

HISTORICAL ARCHITECTURAL REVIEW BOARD  
NEW HOPE BOROUGH  
BUCKS COUNTY, PENNSYLVANIA

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

TUESDAY, OCTOBER 3, 2023

COMMENCING AT 6:30 P.M.

BOARD MEMBERS PRESENT:

KEITH VOSS - CHAIRMAN  
STEVE OLKOWSKI - BUILDING INSPECTOR  
JUSTIN HALSEY  
JOHN WILLIAMS

ALSO PRESENT:

Mark Labrum, Esquire - Solicitor  
Kenneth Maisel - Council Liaison

I N D E X

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CHAIRMAN VOSS: Let's begin the meeting of  
October 3rd.  
I am Keith Voss, Chair.  
MR. HALSEY: Justin Halsey, licensed  
architect and resident.  
MR. FREEO: Jay Freeo, resident.  
MR. WILLIAMS: John Williams, New Hope  
resident.  
MR. OLKOWSKI: Steve Olkowski, Code  
Enforcement.  
CHAIRMAN VOSS: Okay. First item on the  
agenda is 29 South Main.  
MR. HALSEY: I would like to make a motion  
to recommend approval of this application as submitted.  
CHAIRMAN VOSS: Second?  
MR. WILLIAMS: Second.  
CHAIRMAN VOSS: All right. Discussion?  
MR. FREEO: Yeah, discussion.  
MR. HALSEY: I would like to just make a  
couple clarifications and points related to that motion.  
Recently we have updated the HARB  
guidelines for applicants outlining basic architectural  
drawing requirements and I believe that -- especially  
based on the limited scope of this application as it

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pertains to the front access to the building and the  
floodproofing measures.  
This application very neatly addresses the  
architectural drawing requirements, some basic  
architectural graphing standards are being followed.  
Titled block clearly stating the project info, north  
arrows, site plan, relevant site information. Clear notes  
related to details that are addressed directly in the  
narrative.  
There is a tight coordination between the  
narrative submitted and the drawings submitted. And again  
for the elevation drawings of the west or Main Street  
facade, it is a clearly scaled drawing with line weights  
indicating different levels, different depths of the  
building. Very clearly annotated and very clearly  
dimensioned.  
I will say just for our ease of comparison,  
I might have submitted the previous version in tandem with  
this but I understand because this is a very specific  
application, that is a personal preference but I would not  
hold that against the application.  
And I just wanted to commend the applicant  
and the architect for presenting this information clearly.  
I think that is the reason why I felt comfortable

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1 motioning immediately to recommend approval.

2 MR. WILLIAMS: Just to say what you have

3 said, this was one of the most clear with the legends,

4 everything described with the numbers, everything pointed

5 out made it so much easier. Sort of what we talked about

6 before of what we are looking for for future applications.

7 MR. HALSEY: Yes.

8 MR. FREEO: Yeah, I guess I will third that

9 commentary in terms of the presentation of the package. I

10 too think it is very complete. It is clear. The verbiage

11 in the written context of the package was equally clear.

12 I have some questions related to the

13 application, which are more comments, but I will see if

14 you can address them. The one thing that surprises me,

15 maybe Steve can speak to this. The floodgates that are

16 proposed, I gathered from -- I did look them up,

17 apparently they are sort of a fraction fit and therefore

18 there is no physical attachment in any way to the doorjamb

19 and because the hydrostatic pressure is from the outside,

20 it stays in place, so on and so forth.

21 But I guess I am just flawed that FEMA

22 would allow provisional floodgates.

23 CHAIRMAN VOSS: Can I just point out is

24 this a HARB issue?

25

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1 MR. FREEO: It is not.

2 CHAIRMAN VOSS: I rather, if we can, you

3 can off the record point that out.

4 MR. FREEO: Off the record, is that --

5 CHAIRMAN VOSS: Off the record after the

6 meeting.

7 MR. FREEO: Okay. All right. I will save

8 that.

9 The plans as drawn now show a newly

10 constructed stem wall, which is -- the top of which is at

11 the regulatory flood elevation. And the question I have

12 is there is notes on the drawing that indicate that the

13 siding is within -- the bottom of the siding is within six

14 inches of the pavement.

15 My question is on the north elevation how

16 is the siding being handled?

17 MR. VanLUVANEE: There is no change from

18 what was approved before. There is a slight area that is

19 -- will be exposed at the bottom of the siding which will

20 be stuccoed and those indicate it will match. That hasn't

21 been changed. There is no change.

22 And now the -- all that is going to happen

23 is what we are seeing that the south side of the door will

24 match the north side, as far as the siding is concerned,

25

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1 and the distance from the sidewalk.

2 There has been nothing changed by way of

3 materials on this application whatsoever. And I think by

4 -- with the hard work of the architects coming up with

5 this, what we believe is code compliant, that will come

6 out in the building permit stage.

7 I think the biggest objections that we had

8 to overcome, with your help, have been eliminated now and

9 we don't have that issue of the right of way, the sidewalk

10 encroaching, any of those issues. It is a clean plan. It

11 took a while to come up with the answers, but it is a

12 clean plan.

13 MR. FREEO: Well it may be. I am the only

14 one that doesn't -- maybe the rest of the members can

15 explain it to me and that is to say the siding, if it is

16 within inches of the pavement, the north elevation slopes

17 and it is approximately six -- four inches from the

18 pavement to the siding in the northwest corner but then it

19 goes down to 18, 24 inches in the back.

20 CHAIRMAN VOSS: The north elevation is not

21 part of today's proposal, it is the west elevation only.

22 They are not resubmitting for a new COA. They are looking

23 for an amendment to the currently existing COA and their

24 amendment is only addressing the west face, specifically

25

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1 the removal of the ramp and the adjustments that resulted

2 in that.

3 MR. HALSEY: Jay, just as an aside, having

4 nothing do with whether this recommended approval or not,

5 I have those drawings in my file, I don't recall whether

6 they jogged the siding and stuccoed the wall or whether

7 you created a water table around it but it doesn't really

8 matter. We are --

9 MR. VanLUVANEE: I didn't bring those with

10 me.

11 MR. HALSEY: Yeah, but it was a point of

12 discussion I recall. I just don't remember.

13 MR. VanLUVANEE: I don't either. I do want

14 to thank Mr. Labrum for helping me. He and I went back

15 and forth on this application and he made some suggestions

16 for clarification. We went back and forth, we worked on

17 the drawings together.

18 And Mark reviewed them and met with the

19 administration so I think between us we got to a point

20 where we presented in a clean way that we didn't have to

21 complicate it by going back and forth and looking at

22 everything that you already looked at three or four times.

23 MR. HALSEY: Procedurally that is something

24 that any applicant can request as long as they provide an

25

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2 escrow deposit.  
3 MR. VanLUVANEE: Absolutely.  
4 MR. LABRUM: In this particular instance,  
5 following the approval of the original Certificate of  
6 Appropriateness, it was noted concern with the  
7 encroachment on the right of way if the handicapped access  
8 ramp were to remain.  
9 Since the south elevation was the only  
10 elevation of the building that was going to change from in  
11 a sense the removal of the proposal not to have the  
12 handicapped access ramp, all the changes were limited to  
13 the front or the south elevation and so rather than have  
14 --  
15 CHAIRMAN VOSS: West.  
16 MR. LABRUM: Pardon me, west elevation.  
17 Rather than have to go back through the full HARB process  
18 when all other aspects of the application had been  
19 approved, it was thought most efficient to just limit it  
20 to the amendment to the current Certificate of  
21 Appropriateness.  
22 That certificate as issued is the  
23 controlling document and so this will be appended to it.  
24 All of the conditions set forth within the original COA  
25 will remain. And as Mr. VanLuvanee indicated, I likewise

10

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2 would like to commend Mr. VanLuvanee as well as the  
3 applicant in working with us and the Borough in order to  
4 facilitate the plans and the application as submitted.  
5 MR. HALSEY: I agree. It is a good  
6 example of a -- the exact right amount of information  
7 provided in a clear way. That is what -- we are not  
8 looking for anything more. We don't need a ton of  
9 additional drawings. This is a concise, clean submission.  
10 CHAIRMAN VOSS: Any other issues?  
11 MR. FREEO: I will just close with the fact  
12 that the west elevation provided in the last submission  
13 shows a uniformed grade all the way across. That is now  
14 what -- that is not the north elevation now. That is not  
15 the north side.  
16 MR. HALSEY: That is the existing.  
17 MR. FREEO: Presumably that will be the  
18 finished product. You can't do that because the driveway  
19 is here.  
20 CHAIRMAN VOSS: Again --  
21 MR. FREEO: It is --  
22 CHAIRMAN VOSS: That is the north  
23 elevation, am I correct?  
24 MR. FREEO: Correct.  
25 CHAIRMAN VOSS: The advantage of the way

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2 that this amendment was made is it means the other  
3 elevations are --  
4 MR. FREEO: Yes.  
5 CHAIRMAN VOSS: Any further discussion?  
6 Public comment? All right.  
7 Call to question. All those in favor of  
8 the motion?  
9 MR. HALSEY: Aye.  
10 MR. FREEO: Aye.  
11 MR. WILLIAMS: Aye.  
12 MR. OLKOWSKI: Aye.  
13 CHAIRMAN VOSS: Aye. Any opposed? No.  
14 Any abstained? No.  
15 MR. VanLUVANEE: Thank you very much.  
16 CHAIRMAN VOSS: As for minutes, we were  
17 missing one person that hasn't -- they were pretty in  
18 depth, pretty long, so we would like to table the minutes  
19 and the vote on the minutes. This is for the September  
20 meeting so we will table them. And then this shouldn't be  
21 a long set of minutes and we will address both of them in  
22 the next meeting.  
23 Do we need to vote on tabling?  
24 MR. FREEO: We could.  
25 CHAIRMAN VOSS: We might as well.

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2 MR. HALSEY: I motion to table the  
3 September minutes until our next meeting.  
4 CHAIRMAN VOSS: I will second.  
5 Any opposed? All in favor?  
6 MR. HALSEY: Aye.  
7 MR. FREEO: Aye.  
8 MR. WILLIAMS: Aye.  
9 MR. OLKOWSKI: Aye.  
10 CHAIRMAN VOSS: Aye.  
11 - - -  
12 (Off the record.)  
13 - - -  
14 CHAIRMAN VOSS: Reopen the meeting.  
15 MR. FREEO: Way too short of a meeting.  
16 People came out to the meeting and they are going to  
17 question why they came out and it is so short.  
18 MR. HALSEY: I don't have a problem with  
19 that.  
20 MR. FREEO: That is the north elevation  
21 that was presented before.  
22 MR. HALSEY: Yeah. I am imagining -- it is  
23 fine, it was just a miss but one thing that I would  
24 imagine they are going to do is strike a line of stucco to  
25 the concrete below. Let me make sure.

