

BOROUGH OF MADISON
HISTORIC PRESERVATION COMMISSION

IN THE MATTER OF: :
 :
SAXON REAL ESTATE, :
14 LINCOLN PLACE, :
Block 2702, Lot 24 :
 :

TRANSCRIPT
OF
PROCEEDINGS

Tuesday, March 12, 2019
Madison Borough Hall
50 Kings Road
Madison, New Jersey
Commencing at 7:48 p.m.

BOARD MEMBERS PRESENT:

- JANET FOSTER, Co-Chairwoman
- MARY ELLEN LENAHAN, Co-Chairwoman
- DAVID LUBER
- CARMINE TOTO
- JOHN SOLU
- CHARLES KELLOGG
- KAREN JEISI
- JILL RHODES

ALSO PRESENT:

- JOHN McMANUS, Engineer
- JOHN HATCH, Architect

ALISON GULINO, CCR, RPR
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1 CO-CHAIRWOMAN FOSTER: First of all, just⁴
2 a roll call of the members here.
3 John Forte, I know, is absent.
4 Janet Foster, I am here.
5 David Luber?
6 MR. LUBER: Here.
7 CO-CHAIRWOMAN FOSTER: John Solu?
8 MR. SOLU: Here.
9 CO-CHAIRWOMAN FOSTER: Carmine Toto?
10 MR. TOTO: Here.
11 CO-CHAIRWOMAN FOSTER: Chris Kellogg?
12 MR. KELLOGG: Here.
13 CO-CHAIRWOMAN FOSTER: Karen Jeisi?
14 MS. JEISI: Here.
15 CO-CHAIRWOMAN FOSTER: Mary Ellen
16 Lenahan?
17 CO-CHAIRWOMAN LENAHAN: Here.
18 CO-CHAIRWOMAN FOSTER: Jill Rhodes?
19 MS. RHODES: Here.
20 CO-CHAIRWOMAN FOSTER: Okay. We are all
21 here. We have a quorum. We have members ready to go.
22 Now, we will turn to our main business
23 for the evening, the application for development of the
24 Madison Theater property on Lincoln Place.
25 MR. LOUGHLIN: If I might, before we

1 audience to understand that this is the first step. 6
2 What happens after this hearing is concluded, whether
3 it's this evening or whether it requires another
4 hearing, will result in a report recommendation of the
5 Commission of the Planning Board as to the findings
6 that the Commission makes this evening based on the
7 presentation of the applicant and the burden of the
8 applicant is to show that demolition would be
9 appropriate and that the design of the structure is
10 appropriate and with whatever requirement that the
11 Commission would have for conditions that would apply
12 for adaptive reuse of portions of the building or for
13 design elements to be incorporated. I think that's
14 important for everyone to know before we start.
15 Now, in the ordinance, there is a listing
16 of requirements that apply to an application of this
17 site. The applicant will be presenting expert
18 witnesses and testimony. The Board has retained
19 consultants on the issue of structural integrity and
20 the historic features and characteristics of the
21 property that the Commission may require be followed by
22 the applicant. We are presenting to the Planning Board
23 for further hearing and determination as to what would
24 happen on the property.
25 The way the hearing is going to proceed,

1 commence this meeting, this is a meeting of the 5
2 Commission and I'm representing the Board this evening,
3 Vincent Loughlin, the Commission. I would like to just
4 explain what the hearing is about and the procedures
5 that we will follow.
6 This proceeding is required under the
7 Historic District ordinance of the Borough of Madison.
8 The applicant, in this case, has made a request for
9 demolition of the structure on the property and
10 presenting plans for a new structure to be built.
11 I want to stress, before the hearing
12 commences, that the Commission does not have authority,
13 ultimate authority, to decide what is built on the
14 site, what particular improvements or what the further
15 and ultimate use of the property will be. The
16 ordinance restricts the authority of the Commission to
17 make a report and recommendation to the Planning Board
18 as to whether demolition, as the ordinance requires --
19 and I'm using the language of the ordinance -- as to
20 whether demolition would be appropriate and, if it is,
21 whether there would be conditions that the Commission
22 would recommend and require and its report of
23 recommendation will be issued to the Planning Board.
24 I think it's appropriate and necessary,
25 before this hearing commences, for everyone in the

