of this one, which is
12 used for Nina's Ice Cream and Waffles. This lot here
13 and here and of course all of the properties crossing
14 Canal Street are all residential uses in the CC
15 District.

16 In addition, catty-corner is the Tuscan
17 project, which has been approved but not currently
18 fully approved but was approved for a mixed use.

19 The remaining properties east of the canal on
20 West Mechanics Street are all commercial uses. I
21 believe this may be a mixed use.

22 The significant difference of this property
23 from most of the Central Commercial is it is separated
24 from that area by the canal. Right now, again, with
25 the exception of Nina's Waffles, it is the only

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1 side yards and front yards of the building.

2 My clients have prepared a conceptual
3 rendering of what they hope to put on that property.
4 We understand that for Zoning Hearing Board purposes,
5 we are only asking for zoning relief, and we understand
6 that there's a process to go through with HARB when it
7 comes to the design of the building, but if you could
8 go to the next slide, you'll see that this is a
9 conceptual drawing. Mr. Pastella is here. He could
10 certainly present information or answer any questions
11 about the concept.

12 You can just flip through a few of those, you
13 can see. The building will be compliant with height
14 requirements. It will, as I mentioned, lessen the
15 nonconformities, lessen the zoning issues on the
16 property.

17 You can continue ahead. I think there may be
18 another view, perhaps one more. Okay. And I think you
19 can go to the next. Is that the last one?

20 MS. LEE: That's the last one.

21 MR. MEYER: Hold on that one for a minute.
22 Is that the driveway next to where the fence is?

23 MR. COHEN: That it would be -- I'll point it
24 out. This would be the proposed driveway here.

25 MR. MEYER: Right. Okay. That's what I

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1 thought. Thank you.
 2 MS. GERING: I have a question for you.
 3 Since that's a one-way street, okay, and you're
 4 proposing a driveway for three cars, how do you see
 5 moving those cars back and forth?
 6 MR. COHEN: If you could just give your name.
 7 MR. PASTELLA: Hi. My name is Patrick
 8 Pastella. And it's not much different than if you were
 9 living downtown in Philadelphia or New York where you
 10 might have tight spaces and multiple cars and you need
 11 to park them there. The way I have used similar
 12 driveways when I lived downtown is we have one car
 13 that's used for longer trips like vacation type things
 14 like an SUV or a van, kids can pile in, but then the
 15 city car used for putting around town or running
 16 errands, but I would see that driveway primarily being
 17 used as the main car is the first one in the lot
 18 closest to the road and then your backup car or your
 19 long driving car is the one that's parked further in,
 20 and it's possible that somebody might not use all the
 21 parking spots entirely. There's plenty of space for
 22 bicycles or a motorcycle.
 23 MS. GERING: Well, I'm a city kid too, but I
 24 can tell you for a fact, I can just visualize you
 25 trying to move the very first car that you parked in

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1 MR. PASTELLA: Well, I think at the moment,
 2 there's kind of an eclecticism of properties on
 3 Mechanics Street, buildings of all different colors,
 4 all different shapes, all different eras from historic
 5 buildings that you see on the left side of the downhill
 6 side of the bridge are more historic in nature versus
 7 the uphill side of the bridge. You have the newer
 8 townhouses that are on the right, which are less than
 9 ten years old. There's a mid century building which is
 10 on the corner which is vaguely represented there, and
 11 the building that we're looking at right now, its
 12 current form is very industrial. It's very square.
 13 It's painted purple. I'm looking to build an
 14 industrial-like building similar to what's there right
 15 now, just not purple, possibly larger windows that are
 16 more square.
 17 MS. GERING: Well, I really beg your pardon
 18 there. When you say you're building something similar
 19 to what's there, that's not even close to what you're
 20 presenting here tonight.
 21 MR. PASTELLA: If we can go back to the first
 22 photo of the existing property, please, that one.
 23 So I have quite a bit of experience working
 24 in historic districts, specifically Solebury's historic
 25 districts. I was on Solebury's HARB for the past three

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1 and you're backing all these cars out on Mechanics
 2 Street and trying to maneuver them around.
 3 MR. PASTELLA: I can understand how that can
 4 be --
 5 MS. GERING: Well, if you're familiar with
 6 that street and if it's on the weekend, it's going to
 7 be deadlock.
 8 So now the next question I have is, what's
 9 the square footage of this building?
 10 MR. PASTELLA: The footprint is approximately
 11 1,400 square feet.
 12 MS. GERING: I'm sorry?
 13 MR. PASTELLA: The footprint of the building
 14 is approximately 1,400 square feet. The interior
 15 square footage would be anywhere from 4,000 to 4,100.
 16 MS. GERING: 4,100 with the three stories?
 17 MR. PASTELLA: Including the third story.
 18 MS. GERING: Okay. And the height?
 19 MR. PASTELLA: I believe it is from the
 20 lowest finished grade, you see on the bottom to the
 21 highest point is 34 feet, I believe.
 22 MS. GERING: And my next question is, I see
 23 your design, how do you see that that fits the
 24 character of Mechanics Street with the surrounding
 25 properties that are there?

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1 years, recently resigned I think it was this past
 2 November, just workload was too excessive, I couldn't
 3 commit to the board, but if I'm looking at this from a
 4 HARB perspective, now I'm not speaking from New Hope's
 5 HARB, but just from my experience as Solebury's HARB,
 6 this is not one building, this is one building that's
 7 been added onto multiple times over generations. Look
 8 at the pavers that are in the front, they're laid
 9 different ways, there's brick with poured concrete and
 10 the building that has been added onto with no
 11 particular rhyme or reason. What I'm looking to do is
 12 a new proposed design is to clean up the front facade,
 13 make it simple, clean lines. Right now, we have a
 14 zigzag, multiple uses of different materials.
 15 My professional opinion is that this lacks a
 16 historic significance in terms of material, in terms
 17 of -- I don't know. I'm not quite sure how to explain
 18 it. This is simply a hodgepodge, and I'm looking to
 19 just clean it up and make it a much more simple design.
 20 MS. GERING: And you're planning on
 21 demolishing the building?
 22 MR. PASTELLA: That is to -- how the building
 23 is renovated is in discussion right now with our
 24 architects and engineers. By putting up a third -- one
 25 floor above this, on street level, it's a second story.

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1 On canal level, it would be a third story. By putting
2 on that additional level, the statute of the existing
3 foundation and what is required to put on that third
4 level would be dictated by the structural engineer.

