

New Hope Borough

September 15, 2020

Council Meeting

Minutes

Council President Gering called the meeting to order at 7:00 PM held via teleconference.

Present: Council Members, Connie Gering, Dan Dougherty, Tina Rettig, Laurie McHugh, Ken Maisel, Louise Feder, Peter Meyer. Also present were Mayor Keller, Borough Solicitor David Truelove, Chief Cummings, Zoning Officer Tracy Tackett, Borough Engineer Karen McNair and Borough Manager Peter Gray.

Mayor's Report

Consider Part Time officer for the Police Department

Mayor Keller asking the Council to consider hiring a part-time police officer, Cole Midwood. It has to be a conditional hire, as he has to complete his polygraph exam. Timing is very good. One of our full-time officers was injured off duty, with a minimum of eight weeks. It helps to have a compliment of part-time officers. Can I ask Council to hire Cole Midwood conditionally? Ms. Gering thank you, Larry. Can I have a motion for approval? Ms. Rettig I will make that motion. Ms. McHugh I will second that. Ms. Gering thank you, any discussion from Council? All in favor? ALL aye. Mayor Keller that is all I have tonight Connie. Ms. Gering thank you.

Council President's Report

Consider Amended Final Plan for 274 South Main Street

Ms. Gering Can I have a motion for approval? Mr. Dougherty I will make that motion. Ms. Rettig I will second it. Ms. Gering Is anyone here from Gateway? Mr. Murphy Council last looked at the River House plan in late July. You approved an amendment to it. Since then Tracy circulated a memo to everyone on September 10, we have made revisions to parking with respect to different spaces being used for specific purposes outlined. The early calculations double counted the spaces. When we got done with the project we took a fresh look at it and submitted revised calcs and the new number from a zoning perspective is 208 instead of 257 that you approved in July. One aspect is to approve the reduction of required spaces. The other one is on an interim basis until the Raven parking lot is concluded, we have entered into a lease with the New Hope Solebury School District to lease 120 spaces for the months of September and October. We have provided a copy of the lease to the staff. It is those two things we are confirming this evening. We also have 45 spaces on the American Legion property. That is all we have tonight. Mr. Truelove is it the legion property or the New Hope Fire Department? Mr. Murphy it is the Legion property Dave, but it is the two lots that the Eagle Fire Company leases from the Legion. That is all it is for tonight. Ms. Gering any questions from Council? Mr. Dougherty the only question for Ed, with the change for the school how does that affect the route? Mr. Murphy it does not change it Dan. Staff had raised it. We will follow the agreed upon route that we will follow when the Raven parking lot is open. Mr. Dougherty thank you. Ms. Gering Any other questions from Council? all in favor? ALL aye. Ms. Gering opposed? (none) motion passes. Thank you. Mr. Murphy thank you guys, have a good evening.

Consider Amended Final Land Development Plan for 10 West Ferry Street

Ms. Gering Can I have a motion for approval? Mr. Dougherty I will make that motion. Ms. McHugh I will second it. Ms. Gering thank you. Do we have a representative of the Logan Inn? Mr. Gray Mr. Cohen is here for the Logan Inn. Ms. Gering Mr. Cohen if you can unmute yourself. Mr. Paul Cohen we have submitted a revised application with an additional waiver request. Going thru the process, after receiving the final approval, some slight adjustments had to be made for the parking resulting in a drive aisle on the western side of the property of 16.5 feet. The Borough had approved a waiver for a reduced drive aisle at a different location in the parking lot. This is no narrower than that. It will be a one lane drive aisle that circulates in the parking area that goes counter clockwise. So the request is to approve this waiver for an additional 16.5-foot drive aisle on the western side. Ms. Gering discussion from Council? I have a

question myself. I have looked at your plan. If you want exit the driveway and try to make a left hand turn on Bridge Street as one of the examples and then there is one where you go up Stockton Street and also make a left hand turn. Can you talk about how you are going to handle the traffic flow coming thru? Mr. Cohen sure, we are certainly happy to get input on your preferences. There are two preferences. One is going right and turn out of the parking lot going as far as Stockton, making a right and then a left on West Bridge. I don't think anyone wants us making that merge where Ferry Street meets West Bridge Street up at the end there. I think Tracy and Karen made that concern the last time we met. If we are going that direction, we would turn down Stockton. Or we would make a left out of the lot and keep in mind with that spur removed, Ferry Street will be much easier to manage as it will only be those two lanes, then we would go onto Main Street but realizing there are times that is not a good idea when town is busier and traffic is backed up as it often does from the traffic light. It wouldn't make sense to put more traffic on Main Street, so in those situations it would make sense to go west on Ferry Street. Ms. Gering is this a combination of delivery trucks and also eventually your valet services, is that what both of them are? Mr. Cohen just remember the waiver we are requesting only relates to the interior of the parking lot. We are not requesting relief for regarding the valet operation. The traffic flow would be for the valet. Jennifer may have input. The deliveries that come on site would follow whatever path they are currently taking. We are focusing on the traffic to and from the church. Mr. Maisel the amount of cars could be impacted in a 2-3 hour period, what are we talking about. We knew how many cars were going to the Raven as it relates to Odette's. Mr. Cohen I don't know if we have a number we could give you. The valet is primarily for guests at the hotel. We will be providing 54 spaces on site. This is not going to be a constant flow from that valet, but we don't have a number for that. Mr. Maisel a lot of those spots could be used by Nuture Spa or anybody. Mr. Cohen those spots are only by the zoning decision; they are only available for use by patrons of the Logan Inn. Mr. Maisel ok. I think you pick your poison with either of these two routes as they both are problematic. Mr. Meyer I own a piece of property across from the Logan Inn. I am recused. I do want to point out to Paul, but we previously dealt with the route and parking for the River House and advised them not to attempt that left turn on Bridge Street at either of the locations currently recommended, because of the likelihood of an incredible traffic backup. They are using vans and not moving cars on that route. I think your client is going to find they are not going to be able to park those cars very easily. It may backup into town. You are not going to be able to serve the clients of the Logan Inn particularly well with either of the two routes proposed so far. I am trying to offer evidence based on data I picked up earlier from DVRPC and others. Mr. Truelove he does a very thorough and comprehensive review. It does support the waiver request of a minimum drive aisle width of 16.5 feet along the western drive aisle which is the only issue at this time. Ms. Gering I have a question, if that is the only issue, does that not affect the traffic flow since that the driveway we are approving for them to do their valet service? Dave, I need guidance. Is that going to be addressed at a later date? Mr. Truelove that will be addressed at a later date, because at this point, you have been thru the review process so far, addressed all the issues before you and the only issue is the drive aisle width and that has been reviewed by the professionals and they support it, the waiver. Ms. Gering alright, thank you. Any other questions from Council? Mr. Dougherty I think there has been some work done in the last couple days by Pete Gray, David with regard to line striping? Mr. Truelove yes, thank you I am glad you reminded me Mr. Dougherty there was a request I think, and Paul let me know if you have an issue with this. One of the issues is, they want to make the approved parking spots designated with painted lines and lines that will be maintained and the words Fire Lane will be addressed as well. These are actions to benefits the applicant as well as the Borough. If we have a specific number of spaces the painted lines will designate that. Part of this would be assisted by the fact that designated striping will be part of the approval and the words Painted Fire Lane will be also included in the application. Paul, I don't want to misstate, is that correct? Mr. Cohen that is correct, we agree with that. Mr. Truelove great, thank you. Ms. Gering any other questions from Council? Mr. Dougherty David, this is a legal question. In order to satisfy this process, they need parking off-site. There is not going to be a third dimension or a fifth dimension that they will be able to put other cars. How long is the lease to park valet cars? And not them in particular. Or for someone to have off-site parking? They can satisfy that thru a lease and they can show they have a lease and it is up the street and we can make all that stuff go away? What happens down the road if that lease should disappear or suddenly whoever is renting it wants 10 times the money. What happens to the Land Development approval? Mr. Truelove it is land development and zoning because you have to satisfy both in this circumstance. I guess it would be an amended application is required. Mr. Cohen David, if I could interject. That is no longer the case. My client has paid the fee in