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1 MR. FREEO: Stay consistent.  
 2 MR. HALSEY: Exactly.  
 3 CHAIRMAN VOSS: This will be difficult for  
 4 her to keep track of it.  
 5 MR. FREEO: Okay. A couple things. I was  
 6 at the last Council meeting and forgive me for not  
 7 remembering the address, but the project that Ralph  
 8 presented on Mechanic Street about stucco removal and  
 9 refinishing the windows and that sort of thing.  
 10 MR. OLKOWSKI: 17-19.  
 11 MR. FREEO: Okay. Somewhere among my notes  
 12 on the pad here. The problem I see is that the minutes do  
 13 not become available until perhaps after other  
 14 documentation is required. What I mean by that is the  
 15 minutes stated with respect to the stucco removal on that  
 16 building, and that was the contentious point, because I  
 17 read through the minutes.  
 18 The minutes read removal of existing  
 19 concrete covering over existing brick facade. If concrete  
 20 covering is original to the structure, the concrete  
 21 covering will remain and/or be restored.  
 22 And then JoAnn asked the question does that  
 23 apply to the entire structure and the answer was yes, it  
 24 does. Now during the Council meeting what came up is it  
 25

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1 was left -- for this particular proposal I was happy  
 2 leaving it up to the builder to indicate whether, you  
 3 know, what the status of the brick was.  
 4 And the reason for that is it sounded to me  
 5 from our discussion that the manner in which we would  
 6 decide whether it was original or not was not by looking  
 7 at plaster but looking at brick underneath it.  
 8 So if the brick looks like it was not  
 9 intended to be surface brick, so it is not smooth, the  
 10 pointing is uneven. So if that is what we see and we will  
 11 see that as soon as the plaster comes off, if that is what  
 12 we see, then it was meant to be covered and that can't be  
 13 hidden.  
 14 When you look at a stone building you can  
 15 tell whether it was intended to be plastered over or not  
 16 because they used fill stone as compared to block that has  
 17 faces, that were meant to be shown. So same thing, you  
 18 can tell after its been taken off whether it was intended  
 19 to be seen and I think that is the same thing that will  
 20 happen. That is why I was happy with the proposal.  
 21 MR. HALSEY: To follow-up on that, you  
 22 don't know that the brick that was exposed by the  
 23 selective demo that occurred before they got a stop work  
 24 order was very much face brick, it was not -- it was  
 25

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1 was referenced as window restoration and then replacement  
 2 and the removal of stucco. And that is what language I  
 3 believe was entered into the Certificate of  
 4 Appropriateness.  
 5 So the point I am trying to make is the  
 6 inconsistency between what HARB intended and what I think  
 7 may have gone into the Certificate of Appropriateness.  
 8 And then the other issue I have with that  
 9 is, I know again in the minutes it indicated you know take  
 10 it off and they will look at it and evaluate and all of  
 11 that. I didn't see anywhere where -- what is the checks  
 12 and balances on that?  
 13 Does the inspector get called in? Do we  
 14 leave it up to the contractor? Do we leave it up to the  
 15 architect? It just seemed, you know, very vague.  
 16 So how is the intent of what HARB intended  
 17 in those minutes, how is that translated to the  
 18 Certificate of Appropriateness and then to the field  
 19 operations which Steve and Rich would be involved with?  
 20 CHAIRMAN VOSS: I do not understand why  
 21 our motion wasn't -- if that is the case, why our motion  
 22 was not presented as we made it to the Borough Council.  
 23 So that is a point of concern.  
 24 As far as what the motion was and why it  
 25

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1 well-pointed, smooth-faced and I think the intention of  
 2 the motion was as Keith is saying, you can't investigate  
 3 this without removing and there was significant evidence  
 4 of the stucco failing so we felt it was worthwhile to do  
 5 this investigation.  
 6 With that said, I think we felt -- I don't  
 7 know if we thought this in these specific words, but I  
 8 knew that in the post-removal state we would be able to  
 9 make a clear claim of whether that brick was originally  
 10 exposed or not and then be able to control the process  
 11 from there.  
 12 But the fact is you can't tell what is  
 13 underneath until you remove the stucco. We all felt that  
 14 the stucco was failing to an extent that it warranted  
 15 removal.  
 16 CHAIRMAN VOSS: Even if they were to  
 17 repair it, the way you repair stucco that is bubbling off  
 18 is just you pop it off and you don't even have to sand it  
 19 down, you just pop it off and then re-stucco on top, if  
 20 that is what were to happen.  
 21 So that is why I felt comfortable with the  
 22 motion.  
 23 MR. FREEO: That is not what this says.  
 24 MR. LABRUM: Jay, off the record.  
 25

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1  
2 ---  
3 (Off the record.)  
4 ---  
5 MR. LABRUM: Let's go back on the record so  
6 you can raise the clarification about the minutes.  
7 MR. FREEO: Yes. Yes, about the minutes.  
8 It suggests here if the concrete covering is original to  
9 the structure, it will remain. How does it remain if it  
10 is all being taken off?  
11 MR. WILLIAMS: It would have to be  
12 replaced.  
13 MR. HALSEY: I am curious, I don't think  
14 any of us have seen the Certificate of Appropriateness  
15 that resulted from that.  
16 MR. FREEO: Just the minutes, but it sounds  
17 like we have a difference of opinion now in terms of what  
18 the intent is versus what the minutes say. Maybe the  
19 minutes are incorrect. I don't know.  
20 My question is and I envisioned this when I  
21 read the minutes that -- and I think the intent of HARB is  
22 to try to minimize destructive demolition to the maximum  
23 extent possible. And I thought it was going to be sort of  
24 let's bring it down, pick away at it and see how it goes.  
25 And when you get to sections that look solid and firm and

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1  
2 were treated a different way.  
3 So as soon as they would go around the  
4 corner they notice this changed so we will stop chipping  
5 it away because why go to the expense of removal of  
6 something that wants to hang on. Why would you want to go  
7 to the expense of removal just so they can recover it?  
8 And I think that would be -- that is when  
9 motions like this come into play. I personally like the  
10 idea of having some one follow a project like this, like  
11 you're proposing. But at the same time, I recognize this  
12 kind of action is something that the -- it is in the  
13 builder's self-interest. Not always the case, right? We  
14 know that. Not all decisions are necessarily good for the  
15 builders -- sorry, they don't always fall into the  
16 builder's best interest.  
17 In this case our desires and theirs are  
18 going to be synchronized, as long as we express, as we did  
19 in this motion ahead of time, that our desire is that  
20 something that was originally covered would eventually  
21 either remain covered or be recovered.  
22 I think that is reasonable. We are giving  
23 them the power to do the right thing.  
24 MR. HALSEY: The replacement of stucco or  
25 cementitious coating over brick that already exists isn't

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1  
2 it is covering up what appears to be pretty -- some pretty  
3 ugly brick, maybe that is the section that stays, we don't  
4 take it off. That is how I kind of am envisioning it.  
5 And maybe the intent is to take it all off,  
6 then we will decide and we will go back and reapply the  
7 areas that are, you know, ugly. But the other part of  
8 this is who is making -- it sounds like a lot of  
9 subjectivity here in this removal process and who is  
10 making that determination in the field? That is my  
11 question.  
12 CHAIRMAN VOSS: So I think we can talk  
13 about intent of the motion. If something like this were  
14 to come up in the future, I would feel comfortable giving  
15 that responsibility to the builder because the builder  
16 does not want to chip away -- or a builder, I would  
17 assume, would not want to chip away more than they have to  
18 if they know they will have to replace it.  
19 So my assumption would be as soon as they  
20 find that it is -- as soon as they find that the brick is  
21 not meant to be shown, they would stop chipping away, and  
22 they would have a sense of a history of their house for  
23 example. So someone, you know, they may know that the  
24 front facade has a certain characteristic to it and so  
25 maybe it was never covered but maybe this -- the two sides

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1  
2 actually reviewable by us. It would just be replacement  
3 in kind. So whether they removed it or replaced it or  
4 left it if it was in good enough shape, again this mason  
5 coating happens a lot in the Borough. We will deal with  
6 this a lot but is the --  
7 CHAIRMAN VOSS: We had it for --  
8 MR. HALSEY: We just performed work where  
9 we replaced crumbling cementitious parging on the back of  
10 our building which was visible but because it is the  
11 existing material, coating existing condition, I alerted  
12 JoAnn that it was going on but it was in kind work.  
13 There is a certain sense that we don't even  
14 have jurisdiction over the evaluation of a coating like  
15 that being -- say it is over -- say it is meant to be  
16 there in the first place, if someone desires to remove  
17 that and replace it with a new coating in kind, that is  
18 not even something that is reviewable by us so I think  
19 there is a couple factors.  
20 MR. FREEO: I can see where it is not  
21 reviewable by HARB but I do think that if it is a right of  
22 way exposure, and that is what we are talking about, that  
23 HARB would have a vested interest in the outcome being  
24 what was initially intended in terms of preservation and  
25 that type -- sort of thing.

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1  
 2 What I am suggesting is that responsibility  
 3 should not fall on HARB's shoulders but it should fall on  
 4 the Borough's shoulders to carry through that which was  
 5 recommended here.  
 6 And I think probably it would be the  
 7 building inspectors that would be the likely candidates  
 8 because it may not always be in the builder's best  
 9 interest to comply with what HARB recommends. And this  
 10 particular case, Keith, you're right it probably is less  
 11 work, perhaps, but in some some cases it may not be.  
 12 So who will ensure compliance with what is  
 13 agreed upon here or entered into the minutes or discussed  
 14 in terms of preserving the --  
 15 CHAIRMAN VOSS: I -- my assumption -- to  
 16 answer your question, I think if that is a growing concern  
 17 that we have, of course. So I think when we make motions  
 18 in the future that we can try to recommend a procedure for  
 19 follow-up inside the motion.  
 20 MR. HALSEY: Which would be something like  
 21 photos of a partial demolition or --  
 22 CHAIRMAN VOSS: Of a condition, exactly.  
 23 So -- and we have had that, right? We had conditions  
 24 where we recommended approval of the main body and then  
 25 once they decided what the finishing materials were going

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1  
 2 to be, they came back to us with that material, that  
 3 material list.  
 4 So I am just -- there are times when we had  
 5 a follow-up and in that particular case I just referenced,  
 6 we were the arbiters.  
 7 MR. HALSEY: As agents.  
 8 CHAIRMAN VOSS: Well it was actually us in  
 9 -- that group came back to us as a group to look at but if  
 10 for example, we wanted in our motion to make  
 11 recommendations that the building inspector looks for the  
 12 following as a condition, you know, they have to look for  
 13 this and see if it is happening as a condition or if we  
 14 want to condition that when they come back -- I am making  
 15 up something, when they come back they have to tell us the  
 16 pigment color they will use for the restuccoing or  
 17 whatever.  
 18 MR. HALSEY: We did this a lot with  
 19 lighting fixtures and things that may not be available  
 20 until later in the project. Just bring your final  
 21 lighting selections back for approval and I think that is  
 22 -- if we want to be sort of the closed loop ourselves,  
 23 that is a really easy way for future projects to do that  
 24 say with photo documentation and notes, please confirm the  
 25 condition of X, whatever that may be in a project like

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1  
 2 this.  
 3 And that can be -- it is a very easy  
 4 application to put together information and they might  
 5 have to come back the next month for review, but I agree  
 6 --  
 7 CHAIRMAN VOSS: To listen to your points --  
 8 unfortunately I think we got distracted by one of your two  
 9 points.  
 10 The primary point that I am still concerned  
 11 with that you brought up is if what we are presenting and  
 12 what we actually -- the motion that we vote on, if that --  
 13 you feel that that is not what is being presented to the  
 14 Borough Council for its vote, then there would be a --  
 15 like playing that telephone game where what we say changes  
 16 when they hear it and what they say changes when the next  
 17 person hears it and that can be of concern.  
 18 So it sounds like we may need to find some  
 19 kind of -- and I don't know what the procedure is. You  
 20 know, I think if this happens, if this is actually what  
 21 happened and it's -- if it's repeated, it would be a  
 22 concern to me because we do not have a procedure for us  
 23 confirming that our proposal is actually appearing in  
 24 front of Borough Council. That would be a concern.  
 25 MR. HALSEY: However the moves we have