1 if any of you folks are familiar with land use 7
2 proceedings for the Planning Board or Board of
3 Adjustment, we are going to follow the same format,
4 which is an accepted practice for public meetings. The
5 applicant will make an opening statement through
6 Counsel. The applicant will present expert witnesses.
7 The witnesses will testify. There will be an
8 opportunity for questions by the Commission members, by
9 the Commission professionals and for questions from the
10 public.
11 I must emphasize and stress that the
12 ordinance requires that the Commission take action on
13 any application that is submitted, not just this case,
14 which is, as I expect, going to be a little more
15 involved since it requires testimony from experts and
16 consultants, but the Commission is required to resolve
17 this application within 45 days, which would require a
18 decision to be made by the end of March.
19 As the Commission goes forward with the
20 hearing, there will be an opportunity for questions. I
21 want to stress for the public and the residents that
22 the time for statements and comments will be at the end
23 of the hearing, not during the hearing, to express
24 opinions or what you would like the Commission to
25 consider or what you would like the Commission to do.

1 The Commission can only make that decision at the
2 absolute close of the hearing or hearings. There will
3 be an opportunity for public comment at the end of the
4 presentation that the applicant makes before the
5 applicant's attorney summarizes and it's presented to
6 the Commission for a decision. Again, that decision
7 will be a report and recommendation of the Commission
8 that follows the requirements of the ordinance.

9 I see a lot of folks here this evening.
10 I ask -- the Commission is going to have to be as
11 efficient as we can be. I am sure everybody is going
12 to be as cooperative as you can. Understanding there
13 are a lot of people here tonight that would like to be
14 heard and have the expression of their opinion or their
15 belief or facts and information they would like the
16 Commission to consider, I would ask everyone to be
17 mindful of the time constraints that apply.

18 The hearing will proceed until an
19 absolute close tonight, as I understand it, at 11:00
20 p.m. and testimony will be continued after 10:30 only
21 as appropriate so I'm happy to have the opportunity
22 offered by the Chair to give a purpose of the meeting,
23 to understand the authority of the Commission which I
24 think will guide the questions and comments.

25 And understand, again, this is the first

1 step of the process. The ultimate decision is going to
2 be made on the use of this property by a further
3 presentation the applicant will be making again to the
4 Planning Board. There will be public hearings and the
5 decision-maker on the absolute use and the structure
6 that is maybe going to be developed on this property is
7 going to be a decision that's made after further public
8 hearings that the Planning Board will conduct.

9 Thank you very much.
10 CO-CHAIRWOMAN LENAHAN: Okay.
11 Applicant, would you like to start?

12 MR. WOLFSON: Thank you. Good evening,
13 Madam Chairwomen, Commissioners, Commission
14 professionals. Peter Wolfson of Day Pitney here on
15 behalf of the applicant. The applicant is Saxon Real
16 Estate, the owner and developer of the proposed
17 project.

18 The property is known as 14 Lincoln
19 Place. It is designated on the tax map as Block 2702,
20 Lot 24. It is located, of course, within the Civic
21 Commercial Historic District and, for zoning purposes,
22 within the CBD-1 zone. The building is not a key
23 contributor to the district but is the last building at
24 the edge of the district.

25 As Mr. Loughlin indicated in the opening

1 remarks, we have come to you pursuant to the
2 application that has been made to the Planning Board
3 for preliminary and final site plan approval.

4 The applicant purchased the property in
5 February of 2017. At that time, Bow Tie Cinemas was
6 operating the property as a movie theater. Bow Tie, on
7 its own terms, precipitously terminated the lease as it
8 was no longer financially feasible to operate a theater
9 at this site.

10 The applicant proposes to demolish the
11 existing structure and to construct a multi-family
12 residential apartment building with ground-floor retail
13 and underground parking. The building will contain a
14 total of 24 living units together with associated
15 common and amenity spaces. Additionally, space is
16 provided for a movie theater and the applicant will
17 make -- will continue its attempt to attract an
18 operator for that space. Included within the 24 living
19 units are 4 affordable units which will help the
20 borough meet its obligation as it finalizes its plans
21 to settle its affordable housing litigation.