lieu for all the spaces. When the application was submitted the ordinance allowing the fee in lieu was still in place. We have now paid the fee in lieu, I believe, in excess of \$60,000 to cover those. We are still anticipating valet parking. It is no longer a requirement for our property. We do expect most of the parking to be satisfied will be done on site. The valet parking is provided for our guests, but it is not a requirement anymore. Mr. Truelove thank you for clarifying that. Mr. Dougherty thank you Paul. Ms. Gering any other questions from Council? Can I have a vote of approval? We are going to take a vote. Can we have a call for approval? ALL aye. Ms. Gering any no's? thank you, motion carries. Mr. Meyer can we record an abstention? Mr. Truelove 6-0-1. Mr. Meyer thank you. Mr. Truelove thank you Mr. Meyer for reminding me of that. Ms. Gering thank you.

Consider Closure of a portion of Ferry Street request for 10 West Ferry Street

Ms. Gering For those of you who don't know, part of the street belongs to the Logan Inn. It is their property. Can I have a motion for approval? Mr. Dougherty I will make that motion. Ms. McHugh I will second it. Ms. Gering thank you. Discussion from Council? My only question is, when you close it, are you closing it before the holidays and I guess they are still going to decorate the Christmas Tree since they have always done it? Paul can you answer this? Mr. Cohen yes, the plan is to close it as soon as we able to. Our goal is to have a tree in place in time for the holidays to be decorated. That's why we want to get started on the process and have something in place. Ms. Gering any other questions from Council? Ms. Rettig I have a question. You are going to be extending the sidewalk along there and around? Because now there won't be the triangle any more. I just want to make sure there will be pedestrian safety. Mr. Cohen If you can unmute Jennifer Sophia for just a moment. Eventually the traffic will have to be stopped because the island that is now there is going to be removed. There will be a time where when pedestrian traffic will have to be diverted across Main Street to safely pass. The immediate need is to just block that area off for the ongoing construction. Ms. Rettig thank you. Mr. Dougherty the six-foot fence, could it be aligned three foot back from the street scape so people could continue to walk south, until you have to block it? Or are you trying to stop the car traffic or do you want to just basically block off the land? Mr. Cohen we are not looking to block off the sidewalk on that side of the road at this time, just the traffic. Both pedestrian and vehicular traffic, into that spur. I imagine for the time being pedestrian traffic can continue down Main Street on the west side in front of the Logan Inn but again there will come a time in the process where that entire area will have to be blocked off to allow for construction to safely occur. Mr. Dougherty can I make a suggestion? Southbound traffic on Main Street, it might make sense to have a 6-foot fence on the one side and also one on the street level. People would walk thru the two of them. Cars are going to come down the road traveling south, hang a right and then find out there is a fence sitting there. Mr. Cohen straddle the walkway there? Mr. Dougherty that way someone would immediately know they can't. Just a suggestion. It is not in our purview to tell you what to do. Mr. Cohen we want to be safe. We don't want to create a situation that is going to cause any danger for anybody. We are happy to work with the Borough. Our contractors will certainly be in discussion with, I assume with Karen and others to make sure everything is set up properly. Whatever signage is appropriate and make sure everyone knows what is going on. Mr. Truelove Paul, will you need a construction easement at that point? Mr. Cohen it is our land so I don't think we need anything. Ms. Gering any other questions from Council? All in favor? ALL aye. Ms. Gering opposed? Alright, good luck Paul. Mr. Meyer again, please remember it is one on the end there. Mr. Cohen thank you everyone.