5 MS. GERING: And you just mentioned that you
6 sat on Solebury's HARB. Now, I read our HARB lines in
7 New Hope Borough, and I know that if it's new
8 construction, the design could be different, but the
9 one thing that they state in there is that it has to
10 fit the character of where you're there, and I
11 personally cannot see how that immense building you're
12 planning on putting there, ultra modern next to what
13 exists on Mechanics Street is going to fit the
14 character of that street.

15 MR. COHEN: Again, I know I stated earlier, I
16 do want to emphasize that we're not -- this is not the
17 plan that's necessarily being submitted. I know that
18 this board likes to know what's going on and wants the
19 input as Connie has provided here, and certainly we
20 appreciate it, and this is what we wanted to hear back
21 from, and ultimately the design will have to go through
22 HARB and be approved. Right now, all we are asking for
23 and what we'll be asking for from the Zoning Hearing
24 Board is approval for the use variance and for the few
25 dimensional variances that I mentioned earlier.

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1 over that line. You're picking up space and moving the
2 building toward the street, not back. I thought I
3 heard you say that it's going to be moved back off of
4 the property line more so than it is today, but that's
5 not -- maybe I misheard you.

6 MR. COHEN: Sure. No, the -- the proposed
7 front yard setback is going to remain where it is at
8 zero feet. It's on the property line. The side yard
9 setback is going to be pushed back several feet. So
10 the area on the left side of the building --

11 MR. DOUGHERTY: The side being on the west
12 side, right now you're going to put parking, you're
13 going to --

14 MR. COHEN: Correct.

15 MR. DOUGHERTY: -- put cars. So cars
16 probably are fairly unattractive and fairly, you know,
17 it's not an architectural feature that this could be an
18 ice cream truck, they can park almost anything they
19 want there. So it's going to be a parking lot instead
20 of structure there, but the property itself will be
21 moved back a little bit, but there will be cars sitting
22 in that area?

23 MR. COHEN: Sure.

24 MR. DOUGHERTY: Okay. If we go to the third
25 from the end page, I didn't realize that part. So now

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1 MR. DOUGHERTY: I have one question. I think
2 it's the third panel from the end, and it's about the
3 footprint. It's not about the design. I think it's
4 the third panel in my stack here. It's the one --
5 that's it.

6 I notice that you had mentioned earlier that
7 it's set back a little bit from the street compared to
8 the current sort of triangularization and extra windows
9 that they tried to put in, that's why they have -- so
10 the front lip of the building where it touches the
11 ground, how far back is it from the front lip of where
12 the building touches the ground now?

13 MR. COHEN: If you can go to the first line,
14 I'm sorry to jump around, I can actually show you I
15 think what's -- and I think it will answer your
16 question. So what's basically being proposed is if you
17 see this line created by the zigzag, right?

18 MR. PASTELLA: Yeah.

19 MR. COHEN: The building will essentially be
20 flattened along this --

21 MR. DOUGHERTY: So it will fill in those --
22 so it's from any kind of visual perspective, the
23 building is not going to look like it's further back,
24 it's going to look like it's further forward, except
25 for the far left little piece that comes out and sticks

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1 I'm clear. The third there -- in addition to being now
2 on the property line, the front, there are now
3 overhangs as well it appears. It appears that the
4 building in addition to coming forward, I know these
5 are just sort of ideas at this point, but the building
6 is not just coming up to the property line, it's going
7 to hang over into the -- over the sidewalk, correct?
8 Is that an eave there? Is that what I'm seeing?

9 MR. COHEN: I believe that is what you're
10 seeing. I don't think that would be in the final
11 design because I'm assuming --

12 MR. DOUGHERTY: So you're going into the
13 public right-of-way, I believe.

14 MR. COHEN: No, I think that is a decorative
15 feature that ultimately would not stay, as Jim is
16 shaking his head vigorously, that would not be
17 approved.

18 MR. DOUGHERTY: Okay. I thought I was
19 missing something.

20 MR. COHEN: No.

21 MR. DOUGHERTY: Thank you.

22 MS. GERING: Any other questions or comments
23 from Council?

24 MS. McHUGH: Yeah. I'm sorry. How tall is
25 it again compared to the surrounding buildings because

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1 you're adding a whole other --
 2 MR. PASTELLA: The height is based off of the
 3 lowest finished grade which is essentially the top of
 4 the canal wall, which is where the existing lowest
 5 level is today. Going up from the existing lowest
 6 level today, it's right where the purple starts, going
 7 up from there is approximately 34 feet. It's three
 8 stories.
 9 MS. McHUGH: Yes. And in relation to the
 10 buildings across the street?
 11 MR. PASTELLA: It is equal to or less than
 12 the existing three-story townhouse that's on that
 13 corner.
 14 MS. McHUGH: How about the building behind
 15 it?
 16 MR. PASTELLA: I can't -- I don't know what
 17 that is.
 18 MR. DOUGHERTY: Along those lines, I would
 19 just like to ask that this is a good presentation at
 20 this level as to where you are in the phase, this is
 21 more information than we normally get. So that's a
 22 good thing. I'd say that whenever you do come back,
 23 like, whether it be HARB presentation or zoning
 24 presentation or in front of us for the COA, da, da, da,
 25 da, that in all cases we be provided or it's not going

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1 because that's right where it corners, you know, you
 2 need to show us more. Just personally speaking, I have
 3 no issue with the zoning variance. What you're
 4 proposing here, and I realize that's not what you're
 5 asking for right now, but this makes me look and go,
 6 yeah, I don't think so. So we need to see more of what
 7 it's going to look like in relationship to the other
 8 buildings around it before we say, at least again
 9 personally speaking, what's it going to do to the
 10 impact of that little corner before we tell you you can
 11 put up a residential building there and what kind of
 12 residential building.
 13 MR. MEYER: If I may climb in, I'd like to
 14 see the next slide, please, because I think this
 15 also -- yeah, right, if you look here, once again, it's
 16 a different angle on the same thing and what we're
 17 looking at is a number of different perspectives. So
 18 both of those are quite informative. In this
 19 particular case, we're looking down Mechanics. I
 20 understand the problem there. Once again, we see
 21 something about the relative scale and height of the
 22 building relative to the things around it, and I think
 23 that's going to be very informative, and I'm not saying
 24 just for us. I think that is also extremely valuable
 25 information to put before HARB.