22 As you will recall, the applicant has met
23 twice with the Commission already and has incorporated
24 suggestions made at those meetings in its design. As
25 Mr. Loughlin indicated, the applicant seeks a

1 recommendation from this Commission to be made to the
2 Planning Board on the site plan application together
3 with a Certificate of Historic Review in connection
4 with the demolition and the proposed new building.

5 The historic preservation ordinance has
6 seven purposes and objectives, many of which will be
7 addressed.

8 Preliminarily, Purpose B of the ordinance
9 is to, quote, "Foster private reinvestment in the
10 historic district and sites and balance the purposes of
11 historic preservation with current needs."

12 The applicant is a private entity making
13 an investment in the historic district to develop a
14 building with historic characteristics but that
15 incorporates modern features and provides uses sorely
16 needed within the downtown district.

17 Purpose E is to, quote, "Maintain and
18 promote an appropriate and harmonious setting for
19 existing historic resources within the borough."

20 The new building has been designed to
21 maintain the historic character of the district and is
22 harmonious with and complimentary to other district
23 buildings.

24 Purpose G is to, quote, "Encourage new
25 construction which is in keeping with the character of

1 historic districts and sites." 12
2 The new building maintains the character
3 of the district while incorporating, again, sorely-
4 needed uses to the downtown area.
5 With me tonight, I have a number of
6 witnesses. I have Anthony Rinaldi, who is a
7 representative of the owner/developer, Saxon, to
8 provide some very brief comments.
9 Then, I have Wayne Hostetler, a structure
10 engineer from Gordon Tomasetti who will speak to the
11 building's structural compromise and the inescapable
12 conclusion by Saxon to demolish and rebuild.
13 Then, Jeff Gertler, the project architect
14 of Gertler & Wentz Architects, he will review the
15 proposed building and the consistency with the civic
16 commercial design guidelines as well as to highlight
17 the suggestions that have been incorporated as made by
18 the Commission in the prior meeting.
19 Finally, Robert Hornsleth, historic
20 preservation architect from Gordon Tomasetti, he too
21 will confirm that the existing building is not
22 architecturally significant and that the proposed
23 building will harmonize and complement the historic
24 district and is consistent with the Madison Civic
25 Commercial Design Guidelines.

1 engineering report, was marked for Identification.) 14
2 MR. WOLFSON: This Commission has already
3 seen -- although we submitted this reports, had earlier
4 seen, before the prior sessions, a May 4, 2018 report
5 by Persimmon Engineering. I'll mark that A-3.
6 (Exhibit A-3, Persimmon Engineering report,
7 was marked for Identification.)
8 MR. WOLFSON: And then, for the Board
9 expert reports, there is an expert report of Clarke
10 Caton Hintz and that is by Mr. John D. S. Hatch. That
11 is dated March 5th. I'll mark that B-1.
12 (Exhibit B-1, Clarke Caton Hintz report, was
13 marked for Identification.)
14 MR. WOLFSON: And then, the fifth and
15 last is the Board's structural condition report
16 submitted by McManus Design Group, Inc., prepared by
17 John McManus and John Dang, P.E., dated February 11,
18 2019 and I'll mark that B-2.
19 (Exhibit B-2, McManus Design Group, Inc.,
20 structural engineering report, was marked for
21 Identification.)
22 MR. LOUGHLIN: It's appreciated, Mr.
23 Wolfson. Thank you.
24 MR. WOLFSON: At this time, I would like
25 to call Anthony Rinaldi of Saxon to make a statement.

