

HISTORICAL ARCHITECTURAL REVIEW BOARD
 NEW HOPE BOROUGH
 BUCKS COUNTY, PENNSYLVANIA

NEW HOPE BOROUGH COMMUNITY ROOM
 123 NEW STREET
 NEW HOPE, PENNSYLVANIA 18938

TUESDAY, JUNE 7, 2022
 COMMENCING AT 6:30 P.M.

BOARD MEMBERS PRESENT:

KEVIN KESTER - CHAIRMAN
 RICHARD O'BRIEN - BUILDING INSPECTOR
 JEFFRY GADA - MEMBER
 JUSTIN HALSEY - MEMBER

ALSO PRESENT:

JoAnn Connell - HARB Administrator
 Mark Labrum, Esquire - Borough Solicitor

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CHAIRMAN KESTER: The meeting of June 7th

for the HARB is called to order. Our Chairman is ill with

COVID so I will be chairing this evening.

I am Kevin Kester from Van Cleef

Engineering. I am a landscape architect and I have been

serving on this Board for two years.

MR. HALSEY: I am Justin Halsey, licensed

architect, living in the Borough.

MR. O'BRIEN: I am Rich O'Brien with

Keystone Municipal Services. We serve as building

inspector for the community.

MR. GADA: Jeffry Gada, resident New Hope.

CHAIRMAN KESTER: Okay. Our first item on

the agenda this evening is fence replacement for 94 New

Street.

Is any one here this evening for that?

Glen is here.

MR. STEPHAN: I apologize for my attire, I

just came home from work. I will be 60 years old and I

still haven't bought a suit jacket. I am a little behind

the times.

This was before the Board -- Glen Stephan,

Stephan Design & Construction. It was before the Board --

I actually got the wrong information from the supplier,

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presented a vinyl fence that was then overruled by Council

in a thankful manner. I was just presenting on behalf of

my client.

This is on 94 New Street. The vinyl fence

that is on the right side belongs to the four stone condos

on that side. The information was sent to me correct, I

presented it, you guys approved and thankfully it was

overturned by Council.

What was presented is what you got which is

a stamped metal cedar colored fence which is so much

better in terms of its presentation as a fence.

CHAIRMAN KESTER: That is metal?

MR. STEPHAN: Correct. It is great. It is

made by CertainTeed. It is a really, really well-made

fence and look. It is going on the left side of the

property where there is a fence that is actually on the

neighbor's property so that will be -- won't be touched.

This will be on -- the survey shows on her

property running down. There was an issue of the height

of it. As I explained to the zoning officer, the height

of the front yard is six feet or lower than the grade on

the street so that the height of it is still lower than

the front yard so she had acknowledged that.

So basically it is just a re-presentation

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 2 of the fence attributes which is a stamped metal and the
 3 color you see is what has been presented and I did explain
 4 that to Council when I saw them last month.
 5 MR. HALSEY: It will be the red cedar fence
 6 and this is the same thing with just additional
 7 information?
 8 MR. STEPHAN: Correct. Yeah.
 9 CHAIRMAN KESTER: So does it step down in
 10 the front yard then?
 11 MR. STEPHAN: Yeah. It is like every New
 12 Street property on the canal side, as soon as you get from
 13 the sidewalk the property drops down so that that fence
 14 will actually not even be above the grade of the front
 15 sidewalk because of how far the grade drops down on the
 16 left side.
 17 MR. HALSEY: You're saying even at the
 18 property line the fence will almost be invisible?
 19 MR. STEPHAN: There is actually an existing
 20 neighbor's fence that is probably about eight foot high
 21 that you still don't see that we are not touching but it
 22 drops off immediately as soon as it gets to the sidewalk.
 23 MR. HALSEY: It goes from 94 to a hundred
 24 almost within that?
 25 MR. STEPHAN: Yes.

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 2 there?
 3 MR. STEPHAN: That is not for me to answer
 4 but somebody is. It is more of my client at 94 New Street
 5 but yeah, there is a little boundary there but I think
 6 with this fence going up the neighbor's -- the neighbor's
 7 fence is actually deteriorating, that is the reason for
 8 this new fence.
 9 So she's had conversations with them so I
 10 am assuming if her fence goes down -- that her fence will
 11 come down -- that is not part of this conversation now.
 12 MR. HALSEY: Is there any reason not to
 13 just put it on the property line then?
 14 MR. STEPHAN: I will confirm the code
 15 requirements in terms of how close it can be on the
 16 property line. If it can be on the property line, it will
 17 be.
 18 I have always had in my head that that
 19 fencing requirement needed you to be off the property line
 20 just so you weren't encroaching on a neighbor's property
 21 line. So I will verify that and it will be on the
 22 property line or as close as we can be to it.
 23 CHAIRMAN KESTER: That would be ideal to
 24 be as close to the property line as possible. Again you
 25 are right, that is not really our concern. We are

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 2 CHAIRMAN KESTER: Okay. But it is a six
 3 foot fence?
 4 MR. STEPHAN: Correct. And it is the same
 5 as on the right side, the same six foot vinyl fence that
 6 is on the stone condos project, it is the same thing, it
 7 runs up to the sidewalk but is below the street grade.
 8 CHAIRMAN KESTER: Then you submitted the
 9 survey a little bit later and it looks to me like the
 10 fence is actually not on the property line, it looks like
 11 it is inside.
 12 MR. STEPHAN: So it is the same survey I --
 13 that was presented last time. It is actually kind of a
 14 repeat but the fence that is there is actually the
 15 neighbor's fence. This new -- this is actually a new
 16 fence installation, it is actually not a replacement which
 17 was the wrong word because this is going on to the 94 New
 18 Street property, not replacing the fence that is not
 19 theirs.
 20 So it is a new fence one foot within the
 21 property line and the existing neighbor's fence will stay
 22 there, unless they choose to take it down.
 23 CHAIRMAN KESTER: It looks like the
 24 neighbor's fence is not on the property line either.
 25 Who is maintaining the property in between

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 2 concerned with what it looks like.
 3 Does anybody else have anything to add?
 4 MR. O'BRIEN: You said this was a stamped
 5 metal fence?
 6 MR. STEPHAN: Yeah. I am very -- I haven't
 7 seen it in person but I have heard about it from people,
 8 it is being sold by County Line Fence, a very well -- a
 9 company that I have dealt with before. Because if this is
 10 as good as it looks and what I have been told, I mean
 11 people won't even be able to tell whether it is metal or
 12 wood for future potential projects to promote.
 13 MR. O'BRIEN: It is not the Bufftech
 14 Advantage?
 15 MR. STEPHAN: Bufftech Advantage is the
 16 company and the line of products that I believe that
 17 brochure is from. I am just submitting what I was kind of
 18 sent but that has a number of different colors shown on it
 19 for the options.
 20 MR. O'BRIEN: It is not the steel
 21 reinforced fence identified in the Bufftech?
 22 MR. STEPHAN: No, I think that page is
 23 presenting some of the colors that they show. The fence
 24 itself is the panel fence that is in the picture.
 25 MR. O'BRIEN: Okay.

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1 MR. HALSEY: It is a stamped aluminum, do
 2 we know?
 3 MR. STEPHAN: I think it is stamped steel.
 4 I know what the coating is like and I believe it is
 5 stamped steel in the specifications.
 6 MR. GADA: It is a mirror image each side?
 7 MR. STEPHAN: Yeah.
 8 CHAIRMAN KESTER: I was kind of hoping to
 9 see a sample tonight but I guess you don't have one.
 10 MR. STEPHAN: Yeah, I don't know. Again I
 11 will continue the process. If needed, I don't know if I
 12 can get a sample. I don't even know if they have one or
 13 -- so I don't know. If that is a concern and
 14 consideration, just let me know.
 15 MR. HALSEY: Yeah, I am on the fence about
 16 -- that is unintentional. Because of its visibility or
 17 lack of visibility from the street I am not -- I can't
 18 really -- there is not a lot that is bothering me about
 19 it. I would love to see a sample but I also -- this is
 20 such a -- putting a fence up, it is not essentially
 21 visible and I don't want to be a stick in the mud where I
 22 am hanging you up for another month.
 23 I don't know if the rest of the Board -- if
 24 I can easily do a quick agent review if everyone feels
 25

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1 form, so are you going to allow that to move forward to
 2 Council or do you want that before the meeting?
 3 MR. O'BRIEN: Do you think you can get the
 4 sample to the agent?
 5 MR. STEPHAN: I will make a call tomorrow
 6 and see what they have at County Line Fence to be able to
 7 grab something and like really bring it in the next day or
 8 two just to get here. Certainly by the end of the week I
 9 will have whatever I can.
 10 MS. CONNELL: You can drop it off.
 11 CHAIRMAN KESTER: You're not that far away,
 12 hopefully you should be able to get something.
 13 MR. O'BRIEN: The agent can prepare
 14 something for you to put in the Council packet.
 15 MS. CONNELL: Thank you.
 16 CHAIRMAN KESTER: Do we need to assign --
 17 MR. HALSEY: I will be the agent for that.
 18 MS. CONNELL: You took the words out of my
 19 mouth.
 20 CHAIRMAN KESTER: Perfect. Thank you.
 21 MR. STEPHAN: Appreciate it.
 22 CHAIRMAN KESTER: Thank you, Glen.
 23 Second item on the agenda is 80 West Ferry
 24 Street for Robert Duff.
 25

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1 that we need to see a sample, otherwise I feel like the
 2 lack of visibility is sort of playing against --
 3 MR. STEPHAN: I hope so too.
 4 MR. GADA: Fine.
 5 MR. O'BRIEN: Fine.
 6 CHAIRMAN KESTER: Okay. Does anybody want
 7 to entertain a motion?
 8 MR. O'BRIEN: I would like to make a motion
 9 that we recommend approval of the application pending the
 10 agent review with a sample of the material.
 11 MR. HALSEY: I will second that.
 12 CHAIRMAN KESTER: All in favor?
 13 MR. HALSEY: Aye.
 14 MR. GADA: Aye.
 15 MR. O'BIREN: Aye.
 16 CHAIRMAN KESTER: Aye. I guess I should
 17 have asked if there was anybody from the audience that had
 18 anything to add. I am kind of new at this. Sorry.
 19 MS. CONNELL: May I ask a question?
 20 CHAIRMAN KESTER: Sure.
 21 MS. CONNELL: Pending an agent review, we
 22 are not going to have that many weeks before the Council
 23 meeting where Council has to be presented with the
 24 recommendation and the Certificate of Appropriateness
 25

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1 MS. CONNELL: It is 501-528 Waterview.
 2 CHAIRMAN KESTER: I'm sorry, I am looking
 3 at the draft.
 4 MS. CONNELL: That is okay.
 5 CHAIRMAN KESTER: I'm sorry about that.
 6 501-528 Waterview Place, Waterview Condominium
 7 Association.
 8 That is the installation of a gate that has
 9 already been installed.
 10 MR. GIORDANO: Good evening. My name is
 11 Anthony Giordano. I reside at 508 Waterview Place in New
 12 Hope. And I am pretty sure we are -- I am pretty sure you
 13 have already seen the gates, its already been installed
 14 but that was a result of us hiring a fence installation
 15 company during COVID that basically told us that -- we
 16 agreed to pay for all permits and he told us that he
 17 called and was told by the Borough that permits were not
 18 needed because we had fencing engaged there prior.
 19 So we went ahead on the installation and
 20 during the installation Mr. Lupinetti came to see me, he
 21 noticed the gates being installed. So when he asked us
 22 for the permits, we explained to him that we didn't have
 23 permits because our gate installation company told us it
 24 wasn't necessary. I guess I got about six months later
 25

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2 that particular fence company called us and basically
3 walked off the job and told us to get somebody else.
4 So this has been going -- kind of going on
5 now for almost probably two years. So that is why we are
6 here. He asked for photos of the gate which I sent them
7 and it appeared that you couldn't see the gates in the
8 photos that I sent from the street, from the canal and
9 from the riverside but they took an aerial shot from
10 Google Earth and basically said they saw the gate. That
11 is why they said we had to come before HARB.
12 CHAIRMAN KESTER: They walked off the job
13 without finishing the gates?
14 MR. GIORDANO: Yes.
15 CHAIRMAN KESTER: So the gates are not
16 done?
17 MR. GIORDANO: The gates are installed,
18 they never hooked the electric part up from -- so we have
19 another gate company that was going to be installing the
20 electric and he was there the day Mr. Lupinetti showed up.
21 So we explained to them that he is the
22 second gate company, the first one told us we didn't need
23 any permits at all but they stopped the job and that is
24 why we are here.
25 MR. O'BRIEN: Were there gates there

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2 waiting for your permits in order to install the electric
3 --
4 MR. GIORDANO: Correct.
5 CHAIRMAN KESTER: -- for the gates?
6 MR. GIORDANO: Correct. And your approval
7 of it.
8 CHAIRMAN KESTER: I have no problem with
9 these gates.
10 Does anybody else have anything to say?
11 MR. HALSEY: No. It is -- I have driven
12 by a bunch of times and it does seem like the fencing
13 itself matches the exact same style as the gates.
14 MR. GIORDANO: Yep.
15 MR. HALSEY: It is --
16 MR. GIORDANO: We lost some of it during
17 the second flood so we are replacing that.
18 CHAIRMAN KESTER: Is there anyone from the
19 audience who has anything to add to this application?
20 Could I hear a motion?
21 MR. GADA: I first.
22 MR. HALSEY: Second.
23 MS. CONNELL: As presented?
24 CHAIRMAN KESTER: As presented.
25 MR. GIORDANO: Thank you.

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2 originally?
3 MR. GIORDANO: No. These particular gates
4 are entrance and exit of the property. There were other
5 gates, walkthrough gates but not the driving gates.
6 We basically want to put these gates up
7 because we are having problems especially since Odette's
8 was built. The folks come down to our courtyard and park
9 and walk to Odette's so its been a little bit of a fiasco
10 down there with that.
11 MR. O'BRIEN: There are two gates, correct?
12 MR. GIORDANO: Two gates, correct. One
13 entry and one exit. Same gates, same fencing, same color,
14 same product as the ones that were there. And we probably
15 have about maybe 200 feet of fencing the same way as these
16 gates.
17 MR. HALSEY: So the main gate on the
18 entrance side that has been there for however long -- that
19 has been there well beyond -- that was existing before you
20 installed the exit gate?
21 MR. GIORDANO: No, neither one. Exit and
22 entry were not there. The columns were put in, originally
23 built that they were installing the gates but it was never
24 --
25 CHAIRMAN KESTER: So you're basically just

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2 CHAIRMAN KESTER: All in favor?
3 MR. HALSEY: Aye.
4 MR. GADA: Aye.
5 MR. O'BRIEN: Aye.
6 CHAIRMAN KESTER: Aye.
7 The next item on the agenda is now what was
8 number two. We now have 80 West Ferry Street for Robert
9 Duff and Jennifer Duff. This is for the storm doors.
10 MR. DUFF: Storm door and light fixtures.
11 Yeah, I am here tonight.
12 Robert Duff, the homeowner. And it is
13 basically two proposals, one to replace and install a
14 light fixture, five in total. Three currently existing
15 and installing two new ones and they would all be the
16 light fixture that was submitted, the LED wall lantern.
17 And then the other proposal to installing two storm doors.
18 CHAIRMAN KESTER: That is it?
19 MR. DUFF: Yes.
20 CHAIRMAN KESTER: So the storm doors, are
21 they replacing the door that is there now or is that in
22 addition to the doors?
23 MR. DUFF: In addition to the doors there.
24 CHAIRMAN KESTER: That will go like on the
25 front and that recessed door is going to remain?