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1  
 2 made recently to update the drawing requirements in our  
 3 efforts to clarify with both Borough Council and  
 4 applicants generally what is required of a HARB  
 5 application, I do believe will eliminate some of that gray  
 6 area. Well-presented drawings, annotations and narratives  
 7 of the project that are coordinated with the drawings are  
 8 much -- if that is presented legibly, I think we will be  
 9 able to --  
 10 MR. FREEO: That brings me to my next  
 11 point. The revisions that were made to the application  
 12 process, are they reflected in the motion that went with  
 13 this 22 South Main Street.  
 14 MR. HALSEY: That is this section right  
 15 here.  
 16 MR. FREEO: Okay. One thing I didn't  
 17 see --  
 18 MR. HALSEY: I am looking at page -- the  
 19 second page of the HARB application which says at the top  
 20 application requirements and I do believe the application  
 21 we have in front of us, if it is all right to reference  
 22 that, does this well. They --  
 23 CHAIRMAN VOSS: We don't need to go into  
 24 that.  
 25 MR. HALSEY: Yeah. It is a place to look

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1  
2 for any applicant to organize their submission under the  
3 scope of the work that they are doing. Look at a list of  
4 applicable architectural drawings and then submit the  
5 relevant information.  
6 MR. FREEO: Okay. I did read through this  
7 particular application, this application requirements page  
8 and one of the things I wanted to see --  
9 MR. HALSEY: Don't make reference to this  
10 particular one because they are not here anymore.  
11 MR. FREEO: Isn't this the same document?  
12 MR. HALSEY: I am just saying we are not  
13 talking about the project that came before us --  
14 MR. FREEO: No, no.  
15 MR. HALSEY: We are just talking about --  
16 MR. FREEO: This is the application, it is  
17 a generic page. I had indicated in a couple e-mails that  
18 I wanted to see, and maybe it is in there and I didn't see  
19 it, but is there a requirement that the applicant submit a  
20 complete index with their application?  
21 MR. HALSEY: A drawing list?  
22 MR. FREEO: I mean I can give you a perfect  
23 example. This was 22 South Main the last go around and  
24 this is what we got. You get page after page of  
25 documentation with no title, no index, just pages and

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1  
2 I don't want this section to become so overly long that it  
3 becomes onerous just to understand what we are trying to  
4 do.  
5 Jay, I do believe that on a follow-up  
6 addition of these requirements it might be reasonable to  
7 add provisions for the labeling and indexing as well of  
8 drawings. I don't think that is --  
9 MR. FREEO: Some applications that we have  
10 gotten do an excellent job and they incorporate an index.  
11 MR. HALSEY: Yeah.  
12 MR. FREEO: It does make for an easy review  
13 but few do. Why? Because it is not a required I guess.  
14 MR. WILLIAMS: Justin, as you had said, I  
15 think previously in the meetings, is that there needs to  
16 be before and after scale drawings and wall elevations in  
17 the same scale.  
18 MR. HALSEY: Yeah. And I guess I think to  
19 Jay's point we clearly outlined that here that it is  
20 existing and proposed formatted for easy comparison. I  
21 think to -- baked into formatted for easy comparison to me  
22 would be labels and numbers and some general annotations  
23 that bound the project there.  
24 But yeah, I think it is totally reasonable  
25 to consider, you know, future modifications of these to

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1  
2 pages of cut sheets of siding and -- nice house, and so on  
3 and so forth and you get through all of these pages of  
4 windows and then --  
5 CHAIRMAN VOSS: The point is --  
6 MR. FREEO: So the point is and then you  
7 get to the drawing in the back. So I guess my question is  
8 why not require an applicant to label every page of their  
9 application and put that on the index and every page of  
10 the application that is contained in the application gets  
11 a title.  
12 Window cut sheets, that goes to the index  
13 page. Next page is door cut sheets, that goes to the  
14 index page. Color chart, that goes to the index page.  
15 Architectural drawing A1, that goes to the index page and  
16 so on and so forth so you can find stuff.  
17 Right now we are all just flipping through  
18 pages trying to find stuff and it is cumbersome and makes  
19 for a much longer review.  
20 MR. HALSEY: I think it is a valid  
21 potential update to these. I think these drawing  
22 requirements will continue to be refined to -- I think the  
23 highest priority of these requirements is to make it clear  
24 to the applicant the content to be submitted.  
25 But I do think -- and what I worry is that

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1  
2 add that. That is a standard program for an architectural  
3 drawing and I totally agree that it would be useful to  
4 state that outright.  
5 CHAIRMAN VOSS: Especially since we are  
6 looking at more than just architectural drawings, we have  
7 the materials pages. And I mean whether there is an index  
8 or not, I think we can be more helpful to the applicants,  
9 even a small applicant, if we can make reference to a  
10 page. It would be a lot easier for them to respond to it.  
11 MR. FREEO: To cut the --  
12 CHAIRMAN VOSS: When we get the information  
13 sent to us ahead of time instead of saying page three in  
14 the document you submitted on the 19th, it would be so  
15 much easier if we can just say, you know, the --  
16 MR. FREEO: Window cut sheets on --  
17 CHAIRMAN VOSS: -- window cut sheet 2 and  
18 if they change a version they can call it 2A. If we can  
19 make reference to it that way then we can help them by  
20 offering suggestions before they come to the meeting so  
21 that they -- we can address our questions a little more  
22 targeted.  
23 And again, whether we insist they have an  
24 index page, I think that would be great and they will  
25 probably end up doing that.

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1 MR. HALSEY: Page labels.  
 2 CHAIRMAN VOSS: We can make a motion that  
 3 we have the --  
 4 MR. HALSEY: Can I -- this is the  
 5 application requirements page two of the HARB application.  
 6 I would like to suggest edits to this for review as  
 7 additional business at our next meeting, if that is  
 8 appropriate.  
 9 CHAIRMAN VOSS: Okay.  
 10 MR. HALSEY: Rather than motion something  
 11 where we are just -- I think it would be helpful to see a  
 12 draft edit of this in comparison and then be able to --  
 13 CHAIRMAN VOSS: That is homework.  
 14 MR. HALSEY: Yes, I am happy to do that as  
 15 homework.  
 16 MR. FREEO: We can comment whatever.  
 17 CHAIRMAN VOSS: So maybe we can -- I will  
 18 -- I don't know if you wanted to handle this, or I am just  
 19 saying it would be nice to --  
 20 MR. MAISEL: I would like to make a couple  
 21 comments.  
 22 CHAIRMAN VOSS: I want to make sure  
 23 everyone can see what this looks like.  
 24 MR. MAISEL: No, I think what you guys are

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1 there and it is evidenced in some historical, you know,  
 2 problems that have happened from a historical standpoint.  
 3 Anyway, I am totally behind it whether it  
 4 is me as the liaison or another Council member going  
 5 forward. I think you have really -- if you can dig down  
 6 on it and stick with it, I think there is a lot of  
 7 improvement to be made so I appreciate that.  
 8 MR. LABRUM: I would like to make one  
 9 comment off the record.  
 10 - - -  
 11 (Off the record.)  
 12 - - -  
 13 MR. HALSEY: Back on the record.  
 14 I understand that there will always be a  
 15 little bit of tension between the timeline for review and  
 16 the rigorousness of the review and the transmission of a  
 17 review that HARB makes to Borough Council. But as someone  
 18 who is frequently on each side of this process, time  
 19 delays have real impact on the contractor's ability to  
 20 schedule work, on clients bearing cost on professional  
 21 fees and things like that.  
 22 And I weigh that against us being able to  
 23 make very clear recommendations to Borough Council and I  
 24 think it would be my recommendation to us as a group that

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1 doing now is really a testimony to a really good board's  
 2 activity and I am really thrilled, you know, that it is  
 3 taking on this kind of structure and trying to improve  
 4 what is a good thing and making it better and at a  
 5 critical moment in time that we all can agree, and like  
 6 water under the bridge to some extent literally and  
 7 figuratively.  
 8 So I am thrilled with the discussion, the  
 9 advancement of improvements in the application and the  
 10 kinds of things that you are really talking about, not  
 11 specific to any particular project, but to the concept of  
 12 what the intent is.  
 13 And I think it really can be meaningfully  
 14 rewarding I think three months from now, six months from  
 15 now or twelve months from now, the efforts that you are  
 16 concentrating on now because I think -- speaking for  
 17 Council, and I can't speak for Council as a totality, but  
 18 I don't think that I have given the -- I don't know how to  
 19 say this to the public, I mean the scrutiny that perhaps  
 20 should have been attended to each COA that we have -- has  
 21 been identified with the clarity and the seriousness, and  
 22 even though we took it seriously.  
 23 But you know, whether we were in a position  
 24 to either detect something that was not what should be in

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1 we try -- our first order of business is to shore up our  
 2 application requirements, some of the things that we are  
 3 doing. And to ensure that every application that comes  
 4 before us is meeting those requirements because I think  
 5 the clarity of an application that meets our requirements  
 6 is far different than somebody that is lacking in some of  
 7 the major items here.  
 8 And if there is a sentiment after we have  
 9 gone through that exercise that there is still information  
 10 that is being mis-communicated, I think at that point it  
 11 is worth addressing. But I would be hesitant to ever  
 12 extend a review time that already, you know, has to be  
 13 factored in any project's schedule and I think we can  
 14 attack that from how rigorously we apply our own  
 15 application requirements.  
 16 MR. FREEO: Yeah. I was almost in favor  
 17 of, you know, prolonging the process a bit in terms of  
 18 getting -- securing the HARB minutes so that you can make  
 19 sure that the accuracy of the motion got translated into  
 20 the final document that goes to Council, but I had  
 21 reservations about that too.  
 22 I realize it will add like a whole month to  
 23 that process. So I guess the alternative might be why is  
 24 there not more communication between the HARB body, we as



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1  
 2 a group like this, that is the end of the communication.  
 3 So I guess what I am saying is can there be and is it  
 4 allowed that a draft --  
 5 MR. MAISEL: You need a better liaison,  
 6 that is what you need.  
 7 MR. FREEO: No, no, no. Not at all. This  
 8 goes to the minutia of some of these details, Ken, for  
 9 which a lot of us may have input on. I guess my question  
 10 is is it allowable that a draft of a certain document can  
 11 come back to HARB, e-mailed to us, we do a review and we  
 12 said yep, this wasn't quite what we stated. That is what  
 13 it should be. Boom, boom, boom and at least a check as  
 14 opposed to never seeing the document. I don't know.  
 15 MR. MAISEL: Usually what happens is if  
 16 there is something really incredibly contentious, you  
 17 know, I will try to run around a little bit and let people  
 18 know hey look when you get the packet be aware of this,  
 19 this and this.  
 20 I did it as it related to a previous month,  
 21 there was a subsequent indication that there was a little  
 22 bit more dissent and more issues, you know, attached to it  
 23 and until I got my packet so everybody was kind of privy  
 24 to it at the same time.  
 25 So as long as you know somebody is here,

