

BEFORE

NEW HOPE BOROUGH COUNCIL

In Re: Regular Meeting

- - - -

TUESDAY, SEPTEMBER 11, 2018

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

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1 **BOROUGH COUNCIL:**
2 Mayor Laurence D. Keller
3 Alison Kingsley, President (Late arrival)
4 Connie Gering, Vice-President
5 Tina Leifer Rettig
6 Peter Meyer
7 Ken Maisel
8 Dan Dougherty
9 E.J. Lee, Borough Manager
10 T.J. Walsh, Esquire, Solicitor

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

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1 MS. GERING: Call meeting to order.
2 Pledge of allegiance.
3 (Pledge of allegiance was recited.)
4 MS. GERING: I'd like to take a moment
5 of the silence today in honor of September 11th.
6 (Moment of silence observed.)
7 MS. GERING: Thank you.
8 T.J. if you could -- I'm sorry, E.J.,
9 can you do roll call?
10 MS. LEE: Yes, please. All right. I'm
11 going to start with, let's see, Ms. McHugh?
12 MS. McHUGH: Here.
13 MS. LEE: Mr. Dougherty?
14 MR. DOUGHERTY: Here
15 MS. LEE: Mr. Maisel?
16 MR. MAISEL: Here.
17 MS. LEE: Mr. Meyer?
18 MR. MEYER: Here.
19 MS. LEE: Ms. Rettig?
20 MS. RETTIG: Here.
21 MS. LEE: Mayor Keller?
22 MAYOR KELLER: Here.
23 MS. LEE: And vice-president of
24 council, Ms. Gering?
25 MS. GERING: We also have here our

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1 solicitor T.J. Walsh and myself, borough manager;
2 and we have one, two, three, four, five, six,
3 seven, eight, nine, ten members of the public.
4 MS. WALSH: And the chief.
5 MS. LEE: And the Chief of Police, yes.
6 MS. GERING: Can't forget him.
7 All right. Mr. Mayor, do you have any
8 report for today?
9 MAYOR KELLER: I don't. I think we'll
10 just be able to keep moving on. Thank you.
11 MS. GERING: There was an executive
12 session on September 4th and this was to discuss
13 litigation and personnel issue.
14 Our consent agenda, I'd like to have a
15 motion to approve the minutes from the August
16 21st meeting.
17 MR. DOUGHERTY: I'll make that motion.
18 MR. MEYER: Second.
19 MS. GERING: All in favor?
20 COUNCIL MEMBERS: Aye.
21 MS. GERING: Motion passes.
22 We have a request for a special events
23 permit for the High Heel Drag Race for October
24 21st, 2018. And I know it's a wonderful event,
25 it's been going on for numerous years and is --

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1 Would you like to make any statements
2 on it before we move forward?
3 UNIDENTIFIED SPEAKER: Not necessarily.
4 MS. GERING: Okay. Can I have a motion
5 to approve the event?
6 MS. McHUGH: I'll make that motion.
7 MS. GERING: And second?
8 MS. RETTIG: I'll second it.
9 MS. GERING: All in favor?
10 COUNCIL MEMBERS: Aye.
11 MS. GERING: Thank you.
12 MR. WALSH: Before you call it, just
13 ask for public comment?
14 MS. GERING: Oh, I'm sorry. Any public
15 comment? Thank you.
16 MAYOR KELLER: I have a question, if I
17 may?
18 MS. GERING: Oh, please.
19 MAYOR KELLER: Just curious why did you
20 not do the 28th?
21 UNIDENTIFIED SPEAKER: Why what?
22 MAYOR KELLER: Why you didn't want to
23 do it on the 28th versus the 21st.
24 UNIDENTIFIED SPEAKER: I'm not sure why
25 they picked that date, to be honest with you.

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1 MAYOR KELLER: Just curious.
2 UNIDENTIFIED SPEAKER: I don't know.
3 UNIDENTIFIED SPEAKER: I think the idea
4 is that events of ours kick off after the meeting
5 and have to be done before Thanksgiving.
6 Probably start on the 28th there's enough time to
7 (inaudible) in the borough wanted to do --
8 MAYOR KELLER: Thanks.
9 MS. GERING: Next, we have a request
10 from the Delaware River Towns Chamber of Commerce
11 and Visitors Bureau for a Turkey Trot for
12 November 22nd.
13 Do we have questions from council? Can
14 I have a motion for approval?
15 MR. MEYER: So moved.
16 MS. GERING: Second?
17 MR. MAISEL: I'll second.
18 MS. GERING: Any questions from the
19 audience?
20 All in favor?
21 COUNCIL MEMBERS: Aye.
22 MS. GERING: Passed.
23 Consideration of approving payment of
24 accounts payable for August. We have an amount
25 of \$206,553.55; and payroll for \$66,623.22; in

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1 the amount of \$75,861.32.
2 MS. LEE: So the total for the amount
3 of payables is \$206,553.55 and then payroll --
4 that was for August 15th for \$66,623.22; and
5 payroll for August 29th was for \$75,861.32.
6 MS. GERING: Thank you for the
7 explanation.
8 Can I have a motion?
9 MS. McHUGH: Hold on, hold on. I have
10 a question. This was at my seat, is this
11 different than I was given electronically?
12 MS. LEE: Yes, I did this since the
13 other day. There were two accounts -- there were
14 two checks that were recently added that we
15 needed to double-check before issuing it.
16 MS. McHUGH: Okay.
17 MS. LEE: And they've been included in
18 the updated one is the one that's in front of you
19 right now.
20 MR. DOUGHERTY: And what are they?
21 MS. LEE: So the one is for the 24-hour
22 ambulance it's the second half of the 50 percent
23 that we owed for the Central Bucks Ambulance
24 Association, that should be the last item on that
25 list on the back page.

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1 MR. DOUGHERTY: Okay. So --
2 MS. McHUGH: Is it the 5,500?
3 MR. DOUGHERTY: Can we back up for one
4 second? What I had was one sixty-eight three
5 eighty-eight in my packet.
6 MS. LEE: Yes.
7 MR. DOUGHERTY: The new one is 206,000,
8 those are numbers are very far apart.
9 MS. LEE: Yeah, because the ambulance,
10 that was for \$33,545.28.
11 MR. DOUGHERTY: Okay. And is that the
12 -- that \$33,000 is the amount of money that was
13 collected -- 50 percent, so that's -- that is --
14 that's, I guess, \$67,090 or something like that?
15 MS. LEE: Yes. Yes, that was for the
16 one year. We paid half of that earlier in this
17 year, sometime I think around April and the other
18 half is due now.
19 MR. DOUGHERTY: Okay. And is that --
20 that 66,900 -- I'm sorry 67,000, twice as much as
21 that, is the total of them the amount that was
22 authorized by sort of the --
23 MS. GERING: This is the total amount.
24 MR. DOUGHERTY: No, no, I'm sorry. Two
25 times the 33,000 for the ambulance, is that the

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1 amount that was authorized via the -- not the
 2 election -- the vote that was taken? That was
 3 before you got here.
 4 MS. LEE: So the 67,000 that was
 5 actually included in the general budget.
 6 MR. DOUGHERTY: Okay.
 7 MS. LEE: The referendum that took
 8 place last year that actually wasn't enacted in
 9 the millage increase last year.
 10 MR. DOUGHERTY: Because we didn't
 11 increase the millage.
 12 MS. LEE: Right.
 13 MR. DOUGHERTY: But we agreed to give
 14 them more money.
 15 MS. LEE: Yes, it was, yes.
 16 MR. DOUGHERTY: Okay. So this 60 --
 17 this 33 and the other 33, is that the more money?
 18 MS. LEE: Yes, that is.
 19 MR. DOUGHERTY: Is that the total? So
 20 won't see a chew-up or anything like that, that's
 21 the total that they're gonna get for this year?
 22 MS. LEE: That's correct.
 23 MR. DOUGHERTY: Okay. That helps
 24 there. And that 33 in addition to the 168 that
 25 was over here doesn't come to 206.

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1 approve?
 2 MR. MAISEL: I make that motion.
 3 MS. GERING: Second?
 4 MR. DOUGHERTY: Second.
 5 MS. GERING: All in favor?
 6 COUNCIL MEMBERS: Aye.
 7 MS. GERING: Thank you.
 8 Okay. We're going to go into committee
 9 reports.
 10 Tina, park and rec?
 11 MS. RETTIG: There's nothing new at
 12 this time.
 13 MS. LEE: Laurie McHugh, shade tree?
 14 MS. MCHUGH: Nothing new to report at
 15 this time.
 16 MS. GERING: Finance committee met with
 17 the library and they will be coming to our
 18 October 1st workshop to discuss their request for
 19 additional funding.
 20 Peter for revitalization?
 21 MR. MEYER: Nothing to add except for
 22 the fact that my last name does not contain an S.
 23 MS. GERING: Okay. And next on the
 24 line is the application for 104 New Street.
 25 MR. WALSH: Connie, if I -- could I

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1 MS. LEE: Right. There is another bill
 2 for \$4,628.
 3 MS. MCHUGH: The Village 2 one.
 4 MS. LEE: Yes. That's the
 5 reimbursement for the street lights over at
 6 Village 2.
 7 MS. MCHUGH: But this for 2017.
 8 MS. LEE: This is for -- yes.
 9 MS. MCHUGH: So this is actually --
 10 MS. LEE: This is actually for --
 11 MS. MCHUGH: -- has already been
 12 approved?
 13 MS. LEE: Yeah.
 14 MR. DOUGHERTY: This is just an --
 15 MS. LEE: This was from 20.
 16 MR. DOUGHERTY: -- overdue bill --
 17 MS. LEE: Yes.
 18 MR. DOUGHERTY: -- that had never been
 19 paid last year?
 20 MS. LEE: That's correct.
 21 MR. DOUGHERTY: And you're familiar on
 22 our perspective on that bill going forward?
 23 MS. LEE: Yes.
 24 MR. DOUGHERTY: Okay. Thank you.
 25 MS. GERING: May I have a motion to

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1 just give a little background?
 2 MS. GERING: Please.
 3 MR. WALSH: Just so the council is --
 4 and the applicants are on the same page, this is
 5 the part of the agenda where applicants who have
 6 filed for a hearing before the zoning hearing
 7 board, the borough has typically asked them to
 8 make a presentation of what they prepare to
 9 present to the zoning hearing board before
 10 council. So for council to A, hear it; and B,
 11 decide if they after asking questions or hearing
 12 it, want to take a position.
 13 Just for council's benefit, you are not
 14 obligated to take a position, you're not
 15 obligated to do anything. You can simply sit
 16 back and hear it and if you take no position and
 17 say, thank you, then they're on their merry way
 18 and you just remain neutral. If you do have
 19 concerns, there's one of two ways that typically
 20 the council has voiced those. The most stringent
 21 way is if you're opposed to application, you can
 22 vote to oppose it, in which case either myself,
 23 the zoning officer or both, we would appear at
 24 the hearing and actively oppose the application
 25 on council's behalf. If you're not quite

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1 opposing it, but you want to see it say -- let's
 2 say, concerns addressed or you want some issues
 3 taken care of or something to give consideration
 4 by the zoning hearing board, you can suggest --
 5 and this has been done too -- that I either
 6 appear or the zoning officer appear or you write
 7 a letter to the zoning hearing board saying,
 8 while we may not oppose, we would like to see the
 9 zoning board attach the following conditions if
 10 any relief is granted. So that is sort of a
 11 middle ground that has been taken by council.

12 So that way the applicant has direction
 13 going forward that you know how the council and
 14 the borough feels about the application, whether
 15 they've taken a position, whether they're going
 16 to oppose you or whether they're going to ask
 17 that certain conditions be imposed if the zoning
 18 hearing board were to grant relief. Now,
 19 remember the zoning hearing board decides this,
 20 the borough council does not. So what the
 21 council does tonight has no impact in the
 22 strictest sense of the word, on what the hearing
 23 board does. It's strictly council taking a
 24 position or not.

25 So with that said, I assume you're Mr.

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1 on the back to not only gain back those feet
 2 pushing back to the porch, but also to put some
 3 modern amenities in it like closets and bathrooms
 4 and things that people kind of want these days.

5 (Ms. Kingsley arrived.)

6 JUSTIN LUCAS: So that's really the
 7 first issue. The second issue is impervious.
 8 We're not trying to maximize it. In fact, I'm
 9 reducing some of that a little bit. Third issue
 10 is relative to the deck since we're pushing it
 11 back -- back four feet, the deck is encroaching
 12 on the required 40 foot setback for this zone, by
 13 I believe, six feet -- no, it's four feet, the
 14 same amount going back. So if it were at grade,
 15 this would not be an issue, but if you're
 16 familiar with these houses, they're bank houses
 17 and the slope drops off to the canal. So this
 18 deck isn't at grade and the ordinance states that
 19 you can't encroach if it's not at grade, so that
 20 one would be another item on there.

21 And I believe that kind of touches on
 22 all the relief I'm looking for. Our idea of the
 23 finished vision of it, is this full wraparound
 24 porch that starts on the front and wraps around
 25 the side. This nice deck on the back and, you

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1 Lucas or their representative?
 2 JUSTIN LUCAS: Justin Lucas.
 3 MR. WALSH: Okay. The floor is yours.
 4 JUSTIN LUCAS: For those of you who
 5 don't me, I live at 102 New Street, which is
 6 directly next door to 104 New Street, which are
 7 both right across the street from here. I've
 8 never done this part before, I've come before
 9 HARB several times. So I brought with me the
 10 thumb drive and some images and things like that
 11 if you want them, but first I'll talk you through
 12 it.

13 It's a duplex with two gables facing
 14 this way and a small garage next to it. I have
 15 the one that's on the right if you're looking at
 16 it from the street. The nature of the reliefs
 17 that I'm looking for are related to first
 18 building lot coverage, it's already over the
 19 coverage. We're looking to put a four foot
 20 addition onto the back of it. Part of the reason
 21 why we're looking for that addition is, the porch
 22 was closed in some years ago, before my time, on
 23 the front and we don't like the look that it
 24 gives the house and we want to regain the charm
 25 to that. So we want to pick up some square feet

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1 know, a nice three bedroom home that -- that a
 2 nice small family or whomever would like to live
 3 in.

4 Does anyone have any questions? Would
 5 you like me to --

6 MR. WALSH: So you said you're actually
 7 reducing the current impervious that's -- it
 8 looks like the total is already it's 50.91
 9 percent, you're taking it down to 48.16?

10 JUSTIN LUCAS: Correct.

11 MR. WALSH: Okay. Although that's over
 12 what's permitted, which is 40 percent, you're
 13 actually reducing the existing condition.

14 JUSTIN LUCAS: Our effort is to create
 15 a nice backyard there, we don't want to see
 16 something that's all covered with any type of
 17 hardscape or anything like that. We think a deck
 18 is going to be enough outside entertaining space
 19 for the upstairs and then we're basically
 20 reserving the same amount of area below it for
 21 the downstairs entertaining space outside.

22 MR. DOUGHERTY: Is the garage yours?
 23 Is the garage yours?

24 JUSTIN LUCAS: It is.

25 MR. DOUGHERTY: Is the intention to do

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1 anything to that? It's not part of the zoning
 2 thing, so I guess it doesn't matter. You don't
 3 have to answer that.
 4 JUSTIN LUCAS: I'd love to speak to it,
 5 though, because I think it's important about what
 6 we're trying to do. It's got a flat roof on it
 7 right now with a mansard, you know, that sticks
 8 up above it and looks nothing like the house. So
 9 it sort of looks like a lost garage between my
 10 house and this house. We want to put a gable on
 11 it that faces the same way and sort of associate
 12 it with the house. We also want to remove the
 13 fake stucco paneling that's on it and put the
 14 siding that's on the house.
 15 We have a HARB approved really nice old
 16 world looking door to go on the front of the
 17 garage instead of T1-11 plywood doors that are on
 18 it now. So we want it to look not only like it
 19 belongs to that house, but also like it was built
 20 in the same time period.
 21 MR. WALSH: To Mr. Dougherty's point,
 22 you don't need any zoning relief for any of that?
 23 JUSTIN LUCAS: Do not.
 24 MR. WALSH: Okay. So all the --
 25 essentially, the proposed construction is to the

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1 would we go about -- I'm -- I read through this
 2 very carefully and I'm inclined to vote
 3 positively and say, you know, is there such a
 4 thing as a -- how would we go about, let's say
 5 there's more people feel the way I do and we say,
 6 okay, we endorse this or we --
 7 MR. WALSH: Then it's a no position.
 8 MR. DOUGHERTY: It's what? I'm sorry.
 9 MR. WALSH: It's a no position, just
 10 remain neutral.
 11 MR. DOUGHERTY: That's a no position.
 12 MR. WALSH: Just remaining neutral,
 13 yeah.
 14 MR. DOUGHERTY: Neutral. So -- okay.
 15 MR. WALSH: Because typically council
 16 has -- and no municipality I know --
 17 MR. DOUGHERTY: Says we approve it?
 18 MR. WALSH: Yeah, it's not for you to
 19 approve just by virtue what the zoning hearing
 20 board's jurisdiction is, and to say you support
 21 it, that's no different than just saying you're
 22 neutral because at that point, council takes no
 23 position, that's how the zoning hearing board
 24 reflects it and then it's before them and it's
 25 their jurisdiction.