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1 to go well, that we have a representation of what your
 2 building looks like relative to all the other buildings
 3 that are across the street, to the side and behind it,
 4 and by that I mean, a three dimensional, that's a very
 5 good picture there. It usually takes us eight to ten
 6 conversations with architects to try to get them to
 7 give us that particular type of shape, but we would
 8 need other iterations of that showing how this building
 9 relates to the other buildings and not two dimensional
 10 and not ghosted buildings, okay, not ghosted, not fake
 11 trees and all that stuff.
 12 MR. PASTELLA: I mean, can it be a relative
 13 scale other than getting authorizations from --
 14 MR. DOUGHERTY: I'm just saying even at some
 15 of these future meetings, in order for us to make
 16 informed decisions, we need imagery like that, okay,
 17 and like that, not flat, 2-D stuff.
 18 MR. PASTELLA: Just as a general question, in
 19 order of being able to prepare such a rendering of the
 20 surrounding properties, if I'm not --
 21 MR. DOUGHERTY: I'm sorry. Before you reply,
 22 how does Council feel about what I just said?
 23 MS. RETTIG: I was just going to say, I mean,
 24 I would like to see what it's going to look like from
 25 the backyards of the properties on New Street, which

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1 MR. PASTELLA: Okay. So I think I completely
 2 understand. One hurdle that I might face is, when we
 3 render the surrounding buildings is something that we
 4 can do pretty relatively easy, but without having
 5 access to the properties and actually measuring things
 6 directly, we would have to be using things as a matter
 7 of perspective. So it's relative scale, may not be a
 8 hundred percent accurate, but we can represent the
 9 buildings with more detail than what's shown on here to
 10 give you a sense of the other side of the canal, the
 11 building behind, and the townhouses across the street,
 12 so you can kind of see it in --
 13 MS. GERING: Is the walkway to the canal on
 14 the other side, is that accessed where people are
 15 walking on the canal?
 16 MR. PASTELLA: It's on the opposite side.
 17 MS. GERING: So that's right there where
 18 you're showing a gate so people would be walking right
 19 there and looking in those beautiful windows. I got to
 20 tell you, I have a problem with that industrial design
 21 that fits on Mechanics Street.
 22 MR. PASTELLA: Well, this is just for -- just
 23 a -- just a note of perspective on my part. This is
 24 just the first step. This is just a concept to have an
 25 open discussion on kind of the direction that we felt

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1 we might take. This is not an end-all design that I'm
 2 looking to push and trying to solve, but I'm very aware
 3 that we're not just building this for our own purposes
 4 and our own enjoyment. There is a -- we're in a
 5 community. We're surrounded by neighbors and what we
 6 build does impact other people. I'm very conscious of
 7 that, and this is why we have these meetings. This is
 8 why we have these kinds of renderings so we have the
 9 discussion now versus spending all this time and all
 10 this money and all these meetings going back and forth.
 11 It's better to have that discussion today versus later.

12 MR. MEYER: I appreciate that.

13 MS. GERING: Yeah, that's absolutely because
 14 we run into that problem because usually by the time it
 15 comes back to Council for an approval, it's gone
 16 through all the different boards, and we're going, we
 17 really don't like it. So I'm glad that you did this.

18 MR. PASTELLA: Well, I've been on your side
 19 of the board, and I know where you're coming from, and
 20 the advantage of kind of running our own operation is
 21 we can make tweaks and turn things and change the
 22 facades and we can do that quickly and we can do things
 23 -- we want to do something that feels good for the
 24 community and conforms. That is the goal.

25 MR. WALSH: So just -- Council has yet to say

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1 MR. WALSH: Essentially.

2 MR. PASTELLA: Correct.

3 MR. DOUGHERTY: Use and footprint.

4 MS. GERING: Right.

5 MR. PASTELLA: And even with the same
 6 footprint, you can mess with this design a hundred
 7 different ways, coming up with something that we all
 8 feel is appropriate for the community.

9 MS. GERING: Well, I have two issues. One is
 10 I don't like the fact that you're changing the usage
 11 where it's business, and, secondly, if you do get the
 12 approval, you're going to put a structure on there that
 13 is so oversized and looming, that doesn't fit the
 14 character of Mechanics Street. So that's two issues I
 15 personally have.

16 MR. COHEN: If I can also just point out,
 17 because Mr. Pastella has mentioned a number of times
 18 the height going from the lowest grade, under the
 19 ordinance, the actual height of the building is
 20 measured at street level. So really what we would be
 21 looking at and by no means would we be looking for
 22 anything more than what's there, we're well within the
 23 height restriction, and I'm not suggesting that it
 24 could be something much larger, but the ordinance would
 25 allow something that would potentially be a lot taller

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1 whether they're going to take a position on this
 2 application, but those zoning dimensions will not
 3 affect any potential pre-design that you want to do.
 4 You'll have to operate within the confines of that if
 5 you get --

6 MR. PASTELLA: Correct.

7 MR. WALSH: Your attorney can explain that to
 8 you, but you can't come back and say, we got the zoning
 9 relief premised on this design, so it's boxed in more,
 10 so to speak. That doesn't work.

11 MR. PASTELLA: The relief that we're
 12 requesting is essentially binding to the footprint.

13 MR. WALSH: To the footprint and the
 14 dimensions.

15 MR. PASTELLA: And the use, yes.

16 MR. WALSH: And the use, correct, but the
 17 design -- following on with the discussion here, they
 18 have certain applicants have come back and say, well, I
 19 got zoning relief for X, I should be able to build X,
 20 when you need to have X, Y, Z approved, too. So it's
 21 not a logical flow. It doesn't work that way. So the
 22 only thing that's going to be sanctioned out of that
 23 design is, as Mr. Cohen indicated, is the use, the
 24 setbacks --

25 MR. PASTELLA: And the footprint.

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1 on the street level than what's being proposed. The
 2 flat roof kind of helps bring that overall level down,
 3 whereas a pitched roof similar to what's across the
 4 street might bring the overall size of the building up.
 5 I'm not an architect. So I can't talk about the
 6 various impacts of different designs, but I did want to
 7 make it clear that when it comes to height, 35, I
 8 believe it's 35 feet in the commercial district, Jim,
 9 is that right?

10 MR. WALSH: Well, if it's a occupied third
 11 floor --

12 MR. ENNIS: You can't exceed 35.

13 MR. WALSH: 35 is the height of the
 14 structure. If it's a non-occupied 35 feet, is to go to
 15 the mean of the pitch.

16 MR. COHEN: Understood. I mean, there's a
 17 number of different variables in the calculation, but I
 18 just want to make it clear that we're not talking about
 19 34 feet from Mechanics Street. It's from that lower
 20 canal height. That's all I'm trying to say.