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1  
 2 other assumption of course that we have is that the paper  
 3 packet that we see, that we have now offered commentary  
 4 about -- well conditions on, that that packet is  
 5 unchanged, that that packet plus our motion with our  
 6 conditions is what goes to Borough Council.  
 7 And if that is the case, the only thing we  
 8 need to do is be able to confirm that yes, what we  
 9 declared in a motion, the conditions of the motion are  
 10 being echoed directly to you.  
 11 MR. MAISEL: I mean it is an interesting  
 12 approach and it is one that we should consider,  
 13 particularly when something that is would you say  
 14 contentious or not for everyone because that would become  
 15 a little tedious. I don't know where you draw the line.  
 16 CHAIRMAN VOSS: I guess what I am looking  
 17 at is we have worse case -- not worse, the most busy we  
 18 might be is say six applications that are not signs. So  
 19 perhaps we have as many as six applications in that one  
 20 time, all we are saying is that the motions for those six  
 21 applications --  
 22 MR. HALSEY: Just the motions.  
 23 MR. MAISEL: Just the motion. Okay.  
 24 CHAIRMAN VOSS: Not the minutes. The  
 25 whole thing is that we get to see a copy, confirm that

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1  
 2 can see what is contentious, there is the opportunity to  
 3 get to Council in advance and say hey listen -- not create  
 4 a bias, but also just to listen this was something that  
 5 was -- just like you would at a zoning meeting or a  
 6 planning meeting or anything else.  
 7 You would give people on Council a heads up  
 8 as to what was happening and, you know, gives us just be  
 9 aware of it, being incredibly sensitive to not being able  
 10 to indicate somebody's own bias. I think that is where I  
 11 personally draw the line.  
 12 Hey listen, you guys decide for yourself.  
 13 That is what happened. This is what occurred. This is  
 14 what was articulated.  
 15 CHAIRMAN VOSS: I am wondering if a  
 16 solution -- I will ask the Solicitor, would it be possible  
 17 when a motion is being made to record the motion so we  
 18 have an audio of just the motion, and then request that we  
 19 have a copy of the motion that was voted on that is being  
 20 sent to Borough Council so we can confirm that yes, what  
 21 you are receiving is conditions that we imposed, that we  
 22 suggested?  
 23 MR. LABRUM: Yes, it can be recorded.  
 24 CHAIRMAN VOSS: So I think if we can do  
 25 that, just find a timetable for having this happen, the

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1  
 2 what is being presented to you reflects in fact what we  
 3 said.  
 4 MR. MAISEL: It seems doable.  
 5 CHAIRMAN VOSS: I think it can be. I don't  
 6 think it is a big time concern, it is just adding two more  
 7 people on.  
 8 MR. MAISEL: Well I mean you have JoAnn,  
 9 who is not here tonight, might argue that that doesn't  
 10 have any implications, but I think that is the kind of  
 11 thought process and this is the advancement that I think  
 12 is well --  
 13 CHAIRMAN VOSS: It may fall on the liaison  
 14 to say as soon as you see your packet, tear out the parts  
 15 that apply to us and send that to the HARB and then we  
 16 will just listen to our recording and see if it matches.  
 17 MR. MAISEL: I think that is --  
 18 MR. FREEO: Since we are on a roll here.  
 19 Keith, you just raised another very interesting point, and  
 20 I raised this issue in the past and you resurrected the  
 21 thought. And that is to say rarely do we get an  
 22 application and it be a hundred percent, you know, in  
 23 compliance, this, that and the other thing.  
 24 And that is to say there is no commentary  
 25 and the product that comes out of this meeting is just the

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1 same product that came in with. That rarely happens.  
 2 They have to go back and we oftentimes have a lot of  
 3 commentary put into packages and they have to then revise  
 4 the package.  
 5 And what I have always said is I think what  
 6 is lacking is the checks and balances that that package  
 7 that comes back, I guess to the Borough, because I don't  
 8 understand the process, but that package that comes back  
 9 to the Borough, is that what HARB approved and HARB  
 10 doesn't check that.  
 11 And I am not saying -- I am not faulting  
 12 anyone for this. I am saying the way the system is set up  
 13 now, HARB will probably be the best ones to confirm that  
 14 everything that was intended to go back into that package  
 15 and all of the changes, that it got done because I think  
 16 this thing falls on poor JoAnn, I think. I think it is  
 17 JoAnn and, you know, we are putting that burden on her  
 18 which I think is kind of unfair.  
 19 CHAIRMAN VOSS: If I can jump in.  
 20 MR. FREEO: Sure.  
 21 CHAIRMAN VOSS: I think it is a burden -- I  
 22 think it is JoAnn's responsibility that the packet that we  
 23 see is forwarded as we see it. We don't forward it to  
 24 Borough Council. They should not see a packet that we did  
 25

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1 not approve. And so I mean when they have a packet, they  
 2 should get the packet that we saw and the motion that we  
 3 made.  
 4 They should not -- no one should be the  
 5 editor of that between us seeing it and them seeing it  
 6 because then -- because we will often say we are approving  
 7 this package as presented with the following changes. And  
 8 if somebody makes additional changes I don't --  
 9 MR. FREEO: Who is making all of the  
 10 changes?  
 11 CHAIRMAN VOSS: That is not us. I'm  
 12 sorry, but that is not us.  
 13 MR. HALSEY: The question you're asking --  
 14 CHAIRMAN VOSS: Let me finish. Borough  
 15 Council then needs to vote on what -- the same packet that  
 16 we saw and the motion that we made.  
 17 Now you're asking something after that step  
 18 and that step someone will incorporate all of the changes  
 19 and that is what goes onto the building inspector and that  
 20 is what goes on farther on down the road.  
 21 But the only thing that -- again, I mean if  
 22 you want to put conditions on, that is different but our  
 23 job is to make a motion to Borough Council. It is Borough  
 24 Council's responsibility to say that what they approved is  
 25

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1 what happens in the field.  
 2 If you would like to find a way to  
 3 interject us between Borough Council's decision and the  
 4 activity in the field, we need to talk about that but I  
 5 think our responsibility is to make sure that what they  
 6 are voting on is the same thing that we proposed to them.  
 7 MR. FREEO: So do you guys kind of get it?  
 8 My concern is how do we ensure that the package that we  
 9 received and we might come up with six or eight revisions  
 10 to the package --  
 11 MR. MAISEL: Not revisions, conditions.  
 12 MR. FREEO: Call them conditions.  
 13 CHAIRMAN VOSS: I wanted to talk about  
 14 something, you're going deep into this rabbit hole and I  
 15 would like to be able to cut it off. You can finish  
 16 asking this question. I think the procedure we have right  
 17 now is failing. I will talk about that after you ask your  
 18 question.  
 19 MR. LABRUM: I can just comment, typically  
 20 JoAnn assures that the package that HARB has received is  
 21 replicated to Council. The only time, in my experience  
 22 with the Borough, that that has not been the case is if a  
 23 condition is added where they would recommend that the  
 24 applicant provide certain clarification or something to  
 25

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1 that effect.  
 2 In my experience in working with JoAnn,  
 3 what you see is what Council sees and nothing else, unless  
 4 you're requesting something additional be submitted.  
 5 CHAIRMAN VOSS: The slight change is she  
 6 might take a highlighter based on our discussions and she  
 7 might highlight certain elements in the packets that go  
 8 forward but there is no modification.  
 9 MR. MAISEL: It seems, Jay, your concern,  
 10 and maybe rightfully so, is down the line. That seems to  
 11 be what your -- you know, where you think things might  
 12 fall apart.  
 13 MR. HALSEY: A window gets added because  
 14 there is no check between the construction documents  
 15 regulatory set that gets filed for zoning, building and  
 16 zoning. There is no coordination between the HARB  
 17 drawings that were recommended for approval, then approved  
 18 by Borough Council.  
 19 That record set might be perfectly  
 20 consistent its whole way through, JoAnn passes it along  
 21 and does all of that but then the signed and sealed permit  
 22 drawings are a different drawing set and there may or may  
 23 not be a rigorous enough way to compare those, but the  
 24 thing is that some of the, I imagine, issues could arise  
 25

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1  
2 in that case when the application requirements for a HARB  
3 submission are not met; i.e., there are no real  
4 architectural drawings as to scale of the existing and  
5 proposed conditions.

6 That is having a rigorous set of drawings  
7 that we review but we have to understand that they are at  
8 a different stage of development than a full permit set,  
9 but the more clearly we can express the requirement of our  
10 application and the more clearly submitted those drawings  
11 are, the easier it is to avoid that. I think it is -- I  
12 --

13 MR. FREEO: I totally agree.

14 MR. HALSEY: I think shoring up the -- up  
15 the things that are submitted to us and passing along a  
16 well-vetted application that meets the requirement is the  
17 single most important step to -- and yes, there is not  
18 unlimited manpower, womanpower to review drawings  
19 endlessly and I get that, that can happen.

20 But I really do think with a commitment to  
21 uphold our application requirements we can really firm up  
22 that process.

23 MR. MAISEL: That is the first step. That  
24 is the big first step. Seems to me as an outsider looking  
25 in --

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1  
2 shutters off. That is a concern to me. So I think we  
3 need to -- I am all for trying to make a streamline  
4 process to make it more efficient but I think at some  
5 point we have to hold the line and say if you're giving us  
6 failed representations of your proposal, then we are just  
7 going to table it. Done. There is not going to be a  
8 motion passed on. It is not the fault of us, it is the  
9 fault of poorly presented work.

10 And why are we spending hours where we try  
11 to decide what you intended in your drawing instead of  
12 making sure that your drawings communicate to us what you  
13 intend. And you -- I think you know what I mean when you  
14 think about the number of things we have and its -- I can  
15 picture, you know, in the past I can picture the  
16 conditions are not HARB specific, they are anyone looking  
17 at these is wondering why you did what you did kind of  
18 thing.

19 It is clarity. And I don't believe that we  
20 should be offering conditions of clarity over and over and  
21 over again. Maybe once in a proposal but I worry pretty  
22 significantly when we have people that aren't developers,  
23 that are just sort of homeowners doing this and they are  
24 trying to do the right thing. They come to us for what,  
25 the informal --

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1  
2 CHAIRMAN VOSS: But the point that I wanted  
3 to make is something that showed itself very clearly in  
4 the last meeting we had where we had somewhere in the  
5 neighborhood of five -- it is not the regular pattern that  
6 we see, which is five to seven conditions we are adding  
7 over and over and over again. And the reason we are  
8 adding conditions is not how conditions were meant to be.

9 Conditions are we disagree with this choice  
10 of yours and, you know, we needed a window to remain or  
11 maybe -- well let me save that for a second. Maybe just  
12 something that we know there is a better product. We know  
13 we want a brick to be exposed instead of painted or  
14 whatever happens in what we are thinking. But that is us  
15 deciding, that is us taking the guidelines that we work  
16 from and saying what you are offering does not match our  
17 guidelines.

18 The thing that worries me is that more than  
19 half of our conditions are actually clarifications of a  
20 poorly drawn presentation. The -- meaning how many times  
21 have we had a chimney missing from a drawing and then they  
22 said no, we are not planning to take the chimney away.  
23 Right? That is not good.

