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HISTORICAL ARCHITECTURAL REVIEW BOARD

NEW HOPE BOROUGH

BUCKS COUNTY, PENNSYLVANIA

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NEW HOPE BOROUGH COMMUNITY ROOM

123 NEW STREET

NEW HOPE, PENNSYLVANIA 18938

- - -

TUESDAY, OCTOBER 5, 2021

COMMENCING AT 6:30 P.M.

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BOARD MEMBERS PRESENT:

KEITH VOSS - CHAIRMAN

RICHARD O'BRIEN - BUILDING INSPECTOR

KEVIN KESTER

JEFF GADA

- - -

ALSO PRESENT:

JOANN CONNELL - ADMINISTRATIVE ASSISTANT

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3 CHAIRMAN VOSS: Let's begin. Present -- I
4 am Keith Voss the Chair of HARB, liaison from the planning
5 commission as well.

6 MR. KESTER: Kevin Kester, I work for Van
7 Cleef Engineering and I am a member of the HARB Board.
8 Landscape architect.

9 MR. GADA: Jeffrey Gada, resident New
10 Hope.

11 MR. O'BRIEN: Rich O'Brien with Keystone
12 Municipal Services. We serve as the building inspector
13 and code enforcement officer for the Borough.

14 CHAIRMAN VOSS: Okay. Our first
15 application is the Old Stone Church of New Hope, 15 South
16 Main Street.

17 MR. FERRARA: Good evening. I am one of
18 the partners, Gaspar Ferrara, G-A-S-P-A-R F-E-R-R-A-R-A.

19 MR. NARANA: W-I-L-F-E-R N-A-R-A-N-A.

20 MR. DAVELY: J-O-H-N D-A-V-E-L-Y.

21 MR. NARANA: We came here today -- we want
22 to present a -- submit the changes that we are doing to
23 the front of the building. Mostly it is going to be the
24 awning and we actually submitted our permit for the sign,
25 which is on the side of the building.

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2 We actually sign it saying that we will
3 remove the sign. You will be able to get the sign on the
4 awning as is shown in the picture. We only have that
5 picture.

6 It is based on the square footage.

7 MR. FERRARA: 1200.

8 MR. NARANA: Yes, that is what the
9 lettering will be. I brought a piece of material that we
10 will be using on the awning. It will not be the same
11 color, same material. That is the only thing the company
12 can send us.

13 We want to include the name in the front.
14 We are not going to use the sides. So whatever you see on
15 the picture is exactly how it is going to look including
16 the steeple which will be painted as well, which matches
17 the color of the front of the building.

18 MR. FERRARA: And the front doors.

19 MR. NARANA: And the front doors.

20 MR. FERRARA: And the pillars. The whole
21 front.

22 MR. NARANA: Not touching the stone, only
23 the wooden pieces located there for the awning and the
24 steeple will be the only thing painted.

25 MR. DAVELY: We are not changing anything

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2 with the stone or the structure at all, just the color in
3 the front, the steeple and the awning with the lettering
4 on the awning.

5 MR. FERRARA: There is currently an awning
6 on the building, we are just replacing that with a black
7 awning.

8 MR. DAVELY: As opposed to the green one.

9 MR. NARANA: The same with the structure,
10 it is exactly the same just being painted different and
11 all of the windows and all of the frames and everything
12 stays exactly the way it is.

13 MR. GADA: The color currently on the
14 window frames is -- I will call it a green.

15 MR. DAVELY: We are currently going to keep
16 the green so we are not changing that, just the front
17 pillars and the steeple itself and that area shown in the
18 pictures, that will be the change.

19 MR. NARANA: Other parts of the windows on
20 top of the -- they made out of copper, they naturally turn
21 green so some parts of that nothing we can do about it.

22 CHAIRMAN VOSS: How many colors are there
23 all together to the combination that you have on the door
24 and on the pillars?

25 MR. DAVELY: I believe it is three.

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2 MR. NARANA: It is three major colors and
3 one minimum which is the line, which is the gold. Mostly
4 I would say 80 percent black and --

5 MR. FERRARA: Silver and gray.

6 CHAIRMAN VOSS: So is the gold outlining a
7 color in between?

8 MR. NARANA: Just the lines around it.

9 MR. FERRARA: Pin stripping.

10 MR. NARANA: Pin stripping, yeah. Pretty
11 much.

12 CHAIRMAN VOSS: Just for clarity, you will
13 paint the steeple as well?

14 MR. FERRARA: Correct.

15 CHAIRMAN VOSS: What is the color pattern
16 that will be used there?

17 MR. FERRARA: You can see it is there, it
18 will be black.

19 CHAIRMAN VOSS: Primarily black?

20 MR. FERRARA: Gray and --

21 CHAIRMAN VOSS: Gray is where?

22 MR. DAVELY: On the louver areas.

23 MR. FERRARA: And circle we want to do gold
24 to match the gold pin striping that we have.

25 CHAIRMAN VOSS: On the sign, can you go

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2 through the colors of that as well?

3 MR. FERRARA: If you look at the bottom
4 left-hand corner of that photo, I think it should be down
5 there. It is four colors.

6 CHAIRMAN VOSS: These colors are actually
7 shown correctly?

8 MR. FERRARA: Yes.

9 CHAIRMAN VOSS: The image I have didn't
10 show it.

11 MR. NARANA: Better picture we just
12 brought today. That one it shows you exactly the color in
13 better detail.

14 CHAIRMAN VOSS: So it is just black on
15 white or white on black?

16 MR. NARANA: Yeah. The whole awning is
17 black, the letters in white.

18 MR. FERRARA: No.

19 MR. DAVELY: There is a slight gold in the
20 shading.

21 MR. FERRARA: It's our logo, a little
22 silver, a little gold. Mainly white.

23 MR. KESTER: I think it is a big
24 improvement. I like it. I think it looks a lot richer.

25 MR. FERRARA: Thank you.

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2 MR. DAVELY: That is one of the things --
3 we wanted to bring out all the colors that will be not as
4 bold. Not as Marsha. I worked with her for years.

5 MR. FERRARA: We are kind of following
6 those colors on the inside of the building as well so kind
7 of all works in together.

8 MR. NARANA: It is one -- when you look in
9 the building and you walk in the building, you're in the
10 same place trying to stand out. We also have a beautiful
11 building next door which is the Logan Inn and the Mansion
12 which is getting a lot of work done. We don't want to be
13 the church in the building, we need to stand out being a
14 beautiful street.

15 It is when -- we also trying to do many
16 things, not just to the building, the sidewalks and the
17 inside, the back but we do everything with time.

18 MR. FERRARA: Yeah.

19 CHAIRMAN VOSS: The only other question I
20 have is assuming the replacement -- whatever bricks need
21 to be corrected will be in like kind?

22 MR. FERRARA: We are not replacing bricks.
23 We just want to take them up because they are going up --
24 I have a picture of them. They are going down and it is
25 kind of dangerous as well. We want to lift them up, put

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2 some -- level it off with some sand and put them right
3 back.

4 CHAIRMAN VOSS: Reseated them.

5 MR. DAVELY: Re-level them with the same
6 bricks.

7 MR. NARANA: It will be exactly the same.

8 MR. DAVELY: Technically we didn't need to
9 throw on this, it just happened to be on there.

10 CHAIRMAN VOSS: Any concerns, questions?

11 MR. GADA: I like it.

12 MR. KESTER: I like it.

13 MR. O'BRIEN: I would like to make the
14 following motion that we approve the application as
15 submitted pursuant to the following; the canopy will be
16 black as presented here tonight by the applicant. The
17 verbiage per the application on the end of the canopy only
18 and no lettering to be on the sides of the canopy.

19 MR. FERRARA: And we are going to remove
20 Marsha Brown's old sign.

21 MR. NARANA: It will just be one sign.
22 That will be our only sign, this yellow one.

23 MR. DAVELY: That is what we got approved
24 at the last Borough meeting. We are basically replacing
25 -- we haven't even touched that yet. That will be within

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2 24 hours that will be moved.

3 MR. KESTER: I will second it.

4 CHAIRMAN VOSS: Thank you. Any
5 discussion? Does the public have any comment? All right.

6 All those in favor.

7 MR. KESTER: Aye.

8 MR. GADA: Aye.

9 MR. O'BRIEN: Aye.

10 CHAIRMAN VOSS: Aye. Opposed? Thank you.

11 Next we have 183 South Main Street.

12 MR. NUSH: I am Craig Nush, C-R-A-I-G

13 N-U-S-H.

14 MR. FEY: Ralph Fey, F-E-Y, Ralph Fey
15 Architect, just be adding color commentary.

16 MR. NUSH: We are here on behalf of Bruce
17 Lotier on 182 South Main Street. Our client was served a
18 violation of the original COA. This was to the note that
19 there is a visibility of a spa to the right of way, which
20 is the Delaware River on the top roof deck of the
21 residence.

22 First we would like to kind of note and
23 kind of oppose the notion that this spa is not unlike a
24 barbecue grill, a deck umbrella, patio furniture. It is a
25 moveable object. It was carried by four construction

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2 workers to that top roof deck.

3 And first we would like to discuss how kind
4 of that equipment is no different from what I just stated;
5 a grill, an umbrella or patio furniture. We can get into
6 -- we would like to discuss that first with the Board.

7 MR. O'BRIEN: Who issued the notice of
8 violation?

9 MR. NUSH: The building inspector. I have
10 that copy if you want.

11 MR. O'BRIEN: Was there a permit for the
12 hot tub to be placed on the roof deck?

13 MR. PROBERT: Chris Probert, P-R-O-B-E-R-T.
14 There is a permit for the new residence and the hot tub is
15 listed on the recorded plans in the Borough on the
16 structural piece as far as location and approximate size.

17 MS. CONNELL: Was it on the elevations?

18 MR. NUSH: It was not on the architectural
19 elevations but it was noted in the structural that it
20 could hold a hot tub on that floor.

21 MR. O'BRIEN: So there wasn't a separate
22 permit pulled for the hot tub?

23 MR. PROBERT: Not specifically.

24 MR. O'BRIEN: Is that what was written in
25 the notice of violation?

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2 MR. PROBERT: It said visibility of a hot
3 tub from the public right of way.

4 MR. O'BRIEN: Was there a railing there
5 previously?

6 MR. PROBERT: I guess at the time that it
7 had been I guess cited we hadn't completed any of the
8 rails. There was temporary railings up above and at this
9 point we are here to do today -- if the issue is in fact
10 visibility like -- you know excuse me, the citation --
11 non-compliance, there had been no railing completed at the
12 time.

13 That said, the railing that we had shown on
14 the elevation was a cable rail which is obviously a
15 relatively -- able to see through, it is not even a
16 screening everything off. I guess what we are trying to
17 do today is like show options to the Board that would do a
18 better job of effectively entirely screening off the hot
19 tub and moving it from visibility from any of the public
20 right of way.

21 MR. O'BRIEN: Okay. And that public right
22 of way being the river.

23 MR. PROBERT: Yes.

24 MR. NUSH: Yes.

25 MR. O'BRIEN: That is why I am looking at

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2 your application. You are proposing to go from the cable
3 rail to the cedar planking, correct?