1 So with that, that concludes my opening 13
2 statement. I am aware of five reports that have been
3 generated in connection with this discussion tonight,
4 three of which were generated by the applicant, two of
5 which were generated by the Commission's experts.
6 CO-CHAIRWOMAN FOSTER: We agree.
7 MR. WOLFSON: If it pleases the
8 Commission, perhaps we can just mark these and put them
9 in the record.
10 MR. LOUGHLIN: We can mark the first
11 three A-1, -2, -3 and B-1 and -2. The Board reports
12 are from the Board's consultants, Mr. McManus and Mr.
13 Hatch; is that correct, Counsel?
14 MR. WOLFSON: That is correct.
15 MR. LOUGHLIN: I appreciate being
16 supplied with the applicant's reports as well. Thank
17 you.
18 MR. WOLFSON: I have them here. I'll
19 mark A-1 the Thornton Tomasetti report. This is the
20 historic architect, Mr. Cornfeld.
21 (Exhibit A-1, Thornton Tomasetti
22 architectural report, was marked for Identification.)
23 MR. WOLFSON: I'll mark A-2, also
24 Thornton Tomasetti, the structural engineering report.
25 (Exhibit A-2, Thornton Tomasetti structural

1 ANTHONY RINALDI, 359 Springfield Avenue, 15
2 Summit, New Jersey, first having been duly sworn,
3 testified as follows:
4 DIRECT EXAMINATION BY MR. WOLFSON:
5 A. So hi, everyone. For those of you that
6 don't know me, I am Anthony Rinaldi. I'm the founder
7 and managing principal of Saxon Real Estate. As, now,
8 all of you are aware, we are the owners of 14 Lincoln
9 Place, formerly known as the Madison Movie Theater.
10 I, first, want to thank all the folks who
11 have joined us for this meeting. I know people's time
12 is precious so to spend it here in this church with us
13 is meaningful.
14 To the HBC, thank you for your time. I
15 think this is, now, the third time we sat in front of
16 you and we appreciate the time spent taken to review
17 the application as well as the municipality who
18 continues to work with us through this process, and
19 this process, candidly, has been challenging.
20 We faced many hurdles, some of which have
21 been under our control, others which have not; however,
22 we continue to make progress and are excited about this
23 project. I think it's important to note that, this
24 project, it's been ongoing for two years and it means a
25 great deal to Saxon, myself and my team.

16
1 The Town of Madison means a great deal to
2 me, personally. My wife went to St. Vincent's. My
3 family has a business here. My wife and mother work
4 right here in the downtown. My in-laws live here. My
5 investors, my friends, my partners live here. I live
6 in the neighboring community, and in all likelihood, I
7 will send my kids to high school here.
8 Because of that care, we have worked
9 tirelessly on this project. We have spent more time on
10 this project than some projects that are ten times this
11 size. We are extremely proud of the project team we
12 have put together including Jeff Gertler, who sat on
13 the HBC Planning Board of the past, as well as the rest
14 of the team. We are excited to, hopefully, see this
15 project move forward.
16 I think it's important to note, you know,
17 a few things. Peter did mention -- we never -- when we
18 initially bought the building, we did not have the
19 intention of vacating Bow Tie. They vacated on their
20 own with an average viewers of only 14 people per
21 showing. They brought us notice to vacate.
22 In addition to that, you will hear from
23 our design professionals as well as others that the
24 building is structurally compromised, poses life-safety
25 concerns and health issues associated with mold and

18
1 clear consensus among the residents in their desire to
2 see the Borough of Madison flourish and we share in
3 that desire.
4 Those in support of this project
5 recognize the changing times and have witnessed many of
6 their favorite local businesses closing. New buildings
7 bring much-needed life and economic support to a
8 downtown. The types of residents living in a downtown
9 historically allocate the largest amount of their
10 discretionary income in spending money within their
11 communities. Their residency dramatically improves the
12 walkability and creates much-needed foot traffic that
13 supports the local businesses. The high-quality
14 experiential retail that we plan to deliver will help
15 to further enhance Madison as a designation bringing on
16 local foot traffic and patrons from many other areas to
17 support local shops and restaurants all of which will
18 further enhance the walkability to the downtown and
19 contribute to the vibrancy and success of this great
20 community.
21 So with all that said, I encourage
22 everyone here, whether it's people against -- that are
23 for saving for theater or not, to deeply consider this
24 project and determine whether you want to hold on to
25 the past, which does not work, or push forward toward