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2 MR. DUFF: Yes. Yes.
3 CHAIRMAN KESTER: I'm sorry. I also -- I
4 noticed that it said something about glass and screen. So
5 is the glass retractable?
6 MR. DUFF: I was told that the --
7 MR. O'BRIEN: Change it out?
8 MR. DUFF: You can change it out. It will
9 be glass and it has the option, it also comes with a mesh
10 screen.
11 But the intention is to have the glass
12 mostly because this part of the house is the original
13 structure and more natural light. We have a baby and dog,
14 just to be able to see them in the yard.
15 MR. O'BRIEN: It is two storm doors and the
16 new light fixtures?
17 MR. DUFF: Yes.
18 CHAIRMAN KESTER: And all of the lights are
19 the same?
20 MR. DUFF: Yeah. The five that will be
21 installed are the same LED so you're able to switch
22 between an LED flicker flame and then it goes to a soft
23 white light, if we wanted to.
24 We have seen our neighbors have the flicker
25 flame and that would be what we would have most of the

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1
2 if you want, I can show you like a photo sample.
3 MR. HALSEY: That would be awesome. Yeah.
4 It is not to say that the one you had chosen wasn't a
5 better match, it just looked like the other one might be.
6 MR. DUFF: He saw the door and said this is
7 -- probably closely matches it. I also have -- I can
8 present the pamphlet that I received from them and it has
9 both samples. So Deep Blue which is reflected next to the
10 door by the representatives and then there is the --
11 MR. HALSEY: I was saying that Enzian
12 might be better than the Deep Blue. I don't know. That
13 is what I --
14 MR. DUFF: It is very difficult.
15 MR. HALSEY: Yeah. I think the door
16 itself, the design itself is doing exactly what the
17 guidelines says. I -- almost just for your benefit I want
18 to get you a good match and color. If it looks close
19 there I think the Enzian would be great too.
20 MR. DUFF: I can discuss with them and see
21 if that matches. You know, see if I can get a sample.
22 MR. HALSEY: Just do the one that looks the
23 best and matches the closest.
24 MR. DUFF: Will do.
25 MS. CONNELL: Can I have that sample to

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2 time and then whenever we are outside ourselves, we would
3 switch it to the soft white.
4 CHAIRMAN KESTER: That is interesting.
5 MR. HALSEY: I actually read the guidelines
6 for the storm doors. I wasn't sure if they were -- what
7 the opinion was but I remember something that they should
8 make the door as visible as possible and match the color.
9 My only comment was I think -- I took a
10 quick look at the color samples and I think you chose one
11 of the slightly more -- not custom but there is two
12 different lines of custom colors. I felt that at least on
13 a computer screen it felt like the Enzian Blue matched
14 better with the existing trim but I don't have the actual
15 samples in front of me.
16 I would just -- it is a little splitting
17 hairs but I might just hold the two chips next to your
18 existing trim to see which one matches better.
19 MR. DUFF: The representatives from
20 Graboyes or was it -- sorry.
21 MR. HALSEY: ProVia or whatever that says?
22 MR. DUFF: Graplings? ProVia is the type
23 but the representatives for the installer --
24 MR. O'BRIEN: Graboyes Window and Door?
25 MR. DUFF: Yes. Pulled out the sample and

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2 copy and I will give it to you tomorrow?
3 CHAIRMAN KESTER: Okay. So I guess we
4 will just have to put that into the motion about the
5 color.
6 MR. HALSEY: And then the lights, there is
7 quite a variety of lights on Ferry and none of them appear
8 to be -- seem to be keeping in character of the lights
9 that are installed and the location seemed appropriate to
10 provide lighting at the access points so --
11 MR. O'BRIEN: Are they motion sensors by
12 any chance?
13 MR. DUFF: They are not. I have talked
14 with my electrician, I would like to photocell which means
15 sunset to dawn but they are not motion sensors so they
16 would come on when the sun sets and turn off when the sun
17 rises.
18 MR. HALSEY: I would just make sure all of
19 the lights are installed with the same relationship to the
20 head of the doors so you get a nice even -- so it looks
21 like nice and symmetrical. Besides that, there isn't an
22 issue.
23 CHAIRMAN KESTER: Any other comments from
24 the Board? Looks like Rich is writing. So you want to
25 compose a motion?

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2 MR. O'BRIEN: Sure. I would like to make
3 the motion and recommend that the Certificate of
4 Appropriateness for the application as submitted with the
5 following conditions: The color of the storm doors
6 matches as closely as possible to the door color and the
7 lights to be as identified in the application.
8 CHAIRMAN KESTER: Do I here a second?
9 MR. HALSEY: I second that motion.
10 CHAIRMAN KESTER: All those in favor?
11 MR. HALSEY: Aye.
12 MR. GADA: Aye.
13 MR. O'BRIEN: Aye.
14 CHAIRMAN KESTER: Aye.
15 MR. DUFF: Thank you.
16 CHAIRMAN KESTER: I think I am going to
17 switch the agenda if that is okay. I think I would rather
18 we take Michael Kelly for 76 North Main Street first
19 before we do Waterloo.
20 Is that okay with you?
21 MR. VanLUVANEE: Works with me. I am here
22 for both applicants. John VanLuvanee representing the
23 Kelly Trust.
24 We were here in April, as you will recall,
25 and you made a recommendation and also imposed one

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2 that was sent previously starting with the shutter first,
3 which is in the top left-hand side of our exhibit. We
4 have brought some samples along with us for the Timberlane
5 for both the hardware and also the composite shutter.
6 I just want to call attention to -- we are
7 looking to keep more of a shaker style panel. It will be
8 graphically depicted on the drawings that were submitted
9 in the photographs. The sample that was provided has a
10 little bit more detail in it, which I can bring that up
11 and show the Board if you would like.
12 Once again we are going with Timberlane and
13 it is nice that they have all of the fine detail in there
14 for the composite shutter to -- it will have like what you
15 normally would have for like a metal cap and so we are
16 looking for this detail not be present on what we are
17 going to go with and the colors will be as depicted on the
18 elevations.
19 Anybody like to take a look at this?
20 MR. O'BRIEN: That is a composite?
21 MR. WOLSTENHOLME: It is a composite. That
22 is what we are proposing to replace the shutters with. It
23 is a local company, Timberlane in Montgomeryville. It is
24 a really, really nice shutter. All right.
25 Then I will bring up the various pieces of

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2 condition which was the -- to come back to you with the
3 details on hardware and things of that nature. A
4 discussion between me and Mr. Fenningham and Mr. Labrum,
5 we decided to defer appearing before Council until we had
6 a complete approval. That seemed to be Counsel's
7 preference.
8 We are back tonight and without belaboring
9 it I will ask John Wolstenholme, you all met the last
10 time, to take you through the materials. I assume that
11 all of you have seen the addendum to the application but I
12 think you probably will have to wait a minute or two while
13 we get everything together here.
14 I think you will find we have all of the
15 information that you requested and with that in place we
16 hope to move on later this month to Borough Council.
17 John.
18 MR. WOLSTENHOLME: John P. Wolstenholme,
19 W-O-L-S-T-E-N-H-O-L-M-E.
20 Okay. So I -- as you might recall when we
21 were here at the last meeting there were a few materials
22 that was visible from Main Street that the Board was
23 looking for us to bring some samples in and updated photos
24 to be able to walk those through.
25 So I am going to start with the exhibit

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1
2 hardware, once again provided by Timberlane.
3 MS. CONNELL: These are shown in your
4 samples in here, sir?
5 MR. WOLSTENHOLME: Yes, they are depicted
6 in the top left-hand corner of the first exhibit.
7 MS. CONNELL: Thank you.
8 MR. WOLSTENHOLME: Various hinges and
9 shutter dogs and the bolts.
10 MR. O'BRIEN: Same manufacturer?
11 MR. WOLSTENHOLME: Same manufacturer,
12 correct.
13 MR. HALSEY: You guys don't have -- I
14 should have brought the previous materials, you guys don't
15 have a picture of the existing front elevation, do you?
16 MR. WOLSTENHOLME: We do have a picture of
17 that, if we can pull that up. On the third page of our
18 exhibit, the top center is a photograph of the existing.
19 MR. HALSEY: The shutters were similar, the
20 simple shaker?
21 MR. WOLSTENHOLME: Yes.
22 MR. HALSEY: I thought that is what it was.
23 MR. WOLSTENHOLME: That is graphically
24 depicted in the exhibits. So once again the composite
25 shutter I passed around, we won't have any of that OG

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1 molding that was shown on that.

2 Any questions at all regarding the shutters
3 before I go further?

4 MR. HALSEY: It looks like they are all
5 sized to be approximately half the window because I know
6 that is called out specifically in the guidelines and it
7 looks appropriate here.

8 MR. WOLSTENHOLME: Correct. Because what
9 is on there as I testified at the last meeting were either
10 broken, missing, upside down, inappropriately sized,
11 whatever it might be. All of the new ones will match the
12 size of the window correctly.

13 And once again, in the exhibits we had
14 shown which windows will and which windows will not
15 receive shutters.

16 MR. O'BRIEN: You will match your shutter
17 color with the garage door?

18 MR. WOLSTENHOLME: The shutter colors on
19 the second page of the exhibit -- actually not the second,
20 it is on the fourth page. It is going to be from the
21 historic collection Benjamin Moore and it is the second
22 color is what we are proposing.

23 MR. O'BRIEN: You're matching that with the
24 garage door?
25

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1 will be. We want a little flexibility on the glass as
2 well. So we did bring a sample with us so that way if we
3 do not go with Kolbe for the front door, we have the
4 ability to have a third party glass and have a sample here
5 which is their window C which is old style.

6 And once again this is also manufactured in
7 the US so I will bring that up for the Board.

8 CHAIRMAN KESTER: I am not quite sure I am
9 following.

10 MR. WOLSTENHOLME: The glass?

11 CHAIRMAN KESTER: Yeah, with the -- if you
12 go to the --

13 MR. WOLSTENHOLME: For the door?

14 CHAIRMAN KESTER: No, I mean you said you
15 wanted an alternative?

16 MR. WOLSTENHOLME: Correct. So we
17 presented a smaller piece of sample glass that was 1880s
18 style glass at the last meeting. If we use Kolbe as the
19 door manufacturer, then the glass we presented last time
20 would be utilized.

21 If there is a supply chain issue and we
22 can't get Kolbe, we have to go to a third party, this is
23 the glass that we would use in the alternative.

24 CHAIRMAN KESTER: Do they look --
25

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1 MR. WOLSTENHOLME: Correct.

2 Okay. Any other questions on the shutters,
3 shutter dogs, hardware? All right.

4 So moving in a clockwise direction the top
5 right-hand corner we are showing a Bevolo electric French
6 Quarter copper light and we are -- the only difference is
7 we are not proposing to installing the tornado lamp that
8 is graphically depicted in there. Unfortunately we cannot
9 find an image that did not depict the tornado lantern.

10 MS. CONNELL: What page is that?

11 MR. WOLSTENHOLME: That is the very first
12 page, top right-hand corner.

13 MS. CONNELL: Thank you.

14 MR. WOLSTENHOLME: Any questions regarding
15 the single chandelier above the front door? Okay. All
16 right.

17 Continuing in a clockwise direction, the
18 second image down from the top right-hand corner, we did
19 not propose any changes to the front door or the hardware.
20 That is unchanged from the last meeting.

21 However we did bring another sample of
22 glass and the reason we are bringing another sample this
23 time from Artisan was as I mentioned at the last meeting,
24 a little bit of flexibility not knowing what supply chain
25

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1 MR. WOLSTENHOLME: Extremely similar. It
2 is just once again looking like it is wavy 1880s glass.

3 CHAIRMAN KESTER: Thank you.

4 MR. WOLSTENHOLME: And once again it will
5 be tempered and so safe for an entry door with this
6 hardware.

7 MS. CONNELL: That is just for the front
8 door only?

9 MR. WOLSTENHOLME: For the front door, the
10 transom and the sidelights.

11 Okay. Moving down once again, the very
12 next image directly below the entry door, at the last
13 meeting we introduced there was a really small section,
14 five foot ten wide of the cable rail style guard as we
15 will call it. That is as you approach the front entryway
16 and I can show you on the site plan the proximity.

17 Once again the intent is that after the
18 vegetation grows up you will not see the -- so I am on the
19 second page. As you're entering the front steps and
20 immediately to your left as you start to go up the steps
21 we had a cable rail system in place.