21 MR. WALSH: I just wanted to go back to
 22 something that someone said. You don't have this
 23 color-coded in there. This --

24 MR. COHEN: It dropped off.

25 MR. WALSH: Okay. So if everybody has this

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1 sheet, the one that shows the zoning, so the issue that
2 the Zoning Hearing Board is going have to wrestle with,
3 to your point, Connie, is that a municipality has an
4 obligation to sort of rezone areas where the
5 surrounding areas have fallen by the wayside if they're
6 a zoned use, and by that I mean, if you look at that
7 red line, that's the CC District, but everything to the
8 west of the canal, there's only one property. Okay?
9 So that's commercial, correct, and --

10 MS. GERING: Actually, it's two.

11 MR. WALSH: Well, it's two, but they're going
12 down is the point, and when you have residential over
13 here, you have this residential and further on up, the
14 applicant has a much stronger use variance case when
15 the surrounding properties, even though they're all
16 zoned the same way, are not used for how they're zoned
17 but for how they want -- for the use they're seeking.

18 MR. MAISEL: Could you say that again?

19 MR. WALSH: I know, I stumbled all over that.
20 They have a stronger use variance case if they're not
21 the hole in the donut, if they're the donut around the
22 hole. Does that make sense?

23 MS. RETTIG: Yes.

24 MR. WALSH: Actually, I mean, look, you know,
25 we haven't done this because these maps have been as

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1 immediately around it, it won't feel as large and
2 looming perhaps.

3 MS. GERING: Any other? Ken?

4 MR. MAISEL: The only comment I would have is
5 the take-away from this evening for the presentation is
6 that we're -- what do they take away from this because
7 clearly there's some contention here, you know, so
8 while they've done it, they've gotten some feedback,
9 what do they do with it? I mean, what is your
10 take-away from what you're hearing?

11 MR. COHEN: I believe that what I'm hearing
12 is there are concerns about the design, and again those
13 will certainly be taken into account. I'm hopeful that
14 the Board or Borough Council will leave it to the
15 Zoning Hearing Board to make its decision on whether or
16 not a variance is appropriate here to allow a
17 residential use. What that use looks like, you know
18 very well that we have to go through a process for
19 that. We have to deal with HARB. We have to provide
20 HARB with the information they're going to require and
21 then we still have to come to you.

22 So the design which seems to be the primary,
23 I know Connie has expressed issues beyond that, but the
24 design, that's up in the air right now. I'm hopefully
25 hearing, and I guess I'll know in a few minutes, that

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1 long as I've been a solicitor, that's been the maps,
2 but the municipality has an obligation to analyze these
3 maps and say, hey, does the CC zoning district make
4 sense, for west of the canal when you really have two,
5 maybe one and a half now because this thing is vacant,
6 properties, so --

7 MS. GERING: You have two business properties
8 adjacent. You have Subey's (ph), which is a bakery,
9 and you have Nina's Ice Cream on the other side, and I
10 also have a concern that you put this looming, huge
11 building next to two businesses, they're only one
12 story. So there's a lot of issues, and that's me, one
13 person speaking.

14 MR. PASTELLA: In terms of building size, the
15 renderings that are shown are basically designed just
16 to show that building. I think once the other
17 buildings are rendered in, it will -- the perspective
18 of scale will change possibly. It is my perspective
19 that the townhouses across the street are substantially
20 larger in mass. The building just downhill from where
21 the Tuscany project is is substantially larger in its
22 front facade than what we're proposing here. It's just
23 what we're seeing on the renderings, just the building
24 and just means next to it, but if we were to pull back
25 from a bird's eye view, with the other buildings

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1 Council is not necessarily objecting to a residential
2 use in this location as long as it fits.

3 MR. MAISEL: So that's in front of us,
4 whether or not --

5 MS. GERING: Right.

6 MR. MAISEL: The use as opposed to the zoning
7 sticking to use?

8 MR. COHEN: Well, that's the zoning issue is
9 the use.

10 MR. WALSH: Like every zoning application
11 that comes here, all you're being asked is, do you want
12 to take a position on the application, and they've laid
13 out the relief they're seeking, a zoning use variance
14 to allow a residential use and variance dimensional
15 variances that go along with it. That's all you're
16 being asked. The Zoning Hearing Board will decide the
17 ultimate issue.

18 MR. MEYER: Can I get a clarification from
19 you then, T.J.?

20 MR. WALSH: Yes, sir.

21 MR. MEYER: We have two different issues with
22 regard to the zoning relief sought. One is with regard
23 to the usage restriction in the zoning and the other
24 one has to do with the dimensional restrictions.

25 MR. WALSH: Correct.

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1 MR. MEYER: Is Council in a position to
 2 express an opinion on one but be agnostic on the other?
 3 MR. WALSH: Yes.
 4 MR. MEYER: Okay. Just wanted to clarify
 5 that. Thank you.
 6 MR. DOUGHERTY: My concern about the change
 7 in the use is that had been an operating business until
 8 fairly recently. They moved and they're more
 9 successful where they are, according to what I've heard
 10 today. Okay. I think if -- so I think to change the
 11 use to residential because -- because the commercial
 12 space happens to be empty because that's what it sounds
 13 like here, is that it's no longer occupied and it
 14 hasn't been occupied for ten months; therefore, we
 15 should be -- therefore, it won't work as a commercial
 16 space anymore; therefore, we think it should be changed
 17 to residential, and I don't know if I -- I don't know
 18 if I can -- I understand, I mean, I'm not sure where
 19 retail goes in the 21st Century myself, and I don't
 20 know that anybody knows, but that's sort of what the
 21 argument is. Is there a different argument, Paul, why
 22 it should be rezoned as a residential building next to
 23 two commercial buildings?
 24 MR. COHEN: I wouldn't put it that way, I
 25 mean, it's only the one building next to it on this

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1 away even longer.
 2 My clients have what I think -- there's two
 3 arguments. There's the argument of, are the allowed
 4 uses viable in that space and then is the proposed use
 5 appropriate for that space, and I think the answer to
 6 the first is no, and the answer to the second is yes.
 7 So it's a two-sided argument. We're not simply saying,
 8 oh, it's been vacant, we want to fill it in, but again
 9 if we have burdens to prove, that's to the Zoning
 10 Hearing Board. We're not expecting them to just say,
 11 okay. We're going to explain to them why, and again,
 12 someone more qualified than myself will be providing
 13 that evidence.
 14 MR. DOUGHERTY: Okay. Thank you.
 15 MS. GERING: And, Paul, if you didn't have
 16 that bridge that separates and you go right down the
 17 street, that's all commercial.
 18 MR. COHEN: Understood, but that's a
 19 significant issue because that bridge separates the
 20 area and if you're somebody in New Hope who's not
 21 familiar with the Borough and you're walking around,
 22 it's not obvious that the commercial area continues
 23 beyond that bridge, but again, that's not for me to
 24 really get into and explain. We're going to address
 25 that at the hearing, and we have to convince the board