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1 rear and the front is really just restoring an
 2 old porch over the existing footprint?
 3 JUSTIN LUCAS: The proposed additional
 4 construction is to the rear. I'm doing a full
 5 rehab, the interior's already gutted, I pulled
 6 the permit for that. It's gonna all be rehabbed,
 7 so it will be new siding and new windows where
 8 needed and new gutters, and all that. New
 9 construction will be at the rear, it's four foot
 10 across the whole distance that we're trying to
 11 achieve.
 12 MS. McHUGH: So you're not touching any
 13 of the trees or any plantings?
 14 JUSTIN LUCAS: We removed a tree and I
 15 went before shade tree commission.
 16 MS. McHUGH: You did? Okay.
 17 JUSTIN LUCAS: In the front it was an
 18 Atlas Blue Spruce where the top was missing, it
 19 had significant ants in it, bees in it and all
 20 kinds of other things. It's under the garage
 21 partially, that garage sits four feet at street
 22 level on grade, so it's dirt in the front four
 23 feet and then it drops off, so we saw the tree as
 24 a real liability.
 25 MR. DOUGHERTY: T.J., question how

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1 MR. DOUGHERTY: Okay. Thank you.
 2 MR. WALSH: And you're already
 3 scheduled for a hearing October 11th?
 4 JUSTIN LUCAS: October 11th.
 5 MR. WALSH: Okay. Well, hearing -- if
 6 everyone feels as Dan does, without any
 7 conditions on your relief, that's a neutral vote
 8 is as good a going to get, so good luck.
 9 JUSTIN LUCAS: Thank you very much.
 10 MR. MEYER: Here here.
 11 MR. WALSH: It wasn't even a vote, I
 12 should just say a neutral position.
 13 MR. MEYER: Do we need a vote?
 14 MR. WALSH: No, you do not need a vote.
 15 MR. MEYER: We do not need one. Thank
 16 you.
 17 MR. WALSH: Sorry I used that word. I
 18 tried to take it back before I said it, you got
 19 me, Peter.
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1 MS. KINGSLEY: The next item on the
 2 agenda is the zoning hearing board application
 3 for 9 South Main Street.
 4 Mr. Cohen?
 5 MR. COHEN: Thank you.
 6 (Discussion off the record while
 7 documents were passed out.)
 8 MR. DOUGHERTY: T.J.?
 9 MR. WALSH: Yes, sir.
 10 MR. DOUGHERTY: Could we ask you, we
 11 had question earlier, but could you frame this
 12 for us what our role is here tonight,
 13 specifically, with regard to this presentation?
 14 MR. WALSH: Sure. It's very similar to
 15 what I just outlined before the prior zoning
 16 hearing board applicant. They have submitted --
 17 when I say they, I mean, Landmark Developers have
 18 submitted a zoning hearing board application to
 19 seek multiple areas of relief from the zoning
 20 ordinance. And that is a decision ultimately
 21 that will be made by the zoning hearing board.
 22 They are here much like Mr. Lucas to make a
 23 presentation on what they propose before the
 24 zoning hearing board so that council can hear it,
 25 number one; and number two, decide if they want

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1 make that date, but I heard it wasn't official,
 2 whereas the other gentleman I heard he was
 3 scheduled for that date.
 4 MR. COHEN: I will agree with that, it
 5 is not official, but I was told that we would
 6 likely would get --
 7 MR. WALSH: That's when I said hope or
 8 yes, that's what I meant.
 9 MR. COHEN: All right. So -- may I? I
 10 don't know if anybody --
 11 MR. WALSH: Dan, is that -- does that
 12 an --
 13 MR. DOUGHERTY: The only -- as far as
 14 -- I'm sorry. We, I think many of the borough
 15 council people are in receipt of a sort of a
 16 letter, I guess, or a memo from our zoning
 17 officer that has lots of stuff in it and to what
 18 degree should this council sort of -- to what
 19 degree is this council responsible to probe
 20 around material that's in our government's sort
 21 of commentary on this?
 22 MR. WALSH: That's a hard question for
 23 me to answer, but I can certainly say --
 24 And don't take this the wrong way, Mr.
 25 Cohen or Mr. Fey.

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1 to take a position on the application before the
 2 zoning hearing board, since the borough is always
 3 a party before the zoning hearing board, any
 4 application, it's just a question of whether you
 5 actually choose to act on it.
 6 So you are not voting to approve
 7 anything, you're voting to simply decide if you
 8 want to take a position on the zoning hearing
 9 board application before the board.
 10 And I don't believe you have a hearing
 11 date or do you?
 12 MR. COHEN: We are scheduled for
 13 October 11th.
 14 MR. WALSH: Is that a --
 15 MR. COHEN: We have not gotten --
 16 MR. WALSH: Is that a hope or a yes?
 17 MR. COHEN: I'm sorry? That we have
 18 gotten, I have spoken with Mr. Panzer's office
 19 and my understanding is we are going to be
 20 schedule on that day.
 21 MR. WALSH: Okay.
 22 MR. COHEN: I have not yet seen a
 23 notice.
 24 MR. WALSH: Oh, all right, because I
 25 heard you weren't, but I heard it was possible to

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1 -- that, you know, this is an involved
 2 application. If you had an application that was
 3 of much more garden variety nature, that was just
 4 a setback variance for an addition or whatnot,
 5 the probing would probably be minimal to address
 6 your point. This strikes me more -- and this is
 7 the first time I saw it today. This strikes me
 8 as more of a project as opposed to just an
 9 application, if that's a good way to describe it.
 10 So the probing is as comfortable as you need to
 11 be to feel you can act with some degree of
 12 certainty and education, say whether you should
 13 take a position on this application or not.
 14 When they submit an application for the
 15 zoning hearing board, we are required -- the
 16 zoning hearing board is required by law, unless
 17 they agree to an extension, to schedule within 60
 18 days when it comes in. Now, I don't know when it
 19 came in, but October 11th is, you know, what? A
 20 month from today, right? Depending on how this
 21 presentation goes tonight and whether the council
 22 opposes it, doesn't oppose it, has some
 23 conditions it wants, may dictate whether they
 24 want to proceed on that.
 25 MR. DOUGHERTY: Thank you.

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1 MR. WALSH: Because I can't speak for
2 them, but if I was Mr. Cohen, most of the time
3 I'd want to go into a zoning hearing board
4 without the borough opposing me. Taking a
5 position to oppose.

6 MR. DOUGHERTY: Thank you.

7 MR. WALSH: He may want to, I don't
8 know.

9 MR. COHEN: No, I -- I'm going to take
10 just a few minutes just to address what we're
11 requesting, Mr. Dougherty. I did receive Mr.
12 Ennis's report from earlier today and actually
13 there were a couple of comments, I am going to
14 address those leave, I'm not going to leave those
15 hanging.

16 So we are here today as you know this
17 is with regard to the Mansion Inn at 9 South Main
18 Street. Just introduce those who are here and I
19 promise you they're not all going to get up and
20 speak. So we have Ralph Fey, who's the project
21 architect and Mark Baker from his office.
22 Ralph's going to give you some information on the
23 handout that you have before you with some
24 details about the project. I also have Scott
25 Grogan and Alex Pavlovsky from Landmark

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1 Inn, there are several variances that we're
2 asking for. The first two listed, Items 2 and 3
3 on the summary of relief as it was submitted have
4 to do with the outdoor service. So we are
5 seeking to continue outdoor service, the Mansion
6 Inn has had outdoor eating and outdoor dining for
7 many, many years. We are actually reducing the
8 number of outdoor seats, but we are looking to
9 reconfigure that and bring a lot of those seats
10 up front to take advantage of the fantastic
11 location of the building, to take advantage of
12 the sidewalk front area. Consistent with many
13 other uses on South Main Street, we believe that
14 this is a use that would complement those other
15 uses and allow people to really enjoy the
16 downtown area.

17 So we're asking for a variance to allow
18 eating and food service outside of the building
19 setback lines, so we are going to be closer than
20 the required 10, 15 foot setbacks and also to
21 allow the outdoor use within 25 feet of the side
22 property line and 10 feet from the front property
23 line. I think it's fair to say, I'll put myself
24 out there, to say that most, if not all of the
25 restaurants in town that have outdoor seating are

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1 Developers who are here if you have any questions
2 regarding more specific information regarding the
3 project and the operations that are anticipated,
4 but again, I'm not going to have them necessarily
5 make any presentation. I want to try to give
6 this brief, but to give you as much information
7 as I can about what we're trying to do here.

8 So, T.J. is correct we have requested a
9 number of items for relief, but a lot of them
10 actually are what I would catch-alls. So I'm
11 just going to run through those with you and I
12 will address Mr. Ennis's memo as it becomes
13 relevant for each item. No. 1, we are requesting
14 a special exception. So the Inn use that we
15 currently have now it's an Inn with restaurant.
16 We are looking to expand that. And New Hope
17 Borough has taken the position that the expansion
18 of the use as permitted by special exception,
19 requires a special exception. So that's why
20 we're here requesting that relief. There was an
21 error in the request, it is Section 31B(2)(e)
22 that we are seeking relief from. So that
23 addresses one of Mr. Ennis's comments.

24 In addition to the special exception to
25 allow the overall plan and the expansion of the

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1 in violation of those requirements and have
2 obtained variances because really the seating can
3 only be right up against the property line,
4 that's where it usually is located.

5 We're also seeking a variance to allow
6 the size of what we're proposing. Under the
7 ordinance in the historic district --

8 MR. WALSH: Before you go, how many
9 seats? How many outdoor seats?

10 MS. GERING: A hundred and
11 seventy-three.

12 ALEX PAVLOVSKY: I have 132.

13 MS. GERING: There's two sections
14 there, you have one with one thirty-two and then
15 there's another section at forty, is that outdoor
16 also?

17 MR. WALSH: Are you talking about he
18 parking spaces?

19 MR. COHEN: If you look at the --

20 MS. GERING: You have 45 seats here on
21 the side too, unless that's going to be enclosed.
22 I'm looking at what you gave us here.

23 ALEX PAVLOVSKY: If I can come to it,
24 that is enclosed space, yes.

25 MR. COHEN: So what we're actually

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1 proposing by numbers if you look on the plan of
 2 the parking calculation on the right side.
 3 MR. DOUGHERTY: Where's that?
 4 MR. COHEN: On the right side of the
 5 line.
 6 MR. WALSH: The legend.
 7 MR. DOUGHERTY: The one's that this
 8 small.
 9 MR. COHEN: Yeah, I apologize for the
 10 size. We do have a larger copy of that. The
 11 existing exterior seats are 158 seats, we are
 12 proposing 132 seats. You all may recall and have
 13 seen that there was a tent oftentimes in the rear
 14 of the property where there would be a number of
 15 tables in close proximity. And I believe there
 16 were 51 or 52 seats under the tent alone and you
 17 can see a photo up on the screen at this point in
 18 time.
 19 MR. WALSH: A hundred and thirty seats
 20 and where are they going?
 21 MR. COHEN: So the seats are going to
 22 be located --
 23 MR. WALSH: Do you have a better sight
 24 of it than that site plan, because I can't read
 25 that thing? Can you get that up?

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1 permitted expansion of a nonconforming use. So
 2 we are asking for a variance, and again, Ralph
 3 can get into details about that.
 4 There is a buffer yard requirement.
 5 This is one of the items that we are asking for
 6 interpretation from the zoning hearing board. My
 7 understanding, in my reading of the ordinance is,
 8 if that you have a commercial use in the CC
 9 District that borders a residential district,
 10 you're required to have a 15 foot buffer yard.
 11 The borough has taken the position that that
 12 buffer is required if you border any residential
 13 use even if you're not at the end of the
 14 district.
 15 So we were asking for an
 16 interpretation, but if they take -- if the zoning
 17 hearing board zoning agrees with the borough's
 18 determination, the zoning officer's
 19 determination, we are asking for a variance based
 20 just on the existing structures of the property,
 21 what would be possible to provide a 15 foot
 22 buffer without tearing down a number of those
 23 structures. So we are asking for relief there,
 24 that's No. 5.
 25 No. 6, there is a portion of the

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1 MR. COHEN: If I may run just through
 2 these and then I'll go just go into details.
 3 MS. KINGSLEY: My suggestion is, that
 4 we let Paul finish going through his description
 5 of variances and then let Ralph go through the
 6 physical plan and then we'll be able to go back.
 7 MR. COHEN: I think he'll be able to
 8 answer all of your questions.
 9 MS. KINGSLEY: Otherwise we may be hung
 10 up Item 2 and 3 for a long time. So, yeah, so
 11 just let him finish the variance descriptions and
 12 then as they go through the physical plan, we can
 13 go back and go through the discussion of each
 14 one.
 15 MR. DOUGHERTY: So you were on four, I
 16 think. You were about to do four?
 17 MR. COHEN: I was going to No. 4. The
 18 zoning ordinance restricts uses in the historic
 19 district, a single use to be in excess of 5,000
 20 square feet. I believe if you look back a lot of
 21 that has to do with concern about possible big
 22 box stores or large structures. The use
 23 currently is already in excess of 5,000 square
 24 feet, we are looking to increase that square
 25 footage, obviously, being on what would be a

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1 driveway in the rear of the property that will be
 2 in the approximate location of the current pool
 3 that will lead to a parking area that will be
 4 less than 10 feet from the property line. So we
 5 are asking for relief from that requirement. We
 6 believe that relief is necessary to allow for
 7 that parking area to be accessed.
 8 No. 7, again another item, I don't
 9 think we need this relief. The zoning ordinance
 10 states that all driveway standards have to be
 11 designed in compliance with the subdivision and
 12 land development ordinance. I believe that means
 13 subject to any waivers that the borough council,
 14 like yourselves, may grant us during the land
 15 development process, but just in case, we wanted
 16 to make sure it was clear that we were going to
 17 be asking for those waivers and we didn't want
 18 any inconsistency between how the zoning board
 19 might interpret their ordinance and how you might
 20 interpret your SALDO. So we're asking for that
 21 relief if necessary.
 22 No. 8 is an item that did come up in
 23 Mr. Ennis's memo regarding the rear yard. Back
 24 in 1984 when this property was originally
 25 subdivided, the existing garage on the rear of

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1 the property was where it currently sits. And
 2 the proposed lot line was going to create a rear
 3 yard setback of about three feet.
 4 MR. DOUGHERTY: About what? I'm sorry.
 5 MR. COHEN: Three feet. Whereas the
 6 ordinance requires a 15 foot rear yard setback.
 7 RALPH FEY: I can point to this if it
 8 helps.
 9 MR. DOUGHERTY: We're gonna go through,
 10 I think, 'cause I have a lot of questions as he's
 11 going. So I'd prefer you to -- if we want to
 12 dive in --
 13 MS. KINGSLEY: Keep going, Paul.
 14 MR. DOUGHERTY: -- we can go back.
 15 MR. COHEN: No, no. I'll just run
 16 through it.
 17 MR. DOUGHERTY: Pick a lane.
 18 MR. COHEN: Yep.
 19 MR. DOUGHERTY: Exactly. So our
 20 position is that that 1984 ordinance created a
 21 three foot setback, I know the zoning officer's
 22 taken a different position, so we are asking for
 23 a variance. We're going to ask for the relief
 24 from the zoning hearing board. I'm not taking
 25 issue necessarily with Mr. Ennis's position,

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1 variance already, it's already in the
 2 application.
 3 MR. DOUGHERTY: I see. All right.
 4 Thank you.
 5 MR. COHEN: And then Items 9 and 10, I
 6 think T.J. would agree, these are typically
 7 referred to as catch-alls, they're just
 8 requirements in general that you comply with the
 9 setbacks and obviously we are not complying due
 10 to either nonconformities or requested relief.
 11 So these provisions are not actually extra relief
 12 that we're asking for. It's just asking for a
 13 variance from the general requirement that we
 14 comply with the zoning ordinance.
 15 So those are the items that we
 16 requested relief on. If there are any questions
 17 about that, otherwise I'm just going to have Mr.
 18 Fey --
 19 MS. GERING: I have a question, Paul.
 20 I read all your documentation and prior to 1994
 21 the Inn was recognized as an Inn with a
 22 restaurant.
 23 MR. COHEN: Yes.
 24 MS. GERING: Okay. And I only read
 25 what you gave us, it states that the decision was

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1 because we are -- we have in the alternative
 2 asked for that relief, so I don't really believe
 3 that's necessary to --
 4 MR. DOUGHERTY: You said that was No.
 5 8?
 6 MR. COHEN: That's No. 8.
 7 MR. DOUGHERTY: This isn't -- to go
 8 into to -- to translate that last couple
 9 sentences, you're not asking us to -- you're
 10 basically saying -- I don't mean that you're
 11 saying it this way -- but you don't care what he
 12 says, you're going to go to the zoning people to
 13 get relief on that, not --
 14 MR. COHEN: I always care what Jim
 15 Ennis says I want to make sure that's clear on
 16 the record.
 17 MR. DOUGHERTY: In other words, you're
 18 going to say, be that as it may, if it's shot
 19 down, I'm going to zoning to ask for relief on
 20 that?
 21 MR. COHEN: We are going to ask the
 22 zoning -- the zoning hearing board to tell us
 23 whether their 1984 decision created a universal
 24 three foot setback for the property. If they
 25 tell us it's not, then we're asking for a

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1 that the restaurant can only serve the B&B
 2 guests. I didn't see anything in there that
 3 tells you any other time that this was changed to
 4 become an official restaurant?
 5 MR. COHEN: Okay. So just to correct
 6 you, it was since 2004 that the borough records.
 7 So I reviewed the borough records, I've discussed
 8 it with Mr. Ennis I don't want to represent here
 9 anything that he said, but my belief from his
 10 report, he's also acknowledging that the current
 11 recognized use of the property is an inn with
 12 restaurant. I understand that there was a 1994
 13 decision that allowed it as an inn with -- or a
 14 guest house, I guess it was called at the time,
 15 which I guess is equivalent to a bed and
 16 breakfast in the current ordinance, and there
 17 were restrictions in there about the restaurant
 18 can only serve the resident -- the people staying
 19 at the inn, that's by definition a bed and
 20 breakfast.
 21 At some point over the next 10 years,
 22 the use of the property changed and eventually
 23 there is a record in the borough files of the
 24 borough zoning officer, I believe it was the
 25 zoning officer that preceded Mr. Ennis that did