Consider Adopting Resolution for 2021 Minimum Muncipal Obligation (MMO) for the Police Pension Plan

Ms. Gering can I have a motion for approval. Mr. Dougherty I will make that motion. Mr. Meyer second. Ms. Gering Discussion from Council? Mr. Duffy had a question. Mr. Duffy I sent an email requesting the financials on the MMO's for both the police and the administration. Mr. Dougherty in response to that, our MMO for the noncontributory pension plans, will be about \$205,000. Under the rules, we have the latitude to contribute \$150,000. This will be the fourth that Council is proposing and will soon approve to choose the higher road, if you will, and this third year of doing this will result in an additional \$150,000 deposit in the plan, staying ahead of the liability bubble affecting everyone else. The number is about \$205,000, but we are making 4 annual installments in 3 years, putting about a third more than the minimum requirement. Does that help? Basically, by going the extra mile and putting the extra \$50,000 in that isn't

required and we are staying ahead of the emerging liability. Mr. Duffy that is great, it keeps our rating up too, in case we want to borrow money. Thank you. Ms. Gering any other question? All in favor ALL aye. Ms. Gering motion passes, thank you everybody.

Consider Adopting Resolution for 2021 Minimum Municipal Obligation (MMO) for the Non Uniform Pension Plan

Ms. Gering can I have a motion for approval. Ms. Rettig I will make that motion. Ms. McHugh I will second. Ms. Gering any questions from Council? Any from the public? All in favor? ALL aye. Ms. Gering ok, motion passes.

Consider Resolution for the Comcast Cable Agreement with New Hope Borough

Ms. Gering can I have a motion for approval. Mr. Maisel I will make that motion. Ms. McHugh I will second. Ms. Gering any questions from Council? Any from the public? All in favor? ALL aye. Ms. Gering ok motion passes.

Consider Certificates of Appropriateness

1. 46 North Main Street

Ms. Gering this is for installation of a retractable awning. Can I have a motion for approval. Ms. McHugh I will make that motion. Ms. Feder will second that. Ms. Gering discussion from Council? Any from the public? All in favor? ALL aye. Mr. Dougherty just to be careful here, I think one of our Council members, Ken, I don't think this affects you. Mr. Maisel I didn't look at this on a personal level. It went thru HARB and I don't have any issue with it. Mr. Dougherty I didn't know if you wanted to recuse yourself. Mr. Maisel thank you. Ms. Gering motion passes.

2. 108 New Street

Ms. Gering this is for exterior painting. Can I have a motion for approval? Ms. McHugh I will make that motion. Mr. Meyer second. Ms. Gering thank you. Any discussion from Council? Any questions from the public. Mr. Gray we do have one person from the public. The gentleman's name is Paul. Paul, if you can unmute yourself. Paul I am the contractor, and want to thank you. We will do everything to maintain the integrity of that building. All in favor? ALL aye. Ms. Gering motion passes.

3. 7 East Bridge Street

Ms. Gering this is for a sign installation. Can I have a motion for approval? Ms. McHugh I will make that motion. Ms. Rettig I will second it. Ms. Gering any questions from Council? All in favor? ALL aye. Ms. Gering thank you, motion passes.

4. 9-13 North Main Street

Ms. Gering installation of a 4 signs. Can I have a motion for approval? Ms. Feder I will make that motion. Mr. Maisel I will second it. Ms. Gering any questions from Council? Mr. Dougherty Tracy is this an oval sign and three things hanging from it? Ms. Tackett So it is an oval sign and two signs hanging from it. They are asking for the two smaller signs below. That is the projecting sign. Then there is another sign for the African Mask store and that is above the doorway and it has one sign below it. Mr. Dougherty what is the current state? Is the oval sign there today, correct? Ms. Tackett all signs are there today. We are working to get them in compliance. We have been working with the property owner to get the signage in compliance. In addition to signs that are on your agenda tonight, she has a lot of photos on her windows, so we are working with her to reduce those photos on the windows to get where it complies with our sign ordinance. I can give you an illustration of where she is moving towards that. Our plan is not to give any permits until she complies with the ordinance. Mr. Dougherty we are validating the oval and two hangers and African mask sign that are currently there and have been for months, is that right? Ms. Tackett yes. Mr. Dougherty if the current signs require any variance? Ms. Tackett we still need to on more measurement for the clearance from the sidewalk to the bottom of that projecting sign. That is on our schedule for this week. For the oval sign, she did receive HARB approval for that one a few years ago. Mr. Dougherty I now understand, thank you. Ms. Gering Tracy, if we approve this, she will not meet the criteria as she will have too many signs with all the pictures in the windows. Do we approve this contingent upon her downsizing the signage? Mr. Truelove you can do this contingent conditioned upon satisfying other requirements for the window. Ms. Tackett I think that is appropriate. She has been working with us, trying to get the signage down to an amount that meets the code requirement. The definition of signage for HARB is different for zoning. HARB didn't think it was in their purview to review the window pictures. That is why it is not on your agenda. Mr. Dougherty as a

general statement, does our zoning allow for a sign and multiple hangers? A sign should summarize what is sells inside. I understand if it is two products. Ms. Tackett I don't know if we get too deep in regulating the message on the sign. We look at the size and combination. The way the ordinance is written, you are allowed a combination of two signs. If you have a projecting sign you can have a window sign. We are trying to work on a combination to comply with the code. The other challenge is it is technically two separate spaces. She gets signage for each space, even though some of her messaging crosses over. Her businesses flow from one space to the other. Because she has two spaces, she does get two sets of signage, which is part of the challenge, too. Mr. Dougherty thank you very much. Ms. Gering David, do we have to redo the motion to say it is contingent for approval? Mr. Truelove I think it would be conditioned upon satisfying other zoning requirements for signage. Ms. Gering I like David's motion. Mr. Truelove the person who made the motion, will need to amend it and the person who seconded it will have to do the same thing. Ms. Feder I amend it. Mr. Meyer I second it. Ms. Gering thank you. All in favor? ALL aye. Ms. Gering opposed? Ok, motion passes as amended.