4 MR. PROBERT: Yes.

5 MR. NUSH: The cable rail is still
6 approved. We want kind of a notion that -- first a notion
7 that the spa, the hot tub, is a piece of equipment not
8 unlike a grill and --

9 MR. O'BRIEN: It is not like a grill.
10 Okay. Because there is specific requirements for hot tubs
11 that don't pertain to grills. Okay. So specifically
12 safety requirements, covers and support X amount of pounds
13 and 48 inch barriers that need -- there is that noted, so
14 it is not a grill.

15 Okay. I can't speak to Mr. Lupinetti's
16 violation or notice of violation because I haven't seen
17 it, but if -- again was this issued by the zoning officer
18 also?

19 MR. NUSH: No.

20 MR. PROBERT: Would you like a copy?

21 MR. O'BRIEN: That would be great.

22 So it specifically references that the
23 previous COA did not show the installation of the hot tub
24 on the roof, correct?

25 MR. NUSH: That is what it states, yes.

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2 MR. O'BRIEN: Okay. So basically you're
3 here tonight to in essence revise your COA approval for
4 the previous approval to include the hot tub that is
5 visible from the river.

6 MR. NUSH: Correct.

7 MR. FEY: I think there is a question in
8 our part whether a hot tub is required to be screened or
9 have some -- have some response on the harbor realm. That
10 is what we need clarity on.

11 Once you give us that clarity, we will
12 proceed to give you some options but we don't have that
13 clarity. We can't find that clarity. We actually are
14 somewhat under the belief that it is not something that
15 every person who puts a hot tub in the public way -- it
16 can be seen from the public way, be it in their back yard
17 or on a roof terrace screens it. Just looking for some
18 clarity before we move on to our options.

19 MR. O'BRIEN: Okay. So pursuant to
20 Mr. Lupinetti's notice of violation, it was not presented
21 previously to the HARB so that is what you are here to do
22 tonight.

23 MR. FEY: So I will take that to mean that
24 every one that puts a hot tub in their yard or terrace is
25 required to screen it or come to the HARB Board to review

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2 it.

3 MR. O'BRIEN: If it is visible in a right
4 of way I would think that -- again, I will check with
5 zoning in regards to that but I think that would be
6 appropriate if it is visible from the right of way.

7 MR. FEY: Okay. Thank you.

8 CHAIRMAN VOSS: Please understand we are a
9 recommending body, we are not a judiciary body. We do not
10 have the right to override a determination of an officer
11 of the Borough. So if based on the findings of this
12 officer we are -- our job now is to help us identify a
13 solution.

14 MR. NUSH: So we have on our submittal from
15 before -- from prior approval we have a cable rail. I
16 don't know if you want to go through the pages on the
17 screen or off the screen but we have a cable rail on the
18 fourth floor on the rooftop terrace that you can then see
19 visibly through this spa.

20 We have then an alternate that would have a
21 cedar slap kind of blockade railing system that would
22 block then the visibility of the hot tub spa.

23 Go to the next colored images. You can see
24 -- go up some. This is a rendering of the cable rail and
25 the spa and the next one is -- will alternate which would

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2 be a cedar slap and I have spec sheets to see what that
3 looks like.

4 It is composite materials on the lower
5 portion.

6 MR. KESTER: So that first slide is the way
7 it was originally presented, is that what you are saying?
8 The one before this.

9 MR. NUSH: Above it is a cable rail was
10 approved and now there is a spa behind it.

11 CHAIRMAN VOSS: So on the previous picture
12 in the dark wood we are seeing is what we see when we are
13 on the Main Street looking toward the building?

14 MR. NUSH: That is just an alternate. We
15 would also like --

16 CHAIRMAN VOSS: I walk Main Street, I want
17 to see if you can see it from Main Street as well and I
18 saw what looked like a horizontal barrier, maybe slats
19 that would hide this from Main Street.

20 MR. NUSH: Main Street would be all the way
21 towards your right on this. We also have -- I also have a
22 supplemental photo of what we would see actually all the
23 way up on New Street at a higher elevation and you will be
24 able to see that is -- I will grab another -- what is in
25 violation is the Delaware River side.

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2 CHAIRMAN VOSS: I am not talking about
3 violation, I am talking about the color brown that is
4 horizontally presented in the image that I asked about is
5 the wire fencing that you have in front of it and I just
6 wanted to make sure I was clear about what I was seeing.
7 The dark brown was not on the river side right there. The
8 dark brown, that is kind --

9 MR. NUSH: It is behind it.

10 CHAIRMAN VOSS: So it is shielding from
11 North Main. I am saying that is a good thing. On North
12 Main I saw the shielding, so you were aware that it helps
13 shield -- helps shield from North Main and it did a really
14 nice job. I would like to see that same kind of
15 shielding, the same kind of fencing and that is what you
16 are planning, the same type on the river side?

17 MR. NUSH: That would be our alternate. It
18 is not our preferred but that will be the alternate on the
19 Delaware River side.

20 CHAIRMAN VOSS: What are the two options
21 that you are proposing?

22 MR. NUSH: Cable rail or the slap wood,
23 cedar slap that you can --

24 MR. O'BRIEN: Cable rail is existing,
25 correct?

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2 MR. NUSH: Not yet. It is not installed
3 yet. So we wouldn't have a COA of the house yet. We also
4 have photos from the river side, from the Lambertville
5 side. Additional photos through the -- actually what you
6 are seeing from the Delaware River which is quite far.

7 I guess slide that up and also within that
8 packet I gave you there is some alternate views. This is
9 a hundred feet from the Lambertville side, 1,100 feet from
10 the edge. This is what you would see. This is ten times.
11 This is actually --

12 MR. O'BRIEN: We have that in the packet?

13 MR. NUSH: This is at -- one that we did a
14 few days ago standing and having a boat in the middle of
15 the river and seeing it also.

16 MR. GADA: What is the setback of the hot
17 tub? Is it right to the end?

18 MR. NUSH: No, there is a slight walkway,
19 would be four or five feet and then the hot tub, possibly
20 eight foot by eight foot.

21 That is it. That is the view that you
22 would have from the Lambertville edge looking toward the
23 property. The right view is actually a ten times zoom of
24 it. The next slide of this would be in a watercraft or
25 boat also looking up at that structure.

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2 MR. FEY: The dark line -- explain what the
3 dark line is in that photo.

4 MR. NUSH: Center part of the river.

5 MR. FEY: No, I am pointing to the location
6 where the hot tub would be, the dark line.

7 MR. NUSH: Yes.

8 MR. FEY: Did they not put the railing in
9 that?

10 MR. NUSH: That is actually some evergreens
11 in front of it in that photo.

12 MR. FEY: The evergreens are how tall?

13 MR. NUSH: Forty-eight inches.

14 MR. O'BRIEN: Just speaking for myself,
15 honestly I can't see a problem with the cable railing as
16 long as the hot tub area and that deck is shielded from
17 Main Street. I mean that would suffice for me and I just
18 wanted -- again, as long as the cable meets the
19 requirements to hold 2200 pounds horizontal force and all
20 of the good stuff that comes with building code.

21 MR. NUSH: Yes, it will.

22 MR. KESTER: I feel the same way. I don't
23 really have a problem with the cable railing but the fact
24 that it was written up as a violation is what is bothering
25 me, that the Borough feels that it is a violation of the

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2 right of way.

3 MR. O'BRIEN: Again, I didn't see that
4 violation until this evening. But if Mr. Lupinetti
5 thought it was a situation that he needed to address, then
6 he addressed it. We can address it tonight.

7 MR. FEY: I can lend some history. We
8 always had planned on putting a hot tub there and the plan
9 has a little square dotted in hot tub structure reinforced
10 -- was never shown on our elevations because it had not
11 been selected by the clients. So I understand when you
12 say this is an amendment, because we did not show it on
13 the elevation. It was only shown in the plan.

14 MR. O'BRIEN: Just for myself I don't have
15 a problem with the cable railing, again as long as it
16 meets all of the building code requirements.

17 MR. NUSH: And it will, yes.

18 MR. GADA: I concur as well. I have no
19 issue with it.

20 MR. KESTER: I am for it also. It is a
21 violation that bothers me.

22 MR. NUSH: I believe the building inspector
23 saw something that was not on his elevations and wanted to
24 bring it up to the Board.

25 CHAIRMAN VOSS: I think what is difficult

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2 for me is it is an expression of -- it is a very modern
3 utilitarian piece and if it were shaped or covered in a
4 way that it looked like you know, a shaded chimney or
5 there are a lot of things that will hide it in my view.

6 I mean we care about a bunch of things that
7 you might not be able to see ten times zoom camera, we
8 still talk about using wooden window trim where it is
9 appropriate in buildings. We talk about using appropriate
10 you know, door knockers, door handles even though you
11 might not see the shape or the texture until you get up
12 close to them.

13 And I mean I look at this and I see a
14 modern convenience sitting on top of a not particularly
15 historic looking building in the historic district. I
16 think it can be hidden without too much difficulty as it
17 is being hidden from Main Street.

18 So I guess that is the difficulty I have,
19 it can be hidden from Main Street, it can be hidden from
20 the river. The problem is solved.

21 MR. KESTER: Can I ask why you don't want
22 to do the wood planking because -- to see out on the
23 river? What is it?

24 MR. NUSH: Yes. It is the site lines from
25 that vantage point, sure.

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2 CHAIRMAN VOSS: Any further comments? Any
3 public comments?

4 MR. FREEO: My name is Jay Freeo,
5 F-R-E-E-O.

6 I would like to give you gentlemen a packet
7 of some photos. These photos are of the subject residence
8 and our home in the top photo is to the right so we
9 neighbor this property on the south. Michelle Beeche and
10 I reside at 186 South Main and that is the property to the
11 south of the subject property, 182.

12 The property as you well know is amongst
13 the most historic cluster of historic homes in New Hope.
14 Modern architecture has its place as you can see in the
15 packet of the photos that I just provided to you. This
16 imposing three story structure clearly dwarfs and is out
17 of character with the historic homes.

18 We had no idea as to the enormity of this
19 modern structure and how it would overwhelm our historic
20 dwelling in terms of scale and the imposition on our
21 privacy exasperated when all of the trees on the property
22 were cut down during the demolition phase. And over one
23 third of the south elevation of that property as you see
24 in the photos is glass. It is full height glass
25 consistent with what we would call -- commonly called

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2 store front and that creates a terrible imposition on us
3 in terms of our privacy.

4 My intent is not to denigrate the owners,
5 the architect or the builder but the photos speak for
6 themselves. The various elevations in there you can see
7 are from -- viewed from our back yard and you're primarily
8 looking at south elevation of 182 South Main.

9 During the review process the appearance of
10 impact of the building was given great scrutiny from Main
11 Street but little to no attention was taken to the other
12 elevations. If provided the full details during the
13 review process, including the presence of a hot tub, we
14 would have objected.

15 We recognized the original structure was
16 not historic and that you can see in the photos as well,
17 that little light blue cottagey looking place but it was a
18 river cottage that needed a lot of love but it was low key
19 and it did not overwhelm the adjacent historic dwellings.

20 While we all dropped the ball in allowing
21 this building to be constructed, we are not here to debate
22 the prior approval but rather to consider a further
23 expansion of the utilization.

24 By design the footprint of this roughly
25 5,000 square feet building utilizes every square foot of

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2 that lot. In fact, a variance was needed to allow the
3 building to be constructed within five feet of our
4 property line.

