

MADISON HISTORIC PRESERVATION COMMISSION

Special Meeting – May 6, 2019 – continuation of the hearing on the Application by Saxum Real Estate for 14 Lincoln Place, commencing on March 12, 2019, and continuing on April 9, 2019.

Attending: Madison Historic Preservation (“HPC”) Co-Chairs Janet Foster and Mary Ellen Lenahan; Members Karen Jeisi, Chris Kellogg, David Lubber, Jill Rhodes, John Solu (arrived late) and Carmine Toto; Commission Attorney Jonathan Testa and Recording Secretary Laurie Hagerich. Absent: Member John Forte and Council Liaison Maureen Byrne.

The meeting was called to order by Ms. Foster at 7:30 pm. Ms. Lenahan announced the meeting was called in accordance with the Open Public Meetings Act and a verbal roll call was taken by Ms. Hagerich.

Mr. Testa introduced himself as the HPC attorney in place of Mr. Loughlin and went on to outline the procedures necessary to conduct the meeting in an orderly fashion. Mr. Testa further explained that time had been reserved during the meeting for the public to not only ask questions of the Applicant’s expert witness, but to also provide public comments on the application and any other business before the Commission. In addition, Mr. Testa outlined rules and procedures of the Municipal Land Use Law and the Borough’s ordinances which apply to cases when demolition is applied for in a historic district. Mr. Testa reminded everyone that the ordinance provides the criteria and requirements that apply to an application for this site. The criteria are set forth at length at 112-7 thru 112-8, and 112-4B of the Borough’s ordinances, as well as the Secretary of the Interior’s Standards for Rehabilitation of Historic Buildings. The burden is on the applicant to show that demolition would be appropriate; and that the design of the structure or any proposed new construction is appropriate and in accordance with whatever requirement that the Commission would have for conditions that would apply for adaptive reuse of portions of the building or for design elements to be incorporated.

Mr. Testa also noted recent correspondence received from Ms. Michelle Donato, who represents Objector Save Madison Theater. Ms. Donato could not attend this meeting but will be at the May 28 meeting.

It was stipulated that the meeting would close at 11 pm. The protocols and time limits for all witnesses and public speakers were outlined.

Business:

Application for redevelopment of Madison Theater property at 14 Lincoln Place:

This is a special meeting, and is a continuation of the hearing on the Application of Saxum Real Estate, which commenced at the HPC meeting of March 12, 2019, and continued further at the meeting of April 9, 2019. Mr. Peter Wolfson,

Esq. of Day Pitney, attorneys for property owner/Applicant Saxum Real Estate, noted for the record the previous meetings held and the recent engagement of Ms. Donato as attorney for Save Madison Theater. Project Architect Jeffrey Gertler was introduced to present the most recent revisions to the plans for the replacement building. Mr. Gertler's slide presentation of the changes made as of April 4, 2019 and the note listing those changes was marked as Applicant's Exhibit A-7. Mr. Gertler reported many design revisions were made, taking into account the comments of Mr. John Hatch, HPC's Preservation Consultant, and the Commission members. The revisions included: reducing the size of bay windows on the sides; recessing the front canopy; having the front façade of the building reflect the design of train station; proposed changes to the color of window frames; changing the front business entrance; having the residential building entrance at the side nearest to the Post Office, creating an exterior public space on side adjacent to the Post Office, with dedicated space for a plaque depicting the historical significance of the movie theater. The changes to the front facade included: moving the 2 retail doors to the center of the front of the building; modifying the canopies so that they are at an angle using wood on the façade of the canopy; and including a cloth canopy over the two middle doors.

Mr. Hatch's March 3, 2019 report, revised on April 23, 2019 after reviewing Mr. Gertler's April 4 changes, is also attached as Commission's B-4.

Mr. Gertler also addressed issues raised by the public and Mr. Hatch concerning visual issues of the proposed redesign of the building in relation to the exit from the tunnel at the Train Station to the center of the Theater. He stated that the theatre, in its current form, has a close symmetrical relationship to the exit/entrance of the Train Station, but it is not an exact symmetrical relationship.

Mr. Hatch commented that he felt substantial progress had been made with the design revisions. The owners are planning to preserve many of the historic features of the building, including the box office ticket booth, the stone plaque on the front façade, and the chandeliers.