22 The Board had asked for us to show pictures
23 of what exactly that would look like. We provided the
24 photo. It is made of stainless steel cable rail and
25

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1 powder coated black for the supports themselves.
 2 And once again the intent is after the
 3 vegetation grows in -- John Thomas, the landscape
 4 architect can speak to the landscaping component of it,
 5 but essentially the goal would be that that would
 6 disappear after that.
 7 MR. O'BRIEN: The rail would be used as a
 8 little trellis?
 9 MR. WOLSTENHOLME: Correct. Exactly. And
 10 act as a safety for the guard for the retaining wall for
 11 the driveway.
 12 All right. So any other questions
 13 regarding the cable rail?
 14 All right. The next product we are looking
 15 at is the very next image down, the bottom right-hand
 16 corner back by the dock on the riverside. And I think our
 17 focus is to be on Main Street since there is a new image
 18 that we are presenting that we figured that we would
 19 introduce that.
 20 The intent with this is to visually appear
 21 to tie in with the frameless glass that we had on the deck
 22 portion of the home and that is unchanged and that is in
 23 the far right-hand side at the bottom right-hand corner of
 24 the exhibits. Switching that. Right here.
 25

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1 MS. CONNELL: Thank you.
 2 MR. WOLSTENHOLME: Any questions regarding
 3 the entry to the dock in the back? Okay.
 4 Hearing none I will move to the stone work.
 5 At the last meeting the Board was looking to see a
 6 photograph of what we are proposing will be the natural
 7 stone veneer that will essentially cover the new
 8 foundation. Since we are relocating the home we will have
 9 to put a new foundation in and wrap it with natural stone
 10 veneer.
 11 So the very bottom left-hand corner on the
 12 first exhibit, rolling rock and the color that we are
 13 proposing is going to be Mountain Mary in the rectangular
 14 shape. So once again be more closely representative of
 15 the existing home. And so the left-hand image shows
 16 colors of the Mountain Mary. The center photo shows the
 17 shape of the stone work as proposed.
 18 Due to the weight of it we do not -- they
 19 did not have any of the thin veneers as samples that we
 20 were able to borrow but we do have one piece of stone in
 21 my trunk if we need to bring it in. It is a little on the
 22 heavy side if you would like to see.
 23 MR. O'BRIEN: That is just a cultured
 24 stone?
 25

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1 MR. WOLSTENHOLME: It is a natural stone.
 2 It is going to be a thin veneer. And we are going with a
 3 grayish burgundy undertone to once again match the
 4 existing foundation stone that is there today.
 5 MR. HALSEY: How thick is the veneer?
 6 MR. WOLSTENHOLME: It is about an inch and
 7 a half to an inch and three quarters.
 8 MR. HALSEY: So you can still get a little
 9 bit of variety off of that.
 10 MR. WOLSTENHOLME: Without a doubt. While
 11 we are talking about the stone, the very next image up is
 12 showing the stone wall which we discussed at the last
 13 meeting.
 14 I just wanted to reiterate that our goal is
 15 any stone that we take from the existing foundation, that
 16 if we are able to clean up enough to use it to the front
 17 lower wall, we are going to do that. If we can, that is
 18 our goal.
 19 And so while we are talking about that
 20 image, the hardware has not changed, the Sun Valley Bronze
 21 from the last meeting, but the Board was looking for a
 22 representation of the photo. We are looking to get a
 23 vintage gate that would be reused from another historic
 24 property. We have not found an exact gate yet, however we
 25

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1 are showing an image -- we are looking to go with a softer
 2 finial on the top just from a safety standpoint which is
 3 the image on the left. And the image on the right which
 4 is a photograph is showing the square stock of what the
 5 spindles would look like with the gate.
 6 So that is what we are proposing for that
 7 front entry gate that is right off the sidewalk.
 8 CHAIRMAN KESTER: So you are looking for a
 9 vintage --
 10 MR. WOLSTENHOLME: We are, correct. So the
 11 gate when it is complete will be similar to what is
 12 visually shown in the drawing on the left with the softer
 13 finials and -- but once again the actual gate we have not
 14 found one that we have matched the dimensions and the
 15 exact style we are looking for.
 16 CHAIRMAN KESTER: I like that idea.
 17 MR. WOLSTENHOLME: It will be metal and
 18 black.
 19 CHAIRMAN KESTER: Have you checked out
 20 Artefacts on Old York Road?
 21 MR. WOLSTENHOLME: We had looked there and
 22 also there was a place in Jersey. They do have really
 23 nice stuff. They do have a lot of stuff there. We can
 24 get a dinosaur for out front as well.
 25

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1
2 And then came back to the very first image
3 we started out with which was the shutters. So the rest
4 of the I guess exhibits that we have, some of them are
5 pertaining to the landscape architecture but other ones
6 are showing the facade of the house which are essentially
7 unchanged from the last meeting that we've had.

8 The only thing once again, I think it is
9 the fourth -- on the fourth exhibit, once again just
10 reiterate we are trying to reuse the stone if we can. If
11 we cannot, we will have -- we will use the same natural
12 stone thin veneer as we are using on the foundation for
13 the front wall. So they will all tie in.

14 And the shutters once again were updated
15 from the last meeting to show a 60/40 split on the panels
16 to match up with the double hung windows. And we did not
17 change the windows, did not change the roofing materials
18 from the last meeting.

19 So exhibits -- once again just same thing,
20 the shutters we included for reference if anybody wanted
21 to see that.

22 And essentially the sixth page once again
23 there is no changes other than graphically depicting which
24 windows will receive shutters and which windows will not
25 receive shutters and that is the south facade is what is

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1
2 Marvin Ultimate or the low end something or other --

3 MR. WOLSTENHOLME: It will still be
4 aluminum clad wood in the same color.

5 MR. O'BRIEN: Just make sure your fencing
6 in the rear that surrounds your pool meets the
7 requirements of the code for fence as well as the gate and
8 the latch on the gate and all of your door alarms get put
9 in that lead to that pool area.

10 MR. WOLSTENHOLME: Exactly. The gates and
11 all entry points in the pool area will meet the pool and
12 spa code and that will be satisfied during the building
13 permits.

14 Any other questions relative to the
15 structure itself? We do have Mr. Thomas to speak to any
16 landscape or hardscaping questions you may have. All
17 right. Thank you very much.

18 CHAIRMAN KESTER: I am not sure we need to
19 make a recommendation of this --

20 MS. CONNELL: You can.

21 CHAIRMAN KESTER: -- because we approved --

22 MS. CONNELL: You approved the project, now
23 you're approving the materials. So we are going to have
24 two separate Certificates of Appropriateness naturally
25 dated for going before Council that night.

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1
2 on that sixth page. No other changes were proposed to
3 that from the last meeting.

4 The seventh exhibit is an elevation of the
5 rear facade which faces towards the river. The only
6 reason I am discussing this image is the wood gates that
7 are the safety gates against the -- separate the pool
8 closure from the rear, and we wanted to show that is going
9 to be a wood fence. Our intent is to stain it to be
10 similar in color to the stone just to have it kind of tie
11 in with the masonry foundation.

12 And then the final exhibit is the north
13 facade. Once again just showing the location of the
14 proposed shutters. No other changes are proposed from the
15 last meeting that we've had.

16 MR. HALSEY: In the Kolbe -- I realized
17 this earlier, the Kolbe windows are still the aluminum
18 clad solid wood; correct?

19 MR. WOLSTENHOLME: That is correct. So in
20 a historic portion we are still proposing to use Kolbe and
21 as I noted at the last meeting, once again supply chain
22 issues -- that is our intent. It will be a similar
23 material and similar look if we have to change
24 manufacturers.

25 MR. HALSEY: Yeah. It would be like the

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1
2 CHAIRMAN KESTER: Okay. Thank you.

3 MS. CONNELL: That is why I am here.

4 MR. VanLUVANEE: We have the way the plans
5 were submitted as an addendum to the original application
6 so together collectively it forms one complete
7 application. That is the way I believe Council preferred
8 to have it presented as one application, if I remember
9 correctly.

10 Is that correct?

11 MR. LABRUM: Yes.

12 MS. CONNELL: I will issue two separate
13 COAs.

14 CHAIRMAN KESTER: We will make a separate
15 recommendation.

16 MR. VanLUVANEE: You can put the two
17 together.

18 MS. CONNELL: They are different dates.

19 MR. VanLUVANEE: I understand that.

20 CHAIRMAN KESTER: I just have one question
21 for John. On the side with the stepping stones, what is
22 going -- what is that going to be between the stones?
23 What kind of plants?

24 MR. THOMAS: I think we are going to use
25 ground cover. I talked with Mr. Kelly and we kind of

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1
 2 decided -- he indicated that he wasn't really interested
 3 in any lawn cutting so we are just going to use a low
 4 ground cover between the stepping stones.
 5 CHAIRMAN KESTER: Okay. That is something
 6 that will absorb the heat.
 7 MR. THOMAS: And just fill in and not
 8 create any additional maintenance.
 9 THE COURT REPORTER: Could you please state
 10 your name.
 11 MR. THOMAS: I am John Thomas. John Morgan
 12 Thomas, landscape architect in Lambertville.
 13 And since I have it here, this was the only
 14 open item that -- and a sample we brought along with but I
 15 just wanted to be -- basically we chose the same color
 16 brick for both the driveway and the walkway. The only
 17 difference being the thickness of the brick. The clay
 18 brick being used on the driveway is a little thicker but
 19 it is a plain red brick, no flashing.
 20 CHAIRMAN KESTER: That color looks a lot
 21 better than it shows up on the copies.
 22 MR. THOMAS: Yeah.
 23 CHAIRMAN KESTER: I am glad you brought
 24 that.
 25 MR. THOMAS: I think that was kind of all

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1 on my list this evening.
 2 CHAIRMAN KESTER: Okay.
 3 MR. THOMAS: Thank you.
 4 CHAIRMAN KESTER: Thank you.
 5 MR. O'BRIEN: I would like to make a motion
 6 that we accept the materials as submitted and make them a
 7 part of the original application for 76 North Main Street.
 8 MR. HALSEY: I second that.
 9 CHAIRMAN KESTER: All those in favor?
 10 MR. HALSEY: Aye.
 11 MR. GADA: Aye.
 12 MR. O'BRIEN: Aye.
 13 CHAIRMAN KESTER: Aye. You are good to
 14 go. Thank you very much.
 15 MR. HALSEY: Thank you, guys, for putting
 16 that together.
 17 MR. VanLUVANEE: Once again I am John
 18 VanLuvanee, attorney for the Applicant which is Marcor223,
 19 LLC, M-A-R-C-O-R-2-2-3. The Applicant is the owner of two
 20 parcels, side by side addresses are 8 Waterloo Street and
 21 10 Waterloo Street.
 22 8 Waterloo Street is a postage stamp sized
 23 lot, 1,481 square feet plus or minus. 10 Waterloo Street
 24 is a somewhat larger lot, still quite small, 5,112 square
 25

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1 feet. There are located on those two lots connected two
 2 residential dwelling units.
 3 The application before you is for
 4 permission to demolish the two structures. We have three
 5 witnesses tonight. Two of the witnesses have already
 6 submitted reports. The third witness, Peter Primavera,
 7 you have heard from before.
 8 Mr. Primavera is a well-known consultant
 9 with backgrounds in the historic preservation and cultural
 10 resource management, history or redevelopment archaeology.
 11 Mr. Primavera's function will be basically to give you an
 12 overview from the regulatory standpoint.
 13 How was this property treated in the
 14 National Registry nomination. What is the process and you
 15 heard it before but we want to be sure that we have a
 16 record made with respect to this particular property.
 17 Second witness is Barton Ross, the
 18 principal at Barton Ross & Partners, LLC. Mr. Ross
 19 couldn't be with us personally today but we hope that you
 20 will be able to see and hear him presenting his report.
 21 Mr. Ross, if you got to the -- toward the
 22 end of his report, identifies himself as a licensed
 23 historic architect and planner and he's a planning
 24 preservation and structure consultant and architect.
 25

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1 And the third report or third witness will
 2 be Matthew Daw, principal in Simpson Gumpertz & Heger from
 3 Washington, D.C. Matthew drove up today to join us and
 4 present his report.
 5 I know that sounds like a lot. We will try
 6 to do that perhaps in 20 minutes to a half an hour. Since
 7 I know you're always prepared and always read the reports
 8 in advance but I think the three things together will give
 9 you an overview.
 10 But from my simplistic approach what we
 11 have here are two properties that have buildings on them
 12 and contribute absolutely nothing to the Historic
 13 District. And frankly, they actually detract from my
 14 layman's perspective. I have driven past those properties
 15 a number of different times. As you know, right across
 16 the street you probably have the back end of all of the
 17 restaurants on South Main Street.
 18 It is not the most attractive block in the
 19 Borough. That is a fair statement. I don't think anyone
 20 -- anybody would quarrel with that.
 21 Peter, if you can just introduce the --
 22 MR. PRIMAVERA: If we can --
 23 MR. VanLUVANEE: Lay it out in a few
 24 minutes and we will see if we can get Barton on.
 25

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2 MR. PRIMAVERA: Let's double check. We
3 can't use the TV screens but you have Barton here and he
4 is on the phone so you can hear him. And Justin is in
5 charge of AV.
6 MR. HALSEY: Yeah.
7 CHAIRMAN KESTER: Barton's voice is coming
8 through the phone.
9 MR. HALSEY: Yes. There we go. So you're
10 now looking at the ceiling.
11 MR. PRIMAVERA: Peter Primavera, Peter
12 Primavera Partners. Been doing historic preservation for
13 about 40 years. Our practice involves archaeology,
14 historic preservation and planning.
15 We worked in an integrated team on this
16 project and we do on most projects and on this team we put
17 together three historic preservation experts in their
18 respective professional fields.
19 Barton Ross is the Young Architect of the
20 Year last year for his work in historic preservation and
21 he will introduce himself and his credentials and degrees.
22 He has fantastic historic preservation experience. Barton
23 and I work together every day. And we have also added
24 Matt Daw who is a structural engineer who is equally
25 talented in historic preservation.