5 The issue tonight is utilization of the
6 roof as a fourth level extension of the occupied space of
7 the building to allow a hot tub. It appears with the
8 rooftop fireplace the roof is intended as a gathering
9 place and entertainment area but this is not an event
10 center, a Residence Inn nor is it the Jersey Shore, but
11 rather to the amazement of many, a single family residence
12 in a historic district.

13 While the expansive glazing of the south
14 elevation greatly erodes our privacy, the rooftop further
15 provides a clear view into the day and night occupied
16 spaces of our historic home as well as our back yard. As
17 evidenced in the photos, we are truly in a fish bowl.

18 Allowing utilization of this rooftop to
19 serve as an entertainment/recreation space such as with
20 the hot tub will impose further negative impact from a
21 visual and privacy standpoint, not to mention the noise
22 generated with the sound amplified off the river from
23 individuals being on the roof.

24 We have experience with noise along the
25 river. This property, which is directly to the south of

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2 us, is one of significant historic homes. Our house is
3 the lot tender's house built in 1832. It was for lot ten.
4 The property to the south is this property, which I am
5 sure you are all familiar with, that was for lot nine,
6 also built in the 1830s. And to the south of that is a
7 toll collector's house. There is significant historic
8 dwellings all up and down the river right there.

9 Across the street is the Odette's that got
10 moved there, the original building. North of this subject
11 property is the house which housed the workers when the
12 canal was being built. And look further north of that are
13 two masonry buildings also built in the 1800s.

14 So getting back to the -- this property,
15 this summer it was let out as a temporary rental so we had
16 constant turnover of individuals at that property. On
17 five occasions we have had to call the police because
18 people are out back on that balcony there.

19 CHAIRMAN VOSS: You're starting to drift
20 away from HARB's purview right now.

21 MR. FREEO: I'm sorry if I seem to deviate.
22 There was noise generated on that property, had to call
23 the police five times. We were awoken from sleep at all
24 hours of the night. People don't realize how the sounds
25 travel out back and that balcony of Odette's is 250 feet

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2 away. This area is five feet away.

3 CHAIRMAN VOSS: If I can paraphrase, it
4 sounds like your concern may not be giving them a view out
5 so much as I guess the reciprocal view of you in.

6 MR. FREEO: My exact issue is the existence
7 of the hot tub. The presence of it or planned presence of
8 it. Basically with the rooftop railing, you know my take
9 on that is it just accentuates the height of this
10 building.

11 In the photos you will see on the south
12 elevation of the property -- and I don't remember it on
13 the original plans when I saw the plans a couple years
14 ago, there is now what looks like a three-foot by ten-foot
15 by two-foot -- it looks like a sparkler sort of a
16 mechanical blower on the chimney.

17 CHAIRMAN VOSS: What you are addressing is
18 not their --

19 MR. FREEO: It just is in furtherance of
20 the omni-presence of that building.

21 In closing I will say that the ship has
22 sailed on any prior approval but further expanding the
23 utilization of this rooftop is adding insult to injury and
24 only further erodes our privacy and greatly increases the
25 likelihood of disturbance to all of the neighbors.

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2 Michele Beeche and I will encourage any
3 unapproved expansion in terms of appearance or utilization
4 be rejected to mitigate the negative impact the property
5 has already imposed on our property. Thank you.

6 CHAIRMAN VOSS: Any further public comment?

7 MS. KIRTBEEK: My name is Dana Kirtbek,
8 K-I-R-T-B-E-K. I don't mean to belabor, it is a little
9 misleading that they haven't mentioned the permanent thing
10 that is a cover that in that first picture you can see
11 raises up from a hydraulic lift. And I don't know if they
12 have the light kit attached to it but if they do, it is
13 like a disco kit under that. They might not have that, so
14 I don't know for that but that picture is the raising of
15 the rooftop thing on top of that spa.

16 So the spa wasn't approved and that
17 certainly hydraulic lifting -- I don't know what that is
18 called, a cover, will be visible not only from Main
19 Street, from New Street and the only way they can get in
20 and use the hot tub is to raise that.

21 So there is -- while the metal fencing or
22 the railing would be nice to have it covered but that is
23 really not the issue when you are looking at the view
24 because that is the cover down and if you can see the
25 picture, that is the cover when they raise it. And that

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2 goes up about ten feet so that will be visible -- and they
3 can only use it with it raised -- from every single view
4 of the streets of New Hope. Not all of the streets; New
5 Street and Main Street, certainly the river and certainly
6 all of us that are their neighbors.

7 So that is really the main thing. And I
8 will reiterate everything that Jay said about it. That is
9 not neither here nor there so I know that the spa had not
10 been approved. I strongly urge that that spa not be
11 approved and certainly not that raising hydraulic top.
12 That will be visible from every where.

13 And just to reiterate some one's comment,
14 that Jacuzzi was not brought in by four people, it was
15 brought in by a gigantic lift. So it wasn't carried up
16 there by four people as that man said earlier. We do have
17 photos of that as well.

18 And again I feel badly, I don't like doing
19 this. They are my neighbors but I don't want to have to
20 see -- every time they are in their Jacuzzi partying, it
21 is loud enough. We have already had instances of some of
22 their kids -- they have kids. I get it, kids are kids but
23 one of our people was in our yard and he was peeing off
24 the roof. Not a fun thing but you know a kid. Probably
25 won't happen that often but that hot tub will certainly

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2 generate more of those type of situations.

3 So I appreciate your time and consideration
4 for our -- and I do live a little north of them and in a
5 historic home as well. It definitely is not fitting
6 within the historic district at all. Thank you.

7 CHAIRMAN VOSS: Do we have any additional
8 public comment? Sorry.

9 MS. LOTIER: I am Natalie Lotier, I am a
10 co-owner of the home. L-O-T-I-E-R.

11 We don't -- I don't have a prepared speech,
12 don't have photographs. It is really disheartening and
13 this whole thing is not about looking at a hot tub. Our
14 house -- we bought this property almost four years ago.
15 It was called historically insignificant. That was how it
16 was labeled.

17 We went by the bylaws for one year to get
18 architects to do a modern home because the bylaws said do
19 not try to replicate or make anything look historic. That
20 is not what we wanted, a modern home. We started to love
21 it after three and a half years in the process, but that
22 is -- we followed the bylaws for a year.

23 We went through -- you can see the notes,
24 years and years of coming back and forth here. And I'm
25 sorry that the neighbors don't like our house. I am

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2 really sorry because I thought moving to the Borough was a
3 cool place where your neighbors are close and you can
4 watch out for each other. It is not about our hot tub, it
5 is about asking our neighbors to please move some of the
6 bamboo that is hitting our house that pissed them off.
7 Somebody called in that they --

8 CHAIRMAN VOSS: You're getting far afield
9 from HARB.

10 MS. LOTIER: I am drifting. Just to say
11 that it is -- I am drifting and I'm sorry. And I'm sorry
12 about the whole situation. We followed all of the rules
13 and the bylaws. We got all of the approvals before we
14 started this house. We built the steel to support the hot
15 tub as in integrated part -- and it wasn't part of the
16 picture, it was part of all of the diagrams in the permits
17 that were approved.

18 And I just believe that at this point we
19 are now implementing that. We didn't finish the
20 architecture, somebody called in a complaint about the hot
21 tub, wasn't an inspector that came out and saw it, it was
22 one of the neighbors that made the complaint and then he
23 rightfully said it wasn't part of the plan. So we are
24 here to do what is right.

25 It is a complicated process to put it back

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2 in the picture. However it was part of the entire process
3 and the entire approval process that took multiple HARBs,
4 multiple Borough Councils and I just would ask the council
5 that -- we will be as considerate as possible to protect
6 the right of way if we need to cover something, but I
7 would ask you to please honor the approvals that we have
8 gotten over the last four years. Thank you.

9 MS. CONNELL: Can I ask a question, please.

10 CHAIRMAN VOSS: Yes.

11 MS. CONNELL: Can I ask whether or not
12 there are lights under that top and the cables?

13 CHAIRMAN VOSS: It would be nice to have
14 feedback, unless there is any further public questions.

15 I would like a response on this, this is
16 sort of an interesting situation if -- you know in one
17 phrase we are seeing that you can barely see it from Main
18 Street because it is inches over that front wall and now
19 we are hearing that it is -- from what I am gathering from
20 these steps, it looks like approximately six feet higher
21 than it is in the closed form and then we have a
22 possibility of lights on it as well that are integrated in
23 the system. I would like a response to that.

24 MR. FEY: Well I only know the one answer.
25 There is no lights in the canopy but any other questions I

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2 think the owner should respond to.

3 CHAIRMAN VOSS: I guess my concern is if
4 it raises this high then I would want a screen that can
5 cover that and now we are talking about a significant
6 extension of the height of this building which is -- which
7 I would not believe would be approved.

8 If we have feedback from you, otherwise I
9 would like to see what the HARB members think.

10 MR. LOTIER: Bruce Lotier, L-O-T-I-E-R.
11 The question about the cover, which it is a cover. We
12 went with this cover and it is an electric cover so it
13 does come up, all four corners raises up, raises up about
14 38 inches off of the tub.

15 The tub sits on a platform so it is higher
16 but it is no higher than the normal flip top. Many hot
17 tubs have a top that sits on hinged arms and flips back to
18 the backside of it and sits up. It is very similar to the
19 same height as that. We had that in our old property and
20 quite frankly they just don't work. They don't work
21 especially with children. We don't have children, we have
22 young adults but when those things flip back, eventually
23 the armatures break.

24 We went with this new system. It just goes
25 up on all four corners. When you are done with it you hit

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2 the button and it goes back down. So it is only elevated
3 obviously when in use because it is there to keep the heat
4 in, keep any of the elements out and so forth.

5 The cover will match the same color on the
6 mechanical wall so it fits right in with that.

7 MR. KESTER: Ralph, what is the height of
8 the house, the median height?

9 MR. NUSH: It is two feet below 35 feet.

10 MR. FEY: Inessa has brought up the drawing
11 now, and if you can enlarge the left-hand side there that
12 has the dimensions. If not, we may have to go to the
13 actual drawing that you have.

14 MR. NUSH: That line is the 35 feet, dotted
15 line is the five foot.

16 MR. KESTER: So when this top is raised it
17 is essentially higher than the allowed building height?

18 MR. FEY: Yes.

19 MR. KESTER: That is a structure.

20 MR. GADA: You will see that from New
21 Street, you will see it from South Main when it is up.

22 MR. FEY: I don't think you will see it
23 unless you're on an angle, as the neighbors said. This is
24 pretty far -- do we have a plan of this of the whole
25 rooftop? It is pretty far on the back of the building.

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2 The building is --

3 MR. GADA: That is why I asked you earlier,
4 that is a four foot setback from the cable rail.

5 MR. FEY: It sits back from the waterfront.

6 MR. NUSH: The hot tub is on this here --

7 MR. FEY: This will be the Delaware River
8 side. This would be the --

9 MR. NUSH: This right here is the hot tub
10 area, to the left side would be the Delaware River and
11 this is just the start of the driveway and Main Street
12 would be here.

13 MR. FEY: Bruce has given me a photo under
14 construction. The photo represents the mechanical screen
15 wall in relationship with the screen wall to the hot tub
16 and the mechanical screen wall is on the side elevation
17 that is shown on the drawing.