ZHB application 2 Stockton Avenue New Hope Arts

Ms. Gering they are looking for a variance application for a variance sign. Do we have anyone from Ralph Fey's? Mr. Gray I don't see anyone with a hand raised. Ms. Gering any discussion from Council? I will start the discussion. I am not in favor of this. It is a large sign sitting on the corner of a building at Bridge and Stockton. It has a narrow sidewalk. The size of the sign does not fit the nature of the historic district. The sample of the signs they enclosed in your packet are signs that are near Union Square and another commercial district. I feel it is not appropriate for that building. Anyone else have comments? Ms. McHugh I don't have information on what the signs are going to look like. I would like to talk to somebody who is in charge of the project. Is it just six signs that say Arts? Am I reading it correctly? Ms. Rettig it looks like a big red sign that is hanging off the building that says Arts. Ms. McHugh so I am reading it correctly. Ms. Tackett the applicant is only requesting a variance for one projecting sign that is 25.5 square feet. I was hoping they had someone here to clarify. They provided two exhibits for you. One is a by right exhibit, that shows signage on the side of the building. The other is to illustrate they want a 25 1/2 square foot projecting sign that sticks out of the building. Originally they were proposing on the corner. They are now proposing it along the wall on Bridge Street. I agree it is confusing. They changed some of their examples of other signage to include these flag type of signage on sides of building. Ms. Rettig yes, many of which are in New York City and other large metropolitan areas not at all in keeping in with our town. Mr. Meyer every one of the examples include a large flight of stairs in front of the building or extremely wide sidewalks, if I can amplify the point Tina has made. Mr. Truelove it sounds like the motion would be to oppose the variance at this time. Ms. Feder like Tracy, I wish that they were here. Looking at the proposal, if that is the update of the sign they are proposing, I am not opposed to it. I have some experience with non-profits and signage on building walls of this type. I think if it was flush with the wall we wouldn't have the problems we have with pedestrian traffic or visibility coming off of Bridge Street. I can't say I am actively in favor of it without input from the applicant because there were so many examples included in the packet. I think if we do go down the road of New Hope Arts trying to get better signage on one of the most prominent walls on the building. If it is flush against the wall, I actually would be open to options for that. Mr. Dougherty I think the variance requesting would protrude, is that right Tracy? Ms. Tackett yes, that is correct. I believe the wall signage they are showing is permitted by right. Ms. Feder but the one on page 161 is what I am confused by. Ms. Tackett I believe what they are trying to illustrate there is there by right wall signage option. At one point during the discussions, they said they preferred the projecting sign because it is more visible in different directions than the wall signage. Mr. Dougherty I think that would be a true statement from every business and non-profit in America. My concern is, the vista, one of the major vistas, the projecting sign would clutter the vision of everyone driving thru town as it would stick out like a billboard perpendicular to the property. I don't think I can justify a sign sticking out the side of a building. Unless we are willing to let everyone else do it. We can't just say they are a not for profit and it is art. Ms. Tackett page 152 of your packet is the illustration of the sign they are asking for. I believe there are allowed a smaller version of this by right. They want something bigger based on the scale of the building. Ms. Gering I believe Council would like to object to this motion for approval and we send a letter to zoning that we are opposing it. Mr. Maisel so they are allowed to have a projecting sign just not as big as they are requesting? Ms. Tackett I believe so, I would have to double check. Mr. Maisel well that is very important. They may opt to have a smaller projecting compared to the flat larger. I am surprised they are not here tonight to make this pitch. This has come up before. Did they believe this was a nonissue? Mayor Keller I have recused myself, I am Chairman of New Hope Arts. I have been working on this sign for about 5 years. I understand your position. I do not know why Ralph

was not on this call. I think it is inappropriate for me to say much. David, I assume you agree? I don't have an answer why Ralph is not on. I apologize, I assumed he would be on this call. I am sorry about that. That is all I can say. Mr. Truelove if the Council's position is to opposed what was applied, if there is something that is submitted and modified, that could alter your position. Right now, all you have before you is the protruding sign with a certain dimension and that is all you have to deal with. Ms. Gering can I have a motion to oppose this application. Mr. Meyer so moved. Mr. Maisel second. Ms. Tackett I wanted to add to respond to Ken they are allowed a 12-foot projecting sign. Ms. Gering all in favor of this application being opposed. ALL aye. Ms. Feder opposed. Ms. Gering David, you are going to write the letter stating we oppose it. Mr. Truelove I can do that.