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1 recognize and issue a use and occupancy on the
 2 property as an inn with restaurant as it
 3 currently stands. And I believe that Mr. Ennis
 4 has acknowledged that, in his report he
 5 acknowledges that the current permitted use on
 6 site is an inn with restaurant. So there is no
 7 special exception that any of us can find that
 8 permitted use.
 9 MR. WALSH: But you're asking for a
 10 special exception anyway, which can be enlarged.
 11 MR. COHEN: We're bringing it into
 12 compliance basically, because there's really a
 13 gap in the records at this point in time.
 14 MR. DOUGHERTY: So that is your first
 15 -- well, that's No. 1 is that effectively you're
 16 trying to get that codified where it will be --
 17 MR. COHEN: We'd have to ask for it
 18 anyway because we're expanding the use, but, yes,
 19 in doing so, we will hopefully bring this
 20 property into compliance and clear record of the
 21 approvals.
 22 MR. DOUGHERTY: Thank you.
 23 MS. GERING: Thank you.
 24 MR. COHEN: I will hand it over to
 25 Ralph to go through the project briefly and

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1 'cause there's not really lines and everything,
 2 nine to ten -- parking for nine to ten cars back
 3 here -- eleven -- back here currently.
 4 And next slide.
 5 So this is a CAD drawing of that, that
 6 was done by our engineer and we then laid over it
 7 some of the salient types of spaces that exist,
 8 the gray area back here, paved parking, again,
 9 shows the access off of Bridge Street, it shows
 10 in the purple color, a two-story frame dwelling
 11 it consists of an apartment and a guest unit.
 12 There's a green space here, we call that garden.
 13 This is the outline of the Mansion and it
 14 includes some deck spaces that are identified for
 15 where the current seating is. There's seating on
 16 this piece of deck, this deck, this deck, back
 17 here these two decks, and the orange represents
 18 the area that the tent is usually erected and
 19 there's an outdoor bar in this space. So this
 20 hardscape with a tent that's erected and there is
 21 currently an outdoor bar.
 22 So what we have is a rear structure, a
 23 parking area, the pool is in the blue. Although
 24 the pool itself is only here and the main
 25 mansion. This is an addition that was done to

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1 describe to you what's improved and what we're
 2 looking to do.
 3 RALPH FEY: So we're gonna start with
 4 the handout that I gave you that has 15 -- 16
 5 pages starts with a Google Earth image and we'll
 6 being going through it in the same order your
 7 drawings are. It is somewhat of a complex series
 8 of issues, so I may get afield and then come
 9 back. I wanted to first point to the property,
 10 subject property on the Google Earth plan. This
 11 is the building here Main Street, Bridge Street.
 12 The (inaudible) property unfortunately didn't
 13 make it on this plan, but it comes back to this
 14 building back here. This is a apartment/guest
 15 room, the top of the property line comes along
 16 here, this is a pool, it abuts the parking lot of
 17 the Logan Inn and then it comes behind Marsha
 18 Brown and back this way, so it is not just a
 19 straight property, but it's an L-shaped property.
 20 The other point I wanted to talk about
 21 is there is an access through this property from
 22 Bridge Street to these two buildings, is the big
 23 building that brings you -- this is an easement
 24 that brings you to what is currently the parking
 25 lot for the Mansion Inn. There are roughly,

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1 the prior historic structure and this is an
 2 addition that was done to the primary historic
 3 structure, we're going to bring that up later.
 4 Okay. Some of the areas that we had up before
 5 just to kind of walk you around the outside of
 6 the building show some of the existing dining
 7 spaces.
 8 From the street looking at the front of
 9 the building on the right side, Loves Saves The
 10 Day is to the right, shows you one of the outdoor
 11 seating and dining areas. It also shows you an
 12 image of the existing addition, which has been
 13 added to the building. We're gonna get into more
 14 detail on that. On the courtyard to the right
 15 side -- left side of the building, this is the
 16 area that has the outdoor bar, has outdoor dining
 17 and eating and sometimes has covered with a tent.
 18 There's a rear deck that we talked about and a
 19 deck all the way on the left side with the
 20 gravel. There's also a little bit of dining on
 21 the front porch.
 22 So there is where we get to the
 23 beginning of the reason that this project needs
 24 some development and that is to show the
 25 conditions of the existing building. From the

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1 street it has a great presence, but when you
 2 start to look in more detail, there's a lot of
 3 deferred maintenance on this building that needs
 4 to be done and we're also -- really want to focus
 5 in. When we went to the HARB Board, there was a
 6 comment that we made that we wanted to fix this
 7 addition and the way it violated this bay and
 8 we'll tell you how we propose to fix that later.
 9 And in the rear of the building, you're looking
 10 at the outdoor bar and the single story kitchen
 11 addition onto the historic structure.

12 So if you remember the parking lot that
 13 I mentioned earlier that's in the rear, these --
 14 this is the building that's in the rear yard, let
 15 me go back to the site plan. This is the
 16 building here as you enter, this way into the
 17 parking lot, it is an apartment and a guest room
 18 this is it facing the alleyway or the easement.
 19 This is the stairway up to it, a little close up
 20 on it. This is the building that we are going to
 21 enlarge to increase our count of rooms.

22 MR. WALSH: What's in there now?

23 RALPH FEY: An apartment and a guest
 24 room.

25 MS. RETTIG: An apartment like somebody

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1 RALPH FEY: The inn use, yes.

2 MS. GERING: I'm sorry. How many are
 3 you adding in the back?

4 RALPH FEY: So we'd like to add 11 more
 5 rooms in the back.

6 MS. McHUGH: To that structure there?

7 RALPH FEY: Well, to increase that
 8 structure and we're gonna show you our proposal
 9 for that, yes. So, you know, before we jump into
 10 some of the plans, so the goal here obviously we
 11 have an owner, but we started this project with
 12 the previous owners, Shawn Holmes (phonetic)
 13 hired us to renovate the kitchen when it was a
 14 fire a few years back. And since then, they have
 15 leased out this property to a number of operators
 16 who have not had success. So when we were
 17 working with Shawn Holmes last year, they asked
 18 us to look at improvement to the property that
 19 would make it for them viable, the viability of
 20 the property I think is pretty clear that no one
 21 been able to do concern that is able to last more
 22 than a year.

23 To that end, we were asked to look at
 24 increasing the guest rooms and putting a dining
 25 room that wasn't one of the small rooms in the

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1 lives there now?

2 RALPH FEY: Yes.

3 MS. KINGSLEY: The innkeeper's
 4 apartment.

5 RALPH FEY: And if you have -- if
 6 you're looking for more detail, I'd have to point
 7 to the owners, 'cause I haven't actually been in
 8 those.

9 MR. WALSH: How many rooms is proposed
 10 in there, 13?

11 RALPH FEY: The goal is for 13 rooms in
 12 that back building.

13 MR. WALSH: Are there any rooms in the
 14 primary structure?

15 RALPH FEY: Eight rooms in the primary
 16 structure.

17 MR. WALSH: They're there now?

18 RALPH FEY: They are there now. They
 19 ar small, for anyone who's been there, they are,
 20 you know, barely fit a double bed in some of
 21 them, they're tiny. And the rooms that we will
 22 be adding in the back will be a little bit
 23 larger.

24 MR. WALSH: But they're both the inn
 25 use?

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1 front. So you're gonna see as the -- as we
 2 transition from Shawn Holmes's group to the
 3 current owners, that that design has now taken
 4 form. It also gives us an opportunity to make an
 5 ADA accessible building. Currently, there is no
 6 accessibility to any of the guest rooms, there
 7 are no accessible toilet rooms in the lower level
 8 off of the main space and there are steps into
 9 the building. The important transition of adding
 10 a space -- and I'll show you how we intend to
 11 that, would be to add an elevator and to make
 12 most of the rooms and most -- and all of the
 13 spaces that are not rooms accessible, handicapped
 14 accessible, accessible opening and an elevator.

15 So the second important piece after you
 16 talk about renovating the building and dealing
 17 with the deferred maintenance is, is really
 18 looking at what we can do in the building so
 19 people actual know it's open when they walk by.
 20 It seems to have a problem that a lot of people
 21 walk by this building and because it sits kind of
 22 up on the hill behind a gate, it's difficult for
 23 them to even see any activity. So the outside
 24 seating and some of that life that is important
 25 in New Hope is why we're asking for some of the

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1 variances to put some outdoor dining, people know
 2 it's open, they can begin to understand that
 3 there's some activity happening there.
 4 So this is again the same plan. The
 5 heavy red line is the outline of the existing
 6 building and front porch and rear porch. And the
 7 heavy red here is the outline not including the
 8 stair of the rear, I'll use the word, barn
 9 cottage structure. Our proposal is an addition
 10 off the side of here and a reconstruction of this
 11 piece and this is really gonna be our handicapped
 12 accessible knuckle with a stair, a stair that
 13 will go up and down and an elevator that will go
 14 up and down, and accessible walk from both
 15 directions into here. That will give
 16 accessibility both from the street and from the
 17 rear park. The second nature change is to take
 18 the parking, which is currently here and move it
 19 to where the pool area is, which will allow to us
 20 the formal garden that's there and do a dining
 21 space, we've labeled it as banquet space attached
 22 to the rear of the building. And I'll show you
 23 what that will look like. And then it gives you
 24 a little ramp around this building that will
 25 allow this building to go from two guest rooms to

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1 can see that we have shown here eight parking
 2 spaces, possibly another two here. So we're in
 3 the neighborhood of ten parking spaces back here.
 4 We are proposing that we be received in the back
 5 in a better way than the photos I showed you
 6 before, which basically has a fence and the old
 7 barn. And our idea of receiving cars would be a
 8 porte-cochère, something you would drive under,
 9 you're under cover, you get your bags out of your
 10 car, possibly go into the rear cottage or walk
 11 along here and enter here.
 12 MS. GERING: I have a question, Ralph.
 13 I read your whole application and in your
 14 application you're proposing to have 14 rooms is
 15 what you handed to council to read. And, Ralph,
 16 what I'm hearing you say first, was that there's
 17 eight rooms, you're adding eleven more, then you
 18 say you're adding another thirteen, so I'm a
 19 little confused here.
 20 RALPH FEY: So I didn't write the
 21 application, I'm gonna ask Paul to look at that,
 22 but I can tell you what our drawings represent.
 23 There's eight existing rooms in the front
 24 historic mansion building, there's two existing
 25 rooms in the rear cottage and we would like to

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1 thirteen guest rooms. You can see us drawing in
 2 some of the outdoor dining opportunities here.
 3 MR. MEYER: Question, if I may. With
 4 regard to the handicapped accessibility, as I
 5 look at this it seems to be only from the
 6 porte-cochère from the back, is that correct?
 7 RALPH FEY: So currently on this plan
 8 it's from the back. We met with HARB in a
 9 preliminary meeting and had proposed moving the
 10 fence back and creating an accessible front. And
 11 at that point, a lot of our other moves the
 12 conservatory, the banquet room and the
 13 enhancement on the rear were received, but moving
 14 the fence was not. So right now, without going
 15 back to HARB, we don't actually have a method to
 16 create this completely accessible because there
 17 is a step along the sidewalk and that's what we
 18 attempted to eliminate in our presentation to
 19 HARB, but it is our goal as we move forward in
 20 working with HARB and the other boards to have
 21 accessibility from both sides.
 22 But you are correct, currently there is
 23 steps being shown, but it is our intention to
 24 work through that and have accessibility from
 25 both sides. So this is working progress. You

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1 renovate the cottage to be a total of 13 rooms,
 2 which is a new 11 rooms.
 3 MS. KINGSLEY: So, Ralph --
 4 MS. GERING: So then you have 19 rooms
 5 all together, is that what I'm hearing then?
 6 MR. MEYER: Twenty-one.
 7 MS. RETTIG: But you're only adding 11
 8 because the existing 8 and 2 --
 9 RALPH FEY: Yes.
 10 MS. RETTIG: -- will be where they are?
 11 RALPH FEY: Correct. Do you want to
 12 weigh in, is that what the application is:
 13 MARK BAKER: I'm looking to see. I
 14 mean, you can keep going on, but I'm gonna see.
 15 MS. GERING: And then I have another
 16 question for you. How many seats does the
 17 restaurant have at this time?
 18 RALPH FEY: I'm gonna let Mark answer
 19 all of the seat count questions.
 20 MARK BAKER: Our seat count total
 21 existing seats, now this includes interior and
 22 exterior is 251. I have a breakdown, I can
 23 clarify even further if you --
 24 MR. DOUGHERTY: Currently?
 25 MARK BAKER: Yes. So this has been

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1 discussed with --
 2 MR. DOUGHERTY: The Mansion?
 3 MARK BAKER: Yes, 251 seats.
 4 RALPH FEY: Inside and outside.
 5 MR. DOUGHERTY: That's counting the --
 6 I would imagine that's counting the back lawn and
 7 that kind of stuff and the -- okay. All right.
 8 MARK BAKER: If I can go back to the
 9 drawing it shows it. It's actually right on this
 10 drawing if you look back, this is in your
 11 handout. I've labeled where all of the seating
 12 are and we have images also in your handouts that
 13 show --
 14 MR. DOUGHERTY: Well, can I -- I've
 15 been to the Mansion probably more times than I'd
 16 like to admit. One of the things I can tell you
 17 is that the patio areas, the areas there, the
 18 eights that you have there, they have -- they
 19 were not in operation for at least the last few
 20 years. The gazebo, one could not use. There's
 21 actually a gazebo where some -- it wasn't seating
 22 for anything, it was a gazebo, so that's in --
 23 you couldn't sit in there and serve or anything
 24 and no one could actually go close to it for at
 25 least the last five years because it was infested

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1 understanding. So we can ask for clarification,
 2 but there was no dining over there.
 3 MS. GERING: And what are you proposing
 4 to be the total seating when you're finished with
 5 this project?
 6 MR. MEYER: Three hundred and
 7 sixty-four -- three hundred and fifty-four.
 8 MARK BAKER: Three hundred and
 9 fifty-four, yes, that's correct.
 10 MR. MEYER: And by the way, your actual
 11 existing claim is not 251, 254.
 12 MARK BAKER: Thank you.
 13 MR. DOUGHERTY: I was gonna ask I think
 14 a similar question. Educate me on this, T.J., I
 15 think from a zoning perspective, we're not --
 16 it's not design elements or economic ability for
 17 the place to -- it's not our role to say well --
 18 I don't think it is --
 19 MR. WALSH: No, it's not.
 20 MR. DOUGHERTY: -- to say, well, they
 21 have to -- we think it's too many -- we -- we
 22 can't weigh in on whether or not that makes
 23 economic sense as a restaurant and they need --
 24 therefore they need that many seats. I think our
 25 role here is to figure the impact on our

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1 with hornets, so you knew not to walk over there;
 2 but it wasn't dining seats, it was -- you have a
 3 picture of it there, you clearly couldn't eat
 4 inside the gazebo. So where I'm going with this
 5 is, I think the existing number of 251 -- so the
 6 gravel yard you have 48 seats there as part of
 7 the 251?
 8 RALPH FEY: Do you want to go to the
 9 photographs?
 10 MARK BAKER: Yes, that's correct.
 11 MR. DOUGHERTY: They were not allowed
 12 to serve out -- they were -- they were not
 13 permitted, there was never dining out there,
 14 there weren't tables. So you have to take the 48
 15 --
 16 MARK BAKER: There are tables.
 17 MR. DOUGHERTY: Well, they weren't --
 18 RALPH FEY: They may not have --
 19 MR. DOUGHERTY: They put them out and
 20 they were taken right away, they never served out
 21 there.
 22 MARK BAKER: They're there today.
 23 MR. DOUGHERTY: They were not -- they
 24 were never -- there might be chairs, but they
 25 weren't allowed to serve outside, that's my

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1 community of the development.
 2 MR. WALSH: In part, yes.
 3 MR. DOUGHERTY: Okay. And my
 4 perspective is that that place didn't have even a
 5 hundred people eating dinner at it for the last
 6 five years. There just weren't seats outside,
 7 they certainly were -- they weren't allowed to
 8 eat -- they were not allowed to do anything over
 9 there on the gravel, I know that, for at least
 10 the last two iterations. There may be --
 11 MR. WALSH: From a zoning perspective,
 12 normally you're right, seats dictate how much
 13 parking they need. So if they had, I think it's
 14 seats and square footage, usually it's some
 15 combo, I have to look at what it is under ours
 16 again, but if they need 354 and they actually
 17 only have X number on site, it's not gonna --
 18 it's sort of a red herring as to what -- how many
 19 seats they actually had out there right now.
 20 MR. DOUGHERTY: No, no, why --
 21 MR. WALSH: For zoning purposes,
 22 because they're not asking for any zoning
 23 relief --
 24 MR. DOUGHERTY: Where I'm going from a
 25 zoning perspective and the impact on the