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1 side of the canal, but we have a burden, and when we're
 2 going to go to the Zoning Hearing Board, we have a
 3 burden. It's not going to be me getting up and talking
 4 and explaining that we have a burden. We have an
 5 expert witness who's going to testify. We have the
 6 current owners who are going to testify about efforts
 7 to sell or rent the property. It's not just a
 8 matter -- I understand your point. It's not just a
 9 matter of us saying, oh, the property is -- it's been
 10 empty for a few months. A lot of properties have been
 11 empty for a few months. This is more. First of all,
 12 it's been almost two years, there have been substantial
 13 efforts to try to rent the property or sell the
 14 property for its allowed uses, but if I may say, this
 15 property is unique. There will be evidence presented,
 16 and again, this isn't the hearing, but there will be
 17 evidence presented showing the building that exists
 18 right now needs substantial amount of renovations to
 19 even occupy, be occupied by a business that may thrive,
 20 almost a half a million dollars of renovations will be
 21 required. We'll provide evidence of that at the
 22 hearing. For a business to go in there in an area
 23 where you have no foot traffic and no real potential
 24 for success, you're just not going to find it, and what
 25 we're going to end up with is an empty property rotting

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1 that this creates a burden.
 2 MS. GERING: Any other comments from Council?
 3 MS. McHUGH: Well, yeah. On the one side is
 4 Nina's and they're seasonal, so -- which I don't
 5 understand how they can stay in business, but that's
 6 here or there. So you're right, you're separated by
 7 the canal bridge and then half the year there's nobody
 8 going to Nina's. So whoever they're going to attract
 9 has to have a really -- somebody wants to really -- has
 10 to really want to get there. Nobody is just walking
 11 by. There's no foot traffic.
 12 MS. RETTIG: My take on it always as regards
 13 to Nina's, to me, Nina's is a local -- people don't --
 14 if you don't know it's there, you don't know it's
 15 there. So tourists are not necessarily going up.
 16 MR. COHEN: And my observation of Nina's is
 17 that their primary retail space is now on Main Street,
 18 also, and this building, as I understand it, is used
 19 mostly for production. I don't even think they're open
 20 during the summer season on a regular basis. Are they?
 21 MS. GERING: Yeah.
 22 MR. COHEN: Either way, I mean, yes, that's
 23 part of the argument here. That's part of what we're
 24 trying to say is this is not an area where people --
 25 businesses that come in retail in New Hope, they're

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1 getting the people as they walk by, you know, you're
 2 going by, you see a store, it's interesting, you're
 3 going to stop in because you're going up and down Main
 4 Street, you're going off on Mechanics Street. This
 5 area is separated. There's a physical barrier, and
 6 when it was a more -- you had the Hacienda was across
 7 the street, the hotel was over there, the Canal House.
 8 This was a commercial area, and that's why, as T.J. was
 9 pointing out, it's sort of this offshoot of the CC
 10 District because at one point in time, this was
 11 regularly accessed by people, but it's not anymore. So
 12 the businesses that are there are going to die and
 13 that's why both of them, both of the businesses
 14 occupying those two properties are now on Main Street.
 15 One of them shut the door. The other one fortunately
 16 is still able to use that space, but they're not
 17 getting the foot traffic that you really need to
 18 operate a business on its own, and I think that's a
 19 significant fact.

20 MS. GERING: Any other comments from Council?

21 MR. WALSH: Your hearing is scheduled for
 22 June 6, correct?

23 MR. COHEN: Yes.

24 MS. GERING: What position would you like to
 25 take?

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1 I was walking past Nina's on Saturday night and it was
 2 packed. There wasn't a seat available. So to me, this
 3 is like, I mean, Mechanics Street is -- I just took two
 4 people, one from Russia and one from Bermuda on
 5 Mechanics Street, and they loved it. They thought it
 6 was the most charming street in New Hope, and we worked
 7 for almost a year with George Michael, in how to make
 8 his townhouses look charming, look part of New Hope.
 9 He had that one building that we made him keep,
 10 although he could have torn it down, because they were
 11 trying to keep that aspect of New Hope, and this is sad
 12 to me, disheartening because this is exactly what the
 13 people are afraid is going to happen to New Hope, that
 14 we're a bedroom community and we've lost what we are
 15 and we want to stay here. Everyone else is trying to
 16 be like New Hope. They're all going after tourism
 17 because that's where the money is, and Doylestown, if
 18 you watch all these towns, they model themselves after
 19 us, and now are we trying to be like them as they try
 20 to be like us, and, I mean, if we're a bedroom
 21 community, then who are we? We've lost it, and that's
 22 another thing people complained about, all these big
 23 mega mansions coming in. I'd love to see you work with
 24 the building the way it is and refurbish it, I mean, in
 25 some communities that's what they tell you have to

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1 MS. McHUGH: I have no position.
 2 MS. GERING: Public comment. I'm sorry. Do
 3 we have anyone that would like to make -- Gerry.
 4 MS. DELEVICH: Connie, I agree with what
 5 you're saying. To me, this is kind of sad. We just
 6 finished up interviewing about 30 people in New Hope
 7 about what they loved about New Hope and what they
 8 hoped for New Hope, and this is exactly what so many
 9 people fear, that we lose our quaint, quirky, historic
 10 feel, and this building is absolutely not that, and
 11 historically speaking in regards to that variance, that
 12 variance was passed because Council at the time knew
 13 the money was in housing. Havana, there was talk of
 14 Havana going up for sale and somebody buying it and
 15 putting four townhomes in, a million dollars a piece,
 16 but do we want New Hope to be a bedroom community or do
 17 we want to be a tourist town that has attracted us to
 18 it? I mean, that's why I moved to New Hope, for the
 19 vibrant downtown community, and we've lost it, I mean,
 20 the original argument was when there was -- I mean,
 21 that used to be all commercial. Hacienda used to be
 22 there, and you know that once this project goes up and
 23 is worth \$4 million, that Nina's is going to be sold
 24 for a large amount of money. It's just this catch 22.
 25 If that goes in, then the rest of the street goes, and