ZHB application 87A South Main Street Eric Weshnak

Ms. Gering they are looking for a special exception and a variance restaurant use in the CC zoning district. Can I have a motion? Ms. McHugh I will make that motion. Mr. Maisel second. Ms. Gering is anyone here for the applicant? Mr. Gray Bryce McGuigan and Eric Weshnak. Mr. McGuigan good evening Council. Bryce McGuigan here on behalf of the applicant, Eric Weshnak, who is also here today. I am prepared to make a brief statement about our application and I have my client who is willing to make a brief testimony and answer any questions Council has in regard to the application. The property is 87A South Main Street. It is tax parcel 27-10-97. The property is presently zoned Central Commercial. It is 650 square feet unit, with about 300 square feet of outdoor space. It is presently unoccupied and most recently was a retail food shop that was a retail popcorn shop, going back a few years. Mr. Weshnak has applied for zoning relief in order to operate an herbal tea shop called Magi Kava. It won't serve food, it won't serve coffee or alcohol. It will strictly be an herbal tea house. The intent to create a place with an atmosphere and energy where people can get together but doesn't necessarily involve alcohol or your standard corporate coffee shop. It would be an alternative to Starbucks. It is our opinion it will help to fill a gap in the present New Hope market. There is no establishment that will really supply the type of product and feel that this store hopefully will. In order to operate this business, the applicant will need relief. The first is the special exception in order to operate the business in the Central Commercial district. We will also need a variance because we are proposing a seating scenario with 21 seats with 17 interior seats and 4 exterior seats. The ordinance by right only allows 10. We are going to amend our application and file with the Borough tomorrow for a second variance, which is not on the application in your possession. That is for parking. We are going to need a dimensional variance for parking. According to the zoning ordinance, we would need approximately 12 slots and right now there are none with the leased unit. We will be discussing that in more depth with my client in a moment. With that I would like to offer my client, Mr. Eric Weshnak as a witness. Eric, can you hear me? Mr. Weshnak yes I can. Mr. McGuigan can you please introduce yourself to the Borough Council. Mr. Weshnak my name is Eric Weshnak and I grew up across the bridge in Flemington, New Jersey. Mr. McGuigan where do you currently live? Mr. Weshnak currently I live on North Main Street, a five or ten-minute walk from the commercial district at 131 North Main. Mr. McGuigan why is it you want to open up a business in New Hope? Mr. Weshnak I have visited New Hope many years throughout my adult life in even earlier and I have enjoyed the personality of the town. Now that I am recently engaged, it is my hope to purchase my first home here in Bucks County, establish roots and having a business in the area is something that would be great for me. That is it. Mr. McGuigan I mentioned you will be opening the business, Magi Kava. Is that right? Mr. Weshnak that is correct. Mr. McGuigan at this facility, you are not going to serve food or alcohol? Mr. Weshnak no food, no alcohol. Mr. McGuigan you are not going to serve coffee? Mr. Weshnak no coffee. Mr. McGuigan what is your vision for the business? Mr. Weshnak my fiancé and I took an interest in recent years in drinking herb teas for health and well-being. And everything from top shelf and it is something we are interested in and we feel there is a market for it in New Hope. It is a unique product that is not available in the area. Mr. McGuigan and like you said, this is something currently that New Hope does not have, is that right? Mr. Weshnak yes. Mr. McGuigan and I understand you plan on having Magi Kava tie in the local community through art. Can you explain that? Mr. Weshnak I have friends and know up-and-coming artists, established artists in the New Hope area and the nature of the space is suitable to have art shows and showcase the art in the tea house as well. Mr. McGuigan as far as the business is concerned, you and your fiancé you mentioned, Kaitlin, correct? Mr. Weshnak correct. Mr. McGuigan you are both going to be working at the business. Mr. Weshnak yes. Mr. McGuigan and you both came up with the menu items? Mr. Weshnak we did. Mr. McGuigan and you said that Kaitlin is a certified herbalist. So the menu is designed with that health and well-being in mind? Mr. Weshnak indeed. Everything from sleep aids to energy intoxicants and all sorts of herbal blends that the two of us have developed and offer at the shop. Mr. McGuigan moving on to the layout of the business, and I mentioned in the preopening you were

looking to open up this business with 21 seats, is that right? Mr. Weshnak correct. Mr. McGuigan 17 on the inside and 4 outside? Mr. Weshnak correct. Mr. McGuigan inside the seats are going to be split between bar top and a couple of tables in the front, is that right? Mr. Weshnak that is right. Mr. McGuigan outside there are going to be no tables but you are planning for 4 separate seats? Mr. Weshnak that's right. Mr. McGuigan if Council has questions and input about seating or anything like that, you would be obviously open and willing to incorporate their suggestions, is that right? Mr. Weshnak yes. Mr. McGuigan the last issue I want to go into is parking. As I discussed we are going to be amending our application to include a variance for parking, you are aware of this right? Mr. Weshnak yes.

Mr. McGuigan per the New Hope Zoning ordinance, a village restaurant, 1 parking space required for every 100 square feet of floor space, plus every 100 square feet of exterior space. Here we are looking at 650 square feet, interior, and about 300 on the outside. Is that right? Mr. Weshnak that's right. Mr. McGuigan according to New Hope, that is about 10 space. Also, they would need a space for every employee. I am going to go into this in detail. Let's start with the employee spaces. Who is going to be working there? Mr. Weshnak it would just be me and my fiancé who are living on North Main Street, just the two of us. Mr. McGuigan do you already have parking arrangements? Mr. Weshnak we do, we have a parking lot at our apartment. Mr. McGuigan so you don't need parking? Mr. Weshnak no, and it is a very short walk. Mr. McGuigan so, for the customer parking, there are the 10 spaces the ordinance requires for customers. Let's talk about that. Your lease, does that include any parking spaces? Mr. Weshnak no it does not. Mr. McGuigan is there any parking on the site, whatsoever? Mr. Weshnak no. Mr. McGuigan have you attempted to reach out to any local parking lots, parking facilities, for use of their lots? Mr. Weshnak I did, but there were no options. Mr. McGuigan is it fair to say that there is no way to add parking to the site? Mr. Weshnak that is correct. Mr. McGuigan I mentioned earlier the prior use was a retail shop that sold popcorn. To the best of your knowledge, did those prior uses have parking? Mr. Weshnak they did not. Mr. McGuigan so the lack of available parking is not new in comparison to the prior uses. Mr. Weshnak right. Mr. McGuigan as far as you understand, if you can't open Magi Kava, let's say you are potentially looking at another retail store, restaurant or commercial space, is it your understanding that they would require parking and you would also need to come before Council and the Zoning Hearing Board to ask for relief? Mr. Weshnak yes. Mr. McGuigan let's talk about the business itself and how it would relate to the parking issues. Is it fair to say you don't envision Magi Kava needing as much parking as a comparable business in New Hope? Mr. Weshnak I don't think it would need more, no. Mr. McGuigan generally speaking, would Magic Cava cater to local traffic? Mr. Weshnak I do, I think it would be for locals and people walking thru the town. Mr. McGuigan let's put it this way, do you see Magi Kava as a destination location as the same way other restaurants or shopping establishments could be? Mr. Weshnak I don't. Mr. McGuigan so the parking figure required by ordinance, do you think that more or less overstates the amount of parking customers going to Magi Kava? Mr. Weshnak yes. Mr. McGuigan you don't see your business greatly impacting parking in downtown New Hope or in the immediate surrounding areas, is that right? Mr. Weshnak that's right. Mr. McGuigan in regarding the surrounding areas, have you spoke with some of your future neighbors regarding your business? Mr. Weshnak I did. Mr. McGuigan and what were there opinions? Mr. Weshnak they are all very excited to see us open. As I talked to them about our menu there seems to be a lot of excitement about coming in and having some of our products. Mr. McGuigan do you foresee any difference to the area based on your application if it were to be granted? Mr. Weshnak I don't. Mr. McGuigan and do you see reason what you are asking for would be detrimental to the New Hope community. Mr. Weshnak I do not. Mr. McGuigan and with that, I just ask if Council has any questions for myself or my client, we would be more than happy to address them. Ms. Rettig I have a question off the bat. You say all you are selling is herbal tea. No cookies, no pastries, no coffee right now. Nothing, just herbal tea. Mr. Weshnak that's correct. We don't have any intentions to sell any food or snacks of that nature. I think the products we already have developed are a strong enough business model for what we have. There is no intention to have any type of food. Ms. Rettig you say no intention. But what happens a year down the road when you have made it for a year, but realize selling a cup of tea, I don't know what your price points are going to be, let's say a \$4 or \$5 cup of tea. You are going to have to sell a few thousand of them a week, to survive. How are you going to make it? I am curious. Mr. Weshnak I have a lot of faith in my business plan. On the different assortment of ceremonial teas and herbal teas and such will suffice to keep us rolling. There is no plan to have food necessary. Ms. Rettig when you say ceremonial teas, I'm sorry I just have a lot of questions. When you say ceremonial teas, is it your plan or intention to offer something like a Japanese tea service, like you see in Japanese tea houses? That would that impact parking. People think that would be a cool thing to do and they would come in and need a place to park. Mr. Weshnak sure, when I used that term, that is a name of a product. There are certain grades of a green tea maja, there is culinary grade, all these different grades. I just used that as one of our teas we would offer to sell. We wouldn't have any sort of events of ceremonies or anything of that nature. That is just a reference to the quality of the green maja that we would sell, it is