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1 community, I thought was able to do --
 2 MR. WALSH: Sure.
 3 MR. DOUGHERTY: -- is to say if a
 4 current -- if the current iteration of the
 5 restaurant has historically been under 100 seats
 6 and the new iteration of the restaurant is gonna
 7 be 354 seats --
 8 MR. WALSH: That's --
 9 MR. DOUGHERTY: That's where I'm going.
 10 And I truly think that the -- we could find out
 11 from the previous operators of the restaurant,
 12 there weren't a hundred people even close to
 13 eating in that restaurant for the past few years.
 14 So if -- and that's because they weren't allowed
 15 to put people outside, et cetera.
 16 But where I'm going with this is, if we
 17 have 350 -- let's say 354, who knows -- but let's
 18 just say 350 people come descending upon this 60
 19 foot of frontage on a building in a downtown
 20 section that has a narrow parking in -- egress
 21 section that has approximately eight parking
 22 spots, I can't fathom what that would do to all the
 23 other businesses in town, and also our tourists
 24 who don't happen to be eating there that night,
 25 if there's a say, 200 cars -- 'cause these people

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1 it feels like a big box, it feels like a big box,
 2 it feels like a Home Depot type operation going
 3 in, and that's my feeling on it. It's -- that's
 4 how big it is and in a relatively small space
 5 without parking in the dead center of the town,
 6 that's -- so that's where I land on it.
 7 MS. RETTIG: I have a question. Are
 8 your plans going forward with this -- 'cause I
 9 see banquet seating -- are you planning on
 10 weddings and such things like that?
 11 SCOTT GROGAN: No, just small
 12 gatherings. It's not conducive to a wedding
 13 environment.
 14 MS. RETTIG: No, it's not.
 15 SCOTT GROGAN: One hundred cars at a
 16 time environment. It's more conducive to
 17 corporate during the week business sales, small
 18 local events, things of that nature.
 19 MS. RETTIG: I have a question, if
 20 somebody approached you and said they wanted to
 21 do a wedding and it was a hundred people, it's
 22 just because now you're -- we're starting to look
 23 at things that are -- where are we parking cars
 24 and valet and et cetera, if you start with, okay,
 25 somebody that only has 75 people at a wedding and

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1 aren't gonna fly here, they might not park here,
 2 but there's 200 cars descending upon this place,
 3 maybe 400 if they turn the tables twice.
 4 RALPH FEY: The count according to the
 5 code is one car per five seats.
 6 MR. MEYER: That's still 50 cars.
 7 MR. DOUGHERTY: And that would 70 cars,
 8 so I'm --
 9 RALPH FEY: I'm just trying help you --
 10 MR. DOUGHERTY: So -- well, my point
 11 is, where is -- people tend to eat at seven
 12 o'clock at night, they tend to also eat at nine
 13 o'clock at night, there could be a hundred cars
 14 coming in front of this place and trying to go
 15 back here. There's nowhere near enough parking
 16 for it.
 17 RALPH FEY: Correct.
 18 MR. DOUGHERTY: So I think -- frankly,
 19 I think that the scale and the impact to the
 20 community would be -- the size of the layout and
 21 how much of it, of the ground is covered and that
 22 stuff, I'm less concerned with, obviously, and
 23 how close it is to this section or that section
 24 or how close the setbacks are. I'm concerned
 25 with a restaurant of this size, basically to me,

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1 they want to do it on a Saturday night, I'm just
 2 a little concerned about --
 3 SCOTT GROGAN: We would obviously ask
 4 experienced operators that have a location
 5 designated for parking with valet like Marsha
 6 Brown. We're experienced owners and operators,
 7 so all these things are under consideration. We
 8 would designate a location, we would rent a
 9 location, we would lease a location, we would
 10 have, you know, as much valet parking as was
 11 required.
 12 MR. MEYER: Is it your intention then
 13 to in fact acquire some of the those parking
 14 spaces in front of the Mansion Inn on Main
 15 Street --
 16 SCOTT GROGAN: Not at this time.
 17 MR. MEYER: -- for purposes of that
 18 valet parking? 'Cause otherwise everybody's
 19 going in and out of the alley that goes -- the
 20 easement, excuse me, that goes off of Bridge
 21 Street and there is -- I mean, you have a claim
 22 in here that says: The proposed use will have no
 23 negative impact on public, health, welfare and
 24 safety and it will be a valued addition to the
 25 central commercial direction and the Greater New

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1 Hope Community. I happen to be an economist I
 2 like to find out the evidence on things.
 3 And one of the things that bothers me
 4 about this is, the claim of no negative impact
 5 when we're talking about this level of traffic.
 6 This is a serious claim unless you got evidence
 7 for it. The valued addition, I think the same
 8 thing applies. And I'd like to find out what the
 9 basis is for this claim since this is part of the
 10 proposal and that you have in fact constructed
 11 and this is without dealing with any of the other
 12 questions having to do with what Mr. Fey's
 13 talking about in terms of what the structure's
 14 going to be like. That's not the concern that I
 15 got here. We got claims in here of undue
 16 hardship. Help, I guess is what I'm saying.
 17 MR. WALSH: They have to prove --
 18 Peter, they have to prove -- that's their burden
 19 of proof to the zoning hearing board. I mean,
 20 they will have to show all of those things. I
 21 mean, if you want to hear --
 22 MR. MEYER: I have served on the zoning
 23 hearing board and nobody's ever asked those
 24 questions.
 25 MR. COHEN: Just to reiterate, I mean,

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1 create a viable activated space that's gonna be a
 2 benefit and have spillover benefits for the
 3 community as a whole.
 4 MR. MEYER: First of all, there's
 5 highly unlikely that you're going to a five to
 6 seven times multiplier effect on the dollar spent
 7 in your restaurant given the size of the town.
 8 I've done economic development for the last 40
 9 years, I can attest to that; but the other piece
 10 of the claim that you just made is that -- is
 11 perfectly valid, provided you're providing a
 12 service that is not currently or likely to be
 13 available in town. Otherwise, all you're doing
 14 is creating competition for what exists in town
 15 and there's no evidence you provided that would
 16 indicate that in fact you're gonna increase the
 17 number of people coming into town. That might be
 18 something that you can claim for adding 11 more
 19 rooms, but adding 11 more rooms is not a massive
 20 impact on the community as a whole, so I don't
 21 think that that's a particularly valid argument.
 22 Let's continue with the -- you know, I
 23 don't want to get into the weeds on that
 24 particular point. Let's continue.
 25 MS. KINGSLEY: Ralph?

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1 obviously we will presenting a full testimony at
 2 the zoning hearing board and addressing those
 3 very issues.
 4 MS. KINGSLEY: So if I can go back to
 5 pull this back in to let Ralph finish the
 6 presentation on the physical plan. And then at
 7 the end, everything go back and ask questions.
 8 ALEX PAVLOVSKY: Im Alex Pavlovsky,
 9 I'm with Landmark. By activating the space by
 10 creating a viable business there, we're creating
 11 spillover benefits for the community. The more
 12 people that go over there, eat dinner there, come
 13 to New Hope, that is in an economic terms, net
 14 benefits to the community, there is spillover.
 15 For every dollar that's spent at a restaurant
 16 meal, that dollar could translate into five,
 17 seven dollars in further revenues for businesses
 18 within a community.
 19 So there's a certainly a huge economic
 20 benefit to activating space that has been, you
 21 know, vacant or nonoperational from a functional
 22 standpoint for many years and that's really our
 23 intent with this. You know, it's not that we
 24 need 354 spaces, it's not that we're trying to
 25 create a big box environment, we're trying to

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1 RALPH FEY: So we've taken that plan
 2 that you just saw and added it to the site plans,
 3 so you can see the larger wraparound of the
 4 existing building in the rear and you drop off
 5 with the porte-cochère, the rear dining room and
 6 the reconfiguring of the size addition to a
 7 conservatory type structure.
 8 So just a little --
 9 MS. MCHUGH: I'm sorry. Can you go
 10 back one? Okay. So you just don't have the
 11 parking lot in there.
 12 RALPH FEY: So this is -- it's actually
 13 in there, it's very light, it's drawn in over top
 14 of where the pool currently is and driving
 15 through here abutting parking lot of the Logan
 16 Inn.
 17 MR. MAISEL: Excuse me. While you have
 18 this slide up, the -- I'm like kind of struggling
 19 with the whole easement thing. So I'm assuming
 20 that the Department of Transportation's gonna
 21 have to be dealt with in terms of making that
 22 left-hand turn going north across traffic and
 23 then the right-hand turn coming in.
 24 RALPH FEY: You mean here?
 25 MR. MAISEL: Yes. So how -- I mean,

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1 that just from a volume thing, how many people
2 are gonna know that they can go in that way, they
3 can't go in, I mean, with the possibility of
4 having 30, 40 people for an event or something
5 conceivably, how will they know what -- and how
6 do you direct the traffic through that maze? I
7 see that there might some contiguous attempt to
8 make Logan and, you know, built right into the
9 Logan, is that in consideration, is that what --

10 RALPH FEY: I'm gonna let --

11 MR. COHEN: To address just one of the
12 technical parts, Ken, on that question, this is
13 an already existing driveway, so I don't believe
14 that any required proof -- or permitting for
15 PennDOT would happen. And in fact, we're
16 reducing the number of parking spots on the site
17 served by that driveway. There was consideration
18 and you may have seen early conceptual plans or
19 talking about it, a passthrough to the Logan Inn
20 lot and that is not being proposed.

21 So this would be a closed parking area
22 basically allowing that, but we do understand the
23 concern about the access through West Bridge
24 Street, which is why we would proposing that the
25 main drop-off would be in the front through a

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1 do --

2 MS. MCHUGH: Bridge Street gets backed
3 up, that's the only light on downtown --

4 RALPH FEY: So they've answered from a
5 tech -- I just want to say from a design
6 standpoint we saw it as the entrance for the rear
7 guest rooms, so that you didn't have to haul all
8 of your luggage from here all the way back, hence
9 the reason for the porte-cochère in here, that's
10 really what we saw; not for the restaurant use on
11 the activity side.

12 MR. MEYER: But the porte-cochère and
13 the fact that you want the people using the rooms
14 to come in through that way belies the comment
15 that was just made about the fact that well,
16 there's gonna be less parking there; therefore
17 the easement is gonna be used less frequently,
18 which one is it? Is it gonna be used less
19 frequently or more frequently because you're
20 providing a facility for people to pull into to
21 take their luggage out before they then go to
22 their rooms and their cars go someplace else? I
23 mean, it's one or the other, it can't be both.

24 RALPH FEY: I don't have an answer for
25 that. I know that we thought it was appropriate

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1 valet parking arrangement similar to what Marsha
2 Brown's has and -- we believe that works pretty
3 successfully, so we would be looking to
4 essentially rent spaces just as they do and allow
5 that drop-off in the front and try to discourage
6 use of the back area.

7 MR. MAISEL: That's a real potential
8 problem.

9 SCOTT GROGAN: It's in our business
10 interest to avoid that confusion.

11 MR. MAISEL: Right.

12 SCOTT GROGAN: So I don't want to guess
13 --

14 MR. MAISEL: But if you -- if they come
15 in where --

16 SCOTT GROGAN: -- they are going to go,
17 so we're gonna do everything possible from a
18 business perspective to make that clean and
19 clear.

20 MR. MAISEL: It's just that, I just
21 envision people backing up because they hit a
22 roadblock there, you know, and --

23 SCOTT GROGAN: I mean, we could do
24 something about it like valet service or folks
25 out in the area, you know, directing -- we can

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1 to provide a covering for people that were
2 unloading into that building and the parking lot
3 is one space smaller.

4 SCOTT GROGAN: And we do understand, I
5 mean, obviously we have a business interest in
6 making sure that this a situation that works for
7 the guests and anything that's going to have a
8 negative impact on the borough's, gonna have a
9 negative impact on the guests' facility and it's
10 not something that we're going to want to have in
11 place. We have a lot of steps that are going to
12 have to go through this process. In addition to
13 zoning hearing, we're gonna be back to you for
14 land development. And certainly at that point,
15 one of the issues that are gonna come up are the
16 impact that this would have on the traffic and we
17 would have to address those issues.

18 So there are a number of different
19 considerations that we've made in figuring out
20 how best to, again, provide accessibility to the
21 site, but at the same time minimize the negative
22 impact on the surrounding traffic.

23 MS. GERING: Paul, I mean, since you
24 brought that up, you got a really good point.
25 I'm on page three that you submitted and you said

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1 hereby providing additional rooms in the borough,
2 the traffic will be reduced and pedestrian
3 activity will increase benefiting both the
4 residents and the businesses. So can you tell me
5 with 350 some seats how that's going to decrease
6 traffic and you're only gonna have 19 rooms? I'm
7 a little confused here.

8 MR. COHEN: Well, first of all, again,
9 I don't we're proposing 300 and something seats,
10 I believe that the number was something --
11 What was the total?

12 MS. GERING: Three fifty-four.

13 MR. COHEN: And again, just with regard
14 to the seating, I do want to point out a lot of
15 those are outdoor seats, which would only be
16 seasonal, but by having the rooms and having the
17 guests in the town, you're going to have people
18 who are going to be able to access not just this
19 facility, this restaurant, but also other
20 businesses in town without having to drive in
21 from other hotels or other areas that they're
22 staying. I'm not nor was I suggesting there are
23 and I don't I stated it that it would offset any
24 increase in parking resulting from the
25 restaurant, but adding the additional rooms, that

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1 you're -- we have -- we're like restaurant row
2 down there and you already have the Logan Inn,
3 which is a great facility; you got Marsha Brown's
4 and now you're adding 354 more rooms in a
5 restaurant three rows, you know, one after the
6 other.

7 SCOTT GROGAN: I don't think we should
8 get hung up on the 354 seats, they -- if you saw
9 the kitchen and serviceable area, we're just not
10 gonna be able to -- there's 354 available seats,
11 but we're just not gonna be able to accommodate
12 354 guests at a time. We'll come back to you
13 with a number --

14 MR. MEYER: If you're not going to be
15 able accommodate --

16 SCOTT GROGAN: -- that we think is
17 reasonable.

18 MR. MEYER: Speaking personally, if
19 that is in fact the case, I would strongly
20 recommend that you think about redoing the
21 proposed reuse to more accurately reflect what
22 you really expect, not what you think you can
23 cram into the area.

24 MR. COHEN: Well, just if I may just
25 point out, I mean, what we've presented -- we're

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1 is going to provide a benefit not only, again,
2 for obviously for people to use this restaurant,
3 but to use Marsha Brown's and other restaurants
4 and other businesses in town.

5 MS. GERING: And then I have one more
6 question, I'm still going on page three. You
7 said this application proposal is consistent with
8 the comprehensive plan, could you explain to me
9 how that is?

10 MR. COHEN: It is consistent in the
11 sense that it provides for a viable downtown
12 area, it supports the downtown area. Again, we
13 will provide a much more detailed summary of this
14 before the zoning hearing board, but we believe
15 that it is consistent with the idea of having a
16 vital business district, commercial district,
17 bringing guests who are staying in the district
18 and are able to access the amenities in the
19 district from those rooms.

20 MS. GERING: Well, the comprehensive
21 plan also states that you have to maintain the
22 character of the town and I think, this is just
23 my personal comment, when you put massive
24 projects like that, I think that is going to take
25 away from the character of the town because

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1 not asking for any relief from, this is a zoning
2 application. I know we're before council and I
3 know that you're looking at this as an overall
4 project, but we're going to the zoning hearing
5 board requesting specific relief with regard to
6 specific items, so we did not, you know, do all
7 the math and figure out exactly what the seating
8 would be, because we're not asking for relief
9 relating to the seating. The seating only
10 becomes relevant from a zoning perspective for
11 parking calculations and we're not asking for any
12 relief.