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1
2 historic district. And then within the historic district
3 you have various different kinds of levels of
4 significance. Some buildings are called key. Those would
5 be the obviously most impressive, most salient, most
6 historic, important building that characterize the
7 district. We all know what those are in this town.
8 And then there are contributing buildings,
9 not necessarily the most classic examples of their style
10 and don't necessarily have a really substantial history
11 but they harmonize, they hold the district together.
12 And the third category is non-contributing
13 and non-contributing are buildings that have been built at
14 various times, not necessarily during the period of the
15 district was significant that don't contribute at all.
16 And in fact some non-contributing buildings are considered
17 intrusions because they diminish the significance of the
18 district.
19 So those are the levels of significance.
20 We are on the National Registry, on the state registry,
21 Pennsylvania State Register and we are on the Register of
22 Historic Landmarks in the Borough of New Hope.
23 The only problem is this property and
24 building is never mentioned at all or listed in any way in
25 the National Registry nomination. So the nomination

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1
2 So most of what the three of us do is
3 preserve historic buildings. In this case what we were
4 asked to come in and examine this building from a
5 historical, architectural and structural perspective as to
6 what was there and what could be preserved.
7 And the conclusion of our study -- I will
8 give you a little spoiler alert, was that the building is
9 one, not historically significant, and I will talk about
10 that.
11 And two, Barton looked into -- and he will
12 describe and you saw in his report the information about
13 his analysis of the actual building and the building's
14 evolution and what remains and what could have been in the
15 original building.
16 And then Matt will do the same thing from
17 his perspective about structural condition of the building
18 which as you saw in the pictures tends to flood.
19 So after all of my recent experience with
20 you all, studying this thing, the 200 some page National
21 Registry nomination for the New Hope Historic District and
22 this is the copy directly from the National Parks Service
23 that I have and I am sure you do too.
24 The first thing we do is we go to the
25 source and try to find out one, obviously is it in the

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1
2 appears -- in my professional opinion is that the people
3 who wrote the nomination back in '83 and '84 were in
4 contact with the National Park Service to get it approved
5 didn't even think this building was enough to mention.
6 And I think any one after seeing the pictures that you
7 have seen will understand why they probably thought that.
8 They did not get any write-up, did not get
9 any mention in the nomination. And so that is where I
10 have -- I then come in and use my skills using the
11 National Register criteria for significance. And you will
12 remember how we did this with Cintra a couple months ago,
13 we used the National Register criteria.
14 So we have done the historical research
15 that you see primarily in Barton's report. We have done
16 site investigations, Sanborn maps, anything we can find to
17 try to find the history of this building and it comes up
18 as nothing other than a building that has been there since
19 the 19th century but a building that has changed
20 dramatically and a building that has been modified in a
21 very, very, substantial way.
22 We found no person, place or event
23 associated with the building that were of historical
24 significance. And that is not unusual in a historic
25 district but this one doesn't even have that to get it

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1 through the threshold of what makes it significant.
 2 And so let me wrap up easily then and say
 3 in our professional opinion the building is not
 4 historically significant using the National Registry
 5 criteria. Legally it is not significant because the
 6 nomination never even mentions it or includes it so it is
 7 not listed in the nomination.
 8 And we concur, just coincidentally, that it
 9 is in fact not historically significant and as such the
 10 appropriate treatment using the Secretary of Interior
 11 standards as mentioned in your ordinance and referred to
 12 in your ordinance, is to look at alternatives and -- which
 13 we have done, Matt and Barton.
 14 And if there are not justification,
 15 materials, fabric, any information that would let us know
 16 what to rehabilitate or restore, which we didn't find, the
 17 appropriate treatment is demolition and replacement with a
 18 building which we will not present tonight, that will come
 19 before you and hopefully be a new house that will be
 20 considered a contribution, while contemporary, but
 21 sympathetic to the historic district.
 22 So that is my part and I will then turn it
 23 over to John and then Barton, I think.
 24 MR. VanLUVANEE: Yes. That is right.
 25

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1 Is it simply because there is no avenue to interact with
 2 the agency that needs to control the tax lot remapping
 3 versus the --
 4 MR. VanLUVANEE: We have to go through
 5 subdivision and we would probably need zoning variances.
 6 There are a number of non-conformities that exist
 7 obviously including lot size. We can't provide conforming
 8 lots out of a total of only 6,600 square feet but we will
 9 try to match them and come up with something that makes
 10 sense and that is going to be -- there will be an
 11 intermediate zoning step before we can come back to you.
 12 MR. HALSEY: Why is it that you can't do
 13 that with the buildings still existing?
 14 MR. VanLUVANEE: We probably could but the
 15 logical step is to know what we are working with. There
 16 is no -- the Certificate of Appropriateness issue and the
 17 zoning and subdivision issues are all really separate
 18 issues.
 19 And you know, I really feel it is clearer
 20 if we present this when we start working the zoning
 21 variances and footprints, we have to treat -- we can come
 22 to you and say this is what we would like and you say that
 23 looks a little small or a little too big.
 24 We have to deal with the zoning issues
 25

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1 MR. PRIMAVERA: Unless there are any
 2 questions for me.
 3 MR. VanLUVANEE: Just a word if I might
 4 before introducing Barton. The reason we are doing this
 5 in a state which we are doing it, unless and until the
 6 building can be demolished we really can't proceed to the
 7 next step which is going to be to do a lot line change
 8 here.
 9 So we have one lot that will be a little
 10 bigger than 1,581 square feet, we get two lots on which
 11 then we can construct two dwellings that are side by side
 12 but are matching in size and shape and configuration. And
 13 I think that is the outcome that we desire.
 14 So the next step after assuming that we
 15 obtain a Certificate of Appropriateness for demolition
 16 will be to subdivide and then once we know we have two
 17 lots that we can work with, we will come back to you folks
 18 for the Certificate of Appropriateness to replace the
 19 building.
 20 MR. HALSEY: Can I just ask you a
 21 procedural question there? It might be my lack of
 22 understanding of the lot line or the lot reconfigurations.
 23 I would have almost assumed this would be
 24 presented as one package, you will demolish and rebuild.
 25

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1 first to come up with the size and decide what zoning
 2 relief we need before we can proceed and we will have to
 3 go through subdivision which is different than the Zoning
 4 Hearing Board.
 5 There is a lot of steps to this project.
 6 There is no easy way to combine them. I would love to be
 7 able to come before you with a subdivision plan and get
 8 the zoning variances and have you do it all at once but
 9 that is not within your jurisdiction. It would be nice if
 10 we can do one stop shopping.
 11 MR. HALSEY: So it is a little bit of like
 12 risk mitigation too because you can't without a demo
 13 permit, you can't comfortably or confidently rezone so --
 14 okay.
 15 MR. VanLUVANEE: That is exactly right. I
 16 mean -- you know if we started the other way and we come
 17 in front of you and the demo permit is denied, the money
 18 -- there is no point in having gone that way.
 19 So this really is the first step to know
 20 that we will be able to obtain it. That is how we
 21 evaluate it and I think if you think it through logically
 22 it makes the most sense. May not take the building down
 23 right away. We need to know we have the Certificate of
 24 Appropriateness in order to do that before we start down
 25

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1
 2 that road. The building will not necessarily be leveled
 3 right away.
 4 MR. HALSEY: Sorry, I am not trying to
 5 belabor the issue.
 6 The thought behind this is that it would be
 7 impossible to develop a property on the lots as they are
 8 currently zoned where you would have a smaller and a
 9 larger, that is somehow not palatable or not --
 10 MR. VanLUVANEE: It is not impossible. If
 11 you look at the scale of the building next door that was
 12 recently given the Certificate of Appropriateness a couple
 13 years ago and the proposal here to put another building to
 14 consist of two units that will be similar to the house and
 15 the volume.
 16 So it is more in harmony with what is there
 17 rather than putting some little postage stamp house on
 18 there. And I think when Barton takes you through his
 19 report and if you read it, it looks to me -- and he can
 20 confirm this, that his research showed originally that
 21 there were two small houses attached on one lot. That is
 22 the way it looked to me.
 23 And they were the -- we are trying to go
 24 back to something that is similar to what was there
 25 originally and how it got to where it is I think you can

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1
 2 see from what Barton has analyzed here and how he put
 3 little boxes showing what is there now and what was there,
 4 there is no history of how it got there. Most of these
 5 additions were built before there was zoning in New Hope
 6 Borough. No permits were required.
 7 And you will hear from Matt Daw the
 8 condition of this building. I mean even if this building
 9 were worth saving, if we tried to save it it probably
 10 would be impossible and we also have the floodplain issue.
 11 Anything you did to this building would be substantial
 12 construction. You have to raise it and by the time you
 13 raise it it would probably fall apart. I think that is --
 14 MR. HALSEY: I actually read all of the
 15 reports pretty thoroughly and I don't think -- I think
 16 that argument has some validity. Obviously it makes
 17 sense. There is a lot of evidence for that.
 18 I just don't -- there is something a little
 19 unsettling about the demo permit with a partial, not
 20 really official proposal. And it may be a regulatory sort
 21 of chicken and the egg situation here between the tax lots
 22 and how you will propose it. It is just there is
 23 something a little odd about allowing demolition of
 24 something for a process that feels like it could go more
 25 logically from the -- you know, does that make sense that

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 2 it only almost -- in my mind it makes more sense to move
 3 from getting the zoning approval to something that would
 4 make sense for a building on this lot and making a
 5 proposal of what the building could be as part of your
 6 attempt to demolish. I am trying to unpack those things.
 7 MR. VanLUVANEE: I understand that but
 8 there are also economic considerations to take into
 9 consideration. It is a much more expensive process to
 10 fully engineer a site including a storm water analysis
 11 without knowing what -- that you will be able to do the
 12 project. Some of the gentlemen on the Board have
 13 experience there. We will have to address storm water.
 14 We will have to do all of that and by the
 15 time you put a price tag on that, that is many multiples
 16 of costs of proceeding to know that we will be able to
 17 start as if we had a clean slate, to do that design.
 18 And we really felt as if this is the
 19 logical progression when you think about the risk/reward
 20 so to speak. I mean we can get all the way through with a
 21 lot line change, all of the buildings are still going to
 22 be sitting there as we go through those steps but we go
 23 through all of the steps and come back and somebody
 24 arbitrarily would say well we don't want to give you the
 25 Certificate of Appropriateness to demolish. They just

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 2 spent a hundred thousand dollars to get to that point.
 3 I mean this is a little less expensive and
 4 it gives them a certainty that they can proceed. Doesn't
 5 give a guarantee that they will get the other relief
 6 either, but gives us some confidence in proceeding that we
 7 can at least start if we are dealing with a vacant piece
 8 of ground. It is much easier for the engineer to do that
 9 too.
 10 I mean how you figure out storm water
 11 management on a 1,500 square foot lot that already has a
 12 hundred percent impervious surface or 98 impervious
 13 coverage. We have a lot of balancing to do here to try to
 14 make something that is up to code so -- in modern codes
 15 and modern storm water requirements and all of the other
 16 things that go with that. We have a lot of steps to go
 17 through.
 18 And this building there is a retaining wall
 19 out in the river. I think if you see the pictures you
 20 will see that. That is also in bad shape. We need a
 21 permit to effect that. This is another one that goes into
 22 jurisdiction that is beyond New Hope Borough.
 23 We have every problem you can think about.
 24 We have to go through almost every agency, everybody in
 25 the Borough as well as federal agencies to get the

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 2 approvals to do this and we are dealing with a property
 3 that cumulatively is just a little bit over 6,500 square
 4 feet, these two lots.
 5 Very, very complicated. That is the
 6 reason. It may not be satisfactory but that is the logic.
 7 MR. HALSEY: I have been frustrated by not
 8 overlapping regulations before.
 9 MR. VanLUVANEE: I am sure you have. All
 10 right.
 11 Now as I said earlier we would like to have
 12 Barton Ross present his report. I think we have it set up
 13 so Barton can talk to you anyway. And I will ask him to
 14 introduce himself and tell you a little bit about himself.
 15 The paragraph somewhere towards the end of his report
 16 telling you a little bit about himself but he may be able
 17 to give you a little more background on his
 18 qualifications.
 19 He will take you briefly through his report
 20 since you have all read it, we can ask Barton to highlight
 21 it and reiterate his conclusions for the record.
 22 - - -
 23 (The following testimony of Barton Ross was
 24 presented via telephone.)
 25 - - -

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 2 Waterloo apparently 1900 according to the tax assessor.
 3 We also you know obviously read through the
 4 National Register Historic Places report for the district
 5 and there wasn't much mentioned of these buildings. We
 6 then went out to the site. We realized they were
 7 basically two twin buildings, 16 by 16 on poured stone
 8 foundations. Those are the oldest parts of the buildings.
 9 Obviously they have gone through multiple additions and
 10 substantial renovations over the ensuing decades.
 11 So to start we went back to try to figure
 12 out how old these two buildings actually were as they were
 13 historic. We went through historic aerials, really the
 14 best ones went back to the late '50s early '60s. As you
 15 can see here not a lot of the buildings were much
 16 different back then. We did go through that.
 17 Obviously everyone knows the location of
 18 where these buildings are so we then decided to go through
 19 the maps and see if we can learn more by going through the
 20 maps. We went all the way back to the 1798 maps and
 21 started going through so we can discover the building.
 22 And we went through the 1828, 1831, still nothing. There
 23 was no Waterloo Street even on these maps so that was not
 24 visible or evident.
 25 By the 1857 map clearly shows the property

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 2 MR. VanLUVANEE: Barton, did you hear that?
 3 MR. ROSS: I am here. Can you hear me?
 4 MR. VanLUVANEE: Okay.
 5 CHAIRMAN KESTER: Okay.
 6 MR. ROSS: Good evening. Thank you for
 7 indulging me being on the phone. I apologize.
 8 Do you want me to introduce myself first?
 9 CHAIRMAN KESTER: Yes, sir, please.
 10 MR. ROSS: Barton Ross. President Barton
 11 Ross & Partners Architects, LLC. I have been practicing
 12 architecture 20 plus years. Licensed architect and past
 13 president of Preservation New Jersey.
 14 And I have been doing historic preservation
 15 all over the mid-Atlantic all of this time so my practice
 16 really only focuses on historic preservation and I have
 17 appeared before boards and commissions in all of the
 18 Atlantic states many times.
 19 Okay. So tonight -- I guess everyone has a
 20 copy of my March 4th, 2022 report after we did a site
 21 visit at the property. Okay. So I will briefly you know
 22 just walk through what our findings were after going
 23 through the building and doing some research.
 24 So 8 Waterloo was reported to have been
 25 built in 1830 according to the tax assessor and 10

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 2 location. There was absolutely no house. There was no
 3 house next door, however we do see Waterloo Street by
 4 1857. 1860s, 1876 there is other houses on Waterloo on
 5 the river however not at our location. So the two
 6 structures were obviously not constructed by 1876.
 7 And we actually -- on page eight we
 8 actually started to do like a Google overlay just to make
 9 sure that we weren't looking at the map wrong and it just
 10 kind of confirmed that the houses right at the end of the
 11 street were Waterloo Turn, they were not visible, not
 12 evident on the maps.
 13 So if we go through the 1891 map, we were
 14 hopeful that it would be here because that seemed like the
 15 date of the buildings, it was not -- still not actually
 16 shown but other houses on Waterloo were shown.
 17 The 1909 Sanborn map, the Sanborn Insurance
 18 Company maps which are very detailed, that was the first
 19 time the two houses were shown and very clearly seen on
 20 page nine of our report there are two townhomes basically
 21 put together right next to each other. Definitely there
 22 on the map.
 23 We were told by the previous owner of the
 24 building that Edward Willis Redfield, the landscape
 25 painter who was part of the Colony of New Hope, he claimed

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2 that they were paintings that showed the house. We
3 actually went through records, we did a lot of research
4 hoping great, maybe we can find it and unfortunately we
5 never could.

6 There were very few images of Waterloo
7 Street. It is not the most iconic fusion in town and we
8 could never find any images that actually showed our two
9 buildings.

10 As you go forward to 1924, Sanborn map is
11 really the same as the 1909. You can see that there used
12 to be a wood porch that went all the way across the front
13 of the building. And you can see by the roof angle that
14 it stepped down to a one story towards the river which
15 would be similar to a saltbox form. So that is really
16 what we think originally the two townhomes looked like,
17 kind of a gable with a saltbox and a front porch facing
18 the street.