18 MR. O'BRIEN: The -- so the platform it
19 sits on is eight or ten inches?

20 MR. LOTIER: Yes, it is to compensate for
21 the drop in the elevation.

22 MR. O'BRIEN: And the side of the hot tub
23 is 48 inches, give or take?

24 MR. NUSH: Yes.

25 MR. FEY: If you are at the platform to it.

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2 MR. LOTIER: The hot tub is 38 inches.

3 MR. FEY: I believe the hot tub is 38 and
4 the platform is nine or ten inches. And I will point out
5 in here, the wall that is in the photograph that is shown
6 as the mechanical screen wall is behind the hot tub from
7 the riverside in front of the hot tub and the street side.

8 MS. CONNELL: May I ask a question in
9 the --

10 CHAIRMAN VOSS: Yes.

11 MS. CONNELL: Is there any lighting at all
12 that is going to be on that rooftop with the hot tub? I
13 am not talking about under the cover but on the roof.

14 MR. LOTIER: We haven't got that far with
15 lighting.

16 MR. FEY: So there is a lighting plan, it
17 is on the steps and I believe there is also lighting --
18 although I have to check the drawings not with us, that
19 cast some lighting across the floor to make it safe to
20 walk. I believe that casting is on the inside of the
21 cable rail but I have to check the railings to be sure.
22 It would not be code compliant to have no lights but I
23 believe it is a low level indirect light meant to shine on
24 the floor -- deck.

25 MS. CONNELL: Got you. Thank you.

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2 MR. FEY: And it is not -- Chris is here, I
3 do not believe it is installed.

4 MR. PROBERT: No, it is not.

5 MR. FEY: Any guidance on the lighting we
6 would integrate and come back.

7 CHAIRMAN VOSS: I can imagine if you have
8 this slotted wood shielding, then having lighting, even
9 under lighting along the top border of the railing, I can
10 imagine it would light down from there and no one can see
11 it. It would be inside of the fence.

12 MR. FEY: I will just add that I may not
13 have been clear, the lighting is mounted about eight
14 inches above the deck on the face of the post shining
15 toward the deck.

16 CHAIRMAN VOSS: So it is already planned?

17 MR. FEY: It is planned but not installed
18 and certainly that gives us options. It is not mounted at
19 the height of the underside of the railing in which case
20 one would see it from -- it is mounted -- I believe it is
21 ten inches. Again I have to check. And it is a small
22 light that shines across the ground. It is intended not
23 to cast light away from it.

24 CHAIRMAN VOSS: Any further questions?

25 MR. O'BRIEN: Given the information

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2 submitted here tonight honestly gives me a clearer picture
3 as to why Mr. Lupinetti felt compelled to bring this back
4 to the HARB, specifically the raised cover. I can
5 understand why he wanted it to come back before us at this
6 point.

7 CHAIRMAN VOSS: Do we have a single
8 proposal from you that you would like us to vote on?

9 MR. FEY: So we did in fact put two railing
10 options in the package and certainly hearing the concerns
11 of the neighbors, I think that leads us to the railing
12 that provides the greatest amount of privacy and
13 separation.

14 So out of respect for everything we have
15 heard today, it would be our proposal to have you vote on
16 the horizontal wood slatted railing on the two sides that
17 overhang -- I don't know if that is north or south. North
18 and east sides, which is depicted in the drawing and that
19 Inessa has up. And if you show the corner, I can tell
20 them what the drawing is. Go back down.

21 Show me the corner of the drawing so I can
22 depict to them the number -- the lower right-hand corner
23 please. Can you shrink the drawing down for me? Shrink
24 it more. Shrink it more. 06 in your packet.

25 MR. KESTER: So the plank railing would

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2 just be on the river side and the street and the side
3 yard.

4 MR. FEY: Correct. The other side behind
5 it, if you will, over towards the street is already an
6 existing mechanical screen wall and that is actually
7 already constructed.

8 CHAIRMAN VOSS: On the neighbor's side is
9 the north side, did I see it was metal?

10 MR. FEY: I will let Craig point to the two
11 walls I am talking about. He is now pointing to the
12 existing screen wall that hides the mechanicals and that
13 from the hot tub location to the street.

14 The wall at the bottom of the plan, the
15 south wall is -- we are proposing the wood slat. The wall
16 to the east facing the water we are proposing the wood
17 slat and in the other direction we have the open deck. We
18 would need access to that and there are steps there. And
19 that deck is at a slightly higher level. This is a
20 depressed deck that this is on.

21 CHAIRMAN VOSS: Do any of the HARB members
22 have concern about the raised height of this, an
23 additional five feet higher for this -- I don't know what
24 you call it, roof element. It is the cover but it will be
25 five feet higher. I did the numbers, maybe four and it

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2 will -- when in use it will definitely be visible from
3 Main Street and more clearly visible from the river.

4 So is that a concern to any one?

5 MR. LOTIER: It will be visible from Main
6 Street -- it will be visible from New Street but not Main
7 Street, the angle you can't see that far back.

8 MS. CONNELL: Can I ask a question, please.

9 Is there going to be an adjustment made in
10 compensating when the hot tub is on and the roof is up in
11 the length of the cedar railing, now will that have to be
12 higher to shield that because it will be used all year
13 round, if I am not mistaken.

14 MR. KESTER: I am concerned about this
15 raising the roof above the hot tub being a permanent
16 structure that now makes the height of the building in
17 violation of the height requirements. That is my concern.

18 MR. FEY: Kevin looked at me so I am only
19 stepping up because Kevin looked at me. Again it is our
20 belief that this is a piece of equipment not unlike a
21 piece of HVAC used for a barbecue because they are large
22 and they have plumbing.

23 I understand it is not the same as a
24 barbecue, it is a piece of equipment that is added and can
25 be taken away and the building does not rely on it to be

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2 run or managed and it is clearly an additive and therefore
3 also deductive.

4 I do not believe it has anything to do with
5 the height of the building. Then again, I am just the
6 architect.

7 MR. KESTER: It is a permanent structure.
8 It is a permanent structure and when that roof is up it is
9 in essence making the height of the building -- this isn't
10 necessarily a HARB matter but it is in essence making the
11 height of the building higher than is allowed in the
12 zoning district.

13 MR. FEY: I understand your concern, Kevin,
14 and with all due respect I would take issue with the word
15 permanent structure. It is a piece of equipment that has
16 a raisable roof, and if one day they were to leave and
17 someone was to buy the house, they could remove the hot
18 tub and consequently it is not part of the building, it is
19 an --

20 MR. O'BRIEN: I believe what you're
21 referring to is an appliance.

22 MR. FEY: Appliance. Even less, I will use
23 the word appliance. I will take the words from you.

24 MR. FREEO: I have a question, if I may
25 please. And this may be the wrong -- I realize this is a

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2 HARB Board but I just wanted to make sure I understood. I
3 sat in on many of the review meetings a year and a half,
4 two years ago and I don't ever remember a mention of a hot
5 tub during the approval process of this home.

6 Now I think what I heard is there is a
7 reference on the structural drawing that says that the
8 roof is being reinforced to support a hot tub but I don't
9 remember that the hot tub ever being brought up to -- for
10 approval or that it was made clear that it will be an
11 intricate part of the home.

12 I question an appliance reference, I think
13 of a hot tub as a fixed body. You don't move them around
14 and you don't put it away for the season. It is a fixed
15 body.

16 But does any one know was a hot tub
17 previously approved under the permitting process?

18 MR. O'BRIEN: I don't know. I don't think
19 anybody that was on the Board was here at the time that
20 this was approved. Okay. So I can't give you a yes or no
21 answer.

22 MS. CONNELL: The hot tub wasn't on the
23 elevations.

24 MR. O'BRIEN: I believe that is why
25 Mr. Lupinetti wanted it to come before us again.

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2 MR. FREEO: Despite the height of the hot
3 tub, we are not even certain the hot tub was approved?

4 MR. O'BRIEN: Right. And again the
5 information that was presented tonight gave clearer -- in
6 my mind and I am only one person up here, gave clearer
7 indication in my mind why Mr. Lupinetti wanted it to come
8 before us because when he was out there and he saw the hot
9 tub, he saw what it was and that is why I believe he
10 issued the notice of violation so that it can come back
11 before us.

12 What we may want to consider -- I am only
13 one voice on the Board, we may want to consider is getting
14 a determination from the zoning officer in regard to the
15 height issue because that is actually a zoning ordinance
16 purview issue, not necessarily a HARB issue.

17 So what we may want to do is table this
18 until next month and get a determination from the zoning
19 officer in regard to whether they perceive this to be some
20 level of violation of the height requirement in the zoning
21 ordinance.

22 CHAIRMAN VOSS: I would just disagree with
23 the need for that because if the zoning officer wants to
24 declare this -- with this knowledge he wants to declare
25 this is too tall, that is outside our decision making

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2 process.

3 My concern is what kind of shielding is
4 appropriate and is it going to be high enough to shield
5 what we think needs to be shielded, assuming it needs to
6 be shielded, is it high enough to shield it and if not,
7 what remedies need to be requested.

8 My suggestion is we don't have a need to
9 hear about zoning conditions. We just have a need to
10 decide whether this is appropriate for us from the right
11 of way to see this hot tub or the hot tub roof. So I
12 think that is what we need to address.

13 MR. KESTER: My issue is not the hot tub
14 and not that the slatted fencing would be able to hide the
15 hot tub, it is that raising roof that I find uncomfortable
16 to say the least.

17 So I mean there are hot tubs where you just
18 slide the cover off and you wouldn't have this problem.

19 MR. LOTIER: There is armatures that you
20 can put on and you can put it on the back edge and those
21 armatures -- having hot tubs for 20 plus years, they break
22 and --

23 MR. KESTER: I have had hot tubs too and
24 you can get lids that just slide off to the side.

25 MR. LOTIER: You can do that and we can do

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2 that. We did this because it is much easier for my wife
3 to be able to push it up and get in and get out. So we
4 looked at it the same way and we went and talked about it
5 exactly the way as having an umbrella on the rooftop.

6 As Jay mentioned just south of him is
7 Odette's and Odette's has multiple very large umbrellas
8 that collapse and go up and down. They are not always up,
9 they are not always down but the height is about the same
10 height that this will be when the top is up for whatever
11 the period of time that we are in it.

12 MS. BEECHE: Odette's is a commercial
13 property. I live in a historic district. I bought this
14 home for a reason. You guys are HARB. We have to look
15 and -- that ship has sailed, but let's not add to this.
16 That is not a party. This is not the Residence Inn. This
17 is not the New Jersey Shore.

18 And I'm sorry for getting emotional. I
19 live in this house and I love this house and I love this
20 town. You guys are historic, let's think about this,
21 please. This isn't a party roof. It is where I live and
22 I live next to this every day. Enough. Okay. Just
23 enough.

24 MR. LOTIER: It is not a party roof and we
25 have built shields to shield their house so they couldn't

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2 see us, we --

3 MR. O'BRIEN: Any comments please address
4 them to the Board.

5 MR. FREEO: If I may go back to my original
6 question. I think perhaps the answer was we didn't know
7 but it seems like we are debating how to camouflage a hot
8 tub for which we are not certain the approval is there for
9 the hot tub.

10 Do I have that right?

11 MR. GADA: I can't comment on that.

12 MR. O'BRIEN: Again no one currently
13 sitting on the Board was here when the application came
14 through the first time. I believe the applicant
15 acquiesced that it was not shown to the previous Board.
16 Okay.