13 MR. WALSH: Relevant to their position.

14 MR. DOUGHERTY: Can I ask you about --
15 you're not asking for relief from the parking
16 requirements under zoning?

17 MR. COHEN: Correct.

18 MR. DOUGHERTY: You're not?

19 MR. COHEN: The zoning ordinance
20 provides for a fee in lieu for any parking that
21 we cannot provide on a site --

22 MR. DOUGHERTY: And is that a
23 guaranteed fee in lieu? In other words, is that
24 something council would have to approve or is it
25 a standing --

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1 MR. WALSH: It's available in the
 2 ordinance.
 3 MR. DOUGHERTY: I'm sorry?
 4 MR. WALSH: It's available in the
 5 zoning ordinance as an option.
 6 MR. DOUGHERTY: So there is a number
 7 that one can pay --
 8 MR. WALSH: It's a thousand bucks a
 9 space that you cannot --
 10 MR. DOUGHERTY: So they could have zero
 11 parking here and just pay larger --
 12 MR. WALSH: That's correct.
 13 MR. DOUGHERTY: They could have no
 14 parking spaces --
 15 MR. WALSH: That's correct.
 16 MR. DOUGHERTY: -- and say, okay, it's
 17 whatever number of dollars they can basically pay
 18 to make that issue go away?
 19 MR. WALSH: They can -- correct.
 20 MR. DOUGHERTY: And there's nothing
 21 that zoning or the council can do?
 22 MR. WALSH: It's -- correct, well, not
 23 nothing, but --
 24 MR. DOUGHERTY: Well, all they have to
 25 do is have enough sufficient funds to pay -- make

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1 seats, so I mean, if there is a figure --
 2 obviously, you're acting as a board, we're not
 3 asking you to join in a closed meeting to discuss
 4 a number, but if there is something you have in
 5 mind that you believe would be a more reasonable
 6 and a more viable number of seats -- I mean,
 7 obviously from business perspective, we have to
 8 have something's that's going to support all of
 9 the work and improvements and, you know, what we
 10 plan to do with this historic structure; but if
 11 you think there is something that would be more
 12 reasonable, we're certainly willing to hear that.
 13 MR. DOUGHERTY: I would like -- yes,
 14 that would be fantastic, number one, but I would
 15 like the -- you guys to actually do the research
 16 to find out the prior seat plan, if you will, so
 17 that when you say if you come back with, here,
 18 we're going to do 250 and the number was 251.
 19 When we -- as I've explained, the number wasn't
 20 251, so I'd like you to try to do the research
 21 around what the real number was in the past. I
 22 mean, it's not -- we've all been to that
 23 restaurant a number of times, we know that they
 24 weren't serving eight people out in the gazebo,
 25 so get a real number for that and then if we had

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1 it go away and is there anything --
 2 MR. WALSH: It satisfies it for zoning
 3 purposes, it doesn't mean that a car finds a
 4 spot.
 5 MR. DOUGHERTY: Well, I know that
 6 that's --
 7 MR. WALSH: That's the point.
 8 MR. DOUGHERTY: But so the problem
 9 doesn't go away --
 10 MR. WALSH: That's right.
 11 MR. DOUGHERTY: I'm saying --
 12 MR. WALSH: Zoning purposes.
 13 MR. DOUGHERTY: -- but is -- for zoning
 14 purposes, but for -- I mean, by that token I
 15 could have, you know, need 300 spots and say,
 16 well, here's whatever the number is and it all
 17 goes away.
 18 MR. WALSH: Three hundred grand, that's
 19 correct.
 20 MR. DOUGHERTY: All right. Thank you.
 21 MR. WALSH: It doesn't, to your point,
 22 change the point that a car still needs a place
 23 to park.
 24 MR. COHEN: So we do hear you, though,
 25 with the concern with regard to the number of

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1 that number as council and you -- let's say, it's
 2 80 and you say, well, we're proposing 130, that
 3 would be something we get our arms around and
 4 say, okay. And it might be 180 in the summertime
 5 and then we could kind of feel more comfortable.
 6 SCOTT GROGAN: I understand your
 7 concern. We didn't come prepared for that
 8 because this is more of a recommendation from you
 9 guys for the zoning board, not an evaluation of
 10 the proposed use, but we will accommodate.
 11 MR. WALSH: I mean, I effectively say
 12 that's slightly off through no fault of your own,
 13 but in the sense that at this stage, that's all
 14 council's doing is seeing if they're going to
 15 take a position on the proposed use. The
 16 proposed use is impacted by this exact
 17 conversation and that number, and if 354 is a
 18 large pill to swallow, then really that only
 19 leaves council with one position is to oppose it,
 20 if you can't present an alternative. You could
 21 present an alternative which would put council in
 22 a better position to stay neutral, I think that's
 23 almost favorable --
 24 SCOTT GROGAN: So I guess there's a
 25 couple things, right, that I'm thinking just

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1 right now. What was the permitted use
 2 historically?
 3 MR. WALSH: Permitted use historically?
 4 SCOTT GROGAN: What was the allowed use
 5 historically? I don't think anybody in the room
 6 knows.
 7 MR. WALSH: I don't think anybody
 8 including the zoning officer disputes that.
 9 However it became an inn, that's allowed; to
 10 expand it you're requiring a special exception,
 11 but as Mr. Cohen indicated he's going to try to
 12 close the barn door on that to make sure that
 13 it's effectively a retroactive special exception
 14 approval from the day it started, whenever that
 15 was, and that's fine. I don't anybody takes
 16 issue with that. I think it's the 50 pounds in
 17 the 5 pound bag aspect of the project.
 18 SCOTT GROGAN: We'd like to table that
 19 for the moment and we'll go back and do our
 20 homework on what the allowed use was and what
 21 we're proposing and what we think our maximum use
 22 will be. Does that fair to you guys?
 23 MS. GERING: Does that mean you're
 24 coming back in October then?
 25 SCOTT GROGAN: I would like to do it

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1 sorry, October.
 2 SCOTT GROGAN: Well, the sense I'm
 3 getting is there's a general concern on how many
 4 seats we're going to have.
 5 MR. WALSH: That's fair.
 6 MR. DOUGHERTY: Not so much the seats,
 7 'cause I spoke so much -- it's the amount -- the
 8 number of people descending upon it and the
 9 impact that would have. If they all came from a
 10 different dimension and like were transported in
 11 here, you could have 2,000 seats, I wouldn't
 12 care, but if 350 people are -- and 21 rooms full
 13 of people on top of that could descend upon this
 14 place in a short period of time, between six and
 15 eight o'clock at night, it will be bedlam on
 16 those two -- on Main Street regardless of how
 17 good your valet services are, so that -- it's not
 18 the number, it's the intensity because it's a
 19 dining situation. They are not all eating, 350
 20 people throughout the day.
 21 ALEX PAVLOVSKY: We could work with the
 22 zoning officer Jim Ennis outside of the council
 23 meeting and the next zoning hearing meeting, work
 24 with Jim Ennis and try to understand the comfort
 25 of a smaller amount of seating both from

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1 quick turnaround, what do you think?
 2 MR. MEYER: The problem you're looking
 3 at is our next meeting's later than you're
 4 currently scheduled before the zoning hearing
 5 board.
 6 MR. WALSH: He's hoping, they're not
 7 scheduled. There's probably -- I don't know when
 8 it came in, when was it submitted? When was the
 9 application submitted?
 10 MR. COHEN: Before Labor Day.
 11 MR. WALSH: What was the day?
 12 SCOTT GROGAN: What if we discussed it
 13 with the zoning officer and him report back --
 14 MR. MEYER: They accepted it on
 15 September 6th.
 16 MR. WALSH: Mr. Cohen understands this,
 17 but that zoning hearing board has 60 days from
 18 the date the application is submitted -- what's
 19 the date? September 6th. So by November 6th,
 20 there has to be a zoning hearing board scheduled
 21 unless you provide an extension, which is often
 22 done.
 23 Now, as Mr. Meyer has indicated some of
 24 these dates are falling in front of one another.
 25 Council doesn't meet till November 16th? I'm

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1 council's perspective and our use.
 2 MR. WALSH: Oftentimes a project of
 3 this nature what happens first is a sketch plan
 4 comes in, you have this informal discussion here
 5 without being under the time restrictions of the
 6 zoning hearing board application. And that's
 7 okay. I mean, that's normally how it's done, you
 8 don't have to do it that way, you can submit the
 9 zoning hearing board application and then you
 10 have to cross this threshold issue. So to have
 11 this kind of discussion if you want to put it in
 12 the sketch plan category, we need -- the borough
 13 needs to make sure that there's not a hard and
 14 fast deadline to schedule a zoning hearing board
 15 and that's incumbent upon you then to discuss an
 16 extension. I'll let you discuss that with Mr.
 17 Cohen and Mr. Fey.
 18 But if you're going to proceed on this
 19 plan right now, you've heard council's feedback
 20 of how they feel about it and what that might
 21 lead to them to take a position if you proceeded
 22 to the zoning hearing board this just as this
 23 presented within the --
 24 SCOTT GROGAN: Is that a general
 25 consensus?

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1 MR. MAISEL: I think that's a good
 2 point. I think we're focusing in on the numbers,
 3 which seems to be a contentious, you know, thing.
 4 I can't speak for everybody, but it seems that --
 5 I'm not sure that it's confined to that
 6 exclusively and that's something that you're
 7 looking for and I understand.
 8 MR. COHEN: And I was going to ask, I
 9 know this is an issue of concern, but we would
 10 like additional feedback --
 11 MR. MAISEL: Absolutely. So I think
 12 that that should explore that a little more.
 13 MR. WALSH: But there's other aspects
 14 of the project --
 15 SCOTT GROGAN: I appreciate that and
 16 what I'm suggesting if there was a way -- I
 17 understand how the scheduling is off, I was
 18 wondering if there's a way to work it out, work
 19 the seating situation out with you guys before
 20 that next meeting or do we need to do a formal,
 21 wait till next October and work through that?
 22 MR. WALSH: Council can only meet like
 23 this in here, in a public meeting, open, so you
 24 control it as far as the timing of when that
 25 zoning hearing board is scheduled. To Mr.

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1 here? The areas, the outdoor dining area, gross
 2 floor area, the driveway, the buffer yards, which
 3 I don't think Dan cared, I'm not trying to put
 4 words in your mouth. I know I wanted to comment
 5 on the way the design standards from the SALDO is
 6 described in here.
 7 It's not a -- you're not asking for a
 8 variance from SALDO provisions, they're asking
 9 from a variance that says off-street parking
 10 facility will be designed in accordance with the
 11 standards of the subdivision and land development
 12 ordinance, just the parking point.
 13 SCOTT GROGAN: So can I have a sidebar
 14 for a second?
 15 MR. WALSH: So there are more aspects
 16 of this at least on an itemized basis that
 17 council can talk about, but I think from an
 18 overall 10,000 foot view, the seating is causing
 19 the pause for the entire thing.
 20 MR. COHEN: And I guess the question
 21 is, T.J., you mentioned earlier I think before
 22 the prior application about the options that
 23 council has. One of those options is to say we
 24 don't oppose the application provided that, and I
 25 guess the question is if we go through these

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1 Maisel's point, if there's other aspects of the
 2 application that were submitted with the project
 3 overall, that they want to -- that council wants
 4 to at least let you know their concerns on, so
 5 you can address that on your zoning hearing board
 6 application, you can do that now, if they're
 7 aware of it.
 8 SCOTT GROGAN: Is it possible for you
 9 guys to -- sounds like there's a kind of
 10 consensus being that the number of seats that are
 11 presented in plan are excessive? Is it possible
 12 for you guys to look at the rest of the plan and
 13 form an opinion to the zoning board that
 14 conditioned upon this, we think this?
 15 MS. KINGSLEY: I don't know that it's
 16 council's position.
 17 MR. WALSH: Well, they're not saying to
 18 the zoning hearing board do this, do that.
 19 MR. MEYER: We don't have the power.
 20 MR. WALSH: So far the seat aspect of
 21 the project has caused concern for council to say
 22 we're not going to take a position on the
 23 application. If there's other aspects of the
 24 application as submitted, which as I read them,
 25 are setbacks -- what are some of the other ones

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1 other issues and if the council is comfortable
 2 with the rest of the plans, the design that we
 3 presented, but that they're uncomfortable with
 4 the number of seats that are there, would it be
 5 -- want to be frank with you here, we have
 6 external factors that allow us to want to proceed
 7 in October as we look at this project. I'm not
 8 suggesting that we want to take away from the
 9 opportunity to review this.
 10 MR. WALSH: I mean, respectfully
 11 they're not going to be rushed on that.
 12 MR. COHEN: I understand that, but the
 13 application is in, so what I'm asking is if there
 14 is a possibility of getting a response from
 15 council this evening, where you might agree to
 16 not oppose the application subject to a condition
 17 or change that we would reduce the number of
 18 seats. I think that will send the message to
 19 zoning that you're not comfortable with what
 20 we've presented and we want to see that reduced
 21 so that the impact would be reduced.
 22 MR. WALSH: You can ask.
 23 MS. McHUGH: I'm fine with that.
 24 MR. MAISEL: Yeah, I think that's fine.
 25 MS. McHUGH: I think that makes sense.

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1 MR. MAISEL: In addition, once we can
 2 come to a consensus that there's nothing else
 3 that we want to have as a provision.
 4 MS. McHUGH: I'd like to say, I think
 5 it looks gorgeous and we know this building has
 6 had problems in the past, bunch of different, not
 7 SCOTT GROGAN, but people running it, so we're
 8 very happy as a council that you are coming.
 9 What we're trying to do is not let you get down
 10 the road so far --
 11 SCOTT GROGAN: We're very excited about
 12 the project and we really do think it is in line
 13 with the borough.
 14 MS. McHUGH: All this council spends a
 15 lot of time downtown, so we know that corner, we
 16 know how busy that is, okay? We're constantly
 17 down there monitoring, so that we can make these
 18 kinds of decisions. So when you come in and say,
 19 hey we're gonna -- something that you're doing
 20 maybe 50 people right now when it is open to 350
 21 to 400 people, it gives us pause, 'cause we know
 22 that -- we know that corner and we know what it's
 23 like, we know what parking's like and we get to
 24 hear it, so we're just -- we have a reason for a
 25 pause.

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1 it captures the nature in New Hope and the
 2 historic building that you're improving.
 3 MR. WALSH: As Mr. Cohen and Mr. Fey
 4 both indicated, this is just the zoning aspect of
 5 the this project, this requires a land
 6 development submission, the engineer will look at
 7 it.
 8 And say you were before HARB at least
 9 on a consultative basis?
 10 RALPH FEY: We went once.
 11 MR. WALSH: Just a sketch --
 12 RALPH FEY: Sketch plan review for
 13 HARB.
 14 MR. DOUGHERTY: Was that in a public
 15 meeting?
 16 RALPH FEY: It was.
 17 MR. DOUGHERTY: It was, okay. Thank
 18 you.
 19 MR. WALSH: So the COA portion of that
 20 would come on the same night that you
 21 theoretically would file for -- have your land
 22 development approval theirs would come before it.
 23 RALPH FEY: We will be in front of them
 24 several times more as the project progresses.
 25 MR. WALSH: For every one in the room's

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1 SCOTT GROGAN: I understand and that
 2 will be taken directly to the principal tonight.
 3 And I'm just trying to let you guys you know we
 4 hear the barking issue. We are in tune with New
 5 Hope, we are, we really are. We love the town
 6 and we want the community to enjoy it and not be
 7 congested and all of the above.
 8 ALEX PAVLOVSKY: And this project
 9 creates jobs. I mean --
 10 MS. GERING: The one thing I want --
 11 Ralph, I have to compliment you on this
 12 one, I really like the design, it fits the
 13 nature, the historic nature of the Inn and it's
 14 very flattering and I think it fits in very
 15 nicely in the downtown district.
 16 MS. RETTIG: I was just going to say
 17 that. It's not --
 18 MR. MEYER: So the --
 19 MS. KINGSLEY: I'm sorry --
 20 MR. MEYER: My --
 21 MS. KINGSLEY: Hang on. Can we not
 22 talk over each other because it's difficult to
 23 take in what everybody's saying.
 24 MS. GERING: I wanted to compliment
 25 Ralph on his design. I think it's excellent and

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1 benefit this is just the zoning aspect of this,
 2 there's more to come.
 3 RALPH FEY: Yes. Did you want us to go
 4 through any elevations?
 5 MS. KINGSLEY: Yes, please.
 6 RALPH FEY: I apologize for the
 7 disjointed nature of everything.
 8 Mark, can you go back one more, give
 9 everybody a quick glimpse of the front of the
 10 building. It is our intention and as we
 11 submitted to the HARB board to completely restore
 12 the front of the building exactly as you see it.
 13 Any changes that would be made, would be made
 14 based on our historic investigation of the
 15 building.
 16 One of the investigations showed that
 17 it wasn't all entirely white in its earlier form.
 18 We may be going to HARB and actually doing some
 19 of the original colors that were on the building.
 20 There was not a door here, it was a window. And
 21 as I mentioned that, we're all not pleased with
 22 the addition here and we'd like to improve that
 23 addition with a building type that would be
 24 commensurate with an appropriate building for a
 25 mansard with French building. So we'd like to

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1 change that building to a single story or
2 conservatory structure very light area in a
3 similar location, but in order to help preserve
4 this bay window, this is actually something that
5 HARB offered to us as a suggestion, is take the
6 bay that's currently in the back and push it a
7 little forward, so it's a bay window in the
8 courtyard; and as you drive down the street, you
9 see the full bay window not hidden as it is right
10 now by an awkward addition.

11 MR. WALSH: You said it was violated.

12 RALPH FEY: It does violate it, yeah,
13 it's pretty harsh. To an architect, it makes you
14 cringe.

15 MR. WALSH: I just never heard that
16 word used in a technical syntax before.

17 RALPH FEY: So literally moving forward
18 and build the conservatory in a light airy
19 noncompeting way to the main structure. The only
20 other thing you're seeing on this is increasing
21 the access points. Right now there is an access
22 point here and an access point here, they are
23 very narrow. Again, we've talked through the
24 concept of widening the center one and adding
25 another one, so people all along the street can

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1 building unchanged in any way except for a glass
2 door and a second floor box that you can see
3 through this will house our stair and our
4 elevator so that everyone can kind of come to
5 this point and enter the building from both --
6 we're calling this our garden pavilion, it's --
7 it has metal railings all the way around it,
8 those little French doors opening up, so you
9 could be on the second floor, the pre-function
10 hangout space and be very much in the garden.
11 The garden is shown here, it's very similar in
12 size than the current garden, but the current
13 garden is actually more here, 'cause this is
14 parking.

15 By moving the parking forward to where
16 the pool currently is, a person can come, drop
17 off here, enter this building. This building, it
18 has a classical feel, if you will, and is not in
19 any way trying to replicate or do another French
20 mansard new building.

21 This elevation is looking from the
22 garden space back at the garden building, has
23 stairs that go up. So when you're in this
24 building, you're flowing up to the upper level,
25 we anticipate this having a lot of hanging

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1 start to filter in as opposed to all funnel
2 through the one stair that's there now.

3 MS. RETTIG: Ralph, excuse me, what is
4 the dotted diamond that you have there? Can you
5 explain that?

6 RALPH FEY: I'm sorry. That's an
7 indication that architects use to say the doors
8 open this way. It's a set of French doors. It
9 is not there --

10 MS. RETTIG: It's on the conservatory
11 itself, so that's the doors on the conservatory
12 building --

13 RALPH FEY: Yeah, it's the doors on the
14 conservatory, which would --

15 MS. RETTIG: -- would be opening out?
16 Okay. Thank you.

17 MR. MEYER: Ignorance of diagrams.

18 RALPH FEY: It really shouldn't be on
19 the rendering, it's left over from --

20 MR. WALSH: I thought it was some
21 sculpture that would've violated the project.

22 RALPH FEY: Next.

23 So what you're seeing here is a cross
24 section from the street all the way to the rear
25 of the property. And you see the original

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1 vegetation and being very green and very garden
2 like, like an outdoor terrace in the garden.