known as ceremonial grade tea, it is the highest quality. I used that as one of the things we would be offering that I think that will keep our business operating without necessity for food. We don't have any intentions of having events of ceremony teas or ceremonies or anything like that. Ms. Rettig ok thank you. Ms. Gering Louise? Ms. Feder I have 2 questions. Since there is not a presentation ceremonial element to the tea inside the shop, I am curious as to why you need to double the seating. Because, I heard in your presentation for walk in traffic. Is the assumption mostly people will get the tea and walk around town? Why do you need more seating in the space? Mr. Weshnak we would have "to go" options available and using Starbucks as a reference, people might come in and work on their laptop or read a book and have a place to sit. It is my intention of the place I am trying to build will help the community and assist with the towns people to have a place to gather, that is not a bar. Having the additional seats would be conducive for that. Ms. Feder that is wonderful. I am just curious, why is it double? Mr. McGuigan if I may, the village, the ordinance the way it works is, if it is under 2,000 square feet then you are not a restaurant, you are a village restaurant. Village restaurants also have artificial seating and if you are more than 10 you are a restaurant. It was either a request of variance from the village restaurant for seating or request a variance in terms of restaurant for square footage. I am not sure why those numbers are what they are, but by just looking at the unit location, you can very easily accommodate more seats than that, but we felt 21 seats, especially considering the outdoor seating too, was a reasonable amount. If you look at the tight plan you put in with our application, again it is not like we are trying to cram people. Part of what we want to do, it is not just a place to put up your tea, there is going to be an element, hey you can pick it up, you can stay, there is going to be that ambiance, there is going to be a vibe to it. It is going to be place, if you want to come, meet friends, do work, you don't necessarily want to go to Starbucks, many of us don't, this provides an alternative. Ms. Feder thank you for that. My other question was about the art opening side of this. I think it is so nice that you are planning on hanging art in this space. Can you tell me a little bit about what the art opening will look like? I know there is no plan for anything outside of tea and events. Do you have programming you are hoping to do for the art component as well? Or is it really just tea and paintings on the wall? Mr. Weshnak well as I said previously, I know a number of artists in the area. I would foresee, hopefully with the COVID regulations in time to come will allow something, but to have an opening, maybe every 2 to 3 months, and we would have art on the wall. It would cycle 3 or 4 times a year. Maybe twice a year. It would just be the local artists, up-and-coming artists, in the area, that I would showcase. It would help create the atmosphere. I have installed track lighting to illuminate it. I feel it would add to the nature of being a place to also have the atmosphere to want to enjoy the art on the wall. Ms. Feder I think that is wonderful. I am an art curator. I completely understand that. But my concern is, we talked earlier that there would not be events at the space. That does create a destination side, so if there is an opening every 2 or 3 months with however many people going in the space that opens up a conversation on parking a little bit. That is why I am asking the question. Mr. Weshnak right, the art gallery was not the focus of our business model. Once the place came together we saw that as an option. The openings are not something that are a critical situation, but to have the local artists display their art, their shows, I thought would be great for the community and for the shop itself, in regard to the openings. I do realize that would be an event that would bring in additional traffic to the space. That is something, if the Council thinks it is an issue, to just skip the art opening for the space. Ms. Feder thank you. Ms. Gering any other questions from Council? Mr. Dougherty my initial reaction is, I am not into someone's business plan. You have worked your numbers and you think you can make a go at it, just selling tea. My concern is, if a few months from now, it works out you cannot make a go of it selling just tea, cups of tea, that the back part will be to give people a high tea and have tea events and we have to have Danishes but be assured we won't cook them here and we won't heat them up. David, this is a question for you and maybe Tracy. Right now it is not a hardship that they are not permitted a zoning variance to not open a restaurant in a non-restaurant building and it is not a hardship that we say, no you have to have parking. Right now they are not open yet. My fear is that 3 months from today, when they are selling 300 cups of tea instead of 2,000 cups of tea a month, when they come back to us and say, you let us have the tea, now we need coffee and danishes. Maybe croissants, egg sandwiches in the morning, maybe turkey sandwiches at lunch time and so forth. My sense is, those would be considered hardships, that we would be putting unnecessary restrictions on a property that here before wasn't allowed to have a restaurant. Mr. Truelove the initial question is, are the hardships self-created? Mr. Dougherty then we are spending an inordinate amount of time trying to defend the Borough's position that we didn't want a restaurant there because we said the only thing you could sell is tea. Then they expand to have coffee, juice bar then hot chocolate in the winter. Then you need pastries, then they are being brought in, don't worry, they are not being cooked here. This is exactly what this Borough has had a lot of experience with. It took a long time to work through that. We made mistakes at the very beginning in some people's eyes, that we did almost the identical thing. It was not a good scene for the applicant or the Borough. I am very concerned about putting a restaurant in a retail establishment. It was takeout

popcorn, a retail store. Saying it doesn't need parking because people won't come here for it, if people are going to drink tea for 20 or 30 minutes there are not just strolling thru town. That is someone who needs parking. Ms. Gering Tracy has something to say. Tracy?