24 There are things like the shutters are  
25 removed from a drawing. No, we are not taking the

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1  
2 MR. MAISEL: Concept.

3 CHAIRMAN VOSS: Concept review. So they  
4 come before us with a concept review and that is where we  
5 are -- we can hash out all of these details. And I think  
6 I would like to -- I suppose the way we can do it is --  
7 and maybe this is a procedural thing we can look into.

8 Let the applicant know at whatever point it  
9 comes about, that we are planning on tabling it but we  
10 would give them the option of switching it dynamically  
11 from a formal review to a concept review, which means they  
12 get a 30 minute time limit and we will offer them whatever  
13 feedback as rapidly as we can but it will no longer become  
14 a condition.

15 The reason I say this is because now they  
16 incorporate all of those things in the packet that they  
17 eventually give us which we eventually forward onto  
18 Borough Council will actually represent all of those  
19 changes. And in fact we can throw in the things that  
20 would have been normal conditions.

21 MR. HALSEY: It would be great to actually  
22 make conditions based on content at some point. I don't  
23 remember doing that for quite a while.

24 I think we have been making conditions on  
25 representations and graphic clarity.

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1  
 2 CHAIRMAN VOSS: It is clarity over and over  
 3 and over again and that should not be us. I think we just  
 4 take the document as it is presented and I would be happy  
 5 saying I do not approve of the removal of a chimney and --  
 6 MR. OLKOWSKI: I think you're correct  
 7 behavior in doing that. The behavior is beat the clock,  
 8 get my submission in because I want to make this month.  
 9 They know it is not right but they will do it anyway.  
 10 If you started telling them no. Look, we  
 11 can just review this but we are not making this formal  
 12 review because it is incomplete, next time they come they  
 13 will come with a complete review. That would be my  
 14 thinking behind that.  
 15 MR. HALSEY: There is nothing controversial  
 16 about this, it would just be a basic upholding of our  
 17 application requirements.  
 18 CHAIRMAN VOSS: Exactly. I think it is  
 19 just a matter of -- if I see that -- I mean right now I  
 20 think do we give them the opportunity but it is -- we get  
 21 the information ahead of time and we can send clarifying  
 22 questions.  
 23 And you have to realize that they are not  
 24 allowed to change their documents when we offer those  
 25 clarifying questions if they are significant enough, like

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1  
 2 architectural drawing standards of how to do that. That  
 3 is something that we can also gain from informal reviews.  
 4 If people are, you know, someone might say  
 5 exactly -- you know, Jay, you bring up a good point about  
 6 labels and drawing index. We might actually get some  
 7 useful feedback from a homeowner that comes in that maybe  
 8 doesn't have an architectural pedigree and is working with  
 9 a good contractor who knows how to build historic work but  
 10 isn't running the latest version of CAD and renderings and  
 11 software. So there can be some really good back and  
 12 forth.  
 13 I want these requirements to be as short as  
 14 possible and clear as possible to get well-formatted,  
 15 concise applications.  
 16 MR. FREEO: I agree. I think it starts  
 17 with this document, application requirement document, get  
 18 that fine tuned and simply ask people to comply with that.  
 19 That is the requirement and that is what you hold them to.  
 20 To your point, Keith, you don't exhibit a  
 21 lot of leniency, you can't because everybody will get  
 22 screwed in the end and things will fall through the cracks  
 23 and so on and so forth and it puts an undue burden on the  
 24 people. It starts with this document, I totally agree.  
 25 CHAIRMAN VOSS: Off the record.

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1  
 2 your drawing is flawed, page three of your drawing is  
 3 missing because officially we don't have time to look at  
 4 it.  
 5 If we don't have time to look at it in the  
 6 correct presentation format -- again if somebody wants to  
 7 sell me on saying one correction is fine, but I think we  
 8 need to hold the line a little bit more clearly on it and  
 9 it will -- to your point of it is in their interest to  
 10 take one extra month because we say no, then it will be  
 11 two extra months and they have to resubmit the corrected  
 12 drawings and that -- the timetable is such that it will be  
 13 two months after that, so it will be three months total if  
 14 they decided not to take one month.  
 15 MR. OLKOWSKI: You deal with a lot of the  
 16 same architects, developers, so they know that is the  
 17 standard. They will have to meet that standard, and I  
 18 think that is the only way you start that process.  
 19 MR. HALSEY: I do think per Jay's point, I  
 20 do think it is really worthwhile, maybe every six months,  
 21 we will do it at the next meeting, every six months we  
 22 review our own application requirements and work to in the  
 23 fewest words possible, communicate clearly the intent that  
 24 an application demonstrate; the existing and proposed  
 25 conditions and provide some boundaries based in just

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1  
 2 - - -  
 3 (Off the record.)  
 4 - - -  
 5 CHAIRMAN VOSS: Lets go back on the record  
 6 so we can discuss that.  
 7 So my question to the HARB is whether there  
 8 would be a way, mechanism for letting the applicant know  
 9 that we will not -- do not intend to approve their  
 10 application as presented and perhaps should we seek a  
 11 pathway in cases that we recommend -- that we recommend  
 12 that they be able to resubmit a modified version of their  
 13 application for our next meeting?  
 14 In other words, in the sense of tabling it  
 15 but giving them time to actually hand us a packet that we  
 16 believe will be more complete without the questions --  
 17 that address the questions that we might currently have.  
 18 MR. HALSEY: JoAnn should be here for that  
 19 discussion because she is going to handle the admin on  
 20 that.  
 21 And also I, as an applicant, I love that  
 22 idea because there are many times where you are acting in  
 23 good faith but there is something that HARB -- reviewing  
 24 body wanted to see. It is an imperfect process for sure  
 25 but I wanted JoAnn involved in that.

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1  
 2 And second, I worry that creates a pathway  
 3 for a wholly incomplete application being flung in to meet  
 4 the deadline. Again, it is at our discretion but I think  
 5 the key there is whether that becomes an administrative  
 6 burden on the town's administration.  
 7 CHAIRMAN VOSS: But I think what we would  
 8 -- I would -- the way I would recommend this is either we  
 9 give them the option to offer a corrected submission for  
 10 our next meeting or we vote and vote to recommend denial.  
 11 MR. HALSEY: Or motion to move to concept  
 12 review.  
 13 CHAIRMAN VOSS: No. What I will suggest is  
 14 that we do one of two directions; either we deny, and I  
 15 would recommend denial -- I would recommend denial for  
 16 someone that clearly did not -- is trying to give us a  
 17 rushed job. And again, we can't read that into their  
 18 intent, but we can still look at it and say this is too  
 19 far removed from something we will accept.  
 20 And I think we -- we will not put  
 21 conditions on it and say as presented with no conditions  
 22 we recommend no. We recommend denial. I think that would  
 23 -- that will be the option.  
 24 But then we have the option -- we have the  
 25 option of offering to them, and they would have to approve

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1  
 2 the HARB meeting for the application.  
 3 CHAIRMAN VOSS: That is why I am -- I  
 4 think of it as it is a change. So I think what I would  
 5 like to do is somehow say your proposal, your application  
 6 is still open, the one you made, the application which is  
 7 the cover letter and all of that, that still was within  
 8 the 20 days because it was actually well outside the  
 9 20 days.  
 10 So I think if we view the cover page as  
 11 their application, all we are saying is you're allowed to  
 12 swap out your supporting documents. That is what I am  
 13 proposing anyway.  
 14 MR. OLKOWSKI: From a checklist.  
 15 CHAIRMAN VOSS: Pretty much the checklist.  
 16 You can swap out anything on the checklist and give us a  
 17 new packet underneath your cover letter, the cover letter  
 18 never changes. You may change the narrative and -- but  
 19 that is on the checklist --  
 20 MR. HALSEY: Yeah.  
 21 CHAIRMAN VOSS: So I think -- that is how  
 22 I would like to see it. Because it seems like it responds  
 23 to like you said, the small homeowner that really didn't  
 24 know I needed X.  
 25 MR. HALSEY: Yeah.

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1  
 2 as well, the ability to resubmit an updated proposal. We  
 3 can give them some kind of timeframe, essentially all we  
 4 need -- all I would need is review time which means they  
 5 would have probably a week, week and a half maybe to --  
 6 MR. HALSEY: Five business days for --  
 7 CHAIRMAN VOSS: Five business days from  
 8 our meeting?  
 9 MR. HALSEY: From our meeting.  
 10 CHAIRMAN VOSS: So again I think we can put  
 11 a timetable in it and all they are doing is going to swap  
 12 out their packet that is listed here on the -- what is it  
 13 called?  
 14 MR. HALSEY: The application requirements  
 15 page.  
 16 CHAIRMAN VOSS: The application  
 17 requirements page and they just swap out what they gave us  
 18 for that with their new version, and we will no longer  
 19 look at the original version, the original submission. We  
 20 will only look at the new version. And when it comes  
 21 before us, we will have an up or down vote at that point  
 22 and then again, we can have suggestions.  
 23 MR. LABRUM: Recognizing the timing of  
 24 this, as you probably know, the Borough recently amended  
 25 the application to make it 20 business days in advance of

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1  
 2 CHAIRMAN VOSS: And so rather than make  
 3 them wait say two months -- or the same thing if somebody  
 4 did something and in all honesty they drew it and they  
 5 left the chimney off, that is the only flaw in their  
 6 drawings. If that is the only flaw, I wouldn't make them  
 7 wait another month.  
 8 But does that make sense?  
 9 MR. HALSEY: Procedurally though is it --  
 10 so there are two packets. I just want to know the  
 11 verbiage because I think it is important that we not  
 12 fluster up here. The verbiage is either we make a motion  
 13 to deny the application as submitted. End of story. That  
 14 is one pathway that we know is open.  
 15 The other is we motion to request  
 16 additional supporting documentation to be submitted five  
 17 days prior to our next scheduled meeting.  
 18 CHAIRMAN VOSS: I would actually change  
 19 that. I would not recommend that we have additional  
 20 supporting information, I would say that they resubmit --  
 21 resubmit supporting documents with the corrections that we  
 22 will -- we are happy to discuss with them further.  
 23 MR. HALSEY: At the end of the meeting.  
 24 CHAIRMAN VOSS: At the end of the meeting.  
 25 I think that is how I would like to make that proposal.

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2 MR. FREEO: I heard within five business  
3 days and I was confused. I didn't know if you meant --  
4 first when I heard it within five business days of this  
5 meeting, but now I am hearing five business days of the  
6 next HARB meeting.

7 So I guess my question is in asking them to  
8 send this package back in to us, what is the objective?  
9 Is it to get it to Council for their next meeting?

10 CHAIRMAN VOSS: No, it is coming before us  
11 again.

12 MR. HALSEY: It is not to make them wait  
13 two months. Right now if I came before you with an  
14 application today and you denied it, I already missed the  
15 application deadline to submit for the November HARB  
16 deadline.

17 What Keith is trying to do is to create a  
18 pathway that someone acting in good faith provide a full  
19 application who may have missed a requirement that we  
20 believe is critical, we are trying to provide a pathway  
21 where they don't have to wait two months before appearing  
22 before us again and then tie some reasonable time  
23 constraints to that.

24 MR. FREEO: If they got denied tonight --

25 CHAIRMAN VOSS: We are not denying them.

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2 the day before the meeting typically.