17
1 asbestos and Saxon maintains the right to demolish the
2 building and intends to.
3 You know, in terms of what we are
4 proposing, we are proposing 24 apartments above street-
5 level retail and this includes space for a new movie
6 theater operator. The proposed building is less than 2
7 feet taller than the existing structure and provides
8 parking for residents under the building. We also
9 included the small movie theater in attempt to address
10 the concerns of the residents which we heard.
11 Our proposal includes contributing 4
12 affordable units, which it's important to note the
13 importance of that given that every town has a mandate
14 from the state to meet those affordable requirements
15 and Madison has yet to do so.
16 This development is estimated to generate
17 over 6 million dollars in additional tax revenue in the
18 next 20 to 25 years. I'm sure many Madison residents
19 would agree that -- I hear them all complaining about
20 taxes and, hopefully, this project will somewhat
21 alleviate that.
22 So while there's been a clear voice by
23 some against the development of this site, there is as
24 equally strong a sentiment of support. Some may
25 disagree with the best path forward; however, there's

19
1 the future and help usher in Downtown Madison into the
2 21st Century ensuring its viability and success for
3 generations to come.
4 Thank you.
5 CO-CHAIRWOMAN LENAHAN: Does anyone have
6 any questions of Mr. Rinaldi, anybody on the
7 Commission?
8 (No response)
9 CO-CHAIRWOMAN LENAHAN: Thank you.
10 Anybody from the public have any
11 questions for Mr. Rinaldi?
12 MR. MEYERS: Dan Meyers, 125 Dunn Ellen
13 (phonetic), Maplewood.
14 How large is the proposed new movie
15 theater in the development project going to be? How
16 many seats?
17 MR. RINALDI: Actually, there's two
18 configurations. One is 100.
19 CO-CHAIRWOMAN FOSTER: That would be
20 discussed later.
21 Do you have any questions for Mr.
22 Rinaldi?
23 MR. MEYERS: When will you be discussing
24 that?
25 MR. WOLFSON: We will have our architect

20

1 speak to that question.

2 CO-CHAIRWOMAN FOSTER: Thank you.

3 CO-CHAIRWOMAN LENAHAN: Anyone else?

4 MR. GILBERT: James Gilbert, 30 Oak Hill

5 Road, Chatham.

6 I think I heard you, Mr. Rinaldi, say

7 that this project is only feasible if you get a

8 variance for an extra floor.

9 MR. RINALDI: We have a number of

10 variances we are requesting.

11 MR. GILBERT: Yeah. Which would be,

12 approximately, a 20 percent increase?

13 MR. WOLFSON: Excuse me. I think it's

14 important that we stay relevant, first, to the

15 testimony and, also, to what we are here to do tonight.

16 CO-CHAIRWOMAN LENAHAN: Okay. I think

17 what it is, is, we are going to talk about certain

18 issues and that is not the issue for tonight but tell

19 me what your concern is and I'll see if we can...

20 MR. GILBERT: My concern is clarifying

21 how much of a variance the town taxpayers will have to

22 give to make this project viable.

23 MR. LOUGHLIN: I would have to respond,

24 if I could.

25 CO-CHAIRWOMAN LENAHAN: Yes.

22

1 polygon, just to point that out. There's a lot of

2 edges to it, including this building, the Catholic

3 church, the James Building, the Burnett Building. It's

4 kind of, like, amorphous. I want to point that out.

5 MR. RINALDI: Counsel made that comment.

6 MR. WOLFSON: Can we just ask that they

7 be questions?

8 MR. GILBERT: That was a question. I

9 asked him if he realizes that there were.

10 MR. LOUGHLIN: We use an expression:

11 Asked and answered. It's over. Your question is

12 there; your statement is there.

13 MR. GILBERT: Thank you.

14 MR. LOUGHLIN: You got it.

15 If we could, folks, understand, questions

16 only based on the testimony of Mr. Rinaldi. There will

17 be other witness who are going to talk about the plans

18 that the applicant has submitted and the question of

19 the applicant which is actually before the Commission,

20 which is whether or not the Commission would approve

21 demolition with or without conditions.