17 In regards to the hot tub being up there;
18 it may have been on the architectural plans or the
19 structural plans but when they came before the HARB with
20 the elevations it was not shown. I believe that was the
21 applicant's testimony.

22 MR. FREEO: It was not on the architectural
23 plans but it was referenced on the structural plan from
24 the loading --

25 MS. CONNELL: From the building officer --

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2 his plans when he was processing the permits, it wasn't on
3 the elevations.

4 MR. FREEO: Right. Okay. Thank you. All
5 right.

6 MR. GADA: Ralph, is there an option for
7 an additional covering or screening when this cover is
8 elevated?

9 MR. FEY: As of when we made the proposal
10 for the horizontal wood slatted railing system we were not
11 proposing it to be any taller but you're the Board that
12 can provide us that guidance.

13 MR. GADA: I am just thinking of other
14 options. They have the hot tub there now, they have this
15 cover that I don't know if that can be retrofitted and we
16 can have a slide arm cover or one that --

17 MR. LOTIER: Sure. If that is what it
18 needs.

19 MR. GADA: I am not opposing the hot tub, I
20 think the hot tub is fine. I think the screening we need
21 to address.

22 I am going to concur with I think the three
23 of us that are up here, the raising of it -- and I
24 understand you're considering Odette's umbrellas, I am
25 familiar with the neighbors, their residence. This is not

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2 a commercial property.

3 MR. LOTIER: I was using that as a
4 comparison of height.

5 MR. GADA: Which I think is great, it
6 gives us a good visual to actually pull ourselves back.
7 The umbrellas, that has helped us visualize. Thank you.
8 Not seeing this elevated now -- I would think that if
9 there was a way to add additional screening, great or if
10 that is --

11 MR. LOTIER: We will put a standard cover
12 on and you won't see it at all. You wouldn't see it. It
13 is a 23 inch elevated cover because of the dome effect.
14 We take that off and it turns into a six or eight inch
15 cover and you will never see the cover. You will never
16 see it from any part.

17 MR. GADA: I think that is a feasible
18 alternative. I really do.

19 MR. FEY: So with my client's permission
20 that is here, I guess we can -- the guidance with it we
21 can amend our application for the cover to be replaced
22 with a non-raising cover if that is the component of our
23 application that is not going to allow it to move forward.

24 CHAIRMAN VOSS: So I think I would be
25 comfortable if you were to specify the height of the

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2 replaced cover. I know you probably don't have a number
3 necessarily right now. If we say no more than some number
4 --

5 MR. FEY: All I would say no more than 12.
6 If it is not less than 12, we will obviously be back in
7 front of you. This is what we came up with but we all
8 believe from the manufacturer side that it is just less
9 than 12 and not -- I will stop there.

10 MS. CONNELL: Twelve inches?

11 MR. FEY: Yes.

12 MS. CONNELL: I think I might need a sample
13 to send to Council if this is considered. So I don't know
14 how we will obtain that.

15 MR. GADA: A sample of what, the cover?

16 MS. CONNELL: Yes.

17 MR. O'BRIEN: Can you e-mail JoAnn a copy
18 of the standard removable cover that in the specifications
19 specifically identify it?

20 MR. FEY: Absolutely.

21 MS. CONNELL: Then maybe I can send it to
22 an agent so that we can just keep this moving forward.

23 CHAIRMAN VOSS: It seems to me if -- I
24 would want to know what is the total height with the cover
25 because I would like to compare that against the slatted

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2 fencing.

3 I am seeing two numbers here. I am seeing
4 42 inches and 48 inches and I don't know exactly if the 48
5 is the front.

6 MR. FEY: Can we use the slide image?

7 CHAIRMAN VOSS: Actually the same numbers
8 --

9 MR. NUSH: The 42 -- the railing is the --
10 won't be larger than 48.

11 CHAIRMAN VOSS: Forty-eight is the one on
12 the Main Street side?

13 MR. NUSH: Beyond the mechanical screen.

14 MR. FEY: So Craig, do you know what the
15 height of the -- actually the height of the pad that it
16 sits on?

17 MR. O'BRIEN: That was submitted.
18 Thirty-eight inches is the -- 38 inches is the side of the
19 unit and the previous comment was that the base is
20 approximately ten inches so the height to the side of the
21 unit would be 48 inches. If you were to add another 12
22 inch maximum, it would be 58 give or take. Say 60 inches.

23 MR. FEY: I would like to amend the height
24 of the step, the contractor has told me that it is six
25 inches.

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2 MR. O'BRIEN: Okay.

3 CHAIRMAN VOSS: Is the step down --

4 MR. FEY: So that terrace is lower than the
5 terrace to the left of it and then on top of that terrace
6 for the additional structure is a six inch step. So we
7 would add the height of the wall of the hot tub and add
8 six inches to that to get to the height of the floor.

9 So how high is the wall of the hot tub?

10 MR. NUSH: Thirty-eight inches then plus
11 six so forty-four and then I am seeing a standard cover is
12 six inches is what I am seeing.

13 MR. FEY: Fifty inches.

14 MR. NUSH: Six inches, it could be up to
15 eight or ten.

16 CHAIRMAN VOSS: So if the slatted screen
17 were the same height as the one on the street side --

18 MR. FEY: So I will just remind every one
19 that you do not see a building the way we draw it, flat
20 and no elevations. You're actually three floors lower and
21 it seems overkill to hide something that you can't see
22 from the lower level and also then preclude the use of the
23 river. So I think 42 is the appropriate height of the
24 railing.

25 CHAIRMAN VOSS: Does that seem to alleviate

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2 your concerns?

3 Do we have a motion?

4 MR. O'BRIEN: I would like to make a
5 motion to approve the application with the following
6 conditions; that the applicant provide the cedar slat
7 option as submitted and at 42 inches above the level of
8 the deck, and then a standard removable cover be provided
9 with a thickness less than 12 inches.

10 CHAIRMAN VOSS: Do we have a second?

11 MR. GADA: Second.

12 CHAIRMAN VOSS: Do we have any further
13 comment? Any further discussion?

14 All those in favor.

15 MR. GADA: Aye.

16 MR. KESTER: Aye.

17 MR. O'BRIEN: Aye.

18 CHAIRMAN VOSS: Aye.

19 21 North Main, Sean Paben.

20 MR. FEY: Ralph Fey. And before Sean and I
21 start, I just want to add that I may not have been a good
22 receiver of commentary and constructive criticism at the
23 last meeting. I feel I owe the Board an apology. And I
24 after reflection realize that it is my job to listen and
25 sometimes not comment. So thank you.

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2 MR. PABEN: We are back this way for the
3 formal review. I think this is pretty much very similar
4 to what you saw last time, maybe some additional details
5 added in.

6 MR. FEY: So I will add to that that it is
7 necessary here to show how we did take some of the
8 constructive feedback and integrated it in the updated
9 drawings. And we have also brought you the very actual
10 colors that we did not have the last time. And I believe
11 that with the actual paint samples that Inessa will be
12 passing around, you will have a better understanding of
13 the proposed pallet than our digital drawings.

14 CHAIRMAN VOSS: Did you say you have
15 different drawings?

16 MR. FEY: We have no different drawings.
17 This is just an update from the previous submission, and
18 it would be hard for you to pick up the differences
19 because we weren't smart enough to bubble the changes.
20 But Inessa is handing out the colors and you can pass
21 those down.

22 And the book that is being handed out is
23 the actual color of the window that has a little bit of
24 metal texture to it. The green -- olive green in the body
25 of the building and the black is some of the minor details

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2 like the brackets.

3 If you can just jump ahead to the front
4 elevation. So I will move to the screen and hopefully you
5 can all hear me. We did take the guidance of removing the
6 capitals on the columns and keep them more respectful of
7 the columns that are there. And we did take the direction
8 here --

9 CHAIRMAN VOSS: The three columns all
10 together --

11 MR. FEY: Existing column, corner column
12 and the smaller two ones in the middle. We are just
13 calling them kind of separations between the windows. We
14 did remove the capitals on the three primary columns from
15 the last meeting as one of the comments that we received.

16 CHAIRMAN VOSS: Say that again.

17 MR. FEY: We removed the capitals on top of
18 the three primary columns, the -- that is part of the
19 commentary that we received. It wasn't consistent with
20 what the building already was and we thought that was
21 needed. We needed it.

22 We also -- just to reinforce are showing
23 the awnings in black per your packet. We have the window
24 here with the -- that will retain the awning -- the
25 shutters. Not the upper ones will use -- because the

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2 awning is in the way of what we changed here.

3 And here on the side elevation, if you
4 recall, we had shown you some new windows and, Inessa, you
5 can go to the side elevation.

6 CHAIRMAN VOSS: Can I ask a question?
7 From here it looks like it is a single -- doublewide
8 awning on it.

9 MR. FEY: It is, yes.

10 CHAIRMAN VOSS: If I can just ask is there
11 a reason you wanted an awning on the -- I look at this
12 building, the -- it seems pretty clear to me that the
13 final eight, ten feet on the right-hand side, on the north
14 side was an addition at some point. There is a chimney
15 that suggests the building stopped where the porch
16 stopped. The modern construction looks different.

17 I guess the reason I am asking about this
18 is have you thought about the possibility of -- I know
19 they tried to blend in one single facade, but if you're
20 using the same window above and below just to reinforce
21 the old part, I was just wondering have you thought about
22 reinforcing the old part of the house versus this 19 --

23 MR. FEY: We hadn't. I don't think Sean
24 would have a strong objection to this one not having an
25 awning, these two being the same and everything here over

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2 being the same.

3 MR. PABEN: Is that what you are
4 suggesting?

5 CHAIRMAN VOSS: It is a thought. I didn't
6 know if you had considered that. You know, you can see a
7 distinct -- when you look at the building you see a
8 distinct change at that one cut.

9 MR. PABEN: Yeah. Maybe it is not clear in
10 the detail. The siding along the top carries through
11 consistently so you actually have a divide there because
12 the board and batten along the bottom but the siding along
13 the top runs consistently all the way through.

14 So I don't know if that was an addition.
15 It is hard to tell even in the inside because there is
16 basement under that addition part as well so --

17 MR. FEY: It does feel like it is an
18 addition.

19 CHAIRMAN VOSS: You see where the chimney
20 starts?

21 MR. FEY: I don't disagree that could be an
22 addition or was the original building. Hard to say.

23 CHAIRMAN VOSS: The chimney is staying?

24 MR. FEY: It is.

25 CHAIRMAN VOSS: That was my question.

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2 MR. FEY: Sorry. Again, I defer to Sean on
3 how strongly he feels about these being the same versus
4 the ones on the top.

5 MR. O'BRIEN: Is that window up in the --
6 on the second floor in the addition section is not the
7 same size as the other windows on the second floor?

8 MR. FEY: This one is larger, yes.

9 CHAIRMAN VOSS: Match the one underneath
10 it.

11 MR. PABEN: I would be happy to consider
12 that.

13 MR. FEY: It feels okay. Let's go back to
14 our own picture if we could. So far the adjustment would
15 be to have these two windows be the same style and --
16 which is slightly the six over six and have these windows
17 which are more the -- in the style of the three over one.

18 MR. PABEN: I just want to clarify there
19 because the current plan is to -- not to replace any of
20 the upper windows. So all of the lower windows get
21 replaced but the upper windows stay existing.