3 CHAIRMAN VOSS: So clearly they cannot make  
4 an updated presentation, there is no time for it.

5 MR. OLKOWSKI: Hopefully the end result is  
6 people learn, people understand that this is what will be  
7 required and they come with the full checklist and all of  
8 their documents and we don't go through this process  
9 because everything is good.

10 CHAIRMAN VOSS: The homeowner that might  
11 make a mistake, they are not going to learn -- I am sorry,  
12 I didn't mean to say that that way. They don't need to  
13 learn because they will not be doing this over and over  
14 again, so giving them one month is fine.

15 If we have somebody that is here regularly,  
16 they will learn and then what they bring us will be  
17 primarily correct more so than now. And if it is off by a  
18 little bit, they get one month. If it is off by a lot,  
19 they ran too fast, then they will have to resubmit.

20 MR. OLKOWSKI: That is where I think the  
21 advantage is to doing something like this.

22 MR. HALSEY: Yeah, but the only thing I  
23 would like to do is loop JoAnn in, for better or for  
24 worse, she will be wrangling all of this in.

25 MR. OLKOWSKI: She is going to ask are we

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2 MR. FREEO: No, no, no. If there was a  
3 motion to deny tonight, why would it take two months?

4 MR. HALSEY: Because the application  
5 deadline for November's meeting was actually yesterday.

6 So the application deadline for any given  
7 -- so the application deadline for October occurs before  
8 the September HARB meeting and so on and so forth.

9 So if you aren't successful, you have  
10 already missed the opportunity based on our current  
11 procedures to appear at the next calendar meeting, which  
12 is -- and I understand why people are requesting  
13 applications that much prior but it does create a hardship  
14 for applicants that are acting in good faith.

15 MR. MAISEL: Are you saying it is 20 days  
16 now?

17 MR. LABRUM: Twenty days now.

18 MR. MAISEL: That is beneficial. Then we  
19 don't have to do anything really.

20 MR. OLKOWSKI: The end result will be  
21 hopefully --

22 CHAIRMAN VOSS: For clarity, 20 business  
23 days.

24 MR. MAISEL: So that is a month.

25 MR. HALSEY: So it is either the day of or

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2 charging another fee.

3 MR. HALSEY: So my question is I will be  
4 taking an edit -- proposing an edit to the application  
5 requirements just to continue to clarify it at our next  
6 meeting and also as new business, can I put together a  
7 statement that summarizes our attempt to provide a pathway  
8 for applications made in good faith to appear at the  
9 following meeting with no penalty.

10 CHAIRMAN VOSS: I think that offering will  
11 be made as a motion.

12 MR. HALSEY: Yeah. So nothing needs to be  
13 clarified anywhere.

14 CHAIRMAN VOSS: That way you can have a  
15 prewritten motion that we will be using. We can view that  
16 motion every time we wanted to give someone this pathway.

17 MR. HALSEY: Yeah. We should discuss it  
18 with JoAnn prior to the meeting, prior to utilizing that  
19 pathway.

20 CHAIRMAN VOSS: I agree.

21 MR. MAISEL: Makes sense.

22 MR. HALSEY: So I have some homework.

23 MR. FREEO: And that little verbiage, that  
24 will not be part of the application?

25 MR. HALSEY: No, it will be our --

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1  
2 MR. FREEO: Internal?  
3 MR. HALSEY: Yeah, something that we can  
4 organize ourselves. I do think I sometimes struggle  
5 procedurally to understand exactly the moment where you're  
6 motioning versus discussion and things like that so I  
7 think for my benefit the more we can clarify the  
8 terminology we are using in a given situation it will  
9 help.  
10 MR. MAISEL: Is it evident in the early  
11 going that the thing is weak?  
12 MR. HALSEY: Yeah.  
13 MR. MAISEL: I mean so there is no concern  
14 about being in concert that there is a problem here. So  
15 do you really try to go through the whole application for  
16 a half an hour to find yourselves saying this is  
17 inadequate?  
18 MR. HALSEY: No, one of us would motion  
19 early.  
20 CHAIRMAN VOSS: What we would do is if  
21 you're giving a presentation and if we hear that we are  
22 asking for the third time are you really building a wall  
23 that is a hundred percent glass, we can just let them  
24 know. At that point we will just -- what we do is we make  
25 a motion to recommend approval, I think that is the

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1  
2 MR. HALSEY: My homework is this, because I  
3 think, Keith, you just laid it out very clearly how we  
4 handle the situation so we are organized amongst  
5 ourselves.  
6 It is a motion for disapproval, discussion.  
7 Obviously we are -- in certain cases we will be --  
8 whatever, we may be on the same page, we may not. And  
9 then that motion can go through or we re-motion with  
10 specific requirements to their end application. That  
11 makes a lot of sense and I won't stumble if I am the one  
12 doing that in the future.  
13 MR. MAISEL: Just one last thing I just  
14 have to say. I think you guys are just so overly  
15 accommodating and have been overly accommodating that it  
16 has gotten us in part to this, you know, to this point.  
17 Trying to work through an application to  
18 the point where, you know, it is beyond what you  
19 necessarily should be doing, you know, or find yourselves  
20 having to do. I think you deal with that as a result of  
21 some of these efforts.  
22 CHAIRMAN VOSS: I will bring up once  
23 again, New Hope Arts. I need to know what the mechanism  
24 is. It does not seem to be the building inspector. They  
25 have still not been issued, as far as I heard, a citation

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1  
2 easiest thing.  
3 We then have discussion about it at which  
4 point we can offer the alternate pathway. We then  
5 withdraw the motion and submit a new motion that is  
6 offering the pathway we wanted and we vote on that.  
7 MR. HALSEY: So motion, discussion,  
8 revised. Okay. That is the procedure.  
9 MR. FREEO: Ken, you were probably speaking  
10 to that -- again, I wasn't at the last meeting. I did  
11 flip through the minutes and there was a woman that was  
12 here that made comments from the public. She commented on  
13 two of the projects, 100 West Bridge and then the one on  
14 Mechanic.  
15 And the one on Mechanic she said we just  
16 wasted an hour, an hour and a half, going through this  
17 package in detail and why didn't it get rejected from the  
18 beginning if it was totally incomplete. That is exactly  
19 to your point.  
20 MR. MAISEL: I think that speaks to just  
21 where we are tonight. I mean the advancement in a  
22 meaningful way so that we don't have any other incidents  
23 that might have occurred in the past, I think we cut down  
24 and not find yourselves burdened with that because that  
25 was -- so I think it is a good effort.

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1  
2 for doing work that was not approved by HARB or not  
3 recommended for approval by HARB and not approved by  
4 Borough Council.  
5 So I don't know what the mechanism is at  
6 this point. I mean do I as a concerned citizen get to  
7 insist -- who issues a citation? We should be collecting  
8 money at this point because the project architect has now  
9 heard at at least two meetings, perhaps three, that that  
10 was a concern. So they have not come back before us to  
11 seek approval, which means they are not being told it is  
12 wrong outside of HARB.  
13 So I just wanted to know what is our  
14 standing in getting this resolved? And I am pointing this  
15 out because if this happens in a case that I can name,  
16 what happens in other cases?  
17 I have talked to previous HARBs and I have  
18 been told for example that there was -- there was a  
19 building with a set of windows that was all swapped out  
20 contrary to what the HARB asked for. It was all single  
21 pane, no divided lights. And that was done 20 years ago  
22 and what -- I mean why has nothing ever addressed that?  
23 And I will -- I got to tell you, they came  
24 with a really rapid request for a different project, I  
25 have now since learned this, and they were given that and

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1  
2 only afterwards did we learn that they had violated an  
3 earlier one.  
4 I would have added a condition frankly for  
5 the new work that they fix the old work. I mean that is  
6 what I would have done had I known fast enough.  
7 So I don't want these things to become  
8 historic relics where improperly -- improperly done work,  
9 I don't know what else to call it, just lives because we  
10 don't put teeth on it.  
11 MR. LABRUM: Mr. Chairman, you have every  
12 right as a member or as a citizen of the Borough to make a  
13 formal request of a recommendation to the Borough, whether  
14 through the zoning officer or the building inspector, to  
15 look into whether or not it is necessary to issue a notice  
16 of violation.  
17 The Board itself as a collective board  
18 would not be able to take that action because that would  
19 be formal action. You would have to, you know, in a sense  
20 advertise that the Board was going to seek that type of  
21 remediation. But individually, absolutely you can take  
22 that.  
23 MR. MAISEL: Why should he not be able to  
24 deal with it officially?  
25 MR. LABRUM: Well because it is -- it's

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1  
2 the letter as we can say one of us wrote that, obviously  
3 someone needs to physically type it.  
4 MR. FREEO: You might have to wait for the  
5 next meeting.  
6 CHAIRMAN VOSS: We have waited months.  
7 MR. MAISEL: Craft what it is that you  
8 think you need to do and you collectively agree to and  
9 let's run it that way.  
10 MR. HALSEY: I think it would be a request  
11 to return to HARB for a review rather than -- because we  
12 are -- actually we have to act in the pathway that is open  
13 to us between HARB and Borough Council. As a recommending  
14 body we can --  
15 CHAIRMAN VOSS: I would actually -- if I  
16 can jump in, my recommendation is that they be served  
17 notice that they are -- that they did not receive a  
18 corrected COA for the action they took.  
19 I think -- I want them -- I wanted it to go  
20 there and then if they then decide they wanted to  
21 remediate that way, they have choices, right? Their  
22 choices are to come back before HARB and start the process  
23 or I guess -- I don't know what the --  
24 MR. LABRUM: Once a Certificate of  
25 Appropriateness is issued, that is a covenant that runs

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1  
2 approval of a deliberative process without advertising  
3 that that is going to be the subject of Board action.  
4 CHAIRMAN VOSS: So based on what you're  
5 saying, and this then goes back to what Jay was bringing  
6 up, which is what happens now if Borough Council approves  
7 a project and between Borough Council's approval and the  
8 building inspector getting those drawings, what if changes  
9 are made?  
10 If you're saying that we as a Board really  
11 can't interject ourselves in there, that means even if we  
12 found there was a failing we couldn't do anything?  
13 MR. LABRUM: It is because you're an  
14 advisory board to Council and so a recommendation could be  
15 made to Council for that type of action but individually  
16 as the Board operating in and of itself cannot make the  
17 decision to issue a recommendation --  
18 MR. MAISEL: Could it be recommended that  
19 the HARB Board send a letter to Borough Council  
20 identifying something?  
21 MR. LABRUM: That they identified an issue  
22 that appears to be in contradiction of an approved COA?  
23 MR. MAISEL: That is consistent with the  
24 Board's --  
25 MR. HALSEY: And we can motion to approve

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1  
2 with the land attached to that property. So that -- at  
3 that point the jurisdiction would be with, again could be  
4 with the building inspector or with the zoning officer to  
5 enforce a notice of violation because the COA is a legal  
6 document by which they are governed so that would be the  
7 process.  
8 CHAIRMAN VOSS: I guess it is sort of  
9 confusing because they -- essentially work was done that  
10 was not listed on the COA. So we have this covenant and  
11 they did something outside the covenant but they actually  
12 did it -- it took two stages, once before a recent COA and  
13 once after the COA.  
14 So -- and I don't know, it's not part of  
15 the covenant, it is not part of the agreement. It was  
16 just done without request and then it was done further  
17 without request.  
18 MR. LABRUM: Well then you also get into  
19 the issue of violation of the COA for failure to comply  
20 with the permit process, which the COA sets forth. So  
21 again, the HARB can make a recommendation.  
22 CHAIRMAN VOSS: But -- I am not tabling  
23 this to make a recommendation to Borough Council to do  
24 something. I know that the building inspector, if they  
25 were happy to listen to this conversation, would be able