22 Thank you.

23 MS. MONTY: Bonnie Monty, 16 Page Street,

24 Madison.

25 I have been a Madison resident for 29

21

1 MR. LOUGHLIN: I tried, sir, to indicate

2 that this Commission is not permitted to go into the

3 details of what's going to be built. We are confined

4 to a review of the application request for demolition,

5 whether it would be approved with or without

6 conditions.

7 Any variances that the applicant is

8 required, I don't know what they are because I'm not

9 sure if they have been reviewed yet by the Planning

10 Board. The Planning Board must await the decision and

11 recommendation report of this Commission so it's not

12 appropriate, legally, to ask this gentleman that

13 question about variances. We don't have the authority.

14 I'm sorry.

15 Thank you.

16 MR. GILBERT: Okay.

17 CO-CHAIRWOMAN FOSTER: Any other

18 questions directed to Mr. Rinaldi on what he just spoke

19 about?

20 MR. FALCO: Joseph Falco, Dellwood Drive,

21 Madison.

22 It was mentioned that the building is on

23 one of the corners or at the end. You realize, in the

24 historic map, there's actually nine, possibly, ten

25 corners to the historic district? It's like a big

23

1 years. I work in Madison as well.

2 I'm not sure if this question is

3 appropriate because all the questions so far we have

4 been told they are not appropriate.

5 But you spoke of the aesthetic of this

6 building matching to some -- or mirroring the character

7 of the historic district in Madison, yes? But what I'm

8 looking at is a white model that feels extremely

9 modern. I can't tell --

10 CO-CHAIRWOMAN LENAHAN: Ms. Monty, there

11 will be an expert on --

12 MS. MONTY: Excellent. Then, not

13 appropriate. Okay. Very unfair as to what you want us

14 -- I mean, he did speak about it so that's why I'm

15 asking.

16 MR. LOUGHLIN: So we are clear, most

17 respectfully to you, the questions are related to the

18 testimony of that witness. It's going to be

19 supplemented with details of the building as it exists,

20 its condition, what is proposed by the applicant,

21 again, understanding the Commission does not approve

22 the ultimate design of construction of this building so

23 restrict yourself, please, to the testimony of this

24 gentleman.

25 Thank you.

1 MS. MONTY: I apologize. I was asking a²⁴
2 question that I thought did apply to his testimony.
3 CO-CHAIRWOMAN LENAHAN: It will come.
4 MS. MONTY: Great.
5 MS. FENNELLY: Deborah Fennelly, 88
6 Constitution Way, Convent Station.
7 I'm formerly a resident of Madison.
8 Mr. Rinaldi, you used the term very
9 quickly, but I caught it nonetheless, "not
10 architecturally significant." I was wondering if you
11 could define that or if it will be defined? Is that
12 subjective? Is that a summary? Is that an opinion?
13 MR. LOUGHLIN: You have to ask this
14 gentleman the question.
15 MS. FENNELLY: You have my voice over by
16 the microphone. I think he knows what I'm asking.
17 MR. RINALDI: You will hear testimony
18 from our architect and our historic architects that, I
19 think, this building isn't historically significant. I
20 can say --
21 MS. FENNELLY: Did you just say you think
22 it "isn't historically" -- that's your opinion? I just
23 want to make sure that that's your opinion.
24 MR. RINALDI: I do not believe it's
25 historically significant.

1 MS. BLANK: Good.²⁶
2 On Greenwood Avenue, they knocked down
3 three or four little houses, put up an obscenity --
4 CO-CHAIRWOMAN FOSTER: Question,
5 question, a question to him.
6 MS. BLANK: They completely changed the
7 character. I was at the meeting where I saw what you
8 proposed, the four-story. It didn't look anything like
9 Madison and that's what --
10 CO-CHAIRWOMAN FOSTER: I'm sorry, Ms.
11 Blank. Is your question to Mr. Rinaldi about the short
12 presentation he just made?
13 MS. BLANK: Okay. Sorry.
14 I would like to see the pictures.
15 CO-CHAIRWOMAN FOSTER: We all will see
16 pictures and plans and will discuss them further.
17 Thank you.
18 Any other public comment directly related
19 to what Mr. Rinaldi -- questions, specific questions
20 related to what Mr. Rinaldi just presented about this?
21 MR. BRECKMAN: Andy Breckman, Green Hill
22 Road, Madison.
23 I'm also a member of the Save Madison
24 Theater Organization.
25 I believe, in his very first statement,