22 So what I heard was the recommendation is
23 just to mirror the shutters up top or were you saying --

24 CHAIRMAN VOSS: That is all I was saying.

25 MR. FEY: I may have misspoke.

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2 So now I will change that to be the
3 existing window will remain and the window below it will
4 match it. And the window on the top and the window on the
5 bottom on the right side of the building will both have
6 shutters.

7 MR. PABEN: Or were you just saying
8 shutters?

9 CHAIRMAN VOSS: I was just saying
10 shutters.

11 MR. PABEN: Okay.

12 CHAIRMAN VOSS: I didn't know if you had
13 thought about it because a lot of times we -- the person
14 whoever did the extension didn't do anything to
15 memorialize the original building, and it is not
16 necessarily your responsibility to now memorialize someone
17 else's change. And yet at the same time you can sort of
18 say if we know in fact that was an addition, which I think
19 Ralph made a pretty good argument that that little jutting
20 out that you removed was probably just an addition.

21 MR. FEY: I concur.

22 MR. PABEN: What I am hearing is a
23 recommendation to mirror the shutters on that upper
24 window?

25 CHAIRMAN VOSS: If you like that, it is a

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2 suggestion. I --

3 MR. PABEN: Okay. Okay. I think it is a
4 good suggestion. I think I would like to see it rendered
5 up before I decide.

6 MR. FEY: Now you're killing me. Going for
7 approval here.

8 MR. PABEN: Is that something that you will
9 need to see?

10 CHAIRMAN VOSS: We will see what other
11 people say.

12 MR. FEY: I believe that was the body of
13 the changes from the last and has everyone seen the olive
14 color now as it has been passed down? It is far lighter
15 than the Xerox copy that we gave you last time.

16 Can we go to the side elevation now?

17 MR. KESTER: Is that the texture?

18 MR. FEY: That is the window.

19 MR. KESTER: That is the window.

20 MR. FEY: That is the actual manufacturer
21 window finish on the sash and the trim. It is intended to
22 have a metal feel.

23 MR. KESTER: Thank you.

24 MR. FEY: That is why we choose that
25 window.

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2 The side elevation was something that
3 slipped past us and you will see two red Xs, that is not
4 in the packet with the red Xs and I would like you to
5 amend our application and hope that it will be approved to
6 remove the shutters on the second floor as they are too
7 small for the window openings and appear tacked on.

8 The other changes are ones that are
9 consistent. A new window cottage style where there is an
10 upper window, a new window where there is no window and
11 then in the last drawing we have, this -- not as the
12 cottage style window and we have amended it to have them
13 all cottage style. I believe that is the only changes to
14 this elevation.

15 CHAIRMAN VOSS: So you're carrying the said
16 color combination around?

17 MR. FEY: Yes. We did not render the whole
18 drawing, it is -- but it is mostly olive with the black
19 trim.

20 MS. HOVHANNISYAN: And the handrails will
21 be compliant now.

22 MR. FEY: That was submitted previously. I
23 will not go back to that -- everything that I said
24 before.

25 Next. That is the rear. Again first floor

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2 the windows, existing windows above. The board and batten
3 in place of the -- essentially the plywood attached to the
4 building and painted which is failing miserably.

5 Go to the photo again. Trust me, it is
6 another one. It has waverly wood. Okay. It is 07.

7 So just because you can't always tell from
8 flat drawings how bad it is, it is pretty bad. Evidenced
9 here, it is deteriorated and warping.

10 If we can go now to 06.

11 CHAIRMAN VOSS: So now it is in bad shape.

12 MR. FEY: It is hardie plank. Hardie plank
13 with borrell board and backing.

14 CHAIRMAN VOSS: It is the same?

15 MR. FEY: Hardie plank -- the part that is
16 being replaced will be hardie plank with borrell board and
17 backing starts at this corner and wraps around to this
18 corner. This is all existing and painting. So it is the
19 plywood is what is curating the shingle holding that up.

20 CHAIRMAN VOSS: We continue that in the
21 front so it matches?

22 MR. FEY: Can you go to the front?

23 MR. PABEN: It carries over that front
24 little section where the window --

25 CHAIRMAN VOSS: Same material in the

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2 front?

3 MR. PABEN: Yes.

4 MR. FEY: We can go to the photos. Thank
5 you.

6 So that is a few photos to richen the
7 discussion of the front porch. You will remember from the
8 previous submission, the photo from across the street of
9 the Dubliner, we wanted to provide you a little more
10 insight as to our proposal. This lower right-hand side
11 sort of replicates the window in relationship with a porch
12 column.

13 However these columns are a little more
14 ornate so as to be less ornate we brought you this image
15 which is actually our window manufacturer's image that you
16 will see on our window manufacturer's page, which is
17 showing just a simple panel column in this corner. And
18 then just to round it out with the fact that this is --
19 there is traffic above so it is our window from here and
20 our panels from here.

21 You will also notice that all but the lower
22 ones are in a richer, darker tone. This one comes pretty
23 close to the tonal natural color of -- lighter than the
24 Dubliner but in this range.

25 CHAIRMAN VOSS: Is the pillar on the south

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2 side of -- freestanding or is it connected to the
3 building?

4 MR. FEY: It is. Go to the photo of the
5 entrance of the building.

6 So you can just see there is a little gap
7 image right here, you can see it is freestanding.

8 So the next page --

9 CHAIRMAN VOSS: Do we have any sense of the
10 windows up on the second floor, any of them -- not the two
11 on the right-hand side, do we have a sense if any of them
12 are anything resembling the original?

13 MR. FEY: To be honest, I haven't been on
14 the second floor. It is a tenant's space.

15 MR. PABEN: I have been there. They are
16 definitely older. I don't know how old though.

17 CHAIRMAN VOSS: One thing -- the inside of
18 those -- if they are a recent addition they would be
19 disconnected from anything else.

20 MR. PABEN: They are not recent, I do know
21 that. They are older, but again I have no idea how old.

22 CHAIRMAN VOSS: Actually I guess you can't
23 tell from the -- part of the reason I was asking was I was
24 trying to -- we had that discussion and the images you
25 just showed give us a sense of the Dubliner has roughly

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2 smaller -- I mean they are -- I was just trying to figure
3 out how the size of the store front window -- how that
4 size compares to say the other windows in the house.
5 Certainly they are narrower than the door from what I can
6 tell.

7 MR. PABEN: Definitely narrower than the
8 door.

9 MR. FEY: These windows are not from when
10 those windows are. We want to be honest about these other
11 windows that are enclosing this porch and they are not
12 that window, which is the historic window. They are newer
13 windows that is enclosing the porch.

14 Maybe you know the Brick Hotel, also a
15 porch enclosed structure, they went even further using
16 complete panes of glass. So it really just depends on how
17 -- we feel the responsibility to differentiate between the
18 two and our differentiation is the window on the enclosure
19 of the porch is not trying to be a double hung window.

20 MR. PABEN: If I were to guess I would
21 guess the -- on the store front window is probably similar
22 in scale to the mullions in the upper windows because we
23 are going with the more traditional mullion. I think the
24 pane side is definitely different. The panes. You know
25 I think that is where the scale seems to print but I think

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2 the mullion trim work itself is probably pretty similar in
3 scale to the upper windows that are existing.

4 CHAIRMAN VOSS: You have three groups of
5 two and I was thinking if you could make them a little bit
6 bigger and make it five but then you have to break that
7 up.

8 MR. PABEN: Yeah.

9 CHAIRMAN VOSS: To bring out symmetry.

10 MR. FEY: Columns don't work out in pairs,
11 too many columns. We did a number of different variations
12 before settling on this one.

13 CHAIRMAN VOSS: I have walked by it over
14 and over again trying to get an up close sense.

15 MR. FEY: Let's move to our materials. We
16 can always come back.

17 Again you have the color in front of you.
18 Next. Restating it is a boral material, looks like wood,
19 cut like wood, paints like wood and doesn't rot.

20 CHAIRMAN VOSS: You're using the same
21 profile where it exists?

22 MR. FEY: So we are only using boral where
23 we are doing panels so there really is no replication of a
24 profile that is there.

25 We are doing our wrapping of the porch

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2 where everything is square and panel, there is no extra
3 detail. There is one extra detail at the top which we
4 will show you. Keep going. Our window for the casement
5 window and the store front. Next. Our pointed window for
6 the double hung.

7 And they were kind enough to actually have
8 a style window -- not exactly ours but that is our double
9 hung from the same company and it is their historic
10 series.

11 Continue. That is just a color. And this
12 is the one place where there is a piece of trim that is at
13 the very top of the entire porch that wraps around, it is
14 kind of a crown and we have chosen the very simple one.

15 Our light fixtures are on three of the
16 primary columns. It is a gas lantern, copper. And the
17 awning is a Sunbrella black fabric and it is pinned off
18 the face of the building with the angled spears so we
19 don't need a rigid structure underneath like a commercial
20 building.

21 Revisiting what you saw last time, you had
22 the railing system and our bracket that holds up the
23 extension of the building which will also be pointed to
24 match the building. Not trying to draw that much
25 attention to it.

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2 That is it. I wanted to get through it.
3 We all had a long night here.

4 CHAIRMAN VOSS: Are the shutters that you
5 are planning, are you planning on making them
6 appropriately sized?

7 MR. FEY: Yeah, they will be appropriately
8 sized so they look to close to the right side and they
9 will be Timberline shutters. They are an actual shutter
10 manufacturer.

11 CHAIRMAN VOSS: The more I do look at the
12 second floor window I am leaning more and more toward
13 requesting that you put shutters on the -- unless I can
14 listen to disagreement --

15 MR. PABEN: No, I think I am fine with that
16 if that is a strong recommendation or if that would be
17 allowed at my discretion, then I would ask to see it
18 rendered up before we decide. I don't want it to hinder
19 approval ultimately.

20 MR. FEY: Perhaps with the recommendation
21 that that be something that we can look at and evaluate as
22 an alternative.

23 CHAIRMAN VOSS: I would approve it either
24 way or -- and you make the decision. We know you will
25 keep the window size either way and per se the shutters

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2 match it up at the bottom.

3 MR. PABEN: Thank you. Appreciate that.

4 MR. FEY: That is all we have to put out
5 there.

6 CHAIRMAN VOSS: Going to ask is it two
7 steps up to the --

8 MR. PABEN: To the porch?

9 MR. FEY: I was -- I want to say it is
10 four.

11 MR. PABEN: I think.

12 CHAIRMAN VOSS: Your photo has a car in
13 front.

14 MR. PABEN: I don't remember.

15 CHAIRMAN VOSS: The material is not
16 changing?

17 MR. PABEN: No, it is brick. They are --

18 MR. FEY: They are brick steps so there is
19 four. There is four, three risers and a fourth riser at
20 the door.

21 CHAIRMAN VOSS: That was my question. You
22 are maintaining brick?

23 MR. FEY: Absolutely the same.

24 MR. KESTER: I have no questions. I would
25 just like to say I think it is a vast improvement on the

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2 existing building and I think it is atrocious the way it
3 is now.

4 I like the color, I think the color is
5 rich. I think it is going to make your building really
6 pop and the trim. I am very happy with the gas lamps that
7 you have chosen so I am pretty good with the whole thing.