Ms. Tackett I just want to read village restaurant. It is an eating place for the sale and consumption of food and beverages with service at tables or sit down counter facilities without drive in services. David, I think you can speak to this. It seems by requesting a special exception for a village restaurant they later would be allowed to serve food at the village restaurant. Mr. Truelove it would seem to me as it is a qualification of a village restaurant in general, yes. Mr. Dougherty so this becomes a restaurant. I don't think there is any force on earth that would allow us to say, you can sell tea and coffee and start designing their menu for them. This tea approach with art on the wall sounds lovely. In my estimation it will not be tea for long. That is my take. Ms. Rettig going back to the comment that Mr. Weshnak said earlier, that Dan just brought up again. You mentioned along the lines of Starbucks model, bringing in a computer and wifi. I have lived here for a number of years and have not seen people stroll thru New Hope with their laptop bags over their shoulders, so it definitely lends itself to a parking issue because if a person is going to come and sit for a half hour, hour, two hours having some tea and doing some work, they are going to be driving in from somewhere with laptops and books and whatever. Mr. Weshnak if I may just cut in, I was going to reference, my thought is that was for locals to have a place to come and use the space while enjoying their tea. As a person who came in to visit New Hope, I certainly did not come with my laptop either, I was referring to that seating for people in the area and would want to come and do some stuff not from their home. This is more for the locals, the laptop reference. Mr. McGuigan I did want to address the potential restaurant concern. The way the ordinance is written any restaurant in the central commercial district needs a special exception. Any village restaurant needs a special exception. Even if we are talking about, this weren't a 650 square foot unit and was a 7,000 square foot unit, I would still be before you right now asking for permission to be able to operate with a special exception. The hardship calculation does not apply to our special exception. Mr. Dougherty you had provided some legal guidance about 15 minutes ago and I wanted to ask Tracy, relative to what Bryce just mentioned. If Havana's went out of business tomorrow and I rolled in and got a lease and wanted to open a restaurant there, would I need a special exception to do that? Tracy? Ms. Tackett yes. Mr. Truelove in addition to special exception, there are variances, so there is a combination. Mr. Dougherty in this case we are being asked for a variance request to turn a retail establishment a village restaurant. Ms. Tackett the variance is for the seats. Mr. Dougherty so we are being asked for a special exception for a village restaurant and whether it is under a certain size to turn the retail space into a restaurant and in this case, a village restaurant that they would be getting approval for. If they got that approval, they would be able to get 10 seats based on the floor plan and for that they want a variance for 21 seats. Thirdly, that then begets that they would need 10 parking spots. But they have already mentioned the amount of space they have in there would enable them to have more than 21 seats. They could probably have 35 seats. Mr. Truelove the special exception is for the use. The variance is for the scope. Mr. Dougherty they are already asking for 21 seats, we could also be asked with a hardship request 4 months from now that they don't want to sell anything other than tea, but they need 41 seats and not 21 seats as they are not selling enough tea. By the way, if it sounds that if we approve this, we don't have anything in our zoning ordinance that would enable us to say ok, it is a village restaurant but we are hereby defining that the menu must be limited by x. Tracy? Mr. Truelove we are talking about the Borough's position as it pertains to what the Zoning Hearing Board may do. The Zoning Hearing Board has the ultimate determination as to what the approach is. We are discussing what the Borough's position is with respect to the application itself before the Zoning Hearing Board. Ms. Tackett I think Dan's question is, do they have any latitude to recommend to the Zoning Hearing Board the limits of the menu. Is that right, Dan? Mr. Dougherty yes, I think that is right. But something right along those lines was done in the past here. Then it turned out I recall hearing a lot of stuff saying we, nor the Zoning Hearing Board, is permitted to define nuances of menus. It was legislating without the authority to legislate. Mr. Truelove that is a problem. The special exception does not give the Zoning Hearing the same latitude the way a variance does. Once you satisfy the conditions for a special exception, it is not the same as if you have a variance you can negotiate the conditions on something like that. Mr. Dougherty The special exception, once granted is a special exception. It is not like you can put bells and whistles on it. I just have concerns with this. We are going down a path, not just on this case, but we will set a precedence throughout the Borough. That is my take. Ms. Gering I am going to summarize it. From what I am hearing from Council, you would like to oppose this application when it goes to zoning. Mr. Maisel should we take a vote? Ms. Gering Dan, are you opposing? Mr. Dougherty I oppose it. Mr. Meyer I oppose it. Ms. Rettig I oppose it. Ms. Feder I oppose it. Ms. McHugh I am not opposing it, I think we need a tea shop. Ms. Gering I oppose it. Mr. Maisel I am not opposing it. Ms. Gering we have 5 opposing. At this point, we need to amend the motion that this Council is opposing the application. David, if you can send a letter to Zoning

Board telling them we are opposing it. Thank you folks. Mr. Gray we do have one hand raised, TJ Clifford. Ms. Gering TJ, can you unmute yourself? Mr. Clifford I hit that by mistake, sorry.

