

MADISON HISTORIC PRESERVATION COMMISSION

Regular Meeting – August 11, 2020

Meeting conducted remotely through Zoom, with assistance from Michael Pellessier, Communications & Technology Coordinator for the Borough of Madison.

Attending: Madison Historic Preservation (“HPC”) Chair Janet Foster; Executive Chairs Mary Ellen Lenahan and Dr. Jill Rhodes; Members David Luber, Max Hart, Chris Kellogg and Carmine Toto; Recording Secretary Laurie Hagerich; and HPC Attorney Jonathan Testa. Absent: Members, John Forte, and John Solu; Council Liaison Carmela Vitale. Several members of the public, including Sandy Kolakowski, for Save Madison Theater, were present.

The meeting was called to order by Ms. Foster at 7:35 pm and Ms. Lenahan announced the meeting was called in accordance with the Open Public Meetings Act. A verbal roll call was taken by Ms. Hagerich.

The minutes of the July 14, 2020, Public Meeting were considered and on motion made, seconded and unanimously approved, the minutes were accepted as written.

Sign & Façade Update:

Ms. Lenahan reported there were no new Sign and Façade Applications.

Old Business:

Preservation Celebration Update:

Ms. Lenahan reported all research on the two properties and the historic bottle is complete. The goal is to schedule the Celebration for the second weekend in September.

Report of Subcommittee for Ordinance revision:

Dr. Rhodes reported all edits and re-writes of the new historic preservation ordinance have been meticulously reviewed and were incorporated into the final draft. She thanked everyone for their comments and encouraged members to review the draft and consider how the Commission will operate under this new ordinance. The process of HPC’s interactions with the Zoning and Planning Boards and its authority on demolitions was discussed. The Design Guidelines section of the ordinance has been revised to make them more clear. Dr. Rhodes feels the language in the draft is very clear and Attorney Hyndman said the ordinance gives Madison a better ordinance than other municipalities because the drafting was so meticulous. HPC is seeking to have Design Guidelines apply to the Zoning and Planning Boards and cooperation is needed from these boards to make it work. The Commission thanked Dr. Rhodes for her diligent and excellent work on the revision. Dr. Rhodes recommended the final draft Ordinance be sent to Council Liaison Carmela Vitale and then will be sent on to the appropriate parties in the Borough.

Design Guidelines Update:

Ms. Foster reported the revised Ordinance includes an extensive section on design; however HPC wanted a more visual way to present Design Guidelines to the public. The firm of Clarke Caton Hintz prepared a proposal within the estimated budget and an application has been made to the Open Space & Historic Preservation Fund for funding of this project. The grant application will be discussed at their next meeting in September.

Presentation of Preservation Documentation of Lyons Theater building by Saxum Development Historic Preservation Consultant:

Saxum Attorney Peter Wolfson introduced historic preservation expert Barton Ross, who headed a team preparing the Preservation Documentation for the Lyons Theater. Mr. Kellogg voluntarily recused himself at Mr. Wolfson's request and Dr. Rhodes formally abstained because she was not part of the voting process on the Resolution for Demolition. Mr. Wolfson had no objection to Max Hart, a new MHPC member, remaining in the meeting. By agreement between Attorneys Wolfson and Testa, Mr. Ross was sworn in to give testimony, even though the proceedings are not considered formal.

Ms. Foster summarized HPC's comments on the documentation submitted on August 4, 2020 (consisting of 7 documents). The documents are posted on the Borough website for public review - see <https://www.rosenet.org/426/Forms-Documents>.

The HPC's Preservation Expert John Hatch is in the process of completing his comments and report on the documentation, which will be sent to all parties when received. Each document was discussed in detail by Ms. Foster, and additional requests by HPC for follow-up work were made, since this documentation needs to be the record of the construction, architecture and materials of this building, a contributing structure in the Civic and Commercial Historic District. More information is needed on dimensions of the interior, materials used in the construction, underlying features which may have been covered and importantly, a cross-section drawing. Historic photographs in the possession of Save Madison Theater, Madison Historical Society and *The Madison Eagle* digital archive could provide evidence of underlying architecture details, such as the original ceiling. In response to questions as to the level of review, Mr. Ross stated his assignment was to provide the lowest level of HABS review and the normal review for a contributing building in a District such as this would be at a higher HABS level.

Other members of the Commission, including Ms. Lenahan, Mr. Luber and Mr. Toto gave comments and Mr. Luber offered help in accessing the Madison Historical Society photographs and *The Madison Eagle* digital archive. Ms. Foster agreed to provide her notes to Mr. Testa to share with Saxum.

Mr. Wolfson's response was that he felt the documentation was very thorough and some of the comments and requests of HPC are beyond the scope of the documentation requested. Also, access to the inside of the building is unsafe because of mold and asbestos. Brandon Alviano, a Saxum representative, stated they are awaiting results of asbestos testing. Mr. Wolfson said some of the HPC requests could be easily met and he was willing to comply with many of the requests.

There was discussion of what standard was used in the documentation and Mr. Wolfson set out what requests he was willing to meet. One major requirement of HPC which is very important is a cross-section drawing of the building to show the sloped floor of the theater. In addition, good documentation requires a narrative memo about the materials, including original elements, which are not evident in the photographs. Mr. Wolfson stated he felt a cross-section drawing is beyond the scope of the documentation

requirements, especially in view of the deteriorated condition of the building prior to his client's purchase. The parties did agree to a block cross-section drawing.

Mr. Testa reminded all parties that Mr. Hatch's report is not yet complete and determination on many points can be made after review of his report.

There was also discussion of the safekeeping of three historic elements to be saved (the ticket booth, the historic plaque and the chandeliers). As the language in the Ross Report was contradictory as to Saxum's safekeeping obligations, Mr. Wolfson was advised he would discuss this with his client. He was also advised to have his client contact the Borough of Madison about storage of these items in a climate-controlled environment.

Mr. Wolfson asked that HPC consider conditional approval of the demolition pending resolution of two outstanding items: (1) cross-section drawing and (2) invasive testing.

Mr. Wolfson stipulated that during demolition Saxum will document any features they feel might be useful, save any significant features, such as an example of the terra-cotta building tiles and the marble in the building, and advise the HPC when such artifacts are found.

Public Comment:

Mr. Pellessier reviewed the protocol for Public Comment and the first person to be recognized was Borough resident Henry Pratt who asked and commented on the planning and testing for documenting the historic artifacts, such as chandeliers.

Sandy Kolakowski, for the Save Madison Theater group, asked why the documentation standard was done at the lowest level for a contributing building in the Historic District. She was disappointed that there was no information about the architect and history of the building or information about the materials and context of the building in the history of Madison. She asked that more research and information be provided on the very unique bricks used in the construction of the Theater.

Mr. Wolfson, consulting with the client during public comment, stated that further research would be done on the materials and a block cross-section drawing done, revealing the sloped floor.

Mr. Testa stated his opinion that final approval should await review of Mr. Hatch's report. The attorneys will continue to communicate to make sure that the list of remaining issues can be complied with by the next meeting date of September 8.

On motion made, seconded and unanimously carried, the matter of approval of Preservation Documentation of Lyons Theater will be continued until the next meeting of Historic Preservation Commission on September 8, 2020.

Other Business, Future Meetings, Adjournment:

The next meeting of the Commission will be on Tuesday, September 8, 2020, via Zoom.

There being no further business, on motion made, seconded and unanimously carried, the meeting was adjourned at 9:53 p.m.

Laurie Hagerich, Recording Secretary