

## **MADISON HISTORIC PRESERVATION COMMISSION**

Regular Meeting – April 9, 2019 – continuation of March 12, 2019, meeting

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

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

The March 12, 2019 minutes were considered and on motion made, seconded and unanimously carried, the minutes were approved as written.

### **Business:**

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

This meeting is a continuation of the HPC meeting of March 12, 2019. Mr. Peter Wolfson of Day Pitney, attorneys for property owner Saxum Real Estate, explained that project architect Mr. Gertler revised the plans for the new building proposed for 14 Lincoln Place, based on comments received at the March meeting. The revised plans are available for public review at the Madison Planning & Zoning Office at the Madison Borough Hall. Because the plans were only received in that office on April 5, 2019, discussion of the design of the new building was postponed to a future meeting to allow time for all interested parties to review the revisions prior to public discussion.

Mr. Loughlin noted for the record that he received a letter from Ms. Michele Donato, an attorney hired by Save Madison Theater Inc., indicating she has an interest in the matter and wishes to testify. This is in accordance with procedures under the Land Use Ordinance. She is not able to attend the April 9 meeting; Mr. Loughlin will be in touch with her to schedule an appearance at a future meeting date.

Mr. Loughlin summarized the Historic Preservation ordinance, which requires a Certificate of Historic Review from HPC when an applicant seeks demolition in a historic district. The protocols and time limits for all witnesses and public speakers were outlined. HPC has authority to vote on demolition, per ordinance, and set conditions for the new building, per ordinance. Because testimony on the new building cannot occur at this meeting, the HPC will make no recommendations at this meeting.

Applicant’s Preservation Consultant, Mr. Robert J. Kornfeld, of Thornton Tomasetti, gave testimony and analysis of his report, which concluded, among other things, that the building has lost many of its original architectural features and integrity and is not worthy of being preserved, and adaption to another use would be difficult. Photographs of many areas of deterioration and damage were shown which would require extensive and expensive measures to correct. The owners propose saving several items of architectural significance, such as the front ticket booth, the chandeliers and the stone plaque on the front façade. Mr. John Hatch of Clarke Caton Hintz, HPC’s Preservation Consultant, agreed that in general Mr. Kornfeld’s report was consistent with his findings.

Members of HPC were then given the opportunity for questions and clarification of Mr. Kornfeld’s testimony which focused on the difference between building integrity and building condition, and the difference between restoration of a building and reconstruction. Mr. Kornfeld again asserted that the building as it exists is not strong enough to be re-used and its masonry components are so deteriorated as to make restoration impossible.

The public was given an opportunity for questions of Mr. Kornfeld, which included, among other things:

- concern that the removal of the theater would represent a loss of a major part Madison's recreation and cultural resources;
- whether the theater building could be restored
- what the costs of restoration would be (there was no answer to this as discussion of monetary amounts of any building project is not to be presented as per NJ MLUL.)
- whether there was any investigation as to available philanthropic donations and grant monies to fund a restoration
- whether the theater could be rehabilitated similar to what was done with the former Community Theater in Morristown.

Next HPC's Preservation Consultant John Hatch presented a summary of his report, including his evaluations and recommendations for the building, based on his review of the HPC Ordinance, site inspection and review of the reports of the other consultants. He reviewed each of the ten criteria in Madison's ordinance to be considered in applications for demolition in a historic district and how each applies to the theater building.

Questions and concerns of HPC included, among other things:

- the extent of the structural damage and how to address those issues;
- whether grants and tax credits were a realistic possibility to fund a restoration;
- the criteria for making a building "contributing" in an historic district;
- the criteria for establishing whether a building has "integrity";
- whether physical deterioration is a driving factor in whether or not demolition of a building is appropriate
- would demolition of this building set a precedent for future demolitions in the historic district. Mr. Hatch felt a precedent would not be set since each application is looked at individually and he did not think a large-scale trend toward other demolitions would be set.

Mr. Hatch felt loss of Madison's only theater would be a significant cultural and architectural loss, especially with its important location at the edge of the Historic District and across from the train station. However, mitigating the loss are the facts that the building has been materially altered and has been vacant for several years.

Questions from the public also included:

- concerns about the loss of this unique building which has such a prominent location and site in the town;
- whether a smaller "arts" theater could be a successful venture in the building

At 10:15 pm it was agreed the meeting would be continued on a date to be determined by the applicant and the HPC. At the next meeting Mr. Gertler will present the revised design plans for the new building and there will be opportunity for questions and public comments following his presentation. It was agreed between Mr. Loughlin and Mr. Wolfson to extend the 45-day time period for action on the application through May 14, 2019, the date of the next regular HPC meeting.

The meeting was adjourned at 10:25 pm.

Laurie Hagerich, Recording Secretary