3 What you're noticing here is the
4 stepping of the front. The current building does
5 sit higher than the street and as I mentioned
6 before, our additional attempt to get handicapped
7 accessibility for this first row of seating was
8 to lower this to the same height as the street.
9 That was not well received to move the railing
10 from here, so we've left it here. You're looking
11 at a few areas where we're creating some terraces
12 that are level enough to have some outdoor
13 dining. No change to the porch or the front of
14 the building. And this is all just landscaping.

15 So of a little closer, 'cause I know
16 this is small, creating a terrace so that we can
17 some level spaces instead of a sloping front that
18 it has now. So this is a board that was taken to
19 HARB to give you a little sense type of buildings
20 that we are attempting to put in the rear, like
21 this building right here best replicates the
22 building that we have drawn actually a
23 combination of these two buildings. Buildings
24 facing the garden, lots of glass, they have a
25 very classical feel with balconies that open up

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1 connecting our guests to the landscape to New
2 Hope. These two probably the strongest and then
3 that starts to be the beginning of our
4 conservatory type building on the side.

5 And when we say porte-cochère, just so
6 we're being very clear, it's a place to drive
7 through, get out, drop off your luggage and
8 either go park or park with a valet situation.
9 These are just porte-cochères that we collected,
10 so that we -- so this one here is the one that
11 spoke to us and it is the one that is
12 incorporated into the design.

13 So this is probably why that count is
14 so high, 'cause as architects when we're doing
15 zoning, we kind of have to show every possible
16 possible seat so that every possible seat can be
17 counted. So this is us showing every possible
18 seat, this is not necessarily the amount of
19 seating that you can see to the sides there's
20 currently seating here, we added those, these.
21 There's currently a place for seating here,
22 albeit I understand maybe not compliant seating,
23 but we added these seats. And we added one, two,
24 three, four, five, six, seven, eight, nine seats
25 on the front of the property in these little

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1 building, goes back in here. This is where we'll
2 be putting our elevator and the existing kitchen
3 is back there.

4 Do I have more? I don't think we need
5 to get into the smaller architectural plans, but
6 they're there if you have questions.

7 MR. DOUGHERTY: I just have a quick
8 question about the setbacks. I guess this is
9 actually a zoning thing, if you will. I guess
10 the purpose of setbacks is two-fold. Number one,
11 just from years ago, I think you wanted space
12 between homes, you wanted for health reasons, I
13 believe. You didn't want house sort of
14 tenements, so that was one reason why there's
15 supposed to be space between spaces.

16 The other reason is safety and that,
17 you know, Philadelphia burned to the ground at
18 left once or twice until it started getting built
19 out of brick. This is a wood house, house in the
20 back a wood house, it looks like much of the
21 construction that you're proposing is going to be
22 wood and it will framed with siding and whatnot,
23 but it's not going to be brick, doesn't appear
24 to. I'm not asking you about -- I'm not trying
25 to tell you --

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1 flattened areas with gardenings around them. We
2 see this is kind of a garden bench and a table
3 pulled up to it or sometimes the table removed
4 and just people kind of sitting in the front
5 gardens, so that when you're walking down the
6 street and you're filtering into the property, it
7 gets more activated.

8 So essentially it's everything is on
9 the building remains the same and we're looking
10 to activate the garden spaces and the spaces to
11 the side. I know we talked about -- this is the
12 setback for this property, so this heavy dotted
13 line here and this heavy dotted line here that
14 represents the 25 foot setback, not a building
15 setback, the building setback is here; that's the
16 seating setback. So when we talk about having
17 seating in the side yard it's everything in here
18 and everything in here because it's closer than
19 25 feet to the side yard.

20 There's -- you can begin to see that
21 this is not a dining area, it's a lobby area for
22 the guest rooms and you can begin to see that
23 we're proposing that maybe this has a bar in it
24 and that our conservatory space has a row of
25 tables. This is essentially the existing

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1 RALPH FEY: It will have a sprinkler
2 system, which --

3 MR. DOUGHERTY: I understand, I
4 understand. So; however, to the extent that it
5 is -- that these buildings are now closer to
6 everything else, it definitely changes the safety
7 frame --

8 RALPH FEY: Can I address that?

9 MR. DOUGHERTY: -- frame of work. Is
10 that something that zoning should -- is involved
11 in. The purpose of these setbacks, they're not
12 arbitrary and capricious, we're being asked to
13 waive a whole bunch of setbacks.

14 MR. WALSH: We're not asking to --

15 RALPH FEY: I'd actually like to point
16 to the setbacks.

17 MR. WALSH: Go ahead.

18 RALPH FEY: The current building sits
19 here and the setback is here. New Hope grants us
20 what we call a 10 foot extension of existing
21 nonconformity in the ordinance, that's what that
22 little number is there, it's 10 foot, so we've
23 taken the existing building and extended it 10
24 feet. We call that a by-right expansion of the
25 existing nonconformity. Our addition other than

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1 the by-right conformity, is all within the
2 buildable envelope setbacks, there are -- there's
3 nothing being requested in the setbacks with
4 anything having to do with the rear building
5 unless you ask Paul and you get some clarity on
6 whether there is or is not a three foot setback
7 from some 1994 thing that this plan does not
8 respond to.

9 MR. COHEN: Again, either way -- we
10 sort of addressed that issue in the beginning.
11 The bottom line is that with the exception of
12 that little piece on that building, we're not
13 proposing any buildings outside of the allowable
14 setbacks.

15 MR. DOUGHERTY: Because most of the
16 addition in the back is narrower than the front
17 -- than the existing, so it's sufficient -- is
18 far enough away from Marsh Brown's and --

19 MR. COHEN: Yes.

20 RALPH FEY: Yep, Marsha Brown's is over
21 here.

22 MR. DOUGHERTY: Okay. That helps.

23 RALPH FEY: Okay. So that's the rear
24 building and I would say as the ordinance
25 currently stands, albeit not responding to this

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1 RALPH FEY: I'm gonna ask Mark to
2 answer that.

3 MARK BAKER: Yeah, that is correct.

4 MR. WALSH: So the actual dining has a
5 larger setback from the building.

6 RALPH FEY: Dining is 25 feet and the
7 building is 60.

8 MARK BAKER: That is correct.

9 MR. WALSH: Okay.

10 RALPH FEY: Dining's back to here
11 outdoor. So the next addition is --

12 MR. WALSH: But you're not past the
13 building line.

14 RALPH FEY: We are not past the
15 construction building line on any of our
16 additions for any of our buildings, it is a
17 hundred percent compliant.

18 MR. WALSH: You answered a question I
19 didn't ask, don't do that. Outdoor dining in
20 that area along the side, the north side is not
21 beyond the building line.

22 RALPH FEY: It is not beyond the
23 building line, it is beyond the 25 foot line.

24 MR. WALSH: You can stop at the first
25 part of that answer.

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1 three foot thing that I don't understand, we
2 designed what we thought was a compliant rear
3 structure that would be constructed with a
4 sprinkler system it was not asking for any
5 relief.

6 MR. DOUGHERTY: Based on because it's
7 noncompliant now you can get an extra 10 feet and
8 that's what you did, plus you're adding
9 sprinklers.

10 RALPH FEY: Yeah.

11 MR. DOUGHERTY: I gotcha. Okay.

12 RALPH FEY: So the second addition, I'm
13 gonna put in the conservatory, we're actually
14 reducing the amount of constructed terrace wood
15 decking. It's currently going all the way to the
16 property line and taking that off and making the
17 conservatory a completely compliant structure
18 falling within the buildable envelope and taking
19 off the part that is currently not compliant.
20 So, yeah, our addition improves a situation
21 that's not compliant and makes a completely
22 compliant addition and it's this yellow part
23 here.

24 MR. WALSH: You're within -- you're
25 outside the six foot, am I reading that right?

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1 RALPH FEY: It is not beyond the line

2 MR. WALSH: I didn't ask about the 25,
3 I asked about the --

4 MR. COHEN: Yes, the answer is yes.

5 MR. WALSH: I like when Ralph gets mad,
6 'cause he gets bumping on the balls of his feet
7 and he's starting to do it.

8 RALPH FEY: See Holly --

9 MR. WALSH: It's like your poker tell,
10 Ralph. All right. So, but the outdoor dining
11 albeit past the 25 foot individual setback for
12 outdoor dining is not beyond the building wall?

13 RALPH FEY: Correct.

14 MR. WALSH: Now, in the front it's
15 necessarily beyond the building front wall --

16 RALPH FEY: Correct.

17 MR. WALSH: -- And also into whatever
18 the front yard that's applicable to the dining?
19 That's 10 feet?

20 RALPH FEY: Yes.

21 MR. WALSH: Is there any outdoor dining
22 on the south side?

23 RALPH FEY: It's currently not in the
24 gray zone.

25 MR. WALSH: That's not touched. So

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1 that part is within wholly within the setback and
 2 there.
 3 RALPH FEY: This is existing and the
 4 part we're at falls kind of line except for those
 5 two tables, which once we do our handicapped will
 6 end up going away anyway, 'cause that's where we
 7 would do our ramp that we're currently not
 8 showing.
 9 So the last structure is the actual
 10 dining room. I apologize I didn't meant to put
 11 banquet, banquette, I don't know.
 12 And our dining room, what's the
 13 dimension?
 14 MS. RETTIG: It says 1435 square feet,
 15 but I don't know what that means.
 16 MR. WALSH: You're asking for the
 17 length and the width?
 18 RALPH FEY: So I was gonna try to give
 19 you the length and the width, but it's not on
 20 here.
 21 MR. WALSH: As Tina indicated it's 1435
 22 square feet.
 23 MS. RETTIG: That's what it says 1,435
 24 square feet.
 25 MS. KINGSLEY: So let's say 35 by 35.

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1 RALPH FEY: It's a good spot for it.
 2 MR. WALSH: Dan, to your question, I
 3 mean, the setbacks obviously for the two reasons
 4 you mentioned space and safety; but part of the
 5 other reason we have the dining setbacks is, so
 6 it's sufficiently far enough off the road, which
 7 probably falls into the safety category.
 8 Certainly in the front, probably not as crucial
 9 in the side, but the front is where typically is
 10 the most attractiveness for the dining, most --
 11 how do you have want to say, advertises the
 12 project or the business best and that's why
 13 normally the ordinance has said it's got to be 10
 14 feet off that line for -- so it's not, so there's
 15 -- there's not traffic issues because a lot of
 16 times it's along busy roads, which is Main
 17 Street.
 18 I guess, could you address maybe how
 19 far off the cartway it is, how far --
 20 RALPH FEY: So Mark has the actually
 21 plan is the sidewalk there is --
 22 Mark, can you go back?
 23 MR. WALSH: Where is the front yard
 24 measured from?
 25 RALPH FEY: It's measured from the

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1 (Indiscernible discussion.)
 2 RALPH FEY: Thank you. And it falls
 3 within the buildable envelope and is a compliant
 4 structure on the site, as well as the impervious
 5 surface as we addressed on this. So from a --
 6 MR. WALSH: You're not asking for any
 7 impervious relief, any stormwater will be
 8 analyzed in the land development, that's fine.
 9 Okay.
 10 RALPH FEY: That's what I wanted to put
 11 out there.
 12 MR. WALSH: You're a good sport, Ralph.
 13 MR. COHEN: There have been, just to
 14 point out, there have been historically a lot or
 15 stormwater issues on this site that will be
 16 addressed corrected.
 17 MR. DOUGHERTY: That was what the pool
 18 was for, I guess.
 19 MR. WALSH: Is it underground under the
 20 parking lot?
 21 MARK BAKER: Yeah.
 22 MR. WALSH: I didn't know if the
 23 fountain was going to be a natural feature, but
 24 otherwise it's gonna probably go under that
 25 parking lot.

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1 ultimate right-of-way.
 2 MR. WALSH: Okay.
 3 RALPH FEY: Which is -- it's right at
 4 the beginning of our fence.
 5 Can we go to the front photograph?
 6 MR. WALSH: Is that 16 feet off center?
 7 MR. DOUGHERTY: Well, it appears if
 8 this scale is correct from the street to the --
 9 MR. WALSH: It's probably 50 feet from
 10 right-of-way to right-of-way. I mean, I think
 11 that's what Main Street is.
 12 RALPH FEY: So I'm gonna ask Mark to
 13 measure out, but I just want to point out that
 14 there's an existing historic fence and that fence
 15 is really creating the separation between
 16 pedestrians that are walking down the street and
 17 diners that would be on the other side of it.
 18 And, yes, we are asking to have seating in the
 19 first 10 feet, but we intend to have it in a very
 20 garden-like setting.
 21 MR. DOUGHERTY: According to what I see
 22 here, Ralph, and these are not final plans, I
 23 understand, there are -- there is greenery, if
 24 you will, between the diners and a little wall
 25 with the fence. In other words, the people

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1 aren't -- would not be able to pick up their cup
 2 of coffee and sit it on the side of the wall of
 3 the fence, there's going to be a buffer.
 4 RALPH FEY: Grass all the way around
 5 it.
 6 Mark, if you want to go to the section.
 7 MR. DOUGHERTY: So that keeps the
 8 literally their shoulders off of the walking
 9 path, which I think is good thing.
 10 RALPH FEY: Right. So you can see
 11 here, sidewalk, the fence that exists and
 12 there'll be green in here, green in here, green
 13 growing over there, green growing over there.
 14 MR. DOUGHERTY: See in this large one
 15 on page four you have green -- greenery, if you
 16 will, between the tables.
 17 RALPH FEY: Absolutely.
 18 MR. DOUGHERTY: But not on that one, so
 19 which one's accurate?
 20 RALPH FEY: So this is just showing the
 21 -- that's not showing landscape, this is a more
 22 accurate depiction.
 23 MR. DOUGHERTY: No. 4 with the greenery
 24 in between the diners and the fence is what
 25 you're proposing? Okay. Thank you.

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1 the parking spot's 8 feet and the sidewalk's 5
 2 feet, which is 25 feet off the centerline.
 3 RALPH FEY: I don't want to give a
 4 wrong answer, so I don't have a scale with me.
 5 MR. WALSH: That's fine.
 6 RALPH FEY: Can we go to that one?
 7 MR. WALSH: Thank you, though.
 8 MR. MAISEL: I have one question. Part
 9 of HARB's concern regarding the fence was that, I
 10 think originally you were considering not having
 11 it and getting rid of it and we acquiesced on
 12 that.
 13 RALPH FEY: Well, we were gonna move it
 14 back.
 15 MR. MAISEL: You were gonna move it
 16 back, that's right, you were gonna take it --
 17 RALPH FEY: Now, we've acquiesced and
 18 it needs to stay, we need to restore it.
 19 MR. MAISEL: Excuse me a second, guys,
 20 I can't -- I'm losing my train of thought. The
 21 -- the putting the holes in the fence, is that
 22 something that might be problematic --
 23 RALPH FEY: That has not gone back to
 24 HARB yet and we don't know their reaction to
 25 adding one more opening.

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1 MR. WALSH: Mark, where does that 50
 2 foot line fall again, at the fence or is it east
 3 or west of the fence?
 4 MARK BAKER: It is basically just in
 5 front of the wall.
 6 MR. WALSH: East or west of the fence?
 7 MARK BAKER: East. Front towards the
 8 street, east.
 9 MR. WALSH: So that 10 foot outdoor
 10 dining setback is measured from that foot east of
 11 the wall? Okay. So that's the specific
 12 dimension you're looking at. But how far is that
 13 going to be from the curb line?
 14 RALPH FEY: So I don't have dimensions.
 15 MR. MEYER: It'd be the width --
 16 MR. WALSH: It'd be the width of the
 17 sidewalk.
 18 MR. MEYER: -- of the sidewalk.
 19 MR. WALSH: I agree with you. The
 20 fence is really a barricade, the fence is sort of
 21 natural setback.
 22 MR. COHEN: That is one of the
 23 advantages of the property because the fence is
 24 existing and will not be moved, so nothing --
 25 MS. KINGSLEY: So the lane is 12 feet,

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1 MR. MAISEL: Well, there's two, oh, no,
 2 there's one there --
 3 RALPH FEY: So there's two currently.
 4 MR. MEYER: Why the one in the middle?
 5 RALPH FEY: The lower one exists and
 6 that one exists. We wanted to add that one again
 7 to play up that symmetry and that flow, it's not
 8 a make it or break it thing.
 9 MR. MAISEL: No, I happen to think it's
 10 a good idea.
 11 RALPH FEY: We're here to say that we
 12 did submit to HARB and hopefully took the
 13 guidance from HARB when we did this plan, but
 14 we're still showing an additional opening.
 15 MR. MAISEL: Okay.
 16 RALPH FEY: But it's not an opening
 17 that changes our plan. Mark just wanted to add
 18 some -- fence.
 19 MARK BAKER: So when we investigated
 20 the fence, I actually went there, looked at, it's
 21 actually a modular fence from the iron works
 22 there in pieces, so you can move the pieces down
 23 without breaking the fence, you're not tearing
 24 apart the fence, you're not destroying it, you
 25 can just move them.