8 MS. CONNELL: Can I ask a question, please.
9 Is there a sheet for the lighting, for the
10 lamps?

11 MR. FEY: Yeah, I think it is next to the
12 last.

13 MS. CONNELL: Thank you so much. That goes
14 on all three areas. Okay. Thank you.

15 CHAIRMAN VOSS: Any further questions?
16 Any public comment or questions? All right. No further
17 questions.

18 Do we have a motion?

19 MR. O'BRIEN: I would like to recommend
20 approval of the application as submitted; windows on the
21 first floor to be replaced with the submission window, the
22 second floor to remain. Colors to be as submitted.

23 And lastly, at the applicants discretion
24 they can keep the awning on the second floor window at the
25 side of the building or eliminate the awning on the second

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2 floor at the right side of the building and provide
3 shutters matching the first floor window below.

4 MR. FEY: May I also request that you put
5 in there to remove the shutters on the north side window
6 on the second floor, the ones with the red Xs.

7 MR. O'BRIEN: As submitted. You didn't
8 submit that. That is fine.

9 MR. KESTER: I will second.

10 MS. CONNELL: On the north side?

11 CHAIRMAN VOSS: Second floor north side.

12 MR. KESTER: I second it.

13 CHAIRMAN VOSS: Further discussion? So
14 because -- further clarity. Since the bay is disappearing
15 we now have it will be a single roof the entire distance
16 up to the window now, is that correct? There is no -- the
17 windows are not set from the roof line?

18 MR. FEY: The roof will remain. We are
19 actually not going to change the roof except for the small
20 area for our signage, that dotted line in that drawing is
21 the actual roof that is there.

22 So the window will be in place of the wall,
23 they will not be out of the bay.

24 CHAIRMAN VOSS: We recess it -- the bay is
25 flattening out?

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2 MR. FEY: Yes.

3 CHAIRMAN VOSS: No further questions.

4 All in favor.

5 MR. KESTER: Aye.

6 MR. GADA: Aye.

7 MR. O'BRIEN: Aye.

8 CHAIRMAN VOSS: Aye. Opposed? All set.

9 MR. FEY: Thanks.

10 CHAIRMAN VOSS: Just for clarity since the
11 drawings didn't show the chimney but --

12 MR. FEY: For clarity we are not going to
13 remove the chimney.

14 CHAIRMAN VOSS: We now have 18-20 West
15 Mechanic Street. Window replacement.

16 MR. FEY: I would like the Grahams to
17 introduce themselves, they are purchasing the unit number
18 three at what we call the Towpath project, has since been
19 renamed The Falls. Give them a little bit of history.

20 MRS. GRAHAM: Melissa Graham. What
21 history?

22 MR. FEY: Where do you live now?

23 MRS. GRAHAM: We live in Flemington right
24 now and we'd love to move to this beautiful place. We
25 have been coming to New Hope for years.

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2 And our son has graduated college, he is
3 going to be moving out within the next year and we want
4 the lifestyle change. Just it is beautiful.

5 So being able to live this lifestyle is
6 really what we want. And to me -- to us this is the
7 perfect place to be, like that unit right there.

8 MR. FEY: So those of you that were around
9 eight years ago when we started this project might
10 remember that it had a number of starts and some different
11 ownership changes.

12 But it was designed and approved from the
13 outside and the inside for us was always envisioned as a
14 custom to the purchaser of the units so we had a loose
15 layout of four bedrooms and changing it to three. We had
16 a loose layout of a kitchen on one wall and a living room
17 over here and would like to flip that.

18 So in the process of making this their
19 home, which they are going to live in, there is a few
20 minor impacts to the exterior that we wanted to bring back
21 to you and show you the detail.

22 So we will start. With respect to the -- I
23 think every one knows unit three is the upper left hand
24 unit, this drawing it is this unit here. So as we call it
25 it is unit one, two, three, four, five.

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2 Unit three has some exposure to Main Street
3 across the creek and exposure to the canal along the
4 towpath. And we will be talking about the Main Street
5 exposure and the canal exposure with our modest changes.

6 Go to the floor plan on the first floor.
7 So this represents the floor plan of unit three on the
8 first floor. I will clarify that to mean the floor that
9 opens out to the -- 18 inches above the canal. You get to
10 this floor from the garage below.

11 And for Melissa we have the kitchen here in
12 this corner and Melissa has flipped it to here and in
13 doing so she wants to have access to her terrace. And so
14 where we normally had a window, Melissa has asked us to
15 replace it with a door. It is the same width, it is just
16 -- it is instead of being counter height, it will go down
17 to the ground and she can walk out to the terrace.

18 There is also currently a window there. As
19 we are taking the counter away -- this used to be the
20 kitchen, it is an awkward height for a window so we would
21 like to lower that window to match it as well. We want to
22 lower this -- we will show you on the elevation, lower it
23 closer to the floor.

24 And as there was a refrigerator in our
25 drawing in this corner, we would like to add these two

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2 windows. To keep this elevation symmetrical, this will be
3 the fireplace and we will have two windows and this will
4 be window and door. That is really it for this door. We
5 will show you the elevations of this.

6 This one we did --

7 CHAIRMAN VOSS: It looks like seating
8 outside that window.

9 MR. FEY: That is their terrace, we showed
10 some seats in there. This is their terrace.

11 CHAIRMAN VOSS: So it is a window
12 overlooking their terrace.

13 MR. FEY: It is.

14 So on the upper floor, as I mentioned we
15 had made four bedrooms, they reduced it to three. And
16 this floor will be Melissa's office. She works a lot from
17 home and the upper floor was more about being a bedroom
18 since it had just an egress.

19 Melissa would like to spend a lot of time
20 there and some more light and air. So we are proposing a
21 dormer in the roof and in this location. It is the same
22 similar dormer that we have in other places on the
23 property. It is also a dormer that is -- can be seen
24 across the creek, across the canal on George Michael's
25 property. I forget the name of it. Senior moment. Okay.

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2 So we are looking at -- if you can shrink
3 that or slide it to the right, look only at the entire
4 elevation that faces the canal and you see two lines here,
5 those two lines represent the terrace level of the owners
6 and the canal level of people walking by and there is a
7 dotted line which is a brick wall.

8 So people walking along the canal -- this
9 is a six foot high brick wall and so walking along the six
10 foot high brick wall we will show you in this section --
11 and we are bringing what was the window that came to
12 counter height a little lower. That is in the living room
13 facing their own terrace. That is the only change in that
14 elevation.

15 On the elevation facing -- on the elevation
16 that faces towards Main Street from across the creek, if
17 you recall they wanted to add a window to the living room
18 and a bay window on the third floor for her office. Did I
19 say bay? A dormer on the third floor. A dormer on the
20 third floor made up of three windows. And I believe we
21 have a photo of those dormers and how they will look.

22 CHAIRMAN VOSS: Is that window part of the
23 refrigerator window?

24 MR. FEY: This is where the refrigerator
25 was and she asked -- Melissa would like to have a window

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2 towards the creek. This is the top floor gable-ended roof
3 and this is a dormer in the gable-ended roof that would be
4 her office.

5 And lastly, because the building is not
6 square, it is sort of triangular, we have another
7 elevation to show you and that is the door that is
8 replacing a window out to their terrace which can be seen
9 here. And when I said I will show you the towpath height,
10 the six foot high brick wall, the height of the terrace,
11 we can see a person walking along here.

12 The towpath is about six foot wide. Really
13 see down into there but this is the window turning into a
14 door and this is the new window where the refrigerator --
15 this is their living room and they have a view of the
16 terrace and a view of the river -- of the creek.

17 That on the right-hand side -- just because
18 -- before you leave that, that is just a different view
19 that shows both the dormer and those in the same picture.
20 There is nothing new with that image, just a different
21 angle that you see everything in one.

22 So when we first designed this project and
23 brought it through the processes, one of the renderings
24 that we created, you can see the white building here that
25 I believe has a beer garden in it and then the wall of the

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2 base of this project. And as I said there is units that
3 wrap around and face the canal and these units face the
4 creek.

5 This is unit three, four and five and these
6 are the differences that you would see from Main Street
7 as you look across the creek, Main Street Bridge, the
8 dormer and the addition.

9 So as I mentioned, this is a dormer that
10 exists across the way in the George Michael complex. It
11 is a -- very much like that, three window dormer too and
12 the style of the rest of our project. And this is an
13 image from our inspiration because we don't really use
14 stucco anymore. So even though that is a stucco dormer,
15 we would want to do a dormer with clapboard siding.
16 Stucco does not have a good history of lasting. And this
17 would be the metal -- handprint metal roof for the top of
18 the dormer.

19 MR. O'BRIEN: Can you go back one and look
20 at -- do you have your existing application in your --

21 MR. FEY: I believe we have a whole
22 existing after.

23 MR. NUSH: Do you want the rendering?

24 MR. O'BRIEN: The rendering A-13.

25 MR. FEY: There it is.

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2 MR. O'BRIEN: If you look at the
3 right-hand side of that it shows stone up to the third
4 floor. The first floor is the stone, then there is brick
5 and then there is brick where that balcony would be.

6 Is that correct?

7 MR. FEY: No. That is an incorrect
8 rendering and we corrected the rendering to be what is on
9 the construction drawings that are approved by the HARB
10 Board.

11 MR. O'BRIEN: The one you're --

12 MR. FEY: Correct for what was approved on
13 to the construction documents.

14 MR. O'BRIEN: Okay.

15 MR. FEY: We had -- in the process of
16 working through this had a renderer and the renderer
17 inappropriately put little bits of brick around things
18 that would; A, not look right and B, won't stay there
19 because they will pop off.

20 MR. O'BRIEN: Fair enough.

21 MR. FEY: But good eye.

22 So that is the full extent of everything
23 that was missing from the preceding submission so you can
24 see exactly what is on there, if you choose us to go
25 through it. Consistent with the -- can you go back to the

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2 elevations of the canal?

3 So when I said there were other dormers, I
4 will show you the other dormers. There is a dormer here
5 and there is a dormer here that are very similar and -- in
6 size and shape and materiality. And we are taking from
7 this side of the building and moving to the other side,
8 something that is already in the mix of windows and
9 dormers for the project.

10 There is a lot of variations of dormers
11 from shed dormers to cable dormers. This is the one that
12 best works for the office space.

13 CHAIRMAN VOSS: I didn't see a drawing
14 that shows the size of the dormer to the roof that it sits
15 upon.

16 MR. FEY: I think -- Craig, can you pull
17 that up? I believe it is --

18 MR. O'BRIEN: Right there.

19 CHAIRMAN VOSS: That is not straight on
20 dimensionally.

21 MR. FEY: So we never actually drew that
22 elevation from straight on because that building is angled
23 but I can show you in the plan. It is nine feet inside
24 and ten feet outside and that is the roof. And Craig can
25 probably tell you better but I believe it is a 22 foot

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2 roof.

3 MR. NUSH: A 21 foot roof.

4 CHAIRMAN VOSS: There are two specific
5 ones, one is a little shed dormer that are -- should not
6 be more than half the linear width which it sounds like it
7 is meeting that condition. The second one is it should
8 not be on the primary side.

9 And the examples you showed and the example
10 from across the street all face the canal and therefore it
11 is the secondary rear facing side. We are proposing
12 something that is contrary to the design in that regard.

13 I believe -- I was looking to see if I can
14 find it, I believe it specifically said shed dormers on
15 the front as compared to use of other shed --

16 MR. FEY: For new construction or
17 renovation or was it not --

18 CHAIRMAN VOSS: They actually specifically
19 -- if I recall, they specifically said don't use it on new
20 construction. They were saying that it might be allowed
21 in older construction so they are making it possible for
22 older construction but for new construction it is
23 something to be avoided.