19 And we overlaid those again in Google Earth
20 on pages 11 and then 12 and so we were able to confirm
21 really that is the location, that those are definitely the
22 two buildings. So we are back to 1890s/1900 timeframe
23 before we really see the two houses show up.

24 As you go through the report, we did some
25 more outlines of the current day structures on the

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2 much later than that. We measured all of the floor
3 joists.

4 And 10 Waterloo still actually has the
5 original ship captain winder stair that goes up to the
6 attic and some wrought iron latch hardware.
7 If you know where to look there is some
8 evidence of the early historic architecture but there has
9 been a lot of post World War II additions and alterations
10 and unfortunately because of these significant additions
11 and removal of character defining elements, you know the
12 two houses will probably not be considered eligible for
13 individual listing at this point for local, state or
14 national register of historic places.

15 On page -- so in our report, it would be
16 after page 14 so page 15 we actually did little sketches
17 so everybody was on the same page as we all think the
18 houses developed and you can see 1880s you have the two
19 little townhomes, little square townhomes. Then they were
20 expanded on the back into the early 1900s and after World
21 War II is where they both started to diverge.

22 And you have 8 Waterloo kind of stayed
23 within the form a little more, whereas 10 Waterloo really
24 started to expand with some garden additions and
25 eventually the wall along the river which came in 1985 to

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2 historic structures to see how the two houses had grown
3 over time in their evolution, architectural evolution.

4 And so after our site visit, now knowing
5 all of this about the maps, we really like to think the
6 houses were built in the last two decades of the 19th
7 century up to 1900, definitely not 1830 as previously
8 suggested.

9 The two stone foundations are actually
10 still under the two houses if you know where to look.
11 They are both 16 by 16 square. They are definitely 1900
12 or earlier based on their you know, setting, texture, lime
13 mortar jointing, previous lime washing that is down there.

14 So these two sections of the original
15 houses adjoin each other, under each home's kitchen,
16 current day kitchen, and on the exterior you think the
17 houses really don't relate to each other than their
18 original architecture, you have the central chimney
19 protrusion in between of them. One is now brick, one is
20 still framed. One has been expanded in the same
21 orientation, whereas the 10 Waterloo has had a lot of
22 additions going towards the river.

23 We saw evidence of early trim moldings,
24 late 19th century machine cut nails, white plank tongue
25 and groove flooring that definitely wouldn't have been

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2 1990 is when a lot of 10 Waterloo was expanding. You can
3 see all of that there so that is just some sketches to
4 show you how the two houses evolved over time.

5 I know Mr. Primavera has gone through a lot
6 of the National Register historic places criteria about
7 the two homes so I won't touch on that as much.

8 And then you -- I will read you our
9 summary, we felt that the two buildings clearly are older
10 than 50 years. However neither is associated with a known
11 significant event, significant person that we can find,
12 nor exhibited historic architectural significance
13 unfortunately because of various later non-contributing
14 additions and alterations the subject property is not
15 known to yield archeological resources at this point
16 either.

17 Most of the homes' original materials have
18 been removed or substantially altered. Both buildings
19 have essentially lost their original design, workmanship,
20 feeling and association and you would consider per the
21 National Register characteristics for historical integrity
22 and the buildings unfortunately are kind of in fair to
23 poor condition overall.

24 They have had numerous building code
25 violations. Even if you wanted to bring them back and --

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2 they would not be considered contributing resources to the
3 New Hope Historic District. There do remain some
4 interesting architectural elements inside the buildings
5 that can be further studied, salvaged and donated to
6 locate depositories.
7 And then the rest of our report is just
8 some photos, you know as I figured the commission maybe
9 don't get a chance to walk through the houses so this kind
10 of gives you a sense of what they are like. And you can
11 really see -- even historic floorboards within the house
12 on the second to last page of our report, unfortunately
13 were taken out by the homeowner. So they would be a neat
14 salvage item, unfortunately they have been removed from
15 their original locations in the house.
16 And then the very last page is really the
17 only historical evidence we can even really find of the
18 architecture inside and that is 10 Waterloo just as you go
19 to the attic so -- but unfortunately the rest of the home
20 have just been really significantly altered over time.
21 So with that I will close out my report and
22 if you guys have any questions I will be glad to answer.
23 MR. VanLUVANEE: Any questions for Barton?
24 CHAIRMAN KESTER: I think the part that
25 bothers me the most about demolishing this structure is

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2 removed or lost you know through all of these different
3 additions and alterations unfortunately over time.
4 MR. PRIMAVERA: Mr. Kester, it is Peter
5 Primavera. Let me add a comment back from within my area
6 of expertise and how it overlaps with Barton and address
7 your concern.
8 A building can have remnants, can have
9 vestigial elements, can have things that would remind us
10 of what might have been there at some point, but what we
11 are working with is the National Register criteria and the
12 National Register criteria works with four -- three steps,
13 four criteria, seven considerations and then there is what
14 is called the integrity test.
15 And the integrity test has seven
16 components. And the purpose of that is you could have a
17 lot of history, you can have a lot of -- George Washington
18 could have slept there. I am not stating he did or
19 implying that he did. But if the building is no longer
20 what the building was when George Washington slept there,
21 it doesn't pass the integrity test therefore the building
22 is not historically significant.
23 In my professional opinion and I think
24 Barton will agree and Matt will agree also, we deal with
25 that situation every day where there are pieces that are

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2 that the central area of both 8 and 10 show evidence
3 dating back to the 1870s. At least the 1870s or the
4 1880s.
5 I am not quite sure about the conclusions
6 that there is no historical significance to those portions
7 of the structures.
8 MR. VanLUVANEE: Did you hear the question,
9 Barton?
10 CHAIRMAN KESTER: That is just my opinion.
11 MR. VanLUVANEE: Barton, were you able to
12 hear that question?
13 MR. ROSS: Yes. You're correct, there are
14 definitely some significant historic features that exist.
15 A little bit more in 10 Waterloo in the central structure,
16 however most of it is in poor condition even though the
17 attic there where I have a picture on the very last page,
18 all of the floor boards have been removed and I think
19 subsequently lost. I am not even sure where they are at
20 this point.
21 So that is kind of the unfortunate nature.
22 Those are significant elements of historic houses however
23 they have not been well maintained and they could possibly
24 be salvaged and reused in some fashion but most of the
25 rest of the architecture has been obscured, covered over,

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2 still there, there is evidence that is still there but
3 what is there is not eligible for listing on the National
4 Register therefore its lost its historical significance.
5 CHAIRMAN KESTER: Well with even what is
6 there with the foundation and -- that are still intact,
7 with the attic portion that is still intact. Sure there
8 might not be floorboards there but I am not convinced that
9 there is not research that couldn't be done to find out
10 what these structures originally looked like.
11 MR. PRIMAVERA: What research would you
12 propose? It is a research I haven't done in my career.
13 We have exhausted every historical document possible,
14 every source of historical document possible. We brought
15 in two experts in historic preservation that know
16 historical architecture and restored thousands of
17 buildings and they don't have that evidence.
18 So I don't mean to be smarmy or smart ass
19 about my comment to you, you know I respect your comments
20 and -- but what I am saying is we have exhausted all
21 sources of information. And if I only have ten percent
22 maybe -- maybe of the original building means I don't have
23 90 percent and I don't know what that 90 percent is and I
24 don't know where I would get that information.
25 CHAIRMAN KESTER: I understand. My problem

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2 is that your building is in the Historic District. I
3 think we have a responsibility to the Historic District to
4 the town to ensure that we are doing everything possible
5 to save historic structures.

6 You may not think that it is historically
7 significant. I am not sure that I have been totally
8 convinced of that as of right now.

9 MR. VanLUVANEE: Mr. Kester, your
10 nomination documents -- I have reviewed what Peter has
11 done for the park service, there is an enumeration in that
12 document of a number of different buildings. The work
13 sheets are part of that. There is also an enumeration of
14 tax map parcels, it doesn't cover every parcel that is in
15 the district. A lot of parcels that are identified on
16 Waterloo Street -- there are no buildings that are
17 identified on Waterloo Street as being significant.

18 This parcel isn't even listed in that
19 nomination. I mean there is nothing that indicates that
20 this was considered by any one to have any significance or
21 playing any part in the listing or in the approval of the
22 Historic District.

23 I mean this is a local historic district,
24 obviously if you can find some evidence that there was a
25 building there that had some -- even local significance, I

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2 is visible.

3 I think you're better off trying to
4 preserve anything that is significant in a building but
5 not the building itself. And I think when you listen to
6 Mr. Daw on his report you will see that even if you might
7 like to do that, it is not possible, it is not going to be
8 possible.

9 And with that, if you don't mind,
10 Mr. Kester, could I introduce Mr. Daw and we can come back
11 --

12 CHAIRMAN KESTER: I would like to hear the
13 rest of the presentation for sure.

14 MR. VanLUVANEE: Matt, would you like to
15 introduce yourself and tell us a little bit about your
16 qualifications before you summarize your report.

17 MR. DAW: I am always happy to hear someone
18 talk about me. I can introduce myself.

19 Good evening, everyone. Matt Daw, D-A-W,
20 and I am a senior principal with Simpson Gumpertz & Heger
21 in Washington D.C. I work with a national structural
22 engineering firm. I have been in practice now for just
23 over 30 years. The majority of that time has been
24 focusing on historic preservation projects.

25 So over the last probably 27 years I have

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2 might agree with you but we -- there is no way to put this
3 building back together again. We don't know what it
4 looked like.

5 And mostly I think in the end there is some
6 elements that may be a hundred years old or 140 years old
7 and you may have remnants of a foundation but that is not
8 going from the outside street save this building, isn't
9 going to restore anything and it certainly isn't going to
10 result -- there is no way to do -- to create a building
11 out of nothing. We don't know what it looked like. You
12 will never see that attic from the street.

13 If there is something worth saving,
14 obviously we can -- you can impose a condition and you
15 make a recommendation but any historic things inside can
16 be inventoried and preserved. That is standard but -- and
17 I would expect that and I think we all expect that. But
18 to say because there is something in the attic that is
19 over a hundred years old we have an obligation to preserve
20 it, I don't really think you do.

21 I think your function essentially is to
22 preserve -- the function of HARB is to preserve what we
23 see visually that contributes to the Historic District and
24 preserving this building is not going to do that. There
25 is nothing -- anything historic about this building that

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2 made a living at saving buildings and I am passionate
3 about what I do and love historic buildings. And this is
4 an odd assignment for me.

5 I had an opportunity in January to do a
6 comprehensive assessment of these buildings and while
7 there is some historic fabric remaining, namely the
8 original foundations, there is some rubble stone
9 foundations in place, low grade. It is very clear that
10 these basements flood continuously, significant water
11 loss. They require great attention to save.

12 I always say anything is possible if you
13 have an unlimited budget and wherewithall. Often anything
14 is possible. But the unfortunate realities of these
15 buildings, there is not a lot left that we are able to
16 save that is historic. The buildings have been modified
17 many times. I couldn't even tell you how many times these
18 buildings have been modified over the years.

19 Barton has done a great job trying to
20 figure that out. I think a lot of work has been done on
21 these buildings. They have been expanded and likely
22 without permits over the years. Many of the framing sizes
23 are undersized and handrails are wobbly and not code
24 compliant. A lot of work was done that is more
25 contemporary was certainly -- is far from meeting the

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 2 current residential building codes.
 3 But with that said, my focus is looking at
 4 the existing buildings from the structural perspective,
 5 identifying concerns that I had with all aspects of these
 6 buildings.
 7 I don't have my report in front of me, I
 8 think it was in the order of 26 or so deficiencies that I
 9 had identified in a very short time that I was on site for
 10 several hours. We didn't do destructive probing, open
 11 investigating, probably would have found a lot more
 12 deficiencies.
 13 It is very clear that this building or
 14 these buildings have flooded many times. Some of the
 15 photographs I have seen historic flooding almost to the
 16 second floor of the building. These buildings have just
 17 been bashed by the environment. Obviously with climate
 18 change I suspect that is only getting worse.
 19 I have had the ability in my career to help
 20 stabilize these buildings with these types of very, very
 21 -- same types of issues. Ellicott City I have been
 22 spending the last several years trying to save Ellicott
 23 City and restore all of those buildings and protect them.
 24 But in this case I don't see that there is
 25 any good solution aside from lifting the building, putting

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 2 restore or preserve or stabilize these buildings in their
 3 current condition.
 4 With that, any questions or comments would
 5 be welcome to discuss.
 6 MR. HALSEY: So we can -- I think if there
 7 is -- there are more questions about the historic features
 8 and whether it is at all appropriate to save anything or
 9 -- I think for a moment I think I can accept that the
 10 building -- the additions to the building are not
 11 historically significant and that any work to be done
 12 would be at a significant level financially, structurally,
 13 everything that it would make trying to save what is
 14 probably the most compelling portion, which is the
 15 foundations of the 16-foot townhouses, sort of irrelevant.
 16 Unless we are using them for landscape features or
 17 something. So if we just think about it that way for a
 18 moment.
 19 I think the thing that is most difficult
 20 about the application is one, that we received this packet
 21 which I can't help put that through the lens of the design
 22 guidelines which feels utterly inappropriate. Just trying
 23 to find a pathway through these design guidelines where
 24 this proposal feels appropriate and then how do we detach
 25 that from the processes that you need to go through

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 2 it up on a podium -- in doing so the building is in such
 3 derelict condition that I question what are we really
 4 saving in an approach like that.
 5 So it is heartbreaking to me. I love
 6 saving old buildings and that is what I do. But in this
 7 case you can read through the report, I don't necessarily
 8 want to go through all of the issues; termite damage,
 9 fungal decay from all of the long-term moisture in crawl
 10 spaces. The front halves of the buildings on the river
 11 side are -- have been settling for years and rotating and
 12 they are continuing. There are signs of fresh cracks in
 13 the building so movements are still happening. They are
 14 still continuing to fall toward the river.
 15 The sea wall -- I will call it the sea
 16 wall, the wall on the waterside is fairly contemporary,
 17 the concrete walls there probably -- they probably looked
 18 great 15 years ago. Right now we are seeing lots of
 19 moisture coming from efflorescence cracking and those
 20 walls are critical in keeping this building stable.
 21 So something has to be done just to
 22 stabilize the foundations of these buildings if they will
 23 be kept in place but I certainly question the direction of
 24 trying to save these buildings. I wish there was a way
 25 but in my view I just -- I can't recommend trying to

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 2 knowing that there will be a separate avenue and separate
 3 forum to review what building goes there.
 4 I think that is -- to me that is the real
 5 difficult thing, that goes back to my question before, I
 6 really wish there was a way to combine all of the
 7 processes in one so we can see a compelling replacement
 8 and that it is all as a single application.
 9 And I am -- I totally understand, I have
 10 dealt with many very difficult regulations overlapping and
 11 not being able to satisfy one agency because another one
 12 needs something first.
 13 I just -- my real struggle here is with the
 14 proposal we see for the new building and having to make
 15 that leap of faith from demolition to --
 16 MR. VanLUVANEE: That is only the concept
 17 obviously and whether that concept is feasible or not,
 18 whether we can even come to you and present that concept
 19 will depend on what happens when we go through the lot
 20 line change process, followed by going through the Zoning
 21 Hearing Board process and -- because we know we need
 22 zoning relief.
 23 At any one of those steps we may be denied
 24 the opportunity to even try to pursue the appropriateness
 25 and that is a line drawing. I mean you know nobody could

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2 submit an application to you for a line drawing and expect
3 you to approve it. So we know there is a lot of work
4 there. But there is a lot of -- that costs money to
5 design a building and when we don't know if we will be
6 able to design that building because we have a lot of
7 steps. Again it doesn't make sense. We have to do this
8 logically.