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1 do, you have to keep part of that building and redesign
 2 around it. That could be a really interesting
 3 building.
 4 So, I'm sorry, but it's not quaint, not
 5 quirky. It's not historic, and it's not the charming
 6 New Hope that we all love.
 7 MS. GERING: Thank you. Any other public --
 8 yes, Mr. Duffy.
 9 MR. DUFFY: Ed Duffy, New Hope. Interesting
 10 observation, the style of this building, the style of
 11 the building on South Main Street who the owner is
 12 trying to do something with, similar. You have Ferry
 13 Street Market, similar. The Ghost Light Inn, which is
 14 the new building being built right next to the
 15 Playhouse, similar. So I think we're seeing a
 16 transition trend for New Hope because I'm a historical
 17 person, too. I'm always to the meetings. It's again,
 18 we lost a lot of assets just recently, but this seems
 19 to be a trend if New Hope is going to be viable, and I
 20 think there's going to be more of this type of modern
 21 buildings. So we should take a hard look at this.
 22 He's probably got some more plans that he can tweak and
 23 make it a little more agreeable to some of the people
 24 on the board there, and we also contest our new
 25 consultants. Ken, get them in on the fray and see what

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1 they -- see and come up with, but I see a trend, and
 2 frankly, I don't think I see a bad trend. Rather than
 3 having buildings that don't work anymore because of the
 4 internet and the way people are doing business and
 5 buying and seeing things, people very seldom go across
 6 the bridge unless they're going for an ice cream. That
 7 stuff has died, I mean, the traffic on Mechanic, as you
 8 know, everybody knows that right here, and so if we
 9 work on what we got on the west -- east side of the
 10 bridge, as far as history, I think we got it, and we
 11 should work with this guy and see what we can do with
 12 it and make it very interesting and quirky for New
 13 Hope. Thank you.
 14 MS. GERING: Thank you, Ed.
 15 All right. Council, would you like to stay
 16 neutral or take a position? I'm going to start with
 17 you guys down there. Any comments?
 18 MS. MCHUGH: I'm neutral.
 19 MR. MAISEL: I'll be neutral.
 20 MR. DOUGHERTY: My comment is that I agree
 21 with Ms. Delevich entirely, but I don't know if it's
 22 our role to -- I think when the design phase that's
 23 entirely different, but I don't know if it's our role
 24 to force a commercial -- to retain a commercial
 25 district that doesn't seem to be what the public wants

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1 yard setback that currently exists is an existing legal
 2 nonconformity.
 3 MR. DOUGHERTY: I see. So you're going a
 4 building down --
 5 MR. WALSH: You're going up on that
 6 nonconforming --
 7 MR. COHEN: We are going up.
 8 MR. DOUGHERTY: That means you need a
 9 variance.
 10 MR. COHEN: Right, but we're permitted to go
 11 up ten feet, and honestly I don't know that we're --
 12 it's largely being asked for because we don't know what
 13 the final design will be.
 14 MR. DOUGHERTY: I heard you're asking for a
 15 variance on the side yard setback. Are you asking for
 16 a variance on the side yard setback? I mean, if we're
 17 going to agree as neutral or to this or that, you have
 18 to tell us the things that you're asking us for.
 19 MR. COHEN: It's right in here, I mean,
 20 we're -- again, our position is that it is an existing
 21 nonconforming --
 22 MR. DOUGHERTY: So your position is you're
 23 going to argue with ZHB that it's really not -- you
 24 really don't need a variance for that?
 25 MR. COHEN: Correct. What we do need --

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1 as much now. I don't feel good about that though.
 2 So I would say on the variance for the use,
 3 I'd be more inclined. The variance on the size, I
 4 guess the side thing, I'd be less inclined. So if we
 5 could split the decision that way, if we could decide
 6 on the size of the thing because the variance on the
 7 size, on the space, what's it called?
 8 UNIDENTIFIED SPEAKER: Side yard setback.
 9 MR. DOUGHERTY: Side yard setback. Thank
 10 you. So that's -- I don't think we should be -- I
 11 don't think we should be neutral on that, because I
 12 think that is also driving to an extent the size and
 13 the mass of the building which gives us pause at the
 14 same time. So I would be in favor of not being neutral
 15 on the side yard setback, but that's my view.
 16 MR. COHEN: If I could just clarify, we are
 17 seeking to increase the setback. We're not asking for
 18 relief to go further. We're just reducing it.
 19 MR. DOUGHERTY: Aren't you asking for a
 20 variance though?
 21 MR. COHEN: Not on -- no, because we're
 22 changing --
 23 MR. DOUGHERTY: It's not a variance? How
 24 many variances are you asking for?
 25 MR. COHEN: Our position is that the side

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1 MR. DOUGHERTY: If they say, no, you do need
 2 one, I would want to put myself out there and say, no,
 3 don't give them one. Okay?
 4 MR. COHEN: Okay.
 5 MS. GERING: And I'm going to second what Dan
 6 said. I have the same position. I don't have an issue
 7 with you building residential there, I understand that,
 8 but what gives me the pause is the size of what you're
 9 putting and the design of it.
 10 MR. MEYER: I have no problem with the use
 11 conversion. I do have a problem with the implicit
 12 traffic problems associated with the proposed driveway,
 13 parking area for multiple cars, and I guess that would
 14 be my concern.
 15 MS. RETTIG: I also agree. I have no problem
 16 with it becoming a residential building at all for that
 17 variance. I am concerned with the size of the building
 18 and what you are at least projecting to us that you
 19 will potentially be putting there.
 20 MS. GERING: Jim, is there anything else we
 21 should oppose to?
 22 MR. ENNIS: Well, I think that there should
 23 be some considerations, that that's where it will be in
 24 the arena of the Zoning Hearing Board, but there seems
 25 to be a lot of discussion about the foot traffic coming

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1 from Main Street to this property without the full
2 realization that this property that we're on right now
3 has a considerable amount of parking and a considerable
4 amount of turnover of parking during a busy weekend,
5 and the way the foot traffic goes is off this property
6 down Mechanic. So there has to be some I think real
7 consideration and real presentation on the foot traffic
8 issue during the Zoning Hearing Board because I don't
9 know, at least from my standpoint, I'm in full
10 agreement that the foot traffic going one way. So
11 that's something I think you need to consider.

12 The other thing I think needs to be
13 considered is, there really hasn't been a discussion
14 about what is the existing height now and what is the
15 new height and what's the difference there and how much
16 height is going to be a difference between what's
17 existing now and what you're proposing. I didn't hear
18 that numeric presented at all.

19 The other thing is also you don't use the
20 word "demolish" throughout the entire application. So
21 I'm still confused. Are you proposing a full demolish
22 or are you trying to redevelop the existing building?
23 It was unclear to me.