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1  
 2 to just do what it is that the building inspectors do.  
 3 MR. FREEO: So I think we kind of go full  
 4 circle here. What did the HARB application state in terms  
 5 of approval? And I wasn't here for that. I guess I was  
 6 actually. What did the --  
 7 CHAIRMAN VOSS: You can't be here for the  
 8 approval when it wasn't mentioned on the COA in the  
 9 presentation.  
 10 MR. FREEO: That is a good question.  
 11 Point number one was it was not brought up  
 12 to HARB. The COA does not reference removal of the  
 13 plaster. That is number two. Number three, what was  
 14 shown on the final approved construction plans?  
 15 MR. HALSEY: But also we don't see that.  
 16 MR. FREEO: So -- but if it wasn't -- maybe  
 17 the COA was just simply silent on the stucco. The  
 18 question is what did the approved construction plans show?  
 19 Is the construction in accordance with those plans or did  
 20 they just do it as an extra and didn't tell anybody?  
 21 MR. HALSEY: But all we really need -- we  
 22 can't get anywhere with this without someone in writing  
 23 summarizes the relationship of the work that has been  
 24 executed to the existing COA, so probably do a summary of  
 25 the timeline and the work that is outside of the

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1  
 2 and if it was shown on the plans to remove the stucco,  
 3 where do we go from there? Do you know, Keith? Did  
 4 anybody see the plans?  
 5 MR. OLKOWSKI: I did not. The code  
 6 official would be looking at the plans and if there was no  
 7 stucco on the plans, he's not going to catch what was  
 8 talked about here because he is reviewing plans based  
 9 upon, you know, ICC-UCC codes. So if there is no stucco,  
 10 he doesn't see any problem.  
 11 MR. FREEO: But there should have been a  
 12 note on those drawings saying stucco to be removed. That  
 13 is my question. And if it is not on there, then to  
 14 Keith's point, they are in direct violation. But if the  
 15 note said stucco to be removed and the Borough signed off  
 16 on it, then what?  
 17 CHAIRMAN VOSS: Well we are not saying that  
 18 the Borough --  
 19 MR. FREEO: Well they did because --  
 20 CHAIRMAN VOSS: I am saying Borough  
 21 Council. So if an officer of the Borough signs off on it,  
 22 are our hands tied at that point?  
 23 MR. HALSEY: Lets say the stucco removal  
 24 was noted in the permit drawings, but not the drawings  
 25 that came before HARB --

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1  
 2 boundaries of the COA is the core thing that we need to  
 3 then use to recommend to Borough Council to review our --  
 4 CHAIRMAN VOSS: That is only a requirement  
 5 if the building inspector does not do it on his own.  
 6 MR. HALSEY: Yes, but if you wanted to --  
 7 like this is something -- if we are dealing -- yes, there  
 8 is a limited amount of time in the day if you feel this is  
 9 not being addressed, then we can all vote. You can motion  
 10 to recommend it.  
 11 CHAIRMAN VOSS: So we try to develop a  
 12 letter, if that is -- and a letter suggesting the Borough  
 13 Council then act to enforce this.  
 14 MR. LABRUM: Or you can make the request  
 15 directly to the -- whether it is the code enforcement  
 16 officer, the building inspector or the zoning officer,  
 17 depending upon where the violation is falling. You don't  
 18 need to go to Council to do it because you have the right  
 19 as a citizen to make that recommendation that that be  
 20 looked into.  
 21 I don't know necessarily to -- it would not  
 22 be in a sense charging them with a violation, but that it  
 23 be reviewed to determine whether or not the action that  
 24 they are taking is in violation of the COA as issued.  
 25 MR. FREEO: Again, if the COA was silent

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1  
 2 MR. MAISEL: I think it is the way --  
 3 MR. HALSEY: Then our hands are tied.  
 4 CHAIRMAN VOSS: Are they?  
 5 MR. HALSEY: I haven't seen those plans.  
 6 MR. FREEO: It is a borderline issue.  
 7 MR. OLKOWSKI: That is an assumption  
 8 because I don't know what the plans are either.  
 9 MR. LABRUM: I want to be careful about  
 10 offering a legal opinion under the circumstances without  
 11 knowing specifically what the purported violation is and  
 12 say that respectfully to both sides.  
 13 But again, particularly with demolition  
 14 applications -- application for demolition, whether it is  
 15 partial demolition, I think one of the aspects of that is  
 16 to mandate that the applicant clearly delineate in the  
 17 application exactly what they are going to demolish.  
 18 You know a big project in this Borough that  
 19 is going on right now, that was painstaking as to what was  
 20 going to be demolished, what was going to be salvaged and  
 21 so forth. In the length of the records now and the  
 22 Certificate of Appropriateness bears that out.  
 23 So that is one area where in the  
 24 application process that the Board had here, has the  
 25 opportunity to say what exactly are you planning to

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1  
2 demolish because if it is not in the application, then  
3 they have the opportunity to clarify that application at  
4 that point. Or if they say well, we will just live with  
5 the application, then they have to proceed with the  
6 understanding that you are going to make a recommendation  
7 to Council that it be denied for lack of clarity.  
8 What happens is it goes up to Council,  
9 Council potentially reviews it and says we are receiving a  
10 denial on the basis of a lack of clarity. But if you make  
11 a recommendation for denial, you have to make a  
12 recommendation of what conditions they have to meet in  
13 order to enable Council to approve it.  
14 CHAIRMAN VOSS: I get all of that. It is  
15 awkward to use an example when that is all we have is --  
16 MR. HALSEY: I can make a non-specific  
17 example.  
18 CHAIRMAN VOSS: I just wanted to clarify  
19 for competing just to show what happened with us and our  
20 procedures.  
21 There was a building where plaster was  
22 being removed from stone. A code enforcement official saw  
23 that happening or had it pointed out to them and work was  
24 stopped. The difficulty in this case is it was pointed  
25 out and nothing happened fast enough and it was all gone.

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1 That is the difference.  
2 So I guess I am running into the if we do  
3 it fast enough under the cover of night, then we have one  
4 sort of procedure that handles that but if we catch it in  
5 time, we issue a stop work order. I guess that is the --  
6 you know, so we don't have -- does it mean we don't have  
7 teeth if they have done it fast enough? There is no stop  
8 work order. I mean there is nothing we can stop.  
9 MR. HALSEY: Doesn't it -- it kind of  
10 depends on the documents too because what governs -- let's  
11 say Borough Council issues a COA and the COA says stucco  
12 to remain, among many other things.  
13 But then the building permit goes through  
14 the typical codes and zoning review and that says stucco  
15 to be removed and that gets approved and the building  
16 permit issued off of those documents.  
17 This is -- I think hopefully I can phrase  
18 this in a way you can respond to, does one of those two  
19 things govern, the building permit and the zoning  
20 application versus the Certificate of Appropriateness?  
21 Say that there was an internal miss of  
22 coordination of those two documents and something  
23 specifically not allowed in the Certificate of  
24 Appropriateness is specifically approved in the building  
25

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1 permit, whatever issues.  
2 MR. MAISEL: He needs a little time to --  
3 CHAIRMAN VOSS: I think the reason I would  
4 look at -- I will use fraud, is that fraud if there was a  
5 misrepresentation here and a different representation  
6 later, meaning so is it more than just a violation, it is  
7 now a civil matter. It is now something -- I wonder if  
8 that is a level --  
9 MR. LABRUM: It could be depending upon  
10 the nature of the change that was -- or the procedure that  
11 was employed by the contractor; is it a matter of health  
12 and safety or is it a matter of preference that we really  
13 would have preferred you keep the stucco on there and you  
14 took it off or vice versa.  
15 Once the Borough has signed off through the  
16 official review process, after the Certificate of  
17 Appropriateness is issued, there are limited options but I  
18 would not say that there are no options. It depends upon  
19 the scope of what the violation is.  
20 CHAIRMAN VOSS: That is a concern that Jay  
21 and I have had.  
22 MR. FREEO: I think that the distinction is  
23 from HARB's perspective, in my view, is is it a definable  
24 exterior feature. If it is a definable exterior feature,  
25

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1 that should be referenced in the COA.  
2 And if it is not referenced in the  
3 Certificate of Appropriateness, then I don't care what is  
4 on the plans, you can't do it because you would have to  
5 get clear approval to remove the stucco. It is definable  
6 exterior feature, it is like removing a window, adding a  
7 window so that should be referenced specifically in the  
8 COA or the COA should reference a drawing where it clearly  
9 shows how many windows or how many doors or whatever and  
10 that is how you get around that.  
11 MR. LABRUM: And that process, Jay, you  
12 just referenced is covered in Section -- let me get this  
13 right, 10-10 -- excuse me, 10-10-B5 which governs the  
14 contents of written recommendations from HARB to Council.  
15 And it then delineates -- I think that is  
16 the right word, lists out the scope of the recommendations  
17 that HARB has made in conjunction with the recommendation  
18 for approval of the COA. Oftentimes the COA is written  
19 that that is essentially the recommendation of HARB.  
20 If there are specific aspects of the  
21 application that HARB wants to bring to the attention of  
22 Council so it is clear, for instance the stucco issue,  
23 then that should be delineated in the COA.  
24 CHAIRMAN VOSS: It is one of those awkward  
25

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1  
2 situations, which I mean if I don't know you're planning  
3 to take off the chimney, why would I say one of the  
4 conditions is that you do not take off the chimney. I  
5 mean I wouldn't even think of it being an issue.  
6 Then I walk by the building and the chimney  
7 is gone. That -- you know, demolition -- one of the  
8 things we want to preserve -- we want to preserve things  
9 that can't be replaced. You know once lost, always lost.  
10 And I guess that is just the -- that is  
11 where I am right now. How do we ensure that -- you know,  
12 we can't stop somebody from doing something but how do we  
13 get them to put it back the way it was if it is still a  
14 possibility? Anyway, so that is where we are.  
15 MR. FREEO: It kind of speaks to what I  
16 brought up initially an hour and a half ago, is sort of  
17 tightening up the process in terms of the communication  
18 that these sort of things don't slip through and get by us  
19 and how do we do that and it will be a learning process  
20 and I think we can improve on it.  
21 This application revision, that is a great  
22 help but I think we have a ways to go in terms of  
23 tightening up the process.  
24 MR. LABRUM: Also keep in mind that the  
25 Board does not have to make the decision at the meeting.

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1  
2 So for instance, this application that came forward  
3 tonight, the Board can take the application under  
4 advisement and make a written recommendation within  
5 30 days. So you have the opportunity to continue to  
6 review the process.  
7 MR. HALSEY: Do we make a motion to do  
8 that?  
9 MR. LABRUM: So it is expressly allowed  
10 under the -- again, this would be Section 10-10B3, the  
11 timeframe for actually issuing the decision.  
12 MR. HALSEY: Again, would that require us  
13 to get -- because we are not allowed to discuss outside of  
14 -- would that require us to reconvene potentially for the  
15 next meeting would be 30 days, to reconvene as a group to  
16 formally issue that or would that be something we can  
17 handle in a writing?  
18 MR. LABRUM: Well you have the opportunity  
19 to submit back and forth to make sure that the  
20 recommendation to Council is clearly articulated as it  
21 appears it may not have been -- that may not have occurred  
22 --  
23 MR. MAISEL: I think what he is saying is  
24 amongst the five of them how do they use that 30 days  
25 collaboratively?