9 And then we have to fight our way through
10 you folks to get the approval to rebuild a building on
11 this site and convince you that it is appropriate. Within
12 the context of your Historic District there is a risk at
13 every level. This is in my opinion a logical progression.

14 We were reluctant to submit that concept.
15 We need to submit the concept like to see what it looks
16 like, that is fine but we are not there yet. It is just a
17 line drawing. It doesn't make sense.

18 MR. O'BRIEN: Mr. VanLuvanee, when did the
19 new property that was -- when did the new owners purchase
20 the properties?

21 MR. VanLUVANEE: I think it was about a
22 year ago.

23 MR. O'BRIEN: Okay. Were they aware it was
24 in the Historic District when they purchased the building?

25 Mr. VanLUVANEE: About HARB?

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2 MR. O'BRIEN: You said they did their due
3 diligence of the property before they purchased the
4 building?

5 MR. VanLUVANEE: They knew what the
6 condition of it was, yes. They had to go to the extent of
7 hiring Mr. Daw and -- at that time or Mr. Ross but --

8 MR. O'BRIEN: So --

9 MR. VanLUVANEE: Mr. Corsini is in the
10 business, he knows whether he will be able to lift that
11 building up above, its about five and a half to six feet
12 that this building has to come straight up in the air.

13 And if you look at those pictures you can
14 see that anybody that tries to use these buildings is
15 going -- you know, Mr. O'Brien, you have to bring them up
16 to code and try to bring them up to code will require that
17 they be essentially reconstructed to start with and so
18 they have to be razed. You know that.

19 MR. O'BRIEN: Again, I don't doubt that
20 they would need to be raised again but --

21 MR. VanLUVANEE: Probably go in there and
22 condemn -- recommend that they be condemned I suspect if
23 you can do the full inspection.

24 MR. O'BRIEN: Again I think -- this is
25 again just my opinion. I think there are historically

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2 MR. O'BRIEN: That both of these properties
3 were actually in the Historic District?

4 MR. VanLUVANEE: Yes, of course.
5 Absolutely.

6 MR. O'BRIEN: And I don't know if you know
7 this, but what was their intention when they bought it?
8 Was their intention originally to restore the building?

9 MR. VanLUVANEE: No, because they did
10 enough inspection to know that it wasn't restorable. They
11 concluded that. Obviously no seller is going to sit back
12 for the three or four years -- it will probably take two
13 to four years to get all of the approvals that you will
14 need on a project like this.

15 That is a pretty long due diligence. It is
16 not really feasible. By the same token, they thought they
17 did enough analysis and had enough in the reports to know
18 what was reasonable, what is feasible and you know, nobody
19 is really focused on this yet but if you look at flood
20 elevations here, in order to use this property this
21 building has to be razed, I don't know six feet or
22 something like that.

23 MR. O'BRIEN: You said that they did their
24 due diligence before they purchased the building?

25 MR. VanLUVANEE: I am sorry.

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2 significant portions of the building beyond just the
3 foundation in that the -- especially the middle section,
4 it would be the address 10 Waterloo side. That is the
5 original -- I am assuming that is the original brickwork
6 for that building when it was originally built.

7 MR. VanLUVANEE: Has to be and assuming we
8 don't know when it was done. That is the problem, you're
9 assuming. The only thing you can do -- and I think
10 Mr. Ross will probably confirm this, the only thing is
11 make assumptions and without -- that is nothing historic
12 about any of this. It is old.

13 MR. O'BRIEN: But from our perspective --
14 I am just speaking for myself, the bar for demolition of a
15 building within the Historic District is very high.

16 MR. VanLUVANEE: It might be if the
17 building had any historic significance.

18 MR. O'BRIEN: Again I am saying a building
19 within the Historic District, any demolition, that bar is
20 extremely high. That is how some of the -- one of the
21 worst things you can do to a property or a building in the
22 Historic District is eliminate it and take it away.

23 MR. VanLUVANEE: I think Mr. Primavera,
24 Mr. Ross and maybe Mr. Daw too would disagree with that.
25 I mean if you have a building that contributes nothing,

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 2 the district has more integrity if that building is taken
 3 down than that building sitting up there.
 4 MR. O'BRIEN: Again that is a matter of
 5 opinion.
 6 MR. VanLUVANEE: I don't think it is a
 7 matter of opinion, that is the law. Mr. Primavera --
 8 MR. PRIMAVERA: It is not a matter of
 9 opinion because the ordinance refers to a set of design
 10 guidelines and it refers to the Secretary of Interior
 11 standards and it refers to the National Registry
 12 standards.
 13 What we have done by employing each of the
 14 three professionals, who are all brokenhearted, is try to
 15 find a way to save something that is historically
 16 significant. It is not. And individual pieces of your
 17 ordinance are not within the jurisdiction, it is property
 18 and buildings.
 19 So nothing -- I think I will defer to Matt
 20 and Barton, I don't think either of them said that the
 21 roof or the foundation are original or intact that -- they
 22 give us evidence that they are and there is no two ways
 23 about it. There is material there that is original.
 24 Original to what? We don't know. We put the two
 25 together, we have two dimensional set of evidence and we

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 2 only have three dimensional evidence when we employed Matt
 3 and Barton.
 4 So you know I understand the sentiment
 5 behind not allowing something in the Historic District to
 6 be preserved but I think in -- there is a lot of things
 7 that have been done in this Historic District under the
 8 jurisdiction of this town and this ordinance that are not
 9 historic in the Historic District. The big glass fronts
 10 on the restaurants on Main Street for example, and other
 11 contemporary architecture that has been done in town.
 12 What we are saying is we are not
 13 diminishing the historical significance of the district,
 14 which is what is on the registry, not the property. The
 15 district is on the registry.
 16 We are not diminishing the significance of
 17 the district by removing this building because the
 18 building contributes nothing to the historic significance.
 19 MR. HALSEY: And we do --
 20 MR. PRIMAVERA: If you will, that is the
 21 legalese preservation logic that is in your ordinance.
 22 MR. HALSEY: Yeah, I do -- it is sometimes
 23 difficult when you have an emotional attachment to the
 24 Historic District to be completely by the language and by
 25 the requisites, yet we do say here in our guidelines that

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 2 -- do not demolish, alter, obscure significant original
 3 components of a building facade such as cornices, windows
 4 and doors, bay windows, store fronts and trim.
 5 And I am trying to very clearly look at
 6 this through my understanding of the guidelines of the --
 7 from the Secretary of Interior, our own guidelines which
 8 adopt that and elaborate on that, and I can't to myself
 9 make a compelling argument that there is something visible
 10 in that building right now that must -- that is
 11 contributing to the district.
 12 So I can get there with you. I know there
 13 is probably a grading of opinions about that. I -- again
 14 it is -- I realize there is a separate process. What I am
 15 wondering now is is that lot vacant once -- if a
 16 Certificate of Appropriateness is granted for the
 17 demolition, is a vacant lot more of a detractor from the
 18 district for however long it sits, however long the
 19 proposals take to go through, then the building that is
 20 there? And is there a way to tie together without --
 21 without limiting your ability to pursue the other avenues,
 22 is there a way --
 23 MR. PRIMAVERA: That is an easy answer.
 24 The easy answer is Mr. Corsini has a rent paying tenant in
 25 his building so that is more valuable to him than a blank

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 2 piece of property. It is -- I think it is as trite as
 3 that and the property -- the tenant has been there for a
 4 long time there. They are a reliable tenant, two years
 5 and more and they are paying him rent while he is trying
 6 to get approvals.
 7 MR. VanLUVANEE: We are more than happy to
 8 agree to a condition that the existing building will not
 9 be razed until there were -- are approvals for replacement
 10 building. We just need to know we have the ability to do
 11 it.
 12 The only thing I would point out that would
 13 involve you making a recommendation and Council approving
 14 a condition that is in essence -- right now in theory you
 15 have to act on a Certificate of Appropriateness within
 16 18 months. Now if your condition -- the Certificate of
 17 Appropriateness says that you are not allowed to act to
 18 demolish the building until you have a replacement
 19 approval, that is acceptable to us.
 20 It seems to me that is essentially what you
 21 are saying; don't tear the building down and leave us with
 22 a blank space. Don't take your front tooth out and just
 23 leave it sitting there.
 24 MR. HALSEY: Yes. I am getting a nice gold
 25 one.

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2 I am also speaking from my understanding of
3 the guidelines and from my point of view here. I don't
4 mean to overstep there.

5 CHAIRMAN KESTER: I am still very disturbed
6 by the foundations and the attic and the argument that
7 nothing in between is worth anything. I will grant you
8 that this is an ugly structure. It is. But when I look
9 at these pictures it is hard for me to believe that there
10 is nothing historically significant about these buildings.

11 MR. PRIMAVERA: I think the question is not
12 posed properly. What is historically significant about
13 the building, the person, place, event or high style of
14 architecture. Those are the four criteria of the National
15 Registry. It has to be associated with a person, place,
16 event or it has to be a classic example of an
17 architectural style to be significant.

18 If you can't get past those four, it is not
19 eligible and we have no evidence. And that is from your
20 ordinance.

21 CHAIRMAN KESTER: What makes me --

22 MR. PRIMAVERA: You can still have remnants
23 as John has said and Matt has said and Barton has said,
24 they can go through and inventory components that are
25 historic or related to the early history or the original

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2 MR. PRIMAVERA: And it is not listed. And
3 so when you go back to the National Registry nomination,
4 this block and lot is not listed as part of the Historic
5 District. And so we have further -- I mean to make the
6 situation worse and to further break Matt's heart --
7 sorry, buddy. And I feel the same. That what is listed
8 on the state, national and New Hope register is the block
9 and lot, not the house. Legally.

10 And so we have not been able to find any
11 associated history, person, place or event and then you
12 look at the building and if the building is in any way
13 characteristic of anything. Well --

14 MR. O'BRIEN: Did you --

15 MR. PRIMAVERA: I told you there are pieces
16 of it that could date from that period but that does not
17 mean it is significant. It does not pass the integrity
18 test.

19 MR. O'BRIEN: Did you agree with the survey
20 that was done in the Borough?

21 MR. VanLUVANEE: Yes, we did. This
22 property is in the inventory. There is a whole listing of
23 -- and this isn't the only one that isn't listed, this tax
24 -- these are all listed tax parcels, this tax parcel is
25 not even listed.

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2 history.

3 And by the way, there is a difference
4 between original and historic. Obviously there is a
5 period of time, it is called the period of significance
6 within which the Historic District is considered
7 significant. It is not considered significant because the
8 buildings were built in 2022, it is built because the
9 buildings were built in the 18th and 19th centuries. So
10 what we have got out there is a building that is largely
11 the product of as Barton said, post-war construction.

12 So again I completely defer to you that
13 with the experts that we have, and they can probably
14 almost do it now as they inspected it so carefully and you
15 heard the intensity of Matt and Barton to the inspection
16 they did. We probably could identify a list of things
17 that could be salvaged and could be turned over to
18 whoever, the historical society, whatever is the
19 appropriate process for town and try to resolve that on
20 other projects.

21 And -- but what the ordinance requires is
22 that the property, not even the building be historically
23 significant. What is legally listed on your register is a
24 block and a lot, not a building.

25 MR. VanLUVANEE: And it is not listed.

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2 MR. O'BRIEN: I believe there was a survey
3 done.

4 MR. VanLUVANEE: There are survey
5 descriptions of a number of buildings that are
6 contributing buildings. That is certainly clear.

7 MR. PRIMAVERA: That is a survey component
8 to the National Registry nomination, page by page and
9 identify the properties and talk about them.

10 MR. O'BRIEN: The one that was done by the
11 Borough, not the survey for the historic application for
12 the registry. But I believe there was a survey done by
13 the Borough and again I am not sure when that was done.

14 MR. PRIMAVERA: Not listed on the Borough
15 website, not in the town library and not referred to in
16 the ordinance. So it could be there, I am not denying it.
17 And as we all know now, in government whether big or large
18 you know you can do a survey and it ends up on a shelf
19 somewhere.

20 And what would matter legally is was that
21 survey adopted by resolution by the Council. So that its
22 results were landlocked. The survey does not make
23 something significant.

24 MR. VanLUVANEE: We have nothing more to
25 present. Obviously if there are more questions for any of

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2 our witnesses, that is fine. We are here.
3 CHAIRMAN KESTER: What I am uncomfortable
4 about once it is gone, it is gone. And I am having
5 trouble -- I felt much differently the last time you guys
6 were here with Cintra. I shouldn't be comparing it with
7 that but I felt that that was -- that structure was
8 totally inadequate. I see things here that I think --
9 MR. VanLUVANEE: Mr. Kester, unless I
10 missed my guess, you're seeing things inside but not
11 seeing things that are visible from the street which is in
12 your jurisdiction.
13 You don't have jurisdiction on what
14 somebody does on the inside of their house. They can have
15 the most historic house inside but if you can't see it,
16 they can do whatever they want with it. They can turn it
17 into a modern building.
18 MR. O'BRIEN: Mr. VanLuvanee, you're the
19 one that made your presentation in regards to the floor
20 boards missing, the floor joists are inadequate and
21 everything. I think Mr. Kester, because you opened the
22 door, has a right to look at that because you are
23 referencing that.
24 MR. VanLUVANEE: We opened the door to show
25 you what the condition of the house was that there was no

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2 significance inside or out or we did acknowledge there may
3 be some significant things inside that may be inventoried.
4 That was the purpose of presenting it but with respect to
5 the condition of the inside of the house, also was
6 relevant to the issue of whether or not you could ever --
7 even if you determined it was significant, whether you
8 could ever pick it up six feet without the building
9 falling apart.
10 And that is part of what Mr. Daw -- that is
11 why we retained him. And started with Mr. Primavera,
12 moving to Mr. Ross and lastly moving to Mr. Daw because I
13 think the matter -- at what level -- I think legally we
14 stop with Mr. Primavera. There is nothing historic about
15 this building. Nothing from the outside that you see that
16 is worth -- that could be preserved even if it was worth
17 preserving or could be preserved. There is nothing there.
18 It is not historically significant. That is in my view
19 the end of your jurisdiction as it relates to this
20 application.
21 If there was something significant to save,
22 it would be different and then the question would be can
23 we lift it up and save it. If there is nothing to save,
24 there is no purpose. I mean it is not significant, then
25 we have a right to demolish it.