ZHB Application 302 West Bridge Street Jersey Mike's

Ms. Gering for Jersey Mike's for a special exception for a formula restaurant in the SC zoning district. Can I have a motion for approval. Mr. Maisel I will make that motion. Ms. McHugh I will second it. Ms. Gering discussion from Council? Jersey Mike's would be up where the shopping center is, where we have McCaffrey's and McDonalds. It is not in the downtown district. They need special exception due to the zoning we have in the historic district. Discussion from Council? This Council will stay neutral on this application. Ms. Feder I abstain. Ms. Gering Louise is abstaining. Thank you. Mr. Truelove the minutes should reflect 6-0-1. Ms. Gering Louise is abstaining as she has a relative as part of it. Do you have it David? Mr. Truelove yes I do.

Consideration to approve the minutes from the August 18, 2020 Council meetings.

Ms. Gering can I have a motion? Ms. Rettig I will make that motion. Ms. Gering second? Mr. Meyer second. Ms. Gering All in favor? ALL aye.

Approval of Accounts Payables: August accounts payable in the amount of \$ 147,104.09. August 28, 2020 and September 11, 2020 payrolls in the amounts of \$ 67,522.58 and \$ 82,937.91.

Ms. Gering can I have a motion for approval? Ms. McHugh I will make that motion. Ms. Gering second? Mr. Maisel I will second it. Ms. Gering thank you. All in favor? ALL aye.

Council Member Reports on Committees

Parks and Recreation Board

Ms. Gering Parks and Rec. Ms. Feder we haven't met but I wanted to mention the Parks and Rec Committee members have been amazing and have been weeding the parks every Monday in town at 8:30 and they have been doing a great job. We also want to thank Pete Gray and the Public Works for setting up a watering plan for the planters in town, so thank you very much. Ms. McHugh they look fabulous. Ms. Feder they are doing a really good job.

Shade Tree Commission

Ms. Gering, Shade Tree? Ms. McHugh, I have nothing to report but we are meeting tomorrow. Ms. Gering thank you.

Finance Committee

Ms. Gering, Finance Committee, Dan? Mr. Dougherty nothing to report. You received some reports from Mr. Gray last week, they are self-explanatory. Things are going very well.

Planning Commission

Ms. Gering Peter, Planning Commission? Mr. Meyer I don't think there is anything to report unless Tracy can report as I was not there on Monday, as I wasn't at the meeting. Ms. Tackett we had some technical difficulties so we ended up not having the meeting last night.

HARB

Ms. Gering, Ken do you have a HARB report? Mr. Maisel, no report tonight.

Zoning Hearing Board

Ms. Gering there was no meeting, and no report.

Manager Report

Ms. Gering, do we have a Manager's report? Mr. Gray, not at this time.

Solicitor Reports

Ms. Gering, do we have a Solicitor's report? Mr. Truelove we are busy but no report.

Public Comment

Ms. Gering, Pete, do you want to do this resolution for Mechanic Street? Mr. Gray yes, there is a resolution that has been prepared for Borough consideration for the extension of a temporary closure for a portion of Mechanic Street. This will go until the end of October. This will be for weekends, just as it is at this time, starting at 5pm Fridays ending at 11 pm Sundays. Ms. Gering this is resolution 2020-21. Can I have a motion for approval? Ms. Rettig I will make that motion. Mr. Meyer I will second it. Ms. Gering open for discussion. Any questions from Council? Public? Mr. Gray one hand raised, Mr. Duffy. Mr. Duffy good meeting, great. Ms. Gering this is for the resolution, sorry. Mr. Duffy I will be back. Ms. Gering all in favor of passing the resolution? ALL aye. Ms. Gering opposed? Motion passes, thank you.

Ms. Gering Mr. Duffy, we are back to public comment. Mr. Duffy Ok, two items. I am wondering about the committees. We have different Council people on different committees. We are doing a meeting a month with agendas. The only one that is not doing that is the Finance Committee. Is there any reason why they shouldn't be doing the same thing? Having a meeting, scheduling it, and what is important is having an agenda to see if we want to attend. Ms. Gering you can't attend, this is a staff meeting. Mr. Dougherty we have a new Borough Manager and we have been meeting informally with Mr. Gray and our Treasurer. We do meet and it is not a public forum. I don't have a problem providing an agenda and the notes from the meeting to be put on the website. We are trying to figure out our path, if you will. Mr. Gray will be producing notes from the meeting. They will be informational if anyone wants them. I will have to talk with Connie but I don't think there is a problem if we put our notes out on the website. To give you a flavor for what is in play. Nothing gets approved in these meetings. For example, for Comcast, the financial aspects get discussed. That is all that gets discussed. How it compares to the previous contract. That kind of stuff. It is not like the Finance Committee makes decisions on anything. Mr. Truelove that is an important distinction, that we are not having a majority of the Council deliberating and making official decisions. I think that is important. Mr. Dougherty there are no decisions made. The only thing we talk about is the financial numbers or impact. We have no problem giving notes and will let you know when they are out there in the future. Mr. Duffy I guess that is an alternative, ok. One other item. I think it is very current. I think Council should consider body cams. With everything going on we have to do a CYA for the police. Body cams would help Council and the police in case there are any situations that need to be looked at. Mr. Truelove if I can weigh in, it may be a collective bargaining issue. I am not saying it is, but it could become one. A lot of departments have begun the utilization of body cameras. It is a great idea. I just want to caution everybody there could be some collective bargaining issues that come from that. Mr. Duffy I would ask Council to pursue that. It protects the police force when they do something but also protects Council from suits and major money situations. Mr. Truelove I don't disagree with anything you said Mr. Duffy, just want to make sure everybody understands, it may be more than, let's do it. Mr. Duffy I hear you, ok, thank you, have a good night. Ms. Gering Pete, is there anyone else who has raised their hand? Mr. Gray no hands.

Announcements

Ms. Gering any announcements?

Adjournment

Ms. Gering, can I have a motion to adjourn? Mr. Meyer I will make that motion. Ms. McHugh second. Ms. Gering all in favor? ALL, aye. Ms. Gering, Good night. It was great, stay safe out there. Nice seeing everyone's faces. Meeting ended at 8:41 pm.