Mr. Gertler then fielded questions and concerns from HPC members related to the proposed redesign, including:

- The volume, height and scale of the new building and whether this design gives sufficient consideration to the scale of the building vis-à-vis the other buildings in the district, most notably the adjacent Post Office and the three-story building on Lincoln Place.
- Whether the entire space on the first floor could be used for a larger theater than that proposed by the owners. Mr. Gertler responded that based on their research it could not be.
- Whether the building height could be adjusted to comply with the height requirement allowed by zoning and otherwise obviate the need for a variance with the Land Use Board.
- Whether the 4th floor could be eliminated so that two of the most difficult variances would not be necessary and otherwise keep with the overall character of the District. Mr. Gertler opined that the redesign of the third

and fourth floor being set-back from the first and second floor addressed this concern, and that the height difference of the current structure as compared to the proposed redesign was approximately four feet.

- And the appropriateness of a brighter color palette for the window frames. Mr. Gertler presented the Commission with a variety of color swatches for consideration in the color scheme of the front façade of the building.

Mr. Hatch was questioned about his April 29, 2019, updated report referring to the operation of a theater being an economically viable continued use without complete reconfiguration of the first floor. Part of HPC's mission is consideration of the economic vitality of the District and whether the retention of the structure in its current form would increase property values and attract and promote business in addition to the architecture and design details.

Mr. Hatch further was questioned about the scale and mass of the new building and whether it appears larger because of a flat roof. He does not see this issue to be good or bad, and noted there are other large buildings on the street, such as the train station. However, several Commission members expressed concern with the size, scale and massing of the proposed building.

Mr. Gertler introduced into evidence a panoramic collage of Lincoln Place which he felt would depict how the streetscape would be enhanced by the new building. After a foundation was given, the item was marked as Applicant's Exhibit A-8.

The public was given an opportunity to raise questions and concerns relative to testimony at this meeting, which included:

- Volume of new building compared to present theater building.
- Could the entire first floor be used for residences (owners would not favor this plan since it would involve granting of a use variance).
- Concern about visual impact of the new building and its mass and scale as viewed from the platform of the train station. Mr. Gertler contended that it would not have any appreciable impact but agreed to revisit it.
- Concern about a large historic building being replaced by a large non-historic building. Mr. Hatch agreed such a demolition is a drastic step, but must be balanced with the other criteria and mitigating factors, such as the location of the building within the District and the exterior design of the building having already been altered from its original design after 1925.
- Question about visual impact of new building from Main St and Lincoln Place
- Questions about size of the proposed theater space in the new building and lack of sloped floor;
- Would new building bring increased foot traffic and economic viability to the District.
- Whether the new building design took into account the 2016 study done by the Borough which recommended more residential units.
- The Theater is the only site in the Downtown Historic District designated "arts and culture"

- Whether a color, such as blue, could be used for the 4th floor facade to make it less visible so that it blended with the sky. Mr. Gertler responded that in his experience this would probably make the structure stand-out more and make it less aesthetically pleasing.

After the public question period, members of the public provided comments as to the application. The comments again included the mass of the proposed re-design, and whether the proposed re-design of the structure would contribute to the economic vitality of the District. Mr. David Hannah in behalf of Save Madison Theater group, read from a letter written by Mr. Gertler to the Madison Eagle several years ago, wherein Mr. Gertler expressed his concern about Madison's loss of history and authentic architecture through demolition.

After all members of the public who wished to comment were heard, the public comment period was closed. Please note that due to the size several of the reports entered as Exhibits, including Mr. Gertler's slideshow presentation and Mr. Hatch's updated report, a copy of same is not included as an attachment to these minutes. True and accurate copies of Mr. Gertler's slideshow presentation and list of changes made and Mr. Hatch's report of April 29, 2019 are maintained on file in the Office of the Borough Clerk for public inspection during normal Borough office hours.

Mr. Wolfson and Mr. Testa then discussed house-keeping issues as to the continuation of the hearing on May 28, 2019. Mr. Gertler was advised of his need to attend and give testimony at that meeting, and would be subject to cross-examination by Ms. Donato, the attorney for the Objector, Save Madison Theatre.

It was then announced to the public that the hearing would be continued during a special meeting on May 28, 2019 at 7:30 P.M., at the same location within the Hartley Dodge Memorial Building. Additionally, Co-Chairman Foster announced that the Commission's next regular meeting was scheduled for May 14, 2019 at 7:30 P.M.

Following same, Co-Chairman Foster made a motion to adjourn and the meeting was adjourned at 10:10 pm, to be continued on May 28, 2019, at 7:30 pm.

Laurie Hagerich, Recording Secretary