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2 And then the next question is what will we
3 replace it with and that is within your jurisdiction.
4 CHAIRMAN KESTER: The right to demolish
5 something in the Historic District isn't such an easy
6 thing to prove.
7 MR. PRIMAVERA: Say that again.
8 CHAIRMAN KESTER: The right to demolish
9 something that is in the Historic District, it is not that
10 easy. It is not that --
11 MR. VanLUVANEE: Yes, it is.
12 MR. PRIMAVERA: Why isn't it? It is black
13 and white. Secretary of Interior standards, National
14 Registry criteria, all of the studies.
15 When referring to us as opening the door to
16 these other issues, I don't think that is the case at all.
17 What happened is John referred me to Mr. Corsini first. I
18 said to Mr. Corsini I need to spend more of your money. I
19 need to get the best historic preservation structural
20 engineer I can and the best historic architect I can to
21 evaluate the building beyond the doubt, beyond any
22 question.
23 So when you say we opened the door, that
24 was our effort to go above and beyond. As John just said,
25 your ordinance only applies to the exterior of the

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2 building. And the building may have elements, it is in
3 the Historic District.
4 Mr. Kester, as I said during my
5 presentation, the National Registry criteria as cited in
6 your ordinance says there are individual historic sites,
7 there are historic districts.
8 Within historic districts there are four
9 types of levels of significance. We are saying this is
10 the lowest level and not only that it is not contributing.
11 But I would suggest and I think I can make this statement
12 factually and I didn't do it in what I have written but I
13 could, I think what is there is to the point about a blank
14 property, what is there is an intrusion to the historical
15 district. It diminishes the historical district what is
16 sitting there.
17 Is that building standing there in any way
18 contributing in any possible way other than its physical
19 presence to the Historic District and what makes the
20 district significant? That is the standard you have to
21 measure against. What is what makes the district
22 significant and what we are saying is after my study we
23 couldn't find that but then knowing we needed to do a good
24 job and go above and beyond for the HARB so that you could
25 do your -- and feel that we were doing our proper level of

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2 investigation, going beyond the necessary level and
3 investigation we brought in Matt and Barton to do that.
4 CHAIRMAN KESTER: I wish that I had been
5 able to do -- I wish that I had done this before this
6 meeting tonight but if there is a list, if there is a
7 survey that the town has done, I would like to know if
8 this structure is on that list.
9 MR. VanLUVANEE: I have had more experience
10 with three or four applications now in the last two years
11 and I have had people in connection with each of those
12 applications look for what you are referring to and nobody
13 has been able to -- nobody has been told where this
14 exists. We haven't been able to find it.
15 If you recall the last application at 76
16 North Main Street, Mr. Kelly himself went to try to find
17 that survey. He went to the library, our consultants on
18 other applications have gone to the library. If it
19 exists, we don't know where it is.
20 You know, other than to ask I don't know
21 what more an applicant can do. We can't be held
22 accountable for some phantom survey that doesn't exist.
23 The fact of the matter is it can't change anything. The
24 building is what it is. We all see it. And there is
25 nothing about it that is within your jurisdiction to tell

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2 components in the district are significant and which are
3 not. We already know that from the National Registry
4 nomination.
5 If there is a more recent nomination or if
6 there isn't, if there is a more recent survey, that survey
7 is legally meaningless unless its been adopted by
8 resolution and added to the master plan under the
9 miscellaneous law.
10 MS. CONNELL: May I add something, Kevin?
11 CHAIRMAN KESTER: Yes.
12 MS. CONNELL: There is not a survey but the
13 guidelines were completely renovated so I think that is
14 where there might be a little confusion. They were
15 renovated completely. There is photos, you know as you
16 know --
17 MR. PRIMAVERA: The guidelines --
18 MS. CONNELL: Can I just finish, sir?
19 There is about 81 or so pages and those have photos and I
20 think that is where Mr. O'Brien may have thought there was
21 a survey.
22 And then there was something on the zoning
23 end that was also being done and is not completed yet as
24 well. That is not relative to the survey.
25 MR. PRIMAVERA: Thank you. I apologize to

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2 the property owner that you don't have the right to create
3 your building the way any other property owner would be
4 except for the fact that your limited jurisdiction guided
5 by a building that has any historical significance I know
6 I am subject to your jurisdiction. Other than that I have
7 a right in my opinion because your jurisdiction is limited
8 to say you have to give me my demolition permit because I
9 don't have a structure that is within your jurisdiction.
10 Once -- but I can agree -- certainly you
11 can ask me to agree not to take it down until we give you
12 approval to do -- rebuild something. That is a reasonable
13 condition. I agree with it. We accept it. We said that
14 from -- right from the beginning.
15 MR. PRIMAVERA: Can I finish that thought
16 too? If there is a survey, I completely agree with John
17 because he and I talked about this already. If there is a
18 survey, not on this project but on other projects.
19 If there is a survey, I didn't find it in
20 all of the miles and miles and thousands of thousands of
21 dollars of research I did for Cintra, for other projects I
22 have done in New Hope over the years and for this.
23 Then secondly what is the purpose of the
24 survey? The purpose of a survey is to delineate the
25 Historic District, the boundaries and to identify what

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2 you for interrupting. So there was a design guidelines,
3 the design guidelines refer to character points and
4 features within the Historic District.
5 CHAIRMAN KESTER: You can finish.
6 MR. PRIMAVERA: I am done.
7 CHAIRMAN KESTER: So the renovation of the
8 guidelines is not yet complete?
9 MS. CONNELL: It is completed. It was done
10 a couple years ago and it is on the records, it is in the
11 -- either a resolution in the ordinance or in the
12 ordinance. That is the colored -- I think Mr. --
13 MR. HALSEY: This here?
14 MS. CONNELL: Yes, you have that.
15 MR. PRIMAVERA: There it is.
16 MR. VanLUVANEE: The last one I have was
17 revised January 9th of 2015, right?
18 MS. CONNELL: Yes.
19 MR. VanLUVANEE: That is the one that is
20 published.
21 MR. PRIMAVERA: That is design guidelines,
22 that is not a survey and that is not a landmark nomination
23 and that is the issue here. Design guidelines -- it tells
24 you what to do with a historic property so that it is
25 built -- even a new building that is compatible or

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 2 deferential to the significance of the district.
 3 MR. VanLUVANEE: Mr. Kester, if I might.
 4 The reason your jurisdiction is limited is that just
 5 because a building is in the Historic District, the
 6 property owner doesn't turn it over to the Borough. The
 7 property owner knows that there is limited jurisdiction
 8 over certain elements of the property but I can evaluate
 9 going in whether my building is historic, whether it has
 10 anything to contribute to the district.
 11 And if it doesn't, I am no different than
 12 any other property owner outside the Historic District.
 13 You don't own the building. I have the right to ask for a
 14 demolition permit if I meet the criteria and you have to
 15 give it to me. The only way you can stop it is if there
 16 is something within your jurisdiction and you have a
 17 lawful right to regulate what I do with that building.
 18 I mean that is why you just can't say it is
 19 in the Historic District so we will turn down your
 20 demolition. That is condemnation. That is where we start
 21 to run -- there has to be a governmental purpose and a
 22 justification for imposing -- just like with zoning you
 23 can restrict what somebody can do with their property to
 24 the extent that promotes public health, safety and
 25 welfare.

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 2 With respect to historic structures, the
 3 same type of jurisdiction: public health, safety and
 4 welfare. Historic preservation is something that the
 5 government -- that has been defined and the courts have
 6 allowed some limited interference but not just to say
 7 because there is something inside that is historic we can
 8 tell you you can't take your building down. That is
 9 condemning the building. You are telling the property
 10 owner they can't use their property.
 11 MR. PRIMAVERA: The taking and planning
 12 legally -- I mean it is all authority on taking and what
 13 you just described in legal terminology is taking -- or
 14 where the town has imposed jurisdiction like spot zoning,
 15 where the town has exposed jurisdiction on something they
 16 don't have jurisdiction over.
 17 MR. O'BRIEN: You need to reread and relook
 18 at the Penn Central decision then.
 19 MR. PRIMAVERA: Penn Central decision is
 20 irrelevant to this and I know it in and out. The Penn
 21 Central decision --
 22 MR. O'BRIEN: Excuse me. Courts have
 23 generally found in favor of the municipalities that have
 24 reasoned along the lines of Justice Brennan that land use
 25 regulations reasonably related to the promotion of general

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 2 welfare such as historic preservation ordinances, even if
 3 they have the effect of a diminution in property value do
 4 not constitute a taking as long as they remain a
 5 reasonable rate on the owner's investment expectation.
 6 MR. VanLUVANEE: There is no question but
 7 -- that is true but it doesn't say that I can't -- there
 8 is nothing about -- Penn Central was a landmark. It was
 9 significant on the exterior.
 10 MR. PRIMAVERA: And interior.
 11 MR. VanLUVANEE: And the interior. Your
 12 jurisdiction would have limited whether it was significant
 13 on the exterior, not on the interior.
 14 MR. PRIMAVERA: There are interior
 15 landmarks in New York City in the historic preservation
 16 code. There aren't in yours. Radio City Music Hall is a
 17 historic landmark because of the interior of that theater.
 18 And I would also -- in speaking and
 19 referencing the Penn Central Supreme Court decision, I
 20 know it well. I have studied and written on it. That
 21 seems to ignore the last 62 years of case law that has
 22 been established with relation to jurisdiction and taking
 23 on historic preservation. That was the decision in 1964
 24 of the United States Supreme Court.
 25 There is a lot of case law that is -- which

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 2 there is no reason for us to go any further, this guy can
 3 do it. There is a lot of case law above and beyond Penn
 4 Central.
 5 MR. VanLUVANEE: Penn Central has been
 6 discussed in every one of those cases, the lead case and
 7 then from there we have gone through a number of other
 8 ones. Taking and analysis --
 9 MR. HALSEY: So it is still my opinion here
 10 that you have shown through experts and testimony and
 11 reading sections from the ordinance, from the National
 12 Register, that there is nothing visible from a public way
 13 that is historically significant about this structure. So
 14 once I accept that, I can't continue to pursue an effort
 15 to make -- to force the saving of this property.
 16 What I think is within our purview is
 17 managing the development of the historic district and that
 18 is why I feel the single most important thing we do here
 19 is to tie any decision made out of here to proposals and
 20 review moving forward.
 21 I can't -- if I look at our guidelines or
 22 the Secretary of Interior guidelines, I have read them and
 23 when I hear you say them I know that they are accurate.
 24 That is what they are.
 25 To me the path forward for this is to have

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2 a conversation about what this property will become and
3 its life in between and how that -- how that kind of --
4 where a pathway lies in that process.

5 MR. PRIMAVERA: I get that. And my
6 understanding in working with historic preservation all
7 over the United States for 40 years that that is a very
8 reasonable concern. Unfortunately, John -- and as you
9 said earlier, that is not the way this process is
10 organized in this town. There is two separate functions.

11 And you know I could see that somebody said
12 what are you going to put there? What are we opening the
13 door for? Are we going to end up with another Odette's
14 situation? You know how far does this go? Because the
15 ordinance as it reads, the demolition ordinance, not
16 talking about the historic ordinance, the demolition
17 ordinance has agreed to exactly what you just described.

18 MR. HALSEY: This is why I have been
19 involved in projects in New York on townhouses, on larger
20 buildings, this is -- it is almost hilarious the level at
21 which you will go to maintain character that relates to
22 penetration patterns, brick detailing, things like that.
23 That is all serving the public -- the public's view of the
24 building and -- at this point it is my personal opinion
25 that you guys have demonstrated that there are not

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2 demolish it under the federal law as long as you're
3 willing to mitigate. Whatever those mitigations are have
4 to be proportionate.

5 What we are saying is it is not significant
6 but we already know as you have seen in your report,
7 Barton has already drawn the building and we have
8 photographed the inside and out. We will go back and
9 photograph it and do more photos and more drawings so that
10 we actually identify the parts that -- the parts that
11 Barton has already identified that can be salvaged. I
12 think that is appropriate mitigation in this case.

13 MR. HALSEY: It also seems as if the
14 conditional -- were we to grant a conditional or a
15 recommended conditional COA for this property based on the
16 approval of a future project to be constructed, I think we
17 are also taking into account the fact that there is a bit
18 of a chicken and the egg and gray area here with the
19 process of remapping the tax lots.

20 And there is no demolition permit granted
21 without a suitable proposal that potentially incorporates
22 critical features that were salvaged after this survey
23 that states the guidelines for such a survey to occur.

24 I think we still maintain a clear path, a
25 linear path moving carefully through the potential

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2 significant components and we need to think more about the
3 evolution of this property over time.

4 MR. PRIMAVERA: May I suggest something to
5 sav the wound, if you will, or to mitigate the effect as
6 you perceive it.

7 What it says in the National Registry
8 nomination criteria, what it says in the Secretary of
9 Interior standards, what it says in your ordinance is a
10 building can be mitigated in some way if you are
11 diminishing what is -- what is significant about it.

12 We are not conceding that there is anything
13 significant about it. What we are conceding, Mr. Kester's
14 point is that there are components that could be historic.
15 Not significant but they are significant.

16 And so just as we did at Cintra in the same
17 logic, it applies to the same logic, we will draw a
18 photograph and take a -- write a little history, give it
19 to the town, give it to the library. We will offer the
20 salvage -- materials could be salvaged.

21 And so a mitigation seems to me, under
22 Section 106 of the National Preservation Act which is the
23 majority of the work I do. But unfortunately your
24 ordinance doesn't spell this out. If you're losing
25 something historically significant, you can actually

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2 redevelopment of the site while also allowing your team to
3 a slightly less massive financial risk, understanding if a
4 project is even possible here. If a project turns out not
5 to be possible for whatever reason, then we are in the
6 exact same position we are now.