24 MR. FEY: We have two already and somehow I
25 will take issues with the guidelines eliminating an entire

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2 family of dormer types that were used pretty heavily
3 through the '20s, '30s, '40s and '50s that are all still
4 part of the historical era.

5 We are not referencing a building back to
6 the turn of the century on that grouping. Our buildings
7 are more of a reference to the 1910s and the 1920s and I
8 would say that we can pull up any number of -- just the
9 word 1920s building and it will have a shed roof on it.
10 Also the style that is embraced by the craftsmen style is
11 almost a hundred percent use of shed roofs. So I am not
12 sure where the guidelines are coming from.

13 CHAIRMAN VOSS: Are you calling this a
14 craftsmen style --

15 MR. FEY: No. I am just saying in certain
16 styles the shed roof is an intricate part of the design and
17 it would be unfortunate to eliminate that as an
18 overarching concept when it is so integral to certain
19 styles.

20 CHAIRMAN VOSS: I am looking for this
21 style and that is the most dormer style for a --

22 MR. FEY: We have two of them already.

23 CHAIRMAN VOSS: I don't want to make a
24 comparison in that regard to other things in new
25 construction.

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2 Again in the picture what you see is the
3 canal side so I already understand that it is on the rear
4 side -- the secondary side. I understand it is on there.

5 MR. FEY: I would say the primary side of
6 this building is Mechanic Street, it is the street that
7 these buildings are built against. The dormer actually is
8 here.

9 CHAIRMAN VOSS: The label --

10 MR. FEY: The dormer is actually here. It
11 is not facing the street, it is actually facing our
12 courtyard which is the interior space here.

13 CHAIRMAN VOSS: This drawing is guidance
14 from the label what you're calling the front elevation and
15 front elevation is one that I see this dormer being on.

16 MR. NUSH: It is the courtyard elevation.

17 MR. FEY: Eight years in the makes.

18 CHAIRMAN VOSS: I am just -- I draw from
19 the guidelines when I can and that is what I am seeing in
20 the guidelines.

21 MR. O'BRIEN: I think again the fact that
22 there are more than one dormer currently existing at the
23 structure and this is facing the courtyard side as a front
24 view, I think it will be appropriate. That is just my
25 opinion.

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2 CHAIRMAN VOSS: There is no prior building

3 --

4 MR. O'BRIEN: The primary side that which
5 faces Mechanic Street?

6 MR. FEY: Yes. I think that is all of the
7 testimony we have unless there are questions of the
8 applicant.

9 MRS. GRAHAM: No questions, just wait for a
10 decision.

11 MR. GADA: I like it. I think the change
12 is appropriate.

13 CHAIRMAN VOSS: So just for clarity, again
14 could you show me on the same courtyard side just so --
15 because that -- I feel like they are the same neighborhood
16 and if they are, the view that is confusing me -- I do see
17 dormers, I don't see shed dormers. I think that is --

18 MR. FEY: Maybe you want to go to the -- if
19 you want to see the courtyard side, this is one of three
20 buildings that face the courtyard. There are shed dormers
21 on this historic building as well.

22 CHAIRMAN VOSS: I don't think we have that
23 in our packet.

24 MR. FEY: Okay. So yeah there are no other
25 dormers facing the courtyard that are shed. They actually

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2 face the canal/Mechanic Street.

3 CHAIRMAN VOSS: I guess the reason I am
4 looking at this one for of course the guidelines. I will
5 read to you what it says here; 6.2.8, shed dormers on
6 principle facades are strongly discouraged except where
7 they exist in the immediate neighborhood.

8 MR. FEY: So this one directly across the
9 canal -- that is a photograph I took that we included, was
10 me standing at this property in -- on their terrace and I
11 took that picture.

12 CHAIRMAN VOSS: Correct. I would agree we
13 call that primary facade, then I would agree that a dormer
14 -- a similar dormer on the other side of the canal facing
15 this would be appropriate because they are not the same
16 neighborhood. But if we are saying the opposite side of
17 the building, we are now -- and again it is the opposite
18 side of the building where there are no shed dormers. In
19 fact there are -- specifically there are two dormers that
20 are not shed style and I guess that is what I am seeing.

21 MR. FEY: I guess I am within my right to
22 say I believe the neighborhood is in place, not an
23 elevation. A place is defined by the building in the
24 place, not the side that faces -- I believe that directly
25 across the street is the neighborhood.

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2 I always look to photos, I didn't realize
3 that I should be taking more photos of shed dormers but I
4 will respectfully say I believe that is the neighborhood.
5 So we will just have to agree to disagree on what the
6 neighborhood is.

7 CHAIRMAN VOSS: I like the general sense
8 of neighborhood that you are bringing up. That is
9 appropriate but it is not saying in the neighborhood, it
10 is saying primary facade.

11 So I think what's happened we have been
12 treating the canal as a secondary facade and that is why
13 we have been allowing dormers to go here, the shed dormers
14 through here.

15 And so now we are saying on the other side
16 of the building -- again when you look at it it is the
17 only proposed shed dormer on that side of the building,
18 the other ones being -- I don't know what the name of
19 those --

20 MR. FEY: They are gable-ended because we
21 were trying to provide some variety and I think I made my
22 point.

23 MRS. GRAHAM: And you're the architect that
24 should know. I see dormers in the courtyard looking up at
25 one and two. Are they not there? Am I imagining them? I

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2 know they are in the back as well. I remember the other
3 day thinking it would be consistent. Maybe I am not
4 remembering it right. It is only in the back.

5 MR. FEY: They are dormers, they aren't
6 shed. So I guess that now beckons the question are we
7 saying -- is there a general consensus that this would be
8 a better dormer if it had a gable-ended roof on it than
9 the shed because in our opinions it takes up less mass
10 against the building in the profile without projecting the
11 gable.

12 MR. NUSH: A shed metal roof also on one
13 and two, if you can see one on the side and one on the
14 other side. It is just a different location.

15 CHAIRMAN VOSS: I don't know how people
16 feel, I would like to -- if I could make a vote --
17 separate this from all of the windows. I have no question
18 about the windows in my mind but I would like to separate
19 it and have perhaps two votes. Just I would like to
20 separate that part of the proposal.

21 MR. FEY: Can we do that?

22 MR. O'BRIEN: Sure.

23 MR. FEY: I actually thought we couldn't do
24 that. We would want to get a part of our proposal
25 approved --

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2 MS. CONNELL: Usually it is done that way.
3 In other words if there is a vote then they could say
4 conditioned upon the changes that Rich would bring up and
5 not have to separate the two. That would be two separate
6 certificates of appropriateness and we don't have an
7 application for the shed dormer.

8 But I think if you might want to keep it as
9 one and then condition it on how you feel about -- you
10 have to discuss -- the Board has to discuss how they feel
11 about the shed dormer.

12 CHAIRMAN VOSS: If every one feels
13 comfortable with the shed dormer -- I am not hearing any
14 other concerns. If every one is comfortable with it -- I
15 just don't want to do something that would impede the
16 approval of the windows.

17 MR. O'BRIEN: Again speaking for myself as
18 one vote, I think this application -- the shed dormer is
19 appropriate as I previously stated. It faces the interior
20 courtyard and honestly it provides the maximum interior
21 space to be able to use the building at it's greatest --

22 CHAIRMAN VOSS: I am actually -- the
23 difficulty -- I am not opposed to that. I love the idea
24 of how the interior will use it to bring in the extra
25 lighting.

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2 MR. O'BRIEN: Frankly I like the variety of
3 dormers. Especially again this is not necessarily a
4 historic building, this is not a 60 year old building that
5 you had -- was rehabbed. That is a ten or fifteen year
6 old construction and again, use it to maximum capability.

7 And I kind of like the variety of dormers
8 going back into the courtyard. It adds variety. I like
9 it.

10 CHAIRMAN VOSS: So the point I was
11 bringing up was that I am not opposed to what it would do
12 for the interior, I have to realize that my position on
13 HARB is to preserve exterior views and so that is why I am
14 speaking the way I am. It is not an opposition to the
15 use, it's just I want to be careful what is being done is
16 what I want to hold others to the same standard.

17 MR. FEY: I don't want to sound preachy but
18 the reason there is a HARB Board is to interpret the
19 guidelines for the good of the community. I believe this
20 is one of those cases. Otherwise we would just take the
21 rules and follow them. We look to the wisdom of place,
22 community and the Board.

23 CHAIRMAN VOSS: Do we have a motion?

24 MR. O'BRIEN: I will make a motion that the
25 application be approved as submitted.

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2 MR. KESTER: I will second it.

3 CHAIRMAN VOSS: Do we have any public
4 comments? Okay. Then any further discussion?

5 MR. KESTER: I am okay with the shed
6 dormer. I think in this situation it works for the
7 community.

8 CHAIRMAN VOSS: Thank you.

9 MR. GADA: Thank you.

10 CHAIRMAN VOSS: We didn't vote on it. All
11 in favor.

12 MR. KESTER: Aye.

13 MR. GADA: Aye.

14 MR. O'BRIEN: Aye.

15 CHAIRMAN VOSS: Opposed? I will register
16 an opposition. And unfortunately it is only for the shed
17 dormer, not the entire -- I just want to make that clear.
18 The windows I think are appropriate. Sounds like the
19 recommendation is moving forward.

20 We have the minutes to approve.

21 MR. O'BRIEN: We have two agent reviews.

22 CHAIRMAN VOSS: I have one.

23 MR. GADA: There are two agent reviews.

24 One is for 137 South Main Street, the Burgerly is
25 installing a sign on the existing post similar in

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2 dimension to what was there before. I believe it is 36
3 inches in width. The color and the lettering are
4 appropriate. And I propose a certificate of
5 appropriateness.

6 Second sign is 10 Stockton Avenue, La
7 Cucina is relocating from South Main Street to Stockton
8 Avenue. I sent JoAnn the final on design of the
9 applicant. The lettering is similar to what was used at
10 Meadowlark Restaurant. There are three different signs;
11 the sign over the front entranceway, entry label the --
12 excuse me, lettering on the door and also above the door
13 is another sign just with the number six.

14 All of the colors are within the similar
15 colors of what the Meadowlark Restaurant was, which was
16 black border, burgundy inset with white letters. I also
17 provided these for certificate of appropriateness.

18 CHAIRMAN VOSS: Just so -- what is the
19 orientation of signage on the second property?

20 MR. GADA: It is --

21 CHAIRMAN VOSS: Is it perpendicular to the
22 street?

23 MR. GADA: Yes, it will be mounted on the
24 board with screw mounting.

25 CHAIRMAN VOSS: It is on the --

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2 MR. GADA: No, it will be flush on the
3 exterior.

4 CHAIRMAN VOSS: Thank you.

5 Then we have the minutes for approval.

6 MR. O'BRIEN: So moved.

7 MR. KESTER: Second.

8 CHAIRMAN VOSS: All in favor.

9 MR. KESTER: Aye.

10 MR. GADA: Aye.

11 MR. O'BRIEN: Aye.

12 CHAIRMAN VOSS: And I will abstain because
13 I was not present. Sounds like three votes.

14 Motion to adjourn.

15 MR. KESTER: I will make that motion.

16 MR. GADA: Second.

17 - - -

18 (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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