24 MR. WALSH: Because that affects how it is
25 treated from a nonconforming perspective.

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1 it's clear. That would have to be determined by a
2 structural engineer.

3 MR. DOUGHERTY: So you don't know if you're
4 going to demolish or rebuild on top of the existing
5 structure. How would you be able to go to the ZHB and
6 ask them for X, Y, Z and then it converts into a
7 demolition and then --

8 MR. COHEN: I don't agree with that. If we
9 were to demolish the building, we're not abandoning the
10 existing nonconformity, if we --

11 MR. DOUGHERTY: So you are doing that -- all
12 the nonconforming aspects of the demolished building
13 you'd be retaining?

14 MR. COHEN: Correct.

15 MR. DOUGHERTY: So you'd be asking for
16 variances for those things?

17 MR. COHEN: Correct.

18 MR. DOUGHERTY: Gotcha.

19 MR. WALSH: We can agree to disagree on that.

20 MS. GERING: So can we have T.J. make a list
21 of all the concerns that Jim just brought up and
22 Council did and we can send that to Zoning for
23 guidance?

24 MR. WALSH: I think we're going to have to
25 run through them again.

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1 MR. ENNIS: Well, I think it affects a lot of
2 things. We have to think about how close this is to a
3 canal wall and if they're going to do a full demolish,
4 then they're going to have to do a whole full rehab of
5 a new foundation, a new foundation very close to the
6 canal wall. I know that's not necessarily a zoning
7 matter or a Zoning Hearing Board matter, but I do think
8 some of these issues do probably need to be presented.
9 They've been left unclear right now.

10 MR. WALSH: But your point about the
11 rehabilitation and renovation of existing nonconforming
12 structure and demolition is well-taken in the sense
13 that the zoning ordinance treats them differently. You
14 can rehab a nonconforming building in place subject to
15 the ten-foot expansion. If you demolish a building,
16 you then have to show -- you basically lose the
17 nonconforming aspects of it and you have to go with a
18 building that's compliant, and if you don't, then you
19 need variances. So your point on that is taken, is
20 well taken.

21 MR. DOUGHERTY: So are you -- you don't know
22 if you're going to demolish -- I heard earlier, you
23 don't know if you're going to demolish or build on top
24 of it. Is that a true statement?

25 MR. PASTELLA: At this time, I don't think

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1 MR. ENNIS: I'm going to be in attendance in
2 the hearing. So I would be raising these things during
3 the hearing.

4 MR. WALSH: Well, that's fine. For purposes
5 of Council taking official position, frame something so
6 it has a motion, so if I need to go that night and
7 present it and testimony with you, I mean, we'll
8 make -- you and I can make that determination, but
9 we'll need something that allows them to take official
10 action in the form of a motion right now on the spot.

11 MS. GERING: Well, one was the traffic study
12 and the impact of the driveway.

13 MR. ENNIS: Well, I just think -- right. So,
14 I mean, I think maybe there should be consideration of
15 whether or not there's even a driveway needed. I mean,
16 obviously it's needed for zoning for parking
17 requirements, but has there been any considerations
18 from the Applicant abandoning the idea of a driveway
19 due to the fact that they're going to have cars backing
20 out onto Mechanic. It's a one-way street in a very
21 highly used street and especially during peak season in
22 New Hope.

23 I do think there needs to be merits as far as
24 the difference in height of what exists now and what is
25 proposed. I do think there needs to be some kind of

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1 merits to the amount of foot traffic that's actually
2 coming from this property, not necessarily the merits
3 that are coming from Main Street, when it comes to foot
4 traffic.

5 MR. WALSH: Okay. These are all fair
6 comments, but you're throwing out ideas more on the
7 line, has this analysis, has this analysis been done,
8 but for purposes of the relief in front of --

9 MR. ENNIS: Okay. I think the foot traffic
10 is a valid comment because, as you know, when it comes
11 to a use variance, in essence, they have to whittle
12 away every use that is permitted and say it's not
13 feasible in comparison to here's an alley use that
14 we're representing is not permitted in the zoning, and
15 that's why it's the most optimal and feasible use for
16 that property. It's really no different --

17 MR. WALSH: All right. I'm trying to think
18 how to do this because I've heard the general
19 consensus, the Quaker consensus appears to be the use
20 variance is more palatable, but you're saying in
21 connection with that, there should be a condition the
22 Zoning Hearing Board should consider attaching,
23 requiring the applicant to do a foot traffic analysis.

24 MR. ENNIS: They should do that even during
25 their presentation at the hearing, in my opinion.

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1 nonconforming, then a dimensional variance is
2 essentially on that plan that they're shown.

3 MS. GERING: And the impact on the canal if
4 they put up a building like that. I don't know if we
5 can require Zoning to do that.

6 MR. DOUGHERTY: You mean the structural
7 integrity of it?

8 MS. GERING: Right, because it's right on the
9 walkway where --

10 MR. DOUGHERTY: It's not the walkway.

11 MS. GERING: It's on the edge, right.

12 MR. WALSH: That will invariably be done at
13 the next phase, not the next, but a subsequent phase
14 from the Zoning Hearing Board because that is more or
15 less a building and engineering issue.

16 MS. GERING: Okay.

17 MR. WALSH: To the extent that the building
18 inspector may not look at it such that the building
19 inspector is going to back off and say I need somebody,
20 a structural guy, our structural team will go out and
21 analyze it, just like it was done for Canal Walk, Canal
22 Street, excuse me, that the wall is not going to be
23 impacted by the load, but that's not a zoning issue,
24 per se. If you want to couch it in terms of if the
25 zoning setback relief is going to countenance a wall, a

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1 THE COURT: You need to be a little more --
2 our teeth need to be sharper.

3 MR. COHEN: If I may --

4 MR. WALSH: Hold on. I just want to make
5 sure I get what he's saying.

6 If you're saying some of these things should
7 be conditions for the Board, you know how that can go.
8 So we want to make sure we have analysis, we have
9 concrete language on it. So are you saying you want to
10 have a foot traffic study done?

11 MR. ENNIS: I'm not saying -- in my
12 experience, when people request use variances, they
13 have these things already ready to be presented during
14 testimony and they did say they don't have an expert
15 witness. Are they going to have these sorts of --

16 MR. WALSH: Okay. That's an evidentiary
17 issue. That's not a condition issue.

18 MR. ENNIS: Conditions, I have none. These
19 are the things that are being considered and these are
20 the things that I will definitely make sure they are
21 considered during the hearing.