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1  
2 CHAIRMAN VOSS: If I can jump in, I would  
3 say that we have this allowance already in place and we  
4 can always just inform the applicant that we have 30 days  
5 to make this decision. However if you would like to  
6 improve your chances of us voting on it, if you will give  
7 us through the next meeting and you will resubmit these  
8 documents.  
9 So I am saying we give them the conditions  
10 that would allow us to do this --  
11 MR. MAISEL: No, I think he was saying that  
12 --  
13 CHAIRMAN VOSS: We will make your decision.  
14 We will make your decision tonight or we can allow them to  
15 give us the 30 or 31 or 32, whatever days it is to our  
16 next meeting.  
17 I guess that is what I am looking at. This  
18 just says that we can already do it, we can already be  
19 flexible.  
20 MR. LABRUM: Yeah. But you had --  
21 CHAIRMAN VOSS: The kind of proposals we  
22 are looking at we would like to have, am I correct,  
23 probably wanted to have a face to face meeting.  
24 MR. HALSEY: I don't think we are allowed  
25 to send e-mail chains. We are not allowed to discuss

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1  
2 individually. I am curious if in the one off situation we  
3 said we need to review these drawings, they might be  
4 approvable but there is so much to unpack here in an  
5 overly complex application, is it allowable, as long as  
6 all Board members are involved, to have an e-mail exchange  
7 discussion regarding that and render a decision that is --  
8 MR. FREEO: Electronically is that allowed?  
9 MR. LABRUM: Yeah, the ordinance expressly  
10 states the HARB shall enter a recommendation for a COA not  
11 later than 30 days after meeting provided for in Section  
12 B1 and shall submit recommendations in writing to Council  
13 and the applicant.  
14 MR. HALSEY: Okay. So we can as long as we  
15 are all involved in that?  
16 MR. MAISEL: Sunshine laws don't apply  
17 here?  
18 MR. LABRUM: Well they have to make a  
19 motion to recommend or deny and then they have 30 days to  
20 render that decision.  
21 MR. HALSEY: To clarify, we had to motion  
22 first. I motion to approve, we say we actually need more  
23 discussion time, we have that discussion over the next  
24 30 days. We need to be in motion.  
25 MR. FREEO: Is it a motion to defer the

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1 decision though? Do you have to make that motion?  
 2 MR. LABRUM: You have to make the decision  
 3 within 30 days, render the decision.  
 4 MR. HALSEY: You motion to approve or deny.  
 5 Let's say I motion to approve something and you need more  
 6 time to think about it, everyone else does, we might not  
 7 close the discussion.  
 8 MR. LABRUM: Right. And that is what I was  
 9 saying under the paragraph B5 that I had cited before,  
 10 that articulates the contents of the recommendation and  
 11 that often can't be done within the context of a single  
 12 meeting or excuse me, can't be done within the context of  
 13 the meeting but can be done within the context of the  
 14 following 30 days to make certain that the motion is  
 15 correctly articulated and the recommendation to Council.  
 16 MR. FREEO: So how do you convey that  
 17 message to the applicant, you simply say we will get back  
 18 to you. I mean what is the formality of --  
 19 MR. LABRUM: You have to let the applicant  
 20 know that evening what the process is going to be.  
 21 MR. HALSEY: So we would say there is a  
 22 motion on the table to approve this application, the Board  
 23 feels additional discussion is required. We will discuss  
 24 this over the next 30 days and render our recommendation  
 25

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1 we are allowed during that 30 days to ask questions and  
 2 have them resubmit things.  
 3 MR. LABRUM: If the applicant agrees to it,  
 4 absolutely you can keep that dialogue open. Similar but  
 5 different to what occurred in 22 South Main, this did come  
 6 back to HARB before going to Council again.  
 7 So we anticipated that it would go to  
 8 Council and Council would say we understand the change you  
 9 would like to make, we want to send you back to HARB to  
 10 get their approval. So we entered into an agreement that  
 11 we would rather than go through that process and come  
 12 back, that we would present it through HARB this evening  
 13 so that Council can make the decision at one time.  
 14 CHAIRMAN VOSS: So essentially this will be  
 15 the pathway, this alternate pathway we have been talking  
 16 about will be under that section?  
 17 MR. LABRUM: Correct.  
 18 MR. HALSEY: Generally, Keith, we are  
 19 trying to help people provide appropriate level of  
 20 documentation or there is a very large project that we  
 21 just really need to -- a little more time to discuss and  
 22 maybe it is not worth holding but I think you're right,  
 23 this is just -- it is going to have to happen way more  
 24 often than we are more continuing a discussion and  
 25

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1 within 30 days to Borough Council.  
 2 MR. LABRUM: Because you're making an  
 3 advisory decision.  
 4 MR. HALSEY: Yeah. I mean I don't think  
 5 it will come up in reality. We are going to propose this  
 6 alternate pathway.  
 7 CHAIRMAN VOSS: You're not making a motion  
 8 and we don't vote on now. Right now we make a motion, we  
 9 get a second and then we have a discussion and then we  
 10 vote on it. That discussion might take 30 days.  
 11 MR. FREEO: So the motion will be to extend  
 12 the review period.  
 13 CHAIRMAN VOSS: The motion will be to  
 14 either approve or deny and then while we are discussing  
 15 this we will identify what the -- we will have our  
 16 discussion, our discussion is 30 days.  
 17 I guess the thing is I don't see that --  
 18 MR. HALSEY: It is unlikely.  
 19 CHAIRMAN VOSS: I don't see that as a  
 20 particularly valuable tool if our goal is to have  
 21 conversation with the -- what I mean by conversation is a  
 22 replacement of drafts with the corrected versions. That  
 23 is what I would like to have and I don't know that that  
 24 falls under the 30 days for us to have our advisory unless  
 25

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1 requesting additional clarification. That is the most  
 2 likely way we will use this strategy.  
 3 MR. LABRUM: Absent the applicant's  
 4 agreement, the HARB ordinance and it is -- the Borough is  
 5 not the only one that has an ordinance of this type. The  
 6 Board is limited as to what they can do without the  
 7 applicant's approval.  
 8 CHAIRMAN VOSS: So in short this gives us  
 9 permission to make a decision that will not come before  
 10 Borough Council at its next meeting.  
 11 MR. MAISEL: That is right.  
 12 CHAIRMAN VOSS: That is ultimately what it  
 13 is.  
 14 MR. LABRUM: Right. As long as the  
 15 applicant is approving of that process.  
 16 CHAIRMAN VOSS: Do they have to approve the  
 17 30 days?  
 18 MR. LABRUM: No, not for the 30 days but it  
 19 is -- technically once that decision is rendered, it is  
 20 scheduled to come up at the next Council meeting.  
 21 CHAIRMAN VOSS: But I am saying we have  
 22 30 days which could -- okay. So I think it is fine. I  
 23 don't want to go too far --  
 24 MR. HALSEY: Procedurally I think you had  
 25

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1  
2 it right before, the most common is motion to approve or  
3 to recommend approval or denial, discussion. If  
4 discussion yields a pathway for them to resubmit, we  
5 remove our motion and we provide that pathway for  
6 resubmission.  
7 That is probably the most common way this  
8 will happen. Leaving the motion open for discussion for  
9 30 days, I agree with you, it seems limited applicable.  
10 CHAIRMAN VOSS: But using that motion -- I  
11 am only thinking about this as far as when we have JoAnn  
12 discussing this, if it is an ongoing conversation, then it  
13 is just a matter of -- they can actually resubmit directly  
14 to us because we don't have to have her reprint things if  
15 they are in e-mail communication with us and so they can  
16 do the follow-up with the whole Board.  
17 MR. LABRUM: Right. Because unless JoAnn  
18 knows, she is looking to schedule this evening's  
19 application for the next Council meeting so she does need  
20 to be involved in the process.  
21 CHAIRMAN VOSS: It would essentially be old  
22 business on our next agenda, right?  
23 MR. HALSEY: It would be no business if we  
24 rendered the decision.  
25 CHAIRMAN VOSS: I guess yes if we can

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1  
2 the final decision. Then we will wait for JoAnn to be  
3 here just so we can find out how she would like it to be.  
4 MR. MAISEL: Hopefully get her cooperation  
5 and --  
6 CHAIRMAN VOSS: So I guess what I would  
7 want to find out from her is when we get our packets, how  
8 much of the printed material is she having to do and how  
9 much is coming from the applicant. Because if we can just  
10 say to the applicant we need you to reprint all of this  
11 material because whatever you send us in this packet is  
12 what we will -- we will swap out and swap in and we will  
13 just let them know that is what your submission now is.  
14 And a month from now or whenever -- however  
15 we make our final timetable, when we vote on it, we will  
16 be making our final based on that second packet you give  
17 us. And we want to be clear with them so what it means  
18 for them to submit the packet number two.  
19 MR. MAISEL: I think at a moment in time  
20 you need to sit her down and have a really concentrating  
21 discussion on what you're asking her to do and have her  
22 evaluate the extent of what is necessary and whatever  
23 might be necessary providing that it makes sense to  
24 implement this thing, then we will make it happen. That  
25 is all.

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1  
2 finish the decision before.  
3 So I guess what it would actually turn into  
4 instead of having seven conditions going forward to  
5 Borough Council, what it would end up being zero  
6 conditions and a version B of the packet that we can then  
7 potentially even approve in a short period of time so  
8 definitely can fall within the next meeting to Borough  
9 Council.  
10 MR. LABRUM: Yes.  
11 CHAIRMAN VOSS: That makes me feel a  
12 littler better.  
13 MR. FREEO: E-mails and communications we  
14 will copy JoAnn on everything. Obviously keep her in the  
15 loop on this.  
16 MR. LABRUM: Yes.  
17 CHAIRMAN VOSS: We have to figure out what  
18 parts she needs to see. Meanwhile we are -- while we are  
19 doing discussion, I would be happy having an e-mail  
20 discussion chain with us and --  
21 MR. FREEO: Discussion.  
22 CHAIRMAN VOSS: I would wait until we have  
23 a final submission.  
24 MR. HALSEY: I think it is still useful.  
25 CHAIRMAN VOSS: Let's wait a little bit on

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1  
2 MR. HALSEY: Yeah. And I do think that one  
3 of those two options, I think in fact the ordinance allows  
4 us a couple different things but I think in reality we  
5 should craft a typical pathway for this; i.e, saying in  
6 the discussion applicant would you be willing to resubmit  
7 an amended package five days prior to our meeting?  
8 We have already had the discussion with  
9 JoAnn that that is an administratively possible thing and  
10 then we don't have to worry about her managing both e-mail  
11 chains where we are discussing offline while also  
12 organizing.  
13 I think we can probably go ahead to create  
14 one pathway for this type of follow-up to go through.  
15 CHAIRMAN VOSS: Anything further?  
16 Nothing. Meeting adjourned.  
17 - - -  
18 (The proceedings were concluded.)  
19 - - -  
20  
21  
22  
23  
24  
25

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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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