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1 MR. MAISEL: Thank you.
 2 MS. KINGSLEY: Council, have any more
 3 questions?
 4 Paul, do you have any more comments in
 5 closing?
 6 MR. COHEN: Give me one second.
 7 MR. MEYER: Can I raise one comment, if
 8 I may?
 9 MS. KINGSLEY: Hang on, Paul.
 10 Go ahead, Peter.
 11 MR. MEYER: I guess with regard to the
 12 issue of the number of dining spaces and so on
 13 and so forth, one of the glories with this
 14 building is that front facade. And it strikes me
 15 that it may very well be that one layer of dining
 16 in front rather than one and then another above
 17 it, might increase the passerby's view of the
 18 building while still providing you, from a
 19 business point of view, the diners out front that
 20 will make it very, very clear that there are
 21 people using this facility and it is in use. And
 22 it strikes me that as I look at the diagram and I
 23 look at the -- I think it was Ralph's No. 4, that
 24 in fact, you know, I keep looking at this and
 25 asking myself what would it look like with all of

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1 the seats in front and I think if you didn't have
 2 the seats above it's gonna be that much more
 3 aesthetically pleasing. That wasn't four, it was
 4 on six --
 5 MS. RETTIG: Seven.
 6 MR. MEYER: No, five is what I was
 7 talking about that in fact this one we don't have
 8 any of the dining in front and you get a sense of
 9 how pretty it is, but the dining that's going to
 10 end up on the second level already blocking some
 11 of those windows and I was thinking if you're
 12 going to be cutting back, that's an easy way to
 13 do it and it's not that many seats either.
 14 RALPH FEY: We agree. How was that?
 15 MS. RETTIG: One of the things we were
 16 just talking about sort of on a side note here a
 17 lot of times especially in a place -- and
 18 hopefully this goes through and everything goes
 19 well and you are busy and it does bring some
 20 vitality and everything to this beautiful
 21 building on this very trafficked corner. Is
 22 using some of that garden space in the front as
 23 possibly like a holding area for people that are
 24 waiting to be seated people, so it still looks
 25 like you have people, it's still vibrant, but

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1 you're not actually having table and chairs and
 2 adding to the number of seats. And I'm not
 3 telling you your business, that's your business,
 4 but it was just something that --
 5 MR. WALSH: You can have 40 seats --
 6 SCOTT GROGAN: I'm kind of going back
 7 and forth with the principal in Africa right now,
 8 so we're having a little text argument.
 9 RALPH FEY: But we have shown on other
 10 plans just some bench type seating that was more
 11 waiting seating as opposed to served-on seating.
 12 MR. WALSH: Yeah, 40 seats on the south
 13 side, then 59 in front of the -- on the north
 14 side, exclusive of the ones right abutting the
 15 sidewalk.
 16 RALPH FEY: Fifty, forty-two.
 17 MR. WALSH: I'm looking at this one.
 18 So that's 92 seats in the front -- effectively in
 19 the front yard if all of those got zipped out
 20 here.
 21 MS. RETTIG: Or even partial.
 22 MS. GERING: That's you premium real
 23 estate right there for them.
 24 MR. WALSH: Well, I'm just saying
 25 there's still 90 seats and there's till 90

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1 outdoor dining seats.
 2 MS. RETTIG: No, but there's other use
 3 of that face.
 4 RALPH FEY: I mean, if you didn't have
 5 any of these as dining seats, but you had those
 6 as has waiting seats.
 7 MR. WALSH: Certainly the one at the
 8 far north end seems like an appendage, you know?
 9 RALPH FEY: Sure.
 10 MR. WALSH: And then to give you sort
 11 of guidance around or direction around it, and
 12 I'm not trying to put words in anybody's mouth,
 13 but those seem to be the most natural ones to
 14 reduce the number of outdoor seats but still get
 15 the effect, 'cause you're going to have it on
 16 both sides. And to Peter's point then the front
 17 -- the front elevation is -- becomes more
 18 attractive, visible, whatever you want to call
 19 it. I'm not -- I don't vote, I'm not putting my
 20 -- I probably shouldn't even make a substantive
 21 suggestion like that because I'm not --
 22 MR. COHEN: May I?
 23 MR. WALSH: No, I'm not done, 'cause
 24 Tina just indicated to me she didn't agree with
 25 what I just said which is what I'm trying to say.

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1 That's fine.
 2 MR. DOUGHERTY: Just on of the things I
 3 thing that we haven't discussed actually is the
 4 scope of the project. We mentioned earlier
 5 there's bunch of variances we were being asked
 6 for and it's very small in here, but if you want
 7 to look closely enough one can see that the
 8 current -- the current floor size, if you will,
 9 is about 87 -- 8800 square feet. So the new
 10 square footage is 22,600 square feet. So we're
 11 going from 8700 square feet to 22,640 square
 12 feet, so I don't think is matter of couple if we
 13 just get a couple of setback waivers and stuff.
 14 That is an enormous -- enormously, much more
 15 large building and imprint and mass and occupancy
 16 and every aspect of vision, the vista that it
 17 gives. You're going to be able to see this
 18 building from Ferry Street and Bridge, you're
 19 going to be able to see the entire addition
 20 pretty.
 21 Now, we're not here -- I mean, there's
 22 impacts there too.
 23 So, T.J., my question to you is from a
 24 zoning perspective, do we have -- is there
 25 jurisdiction as to, for example, I mean, let's

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1 want a variance to effectively go four plus times
 2 the size of what's normally --
 3 MR. DOUGHERTY: Not four plus.
 4 MR. WALSH: But it's four plus times
 5 the five, essentially, they're already over
 6 they're one point --
 7 MR. DOUGHERTY: Oh, they wanna go more
 8 than four times the 5,000.
 9 MR. WALSH: Correct. That's what I
 10 meant, yeah.
 11 MR. COHEN: I mean, just to put into
 12 context, we are permitted as a nonconforming
 13 structure as it is, we are permitted to some
 14 expansion, but we're going beyond that and
 15 obviously as it is now and what we're proposing
 16 would be beyond that.
 17 MR. WALSH: Yeah, 800 feet. I mean, if
 18 you want to go --
 19 MR. COHEN: We're allowed 25 percent
 20 increase.
 21 MR. WALSH: -- you know, you're doing
 22 10 feet and whatever the percentage, but that's a
 23 drop in the bucket.
 24 MR. COHEN: That's for that, but I
 25 think the use itself is permitted to go 25

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1 suppose this -- I'm not -- let's suppose they, an
 2 applicant wanted to put a 14 story building here.
 3 MR. WASH: Fourteen story?
 4 MR. DOUGHERTY: Fourteen story, okay,
 5 they wanted an extra 14,000 square feet, but they
 6 were limited because of the setbacks, so they're
 7 gonna build a thousand square feet, 14 stories
 8 up. We could probably say --
 9 MR. WALSH: There's a height issue.
 10 MR. DOUGHERTY: And there's a height
 11 issue, so the height issue is not being violated?
 12 MR. WALSH: No.
 13 MR. DOUGHERTY: But the amount -- the
 14 sheer size of the building is being tripled, this
 15 is a massive change in the amount of space that's
 16 being put into that lot size.
 17 MR. WALSH: There's a zoning ordinance
 18 provision that limits the size of any single use
 19 to 5,000 square feet in the historic district.
 20 That's been there since day one.
 21 MR. DOUGHERTY: And they're at 8,000 --
 22 well, they were at 7300 on the original building
 23 and 1400 with the cottage, for a total 8700, so
 24 they're a nonconforming use now.
 25 MR. WALSH: That's correct. So they

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1 percent if I'm correct.
 2 MR. WALSH: It's a not -- nonconforming
 3 use, so there's no -- it's by special exception,
 4 so there's no 25 percent there. It's a
 5 nonconforming structure, so that's not accurate.
 6 MR. DOUGHERTY: So there's some
 7 question you might get 800 feet, you might
 8 request 13,000 200.
 9 MR. COHEN: We're requesting that --
 10 MR. DOUGHERTY: But their asking for
 11 14,000, I just want to point that out to folks.
 12 MR. COHEN: Absolutely.
 13 MR. DOUGHERTY: This is a massive
 14 expansion of an existing -- of the most historic
 15 building, probably one of top three or four
 16 historic buildings in the borough and visually
 17 it's probably one of the most critical buildings
 18 in borough.
 19 MR. COHEN: Yeah, I mean --
 20 MR. DOUGHERTY: We didn't specifically
 21 talk about that square footage and I wanted you
 22 to know -- get us all on the same page, this is a
 23 massive expansion.
 24 MR. COHEN: Understood. And obviously
 25 that is one of the items that we're requesting

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1 relief for. If you look at the project and I
2 think Ralph can go back through it, a lot of that
3 square footage is not going to be dedicated to
4 active uses to allow for access, it's elevator
5 space, stairs, other things to make the building
6 code compliant. In the dining area there's a
7 second floor that's not going to have seating,
8 it's not go to be an active use, serving the
9 other area, so I don't --

10 MR. WALSH: Do you exclude that
11 already, Ralph, from the calculation of gross
12 floor area for when you do that calculation.
13 It's a zoning calculation, it's a zoning
14 definition of the 5,000 square feet. I just know
15 some purposes you exclude that Mr. Cohen's
16 talking about.

17 RALPH FEY: We included everything in.

18 MR. COHEN: This is all inclusive, but
19 the lobby area that is being, again, from our
20 perspective, this is what's necessary to make
21 this a viable operation going forward. I think
22 that you've seen --

23 MR. DOUGHERTY: As an inn.

24 MR. COHEN: As an inn with restaurant
25 use.

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1 looking to operate.

2 MR. DOUGHERTY: And I understand that,
3 I just want to -- want to point out something for
4 about to what said. This has been a failed
5 restaurant in the past.

6 SCOTT GROGAN: That's --

7 MR. DOUGHERTY: I agree, but it -- but
8 there are probably a half a dozen restaurants in
9 this city -- in this borough that have 30 seats
10 that have been in business for 40 years. If one
11 of those restaurants starts to fail repeatedly
12 through a number of owners and then the fifth
13 owner comes up and says, well, I have got to make
14 this place at least 8,000 square feet because
15 look all these people failed at this restaurant.
16 That's sort of what's happened here.

17 'Cause frankly it used to a bed and
18 breakfast, it was an inn that had a license to
19 serve the people who were staying there breakfast
20 and stuff like that. We have many examples of
21 exactly that business model in the community that
22 have been in place for dozens -- for decades that
23 have worked.

24 SCOTT GROGAN: But you can't buy them
25 in this town.

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1 SCOTT GROGAN: As somebody who owns the
2 property and is paying the mortgage.

3 MR. WALSH: We know that's what it
4 comes --

5 MR. COHEN: You pointed out and you're
6 correct, this is going to be a visible item,
7 that's why Ralph is on the job and that's why
8 he's designed a building that is going complement
9 the landscaping in the borough. We're really not
10 going to be substantially impacting the front
11 view of the building other than the conservatory,
12 which we'll be replacing a less than ideal
13 addition that's there now. So I don't know that
14 it's going to have that much of an impact.

15 By my point is, look I'm not getting --
16 I can't hide the fact, we obviously are adding on
17 a substantial amount of square footage, but it's
18 being done in a way that I think is going to
19 minimize the concerns that that ordinance
20 provision is there for because we're not
21 proposing a big box that's just going to sit
22 there. This has been something that has been
23 strategically designed to fit into the borough
24 and to provide the minimum amount of space that
25 they need to be able to operate what they're

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1 MR. DOUGHERTY: We've had those work.
2 Then somehow this place starts to get a
3 restaurant associated with it and it no longer
4 does an inn very well nor a restaurant. So now
5 it's got so much critical mass that it suddenly
6 -- it won't work this way and therefore we have
7 to go from 8,700 feet to 22,000 to get critical
8 mass. You see what's happened here in the last
9 20 years with this property is that through
10 repeated sort of incremental changes to what it's
11 being used for and keeps failing at it, now
12 that's being used as a justification to triple
13 the size of it.

14 SCOTT GROGAN: That's not the -- that's
15 not my case. My case is to buy it it's \$3
16 million bucks, okay? You can't -- if we're going
17 to proceed -- I mean, I understand the way you're
18 looking at it, I really do and I mean, it sounds
19 like it's being justified. I'm justifying it
20 from just the generating the profit, paying the
21 taxes.

22 MR. DOUGHERTY: Fort he price --

23 SCOTT GROGAN: Right. All of those
24 things that have to be covered to (2:02:04) buy
25 parking we have to, you know, we have to hire

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1 people, we have to keep full-timers in New Hope,
 2 we have to keep the lights on in the winter in
 3 New Hope, which is not -- so it's a \$3 million
 4 bill, eight rooms and a tiny restaurant for a \$3
 5 million building just is not gonna to cut it.
 6 MR. DOUGHERTY: And I'm not trying to
 7 -- I'm not calling to interest this -- I believe
 8 I'm not in your business, but I absolutely
 9 understand what you have to do there based on how
 10 much the building is going to sell for, that's
 11 the numbers. You can't have eight rooms and just
 12 sell breakfast to people, but somewhere along
 13 this line the building's gotten out of control,
 14 that's my concern. Somewhere along the line,
 15 this building was an inn that served breakfast
 16 and someone along the line in '84 or '94 they
 17 started serving dinner and stopped being a good
 18 inn and stopped being a good restaurant. So now
 19 you got something that someone feels is worth a
 20 certain number and the only way that number's
 21 gonna make sense is if the thing gets three times
 22 as large. That's my take.
 23 SCOTT GROGAN: I hear you.
 24 MS. McHUGH: Now, I think this is a
 25 plan that fixes all of that, it brings it all

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1 me what is reasonable to the group in the seating
 2 number and I'll have something to work with and
 3 we'll work it out right now if seating is the
 4 only concern.
 5 MS. KINGSLEY: Connie, Dan, is that
 6 your only concern?
 7 SCOTT GROGAN: We need the inn rooms.
 8 MS. KINGSLEY: 'Cause that's what I'm
 9 hearing from you two primarily.
 10 MS. GERING: Well, I think there's two
 11 issues. One is the seating, it's a massive
 12 project and when you're talking about 350 seats,
 13 you're gonna be the biggest restaurant in the
 14 downtown.
 15 SCOTT GROGAN: Don't want to be.
 16 MS. GERING: Well, that's where you're
 17 going. Then the second issue --
 18 SCOTT GROGAN: How many seats is
 19 Odette's gonna have now?
 20 MS. GERING: Odette's, well they're all
 21 the way outside of town, so -- but they're not
 22 smack in the historic --
 23 MR. WALSH: I don't recall their
 24 seating, it's been so long.
 25 MS. KINGSLEY: Well, it's a banquet

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1 together. It's gonna be big enough that they can
 2 actually dinner properly and be a bed and
 3 breakfast properly --
 4 SCOTT GROGAN: This is what we --
 5 (Indiscernible discussion.)
 6 MR. DOUGHERTY: You guys did a great
 7 job and I -- if there's anybody who can make this
 8 thing work, what I'm saying is, if you take that
 9 same logic and you apply it to the Wedgewood Inn
 10 and we'll have the Wedgewood Inn here saying that
 11 they need to have a restaurant in order to stay
 12 in business, they can't operate as an inn and we
 13 need to have at least 250 seats. And the same
 14 thing with the Aaron Burr House, it doesn't
 15 violate any --
 16 SCOTT GROGAN: Is the seats the
 17 concern? Is the seats still the primary concern?
 18 I understand your point, I hear you. We're in
 19 business, we're in the hospitality business.
 20 MR. DOUGHERTY: You're very good at
 21 what you do.
 22 SCOTT GROGAN: And we're getting
 23 better. I can't ask you guys to bank on that.
 24 If the only contention's with the seating, then I
 25 think we can walk away with something here. Tell

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1 room with at least 200 seats.
 2 MR. WALSH: Well, there's also 20 some
 3 odd rooms in that place too.
 4 MS. GERING: And then you also have the
 5 hotel that the Playhouse is building too that is
 6 right across the street. Well, for me, I can
 7 only speak as one voice, I think it's too many
 8 seats with the impact's it's going to have. And
 9 the second one is the traffic flow and how you're
 10 going to deal with the traffic coming in and the
 11 parking. So that's my two concerns.
 12 Your design, I love, I can't -- you
 13 know, I beat Ralph up in the past on some of his
 14 other projects, he's done an excellent job, I
 15 can't even go there.
 16 MS. KINGSLEY: Dan, does that mirror
 17 your thoughts.
 18 MR. DOUGHERTY: It mirrors my thoughts.
 19 I don't understand enough about the question
 20 that's why I was asking -- the question about the
 21 pay for -- the pay for parking type of thing
 22 where you pay sort of a fee and the parking thing
 23 goes away. The general issue if there's that
 24 many hotel rooms and that many people dining,
 25 that many people eating there, that many people

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1 saying there, I think there's gonna be a
2 tremendous number of people descending in that
3 little space. I think that the little driveway
4 for those eight cars off of Bridge Street, I
5 don't -- I think you guys are a fantastic
6 business, but I think that's going to be
7 something that will be the bane of your existence
8 because Bridge Street no one going west on Bridge
9 Street will be able to access that driveway, but
10 even --

11 SCOTT GROGAN: On peaks days I prefer
12 to park at the high school, so we avoid going in
13 that direction. If we run four to six men
14 (inaudible) for expediency. So we wouldn't be
15 parking there, we wouldn't be driving traffic
16 there. Stop, drop off, go to the high school.

17 MR. DOUGHERTY: Yeah, I don't know what
18 the number is. If there's a number that used to
19 be there and I've eaten there many times and it
20 seemed to me that the only room that they served
21 food in was the left-hand dining room -- no, the
22 two front parlors. I'm sorry, the two front
23 parlors is where they served food, they didn't
24 serve food in the bar, they didn't serve food in
25 the old conservatory.

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1 so they reduced it to eight and blew out and made
2 that dining area. And now I don't know -- I
3 don't believe they were even still serving on the
4 right, I don't think they are.