22 MR. WALSH: Okay. So you'll bring those up.
23 So bring it back to the Zoning Hearing Board relief,
24 is the use variance and it's essentially expansion of a
25 nonconforming structure and if it's not considered

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1 building wall that's on the canal wall, then, yes, they
2 could say, hey, this setback, you need to satisfy all
3 Borough engineering and building code reviews as it
4 relates to the structural integrity of that wall. That
5 would be fine.

6 MS. GERING: Okay.

7 MAYOR KELLER: May I ask a question?

8 MS. GERING: Please.

9 MAYOR KELLER: Paul, what is the -- as we're
10 looking at the fifth photo, looking west, in the east
11 side of the canal, what is the actual from Mechanics
12 Street to the south side of the building and what is
13 the distance and what is the width going east to west
14 as it currently sits?

15 MR. COHEN: The width of the existing --

16 MAYOR KELLER: Yes.

17 MR. COHEN: I believe the width is 36 feet,
18 if I remember correctly, but it is --

19 MAYOR KELLER: Is it south?

20 MR. COHEN: I'm sorry. North to south is it
21 or east to west?

22 MAYOR KELLER: East to west. I want both
23 dimensions, please.

24 MR. COHEN: It is not presently on the plan.
25 So I don't have that information.

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1 MAYOR KELLER: Okay. So, therefore, you've
 2 suggested that you're going to have three floors,
 3 approximately 4,000 square feet total?
 4 MR. COHEN: Yes.
 5 MAYOR KELLER: You're going to work on the
 6 original footprint, right?
 7 MR. COHEN: Well, on a reduced footprint.
 8 MAYOR KELLER: So it will be smaller than
 9 what this photo shows now?
 10 MR. COHEN: Correct.
 11 MAYOR KELLER: And have you even had a
 12 conversation with the two, at least two residential
 13 buildings that will abut on the canal, like, behind you
 14 on the south side, the residents that live on New
 15 Street?
 16 MR. COHEN: I don't believe so, no.
 17 MAYOR KELLER: Okay. Thanks.
 18 MS. GERING: Any other comments? All right.
 19 MR. WALSH: I think the recommended motion
 20 would be to take a position not on the use variance but
 21 to -- if I heard, there really are only two things,
 22 one, if the Board determines that the nonconformities
 23 are not preserved or not recognized and the side yard
 24 should be -- that the side yard variance shouldn't be
 25 granted, that side yard should comply and then there

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1 come to an agreement on that, it's the safety issue
 2 with regard to the driveway?
 3 MR. DOUGHERTY: Yes.
 4 MR. COHEN: Okay. Thank you.
 5 MR. WALSH: That's effectively a condition.
 6 Okay. That would be -- so add that one to the
 7 recommended motion.
 8 MS. GERING: Dan?
 9 MR. DOUGHERTY: I'll make that motion as
 10 amended.
 11 MS. GERING: Can we have a second?
 12 MR. MEYER: Second.
 13 MS. GERING: All in favor?
 14 MR. MAISEL: Aye.
 15 MS. McHUGH: Aye.
 16 MR. DOUGHERTY: Aye.
 17 MS. GERING: Aye.
 18 MR. MEYER: Aye.
 19 MS. RETTIG: Aye.
 20 MS. GERING: Opposed?
 21 Good luck at Zoning.
 22 MR. COHEN: Thank you, everyone.
 23 MS. GERING: Do we have the manager's report?
 24 MS. LEE: I have nothing to report.
 25 MS. GERING: The solicitor's reports?

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1 should be -- if they grant relief, there should always
 2 be a structural integrity and analysis done on the
 3 impact of the building on any of the canal walls.
 4 MS. GERING: Who would like to make that?
 5 MR. DOUGHERTY: I'll make that motion.
 6 Just for discussion, the part that I wasn't a
 7 hundred percent sure of is the stuff about the foot
 8 traffic, the hundreds of people who would walk past
 9 that residence as they are currently walking past the
 10 current building every day, hundreds of people to come
 11 and get these parking spots, these cars will back out,
 12 they won't be nosing out. So this is -- is there
 13 anything in this particular vote that we're taking that
 14 could document our concern about the fact that we would
 15 have cars backing out in front of foot traffic of
 16 people. I don't know that answer.
 17 MR. WALSH: I think the Board would -- you'd
 18 have to ask them to attach a condition that an analysis
 19 be done of the driveway as it impacts foot traffic at
 20 that point.
 21 MR. DOUGHERTY: Okay. That's fine.
 22 MR. COHEN: Just to clarify on that, so the
 23 concern with foot traffic, and I think I got a little
 24 confused, it's not a question of the underlying need
 25 for the use variance because I think we've all sort of

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1 Any public comments? Steve, I'll give you
 2 first up.
 3 MR. COPPENS: HARB board consultant, how much
 4 is he charging?
 5 MS. GERING: \$99 an hour.
 6 MR. COPPENS: And what is the orange lot's
 7 location?
 8 MS. GERING: Up top where you're not allowed
 9 to park.
 10 MR. COPPENS: The upper lot.
 11 MR. WALSH: Big sign there, Steve, it says
 12 orange lot.
 13 MR. COPPENS: Thank you.
 14 MS. GERING: All right. Pam, real quick,
 15 it's 9 o'clock.
 16 MS. KERR: I am just announcing that the
 17 friends of the library in conjunction with whom it
 18 celebrates has published our third publication, An
 19 Enlightened Community, 20th Century LGBT Stories from
 20 New Hope, Pennsylvania, and at least two, three people
 21 in this room have contributed to the stories. It's
 22 from the 1950s, slightly just a little bit into this
 23 century.
 24 MS. GERING: It's a wonderful book. I bought
 25 it, and I read it today, and I think everybody should

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1 get a copy. Thank you.
 2 MS. KERR: If you don't get it from me
 3 tonight, for \$20, it's all donations to our
 4 organization, it's online and there will be a more
 5 public roll out as times goes on.
 6 MS. GERING: Thank you. Any other public
 7 comments?
 8 Can I have a motion to adjourn?
 9 MS. RETTIG: Motion.
 10 MS. GERING: Second?
 11 MS. McHUGH: Second.
 12 MS. GERING: Thank you. We're going into
 13 executive session.
 14 MR. WALSH: But we will not be coming out.
 15 MS. GERING: Thank you.
 16 *****
 17 (Whereupon, the proceedings were concluded at
 18 9:00 p.m.)
 19 *****
 20
 21
 22
 23
 24
 25

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CERTIFICATION

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

WENDY A. CROWLEY
 Official Court Reporter

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