7 MR. VanLUVANEE: Exactly.

8 MR. HALSEY: So to me I don't understand --
9 I don't see a risk to the Historic District to allowing
10 your team to pursue a proposal which very tactfully and
11 appropriately addresses this site.

12 MR. PRIMAVERA: The new construction?

13 MR. HALSEY: Yes.

14 MR. VanLUVANEE: And that is why we did
15 this order and my client never had any intent to tear the
16 building down and have a vacant lot. I mean the idea
17 always was we have the right to a demolition permit and we
18 agree that we will not act on it until we have obtained
19 approvals, all approvals necessary for replacement
20 structure.

21 And Mr. Corsini is one of the principals
22 and he just nodded his head and said correct. I will
23 state that on the record.

24 MR. PRIMAVERA: The demolition ordinance
25 does not require the condition that the applicants submit

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2 what they are planning to do.

3 MR. HALSEY: I understand that.

4 MR. PRIMAVERA: I understand the spirit of

5 what you are saying. I agree with it, the logic.

6 MR. VanLUVANEE: I do too.

7 MR. PRIMAVERA: The demolition ordinance

8 does not require --

9 MR. VanLUVANEE: I know but I think any

10 owner -- the only exception to that would be if the

11 Borough came in and condemned the building because it is

12 still full of code violations and the remedy on a normal

13 property would be demolishing. I mean that would be

14 standard. It would be no different here. I don't think

15 you would impose that -- if the building were condemned I

16 think we would clearly have to act on the permit.

17 Until then Mr. Corsini and his partner

18 intend to rent the property out and to try to maintain it

19 to the extent they can.

20 MR. CORSINI: Correct.

21 MR. VanLUVANEE: Now obviously we are also

22 concerned that the next flood comes along and it washes it

23 into the river. Now that is a different issue that we

24 can't control either.

25 CHAIRMAN KESTER: Questions?

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2 Okay. In good conscience I have trouble

3 condemning and demolishing a building that was built in

4 the 1870s.

5 MR. PRIMAVERA: Through the post-war

6 period.

7 CHAIRMAN KESTER: Pardon me.

8 MR. PRIMAVERA: Through the post-war of the

9 United States, not 1880s. What is out there is a building

10 that was built primarily --

11 CHAIRMAN KESTER: Your report shows -- I

12 have a page showing 1878.

13 MR. PRIMAVERA: What is standing there?

14 MR. VanLUVANEE: I think Mr. Ross in his

15 report, Mr. Kester, was pretty clear that the majority of

16 what you see is post World War II. I think everything you

17 see was probably post World War II.

18 MR. PRIMAVERA: Mr. Kester, there is a

19 difference between historic and significant. As --

20 MR. VanLUVANEE: There is a difference

21 between old and historic is the way I like to say it.

22 MR. PRIMAVERA: Exactly. I suggested that

23 to him.

24 CHAIRMAN KESTER: So I --

25 MR. PRIMAVERA: I mean if the majority of

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2 what is there is post-war material, 20th century --

3 CHAIRMAN KESTER: I think we have exhausted

4 this.

5 MR. VanLUVANEE: Everybody is kind of set

6 in their position.

7 CHAIRMAN KESTER: I think so. I think we

8 should put it to a question to the Board.

9 Does any one -- would any one like to make

10 a motion in support of this project for demolition?

11 MR. HALSEY: I would motion for a

12 conditional recommendation to Council for a COA that this

13 project be deemed appropriate to be demolished pending the

14 approval -- or sorry, the application of a new

15 construction building on this site. I don't know if I

16 phrased that very well.

17 MS. CONNELL: Is that pending before they

18 get the Certificate of Appropriateness or after?

19 MR. HALSEY: Well this is actually a little

20 bit of another chicken and the egg thing that I am not a

21 lawyer, it is not my -- potentially my expertise here.

22 But the way I am trying to pose this motion

23 is that I see it as reasonable to demolish this building

24 if an approvable or recommendable project comes before

25 this Board.

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2 If we are able to approve the construction

3 of a new building on this site, then I see it as

4 appropriate to demolish the existing building.

5 MR. VanLUVANEE: I would say I think we are

6 not different. What I don't want to do is come back and

7 apply for a Certificate of Appropriateness for demolition

8 again.

9 I am asking for the conditional Certificate

10 of Appropriateness for demolition, the condition being

11 that the buildings not be demolished unless and until

12 there are all appropriate approvals have been obtained for

13 replacement buildings on either consolidated lots or two

14 redefined lots or whatever.

15 MR. HALSEY: Perhaps I can clarify the

16 motion by saying I motion to recommend to Council a

17 conditional Certificate of Appropriateness pending

18 permitting of a project on this site. Suitable project on

19 this site.

20 MR. VanLUVANEE: Would you be willing to

21 say a Certificate of Appropriateness for replacement of

22 the building or buildings on one or the consolidation of

23 the two lots? I mean we may -- it may say well we won't

24 grant you a variance to reconfigure the lot. My client

25 may decide I want to combine these two lots, it is only

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 2 6,500 square feet, and build one single family house.
 3 I mean you don't care about that, the
 4 replacement structures -- the structures on the lot or
 5 lots needs to be approved by the HARB.
 6 MR. HALSEY: It is not our jurisdiction to
 7 have any perspective on the zoning.
 8 MR. VanLUVANEE: We accept that. That is a
 9 reasonable --
 10 MR. HALSEY: Can you get my motion from
 11 that or should I restate it?
 12 MR. VanLUVANEE: I will write it up.
 13 MR. LABRUM: Mr. VanLuvanee, I am
 14 challenged by the -- a representation that was made during
 15 your presentation by which you stated that the owners knew
 16 that it was not restorable when purchased. That was a
 17 quote.
 18 And by looking at the property records, it
 19 appears that the property transferred in May of last year
 20 and so the current owners could not have had tenants in
 21 this building for several years.
 22 MR. VanLUVANEE: That is absolutely
 23 incorrect.
 24 MR. LABRUM: Let me finish,
 25 Mr. VanLuvanee, please.

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 2 MR. VanLUVANEE: All right. Go ahead.
 3 MR. LABRUM: What I wanted to raise a
 4 question about goes back to the original question that
 5 Mr. Kester raised about do we know enough about this
 6 property.
 7 And I am going to draw your attention to
 8 the SGH report dated March 4th of 2022 by which it states
 9 at the bottom of page one; additionally, exploratory
 10 probes, for example localized removal of finishes for
 11 observation, test kits, sample extraction and materials
 12 testing were beyond our structural condition assessment
 13 work study.
 14 So having not performed that assessment are
 15 you able to state for the Board that they have sufficient
 16 information in front of them by which this property does
 17 not meet the criteria that Mr. Primavera spent significant
 18 time speaking of?
 19 MR. VanLUVANEE: The SGH report has nothing
 20 do with the criteria. We were doing -- suspends this --
 21 MR. PRIMAVERA: The structural engineering
 22 report and what I have maintained about the historic
 23 significance are unrelated but there are hundreds -- I can
 24 read you your service list from within your website.
 25 There are hundreds of kinds of

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 2 investigative tools and devices and procedures that they
 3 can do on a historic building. What --
 4 MR. LABRUM: What the --
 5 MR. PRIMAVERA: If I might finish. But
 6 what Mr. Daw has testified tonight and in his report is he
 7 doesn't need to do those because he already knows the
 8 building is not restorable. So I would suggest that you
 9 already have that answer, if I understand your question
 10 appropriately.
 11 And I would also suggest that structural
 12 condition has nothing to do with historic significance.
 13 That is supported in your ordinance.
 14 MR. VanLUVANEE: And I think Mr. Daw will
 15 tell you -- I hesitate to prolong this, he would tell you
 16 that he didn't really need to do those additional tests in
 17 order to formulate the conclusion that he reached.
 18 MR. DAW: No, I would agree. I can say
 19 with certainty while we did not do exploratory probes and
 20 have finishes removed, the structure was accessible
 21 visually so we observed everything that we could visually
 22 under the crawl spaces, the underside of the structure
 23 from within the basement spaces, you know the perimeter
 24 foundations.
 25 We did remove ceiling finishes in the upper

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 2 floors. A lot of the framing on -- the second floor
 3 framing is exposed, it is all visible. So we would be
 4 reporting everything we would observe visually. We didn't
 5 take material samples and you know remove finishes. And
 6 really the finishes that we would be removing are probably
 7 finishes of contemporary structures and -- like connective
 8 wood trusses and more modern framing elements.
 9 Those are more recent additions to these
 10 buildings. So I feel very confident that we saw the
 11 majority of any historic fabric that is in that building.
 12 It is accessible visually and it is -- in its current
 13 condition.
 14 MR. O'BRIEN: Mr. Daw, can I ask you a
 15 question?
 16 MR. DAW: Sure.
 17 MR. O'BRIEN: Have you restored structures
 18 like this in the past?
 19 MR. DAW: Have I restored -- I have
 20 restored structures in even worse condition but these were
 21 structures that have historic fabric still present,
 22 structures that have been termite infested and destroyed
 23 and you know replacing elements.
 24 I have restored -- I will call it a
 25 restoration on the George Washington Ferry Farm was a

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 2 complete reconstruction of the original building.
 3 MR. O'BRIEN: The short answer is yes?
 4 MR. DAW: Yes. You can restore anything,
 5 but what do you return it to? The framing that is in
 6 place now, a lot of it is not original so do you restore
 7 it?
 8 MR. O'BRIEN: The short answer is yes.
 9 MR. DAW: Sure. Yes.
 10 MR. O'BRIEN: Thank you.
 11 MR. VanLUVANEE: You may not be able to
 12 lift it up.
 13 MR. DAW: You may have to rebuild it in
 14 order to lift it out of the floodplain for sure.
 15 CHAIRMAN KESTER: So we have a motion on
 16 the table.
 17 MR. HALSEY: I can reiterate it more
 18 clearly if --
 19 CHAIRMAN KESTER: I think that would be a
 20 good idea.
 21 MR. HALSEY: I motion to recommend that
 22 this project be granted a conditional COA for the
 23 demolition of structures at 8-10 Waterloo with the
 24 following conditions; a permit and of course COA be issued
 25 for a suitable project on all or a portion of the tax lots

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 2 That is how many I see it, your Solicitor
 3 may disagree with me.
 4 CHAIRMAN KESTER: That is what goes to
 5 Council?
 6 MR. LABRUM: Correct.
 7 CHAIRMAN KESTER: Thank you very much.
 8 Appreciate your patience. I am sorry, we still have a
 9 couple of things that we need to do.
 10 Okay. We have two agent reviews this
 11 evening. Okay. So we have three more items on the agenda
 12 that we need to take care of. We have the agent reviews.
 13 Our first agent review is Jace Young, 115D
 14 South Main Street for a sign installation. Jeff Gada was
 15 the agent on that one. Jeff, would you like to --
 16 MR. GADA: I need to follow up with Jace on
 17 the installation and then --
 18 MS. CONNELL: Two signs and they are only
 19 allowed two. She has temporary signs out there that were
 20 paid for and permitted. Temporaries last 30 days and
 21 those will be taken down but the only signs that were used
 22 as exhibits for those specific locations in the center is
 23 a wall sign and that old hardware will not be used and
 24 that will be stated on the COA.
 25 MR. GADA: It was stated that she was

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 2 8-10 Waterloo.
 3 MR. VanLUVANEE: On behalf of the
 4 Applicant, if the HARB sees fit to approve that motion,
 5 that condition is acceptable to the application.
 6 CHAIRMAN KESTER: Do I hear a second?
 7 MR. GADA: I second.
 8 CHAIRMAN KESTER: All in favor?
 9 MR. HALSEY: Aye.
 10 MR. GADA: Aye.
 11 CHAIRMAN KESTER: Opposed?
 12 MR. O'BRIEN: Aye.
 13 CHAIRMAN KESTER: Aye.
 14 MR. VanLUVANEE: The answer is HARB has
 15 failed to make a recommendation.
 16 MR. LABRUM: I didn't hear --
 17 MR. VanLUVANEE: I believe legally HARB has
 18 failed to make a recommendation.
 19 MR. LABRUM: It is not unanimous.
 20 MR. VanLUVANEE: That is fine. That is
 21 where we are. So Council -- you're a recommending body to
 22 begin with so Council will know you had a two/two so the
 23 -- on that motion and Council makes the decision anyway,
 24 they don't have to follow your recommendation or
 25 non-recommendation.

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 2 using existing hardware.
 3 MS. CONNELL: She had added a post instead.
 4 MR. GADA: We need to note that.
 5 MS. CONNELL: Yes. Good catch.
 6 CHAIRMAN KESTER: Okay. And you will send
 7 a copy of that to JoaAnn?
 8 MR. GADA: She has it.
 9 MS. CONNELL: I will give you a copy of the
 10 item that will be going to Council so that you can see
 11 that it is taken care of. I would like you to see it.
 12 CHAIRMAN KESTER: Okay. And then the next
 13 item on the agenda is number 2 is Vitalitea, 28 South Main
 14 Street, sign installation and I was the agent on that.
 15 Applicant being Vitalitea, owner Shir Gal, address 28
 16 South Main Street. The sign is 24 inches by 18 inches and
 17 is a metal sign with black, white and green vinyl artwork
 18 on both sides of the sign. It hangs on a black metal
 19 hardware and is two-sided.
 20 The color scheme and design appear
 21 appropriate for the business and the building hardware
 22 hangs from the roof overhang to the bottom of the -- from
 23 the bottom of the sign to the -- to grade is 127 inches or
 24 10.58 inches which is more than adequate clearance. The
 25 agent recommends a Certificate of Appropriateness.

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Pardon me, I meant 10.58 feet.
MR. O'BRIEN: Good catch.
CHAIRMAN KESTER: Then the last thing on
the agenda is approval of the minutes from May 3rd, 2022.
I would ask for a motion for approval.
MR. O'BRIEN: I so move.
MR. GADA: Second.
CHAIRMAN KESTER: All in favor?
MR. HALSEY: Aye.
MR. GADA: Aye.
MR. O'BRIEN: Aye.
CHAIRMAN KESTER: Aye.
And with that, the meeting is adjourned.
- - -
(The proceedings were concluded.)
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C E R T I F I C A T E

I hereby certify that the proceedings
and evidence are contained fully and accurately in the
notes taken by me in the above cause and that this is a
correct transcript of the same.

Karen W. Browndorf, RPR
Official Court Reporter

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