5 MR. DOUGHERTY: All the times I've been
6 there it seemed to be that probably if it were 50
7 or 60 seats, I would have been surprised, it
8 doesn't seem possible, but it was just those two
9 rooms. And there were a total of about six or
10 eight on the front porch back -- the outside bar
11 had gone the way of the wind, you could never eat
12 out there, there were notables. There were
13 tables sitting off to the side, nobody ever got
14 served int here. There was outdoor -- I didn't
15 think they were -- frankly, I don't think based
16 on the decisions that you sort of saw in here,
17 they weren't allowed to serve outside. They had
18 been told by somebody in the borough that they
19 were not allowed to do outdoor dining there, so
20 that's --

21 MS. MAISEL: There was a time you ate
22 back there where the bar is, I --

23 MR. DOUGHERTY: You could eat?

24 MR. MAISEL: Yeah. I would certainly
25 -- I would question that there's 250, I mean,

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1 SCOTT GROGAN: They didn't have many
2 people to serve.

3 MR. DOUGHERTY: The price well --

4 MS. KINGSLEY: Dan --

5 MS. RETTIG: The didn't --

6 MS. KINGSLEY: -- I worked in the inn.

7 MR. WALSH: Try not to talk over each
8 other, she's --

9 MS. KINGSLEY: I apprenticed in the inn
10 years ago and I've been associated with on
11 previously since about '94 when Keith David owned
12 it. So the front parlor on the right was simply
13 a parlor, there was never food served in there.
14 The left side was basically the living room, was
15 a sitting area prior to him turning it into a
16 restaurant, and the dining room was actually
17 what's now, I believe, set up as office space, I
18 don't even -- they used to serve breakfast there.

19 Then they expanded and they started
20 serving meals in the left parlor and then
21 eventually the room that is the appendage that
22 hangs off on the right, they blew out, that was a
23 room and what became the bar, I think it's still
24 back there, what became the bar was also a guest
25 room. There were 10 rooms in the inn, not eight,

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1 that seems like a number that's --

2 SCOTT GROGAN: I think that came from
3 they were looking a satellite image, every where
4 there was -- had been seating.

5 MR. MAISEL: So I think that's the big
6 issue here.

7 SCOTT GROGAN: So is there a number of
8 total seats?

9 MS. RETTIG: I think the number needs
10 to come from you. What do you need in order to
11 have a business? It's not for us to say --

12 SCOTT GROGAN: The sun is shining in
13 New Hope that's when you make your money.

14 MS. RETTIG: Right, but that's -- we
15 can't say --

16 SCOTT GROGAN: If you have seats, you
17 make money. If you don't fill those seats enough
18 in the winter, it gets really scary. That's just
19 that point.

20 MS. KINGSLEY: So I think it makes
21 sense here to kind of summarize this so that you
22 can walk away and have some direction. And so I
23 think the two big issues that are surfacing here
24 are number of seats and the traffic concern and
25 traffic figure study and how you're going to

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1 handle a little more specifically how you would
 2 handle the traffic ingress and egress.
 3 I think to Connie's point, I think that
 4 the plans are really -- I think it's some of the
 5 nicest set of plans I've seen come in front of
 6 the borough in years, I would agree with that.
 7 And the challenge for both the community and you
 8 as a developer is because of the change in
 9 economics in this community, with the property
 10 values having risen the way they have, the cost
 11 of the property, the cost of the rehab of the old
 12 building alone, not to mention the costs of
 13 creating a viable project, the challenge of the
 14 viability and the long-term sustainability of the
 15 business so that it can support the maintenance
 16 of the historic structure and maintain the
 17 streetscape, that's the big challenge of this.
 18 So without council and zoning and you
 19 as the developers working together to come up
 20 with a project that is going to allow you to
 21 financially make it viable long-term, I think
 22 that that really where it needs to go. So I
 23 think if council had more information on how you
 24 were going to handle the parking, I mean, clearly
 25 the parking studies have shown that there's

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1 issue becomes one of, it's an awful lot of space
 2 outside, don't make it look like you're packing
 3 them in as tight as you possibly can, which I
 4 think we have in some other places in town and
 5 I'd hate to see that around a building that has
 6 got that particular historic significance. And I
 7 can't give you a number, that's why I raised the
 8 question with Ralph about that one tier and I can
 9 show you what I'm talking about on one of the
 10 diagrams here when we're done.
 11 SCOTT GROGAN: Okay. We're flexible on
 12 the seating because the numbers are high, we
 13 understand that.
 14 MS. McHUGH: Can I ask you a question,
 15 how big is your kitchen?
 16 SCOTT GROGAN: We really wanted to know
 17 what you guys would give us so that -- so we're
 18 in agreement that if we don't -- if we can't get
 19 kind of what we need, then we're just not going
 20 to doing the project, so we're not gonna close on
 21 it, we're just gonna give it back. So what I
 22 wanted to know from you guys hey, give me an
 23 idea, a number that I can work with, so I can run
 24 the numbers and get that number and get it all
 25 done, get closed, so that I can say, yeah, let's

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1 plenty of parking in town, it's just that it
 2 isn't right in front of everybody's front door.
 3 SCOTT GROGAN: Yeah, we're --
 4 MS. KINGSLEY: And so it's a matter of
 5 how you move people not where you park the cars.
 6 So I think that dealing with those two issues
 7 where you can give council some comfort level, I
 8 think would probably put this in a neutral
 9 position in terms of going to zoning, is that a
 10 fair statement?
 11 MR. WALSH: Yeah, and I think it's also
 12 key to remember that --
 13 MS. KINGSLEY: Tina? Peter.
 14 MR. MEYER: Can I just add with regards
 15 specifically to the parking, what's concerning me
 16 is you go the valet type parking in front of
 17 Marsha Brown, this building is that much closer
 18 to Bridge Street. If you had the same
 19 arrangement as Marsha Brown has, that being you
 20 weren't disruptive of traffic, so I'm a little
 21 bit concerned about how you handle that and I
 22 think that certainly some discussion of that
 23 proposal would make a great deal of sense.
 24 My only other comment is with regard to
 25 the number of restaurant seats. I think the

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1 make that commitment here. Here's another piece
 2 of our puzzle, we're talking the building.
 3 MR. COHEN: What I'd like to suggest
 4 and if council would be willing to consider this
 5 option is, again, I don't even know if we're
 6 necessarily scheduled for the October 11th zoning
 7 hearing board date. What we would like to
 8 ideally leave here tonight with is a vote from
 9 you --
 10 MR. WALSH: We don't vote.
 11 MR. COHEN: Not a vote, consensus, I
 12 guess.
 13 MR. WALSH: Well, we do vote if we're
 14 going to oppose or attach a condition.
 15 MR. COHEN: Well, that's what I'm
 16 asking for, I mean, obviously not an approval of
 17 the relief, but to say that you're not opposing,
 18 but with the conditions related to the concerns
 19 about seating. We're not in a position now to
 20 say, well, we'll reduce it from three whatever to
 21 two whatever, we just don't have that number in
 22 front us. And I don't think you guys are going
 23 to come up with a number for us.
 24 MR. WALSH: So I guess my point is
 25 we're whistling past the graveyard here without

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1 that analysis.
 2 MR. COHEN: I'm sorry, I didn't hear
 3 that.
 4 MR. WALSH: We're whistling past the
 5 graveyard here without that analysis. So is it
 6 -- you have -- is October 11th a drop date? Can
 7 you come back --
 8 SCOTT GROGAN: So my problem is this
 9 that my bail out date is closing in on me. My
 10 first deposit goes to the seller, if I don't know
 11 where I'm going with this --
 12 MR. WALSH: And you're not going to
 13 hear my answer to that or my rhetoric.
 14 SCOTT GROGAN: You don't give a shit, I
 15 know.
 16 MR. WALSH: I wasn't going to quite
 17 word it that way. Say not my problem. But the
 18 point is to -- if you're saying what is council's
 19 finite number that we would say neutral, 250
 20 seats like to Dan's point maybe that's what was
 21 there before or 50 seats or whatever it was, I
 22 don't think -- I'm not trying to speak for
 23 anybody, but I know I couldn't tell you this is
 24 I'm fine with this number because I don't know --
 25 what you just ran through is what do you need?

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1 MR. WALSH: Are you talking about
 2 Cintra?
 3 MS. KINGSLEY: Yes.
 4 So my suggestion is since we're down
 5 here to talking about seats that we do this at
 6 the October 1st workshop and then come with a
 7 consensus at that meeting and that gives you 10
 8 days before the October 11th meeting, if in fact
 9 you're scheduled for the zoning meeting on the
 10 11th.
 11 Is that something that everybody can
 12 deal with?
 13 MR. MAISEL: I think it's a good idea.
 14 I think you have a lot of back and forth if the
 15 number is unsatisfying. I mean, it is
 16 negotiation at that point.
 17 MR. WALSH: No, it's not.
 18 MS. KINGSLEY: No. I think what we
 19 need is -- from a financial standpoint, if
 20 they're coming in on a crunch deadline
 21 financially when they have to make their final
 22 decision and put down a deposit, which is
 23 probably nonrefundable --
 24 SCOTT GROGAN: It's down, just becomes
 25 unrefundable.

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1 What's your walk away? I don't know that.
 2 I mean, these other two items, the
 3 traffic concern, that's a SALDO issue that can be
 4 worked out in the context of the land
 5 development, that's not a problem. The size of
 6 the building is either it is or it isn't, I
 7 suppose. I mean, Dan raised that and said it's
 8 going to be three times bigger than what it is
 9 and it will be, a little less; but if that's
 10 giving council members pause, that's their only
 11 individual conscience to vote it. But the
 12 parking number, I -- or not the parking number,
 13 the seat number, I certainly don't know how in
 14 good conscience could council my client and say,
 15 go ahead and approve an undetermined figure and
 16 say -- not approve it, but say we won't take a
 17 position based on a number nobody knows.
 18 SCOTT GROGAN: What number for that
 19 property?
 20 MS. KINGSLEY: Here's my suggestion, if
 21 council would go along with this. Previous
 22 project because we got it narrowed down to one or
 23 two items that we had concerns about that were
 24 structured around a specific number and square
 25 footage and that kind of stuff --

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1 MS. KINGSLEY: Yeah, right. So in
 2 order for them to get in front of the zoning
 3 hearing board so that they can in fact ultimately
 4 see whether or not they're going to get their
 5 approval from zoning, then -- so that they can
 6 move forward, if our only issue about whether or
 7 not we're going to give them a neutral or, you
 8 know, whatever we're going to give them, if only
 9 comes down to the discussion about seating, I
 10 think we can do that at the October 1st meeting.
 11 That way you get the opportunity to figure out
 12 what your best shot is and, you know, what your
 13 cut-off point is, you know, what you can live
 14 with before you decide you're going to walk away
 15 and then council gets to say, well, we can't live
 16 with that or we can live with that and make the
 17 decision that way.
 18 MR. COHEN: If I can ask this question,
 19 I'm trying to work my way around this. Other
 20 than the number of seats, assuming we come into
 21 you with a number that addresses those concerns
 22 and knowing as you said, as T.J. said, parking
 23 and traffic issues will be dealt with in land
 24 development, assuming that's addressed, is there
 25 a general belief that we would be -- we would get

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1 as nonopposition or a neutral stance from
 2 council?
 3 MS. KINGSLEY: I think that's basically
 4 what we're saying, we like the project.
 5 MR. WALSH: Reserving the right to
 6 change their minds.
 7 MR. COHEN: I understand that.
 8 MS. KINGSLEY: We're not giving you a
 9 yes --
 10 MR. COHEN: There are no other
 11 issues --
 12 MR. WALSH: That is not --
 13 MS. KINGSLEY: This is where we've
 14 narrowed it down to.
 15 MR. WALSH: Nodding a head means
 16 nothing right now. I mean, unless and until it
 17 actually -- they can change their mind, I guess,
 18 I'm not trying to kid you.
 19 MR. COHEN: I understand that. I'm
 20 taking an informal -- I'm looking at the
 21 reactions, I'm just asking that generally
 22 speaking nobody's concerned about the design and
 23 all those other issues.
 24 MS. KINGSLEY: I think council has made
 25 it pretty clear they like the design. The

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1 location.
 2 SCOTT GROGAN: Yeah, we're not gonna
 3 cram the property, 'cause that would just --
 4 RALPH FEY: So I did raise my hand for
 5 information I checked with Mark, those
 6 calculations include full basements, so there's
 7 basements below the new guest room building and
 8 there's a full basement below our dining room.
 9 MS. KINGSLEY: And that was in your
 10 square footage calculation?
 11 RALPH FEY: Sorry?
 12 MS. KINGSLEY: And you pout that in
 13 your square footage calculation?
 14 RALPH FEY: It's all in there.
 15 MS. KINGSLEY: So what is it without
 16 the basements?
 17 RALPH FEY: Mark would've been better,
 18 but --
 19 MR. WALSH: Can you bring a
 20 vitalization of that.
 21 RALPH FEY: It is roughly a third of --
 22 MS. RETTIG: The basement --
 23 MS. KINGSLEY: Well, no you got
 24 three-quarters.
 25 MS. RETTIG: Well, the number you have

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1 concerns are the parking, that can be handled in
 2 the SALDO. It's come down to the number of seats
 3 that they perceive --
 4 MR. MAISEL: I think it's the number of
 5 seats and it's the location.
 6 MR. COHEN: Well, we would have to
 7 reconfigure. If we're going to reduce the number
 8 of seats, we would reconfigure where the seats
 9 are.
 10 SCOTT GROGAN: Can you expand on that?
 11 MR. MAISEL: If it were because of the
 12 crowdedness of the front, you know, 'cause there
 13 were strategic tables that --
 14 SCOTT GROGAN: We've already taken your
 15 advice on that.
 16 MR. MAISEL: Okay. So, you know -- the
 17 reduction, you know, falling in line with the
 18 front understanding that you want to emphasize
 19 the front.
 20 SCOTT GROGAN: Yeah, we would lower the
 21 seating in the front and make it a more casual
 22 sort of waiting area, show a little action.
 23 MR. MAISEL: That might not get the
 24 numbers that you're looking for -- you know, it's
 25 not only the sheer numbers, but it's the

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1 here on the basement under the rear building is
 2 2180 and the basement proposed on the existing
 3 building is 3550, so that brings it down --
 4 RALPH FEY: So just wanted to say that
 5 some of that's underground and it's for services,
 6 so that we can you know run mechanicals and
 7 storage and receive deliveries and have laundry
 8 and all that.
 9 MR. WALSH: Fifty-eight hundred seats
 10 are basement space -- basement square footage, so
 11 if you take six grand off the twenty-two, you're
 12 about sixteen.
 13 MS. RETTIG: Sixteen thousand, so
 14 you're just doubling, you're not tripling.
 15 MR. WALSH: Well, at least --
 16 MR. DOUGHERTY: Well, you have to take
 17 the basements off your existing parking, so we
 18 can get down to about 7100.
 19 MS. RETTIG: There is no --
 20 RALPH FEY: There are no basements on
 21 the existing, they're being counted in. We
 22 didn't count the basement in the existing
 23 building and it doesn't meet the headroom to
 24 count as existing space.
 25 (Indiscernible discussion.)

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1 MR. WALSH: So it's apples to apples,
 2 it's doubling it.
 3 MS. KINGSLEY: So everybody's good with
 4 -- are you good with coming to the -- Paul, would
 5 you be good coming to the October 1st meeting
 6 then?
 7 MR. COHEN: I don't know that I'm given
 8 much of a choice, sure. You know what my
 9 preference would be this evening.
 10 MS. KINGSLEY: We're not going to come
 11 up with a parking number tonight or financially
 12 that they can run calculations on, so --
 13 MR. COHEN: Well, that would be
 14 addressed --
 15 MS. KINGSLEY: I mean, a seating --
 16 MR. WALSH: I think an overall final
 17 impression would be more suitable at that meeting
 18 as opposed to some kind of, you know,
 19 three-quarters of the way tonight.
 20 SCOTT GROGAN: That's my best walkaway
 21 right now, right?
 22 MS. KINGSLEY: Yeah.
 23 SCOTT GROGAN: That's what I'm going to
 24 have settle for. I appreciate your time.
 25 MR. WALSH: That meeting's at four

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1 o'clock by the way.
 2 MS. KINGSLEY: October 1st, four
 3 o'clock.
 4 SCOTT GROGAN: In this room?
 5 MS. KINGSLEY: Yes.
 6 Any other questions from council?
 7 Comments?
 8 Thanks a lot.
 9 Manager's report?
 10 MS. LEE: None at this time.
 11 MS. KINGSLEY: That was good. I like
 12 that.
 13 Mr. Solicitor?
 14 MR. WALSH: No, nothing.
 15 MS. KINGSLEY: Public comment?
 16 MR. WALSH: Well, I guess, the only
 17 thing I do know is -- the word is potentially the
 18 week of the 24th for the move. September.
 19 MS. KINGSLEY: So the week of the 24th.
 20 MR. WALSH: Somewhere in the week of
 21 the 24th.
 22 MS. KINGSLEY: Can you get us a more
 23 specific date?
 24 MR. WALSH: When I hear as soon as I
 25 get it.

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1 MS. KINGSLEY: Hearing no public
 2 comment. Meeting adjourned.
 3 (Meeting concluded at 9:30 p.m.)
 4 ---
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 2
 3
 4 CERTIFICATE
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 6
 7
 8 I hereby certify that the proceedings
 9 and evidence are contained fully and accurately,
 10 to the best of my ability, in the notes taken by
 11 me at the meeting in the above matter; and that
 12 the foregoing is a true and correct transcript of
 13 the same.
 14
 15
 16
 17 TARA WILSON, C.R.
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