1 MS. FENNELLY: So that is an opinion²⁵
2 statement. That is not --
3 MR. LOUGHLIN: Questions. You can't add
4 commentary or whether you agree with him, just question
5 and answer. I heard your question, most respectfully.
6 As the legal officer of the Board, I'm going to ask you
7 to limit your questions to what he says and that is his
8 answer.
9 MS. FENNELLY: I'm making sure I
10 understand his answer.
11 What you are telling me is that is your
12 opinion of this building?
13 MR. RINALDI: Yep. And I probably owned
14 --
15 MS. MONTY: Thank you.
16 MS. BLANK: Benny Blank, 125 Greenwood
17 Avenue, Madison.
18 I'm a resident of 48 years in Madison.
19 Could you put a picture of the front of
20 the building up? I saw one, I don't know, one of the
21 first meetings and it was not a total obscenity but it
22 did not fit in the character of Madison.
23 MR. RINALDI: That will be brought up and
24 you will see our presentation right after this
25 conversation.

1 the very first sentence referred to the building as²⁷
2 quote, "not a key contributor to the district." That's
3 a quote. I wonder if you could name a building in this
4 town that you would consider a key contributor for the
5 district in Madison.
6 MR. RINALDI: It will be in the
7 presentation.
8 MR. BRECKMAN: So there's nothing.
9 Can you, yourself, name one?
10 MR. RINALDI: The James Building.
11 MR. BRECKMAN: What is the James
12 Building?
13 MR. WOLFSON: Respectfully, I made it in
14 my opening statement. That's not testimony. We have a
15 historic architect who is an expert and has studied the
16 district. It's a term of art, and in historic
17 preservation, some buildings within a historic district
18 are contributing and some are considered key.
19 MR. LOUGHLIN: Mr. Wolfson, I'm going to
20 respectfully ask you not to continue that discussion.
21 There was nothing wrong with your
22 question, sir.
23 MR. BRECKMAN: So there is a building,
24 this James Building, that you would not renovate or
25 tear down or you would hope to be renovated if

1 something was threatened. There's a building out there 28
2 that you feel attached to in Madison, not this
3 building, not the movie theater. There is a building
4 called the "James Building" that you would fight for.
5 It's a key contributor to the district, in your
6 opinion. It must be a wonderful building. I hope to
7 see it soon.
8 MR. LOUGHLIN: Sir, you have to...
9 MR. RINALDI: It's not an opinion. I'm
10 stating what I believe to be a key contributing
11 building. You asked me what a key contributing
12 building is. That is.
13 MR. BRECKMAN: Okay. Thank you.
14 MR. FREEDMAN: Westley Freedman, 25 Green
15 Avenue, Madison.
16 I would just like to know if you could
17 define what "historically significant" is since you
18 used those terms?
19 MR. RINALDI: I think it's a good
20 question. I think that's left up to somewhat of an
21 opinion. If you see the building, in my opinion, the
22 front of the building has a very utilitarian design.
23 It wasn't designed to have significant architectural
24 importance. There's nothing truly interesting about
25 the front facade. I think those are the types of

1 Madison. 30
2 I was noting how you were reading from
3 the purposes of the Historic Commission and how this
4 building meets those purposes, and the very first one,
5 though, is "To promote the use of the historic
6 districts for the education, pleasure and welfare of
7 the citizens of the borough and its visitors and to
8 promote civic pride in the borough as historic
9 resources."
10 Do you think this building would be able
11 to meet this criteria?
12 MR. RINALDI: That was a statement from
13 our Counsel.
14 MR. PRATT: Oh. Sorry. Okay. Thank
15 you.
16 CO-CHAIRWOMAN FOSTER: We have lots of
17 other witness and lots of other opportunity for
18 questions. This may be our last question for Mr.
19 Rinaldi. If you all have questions for Mr. Rinaldi,
20 line up so we can judge this.
21 I would add, maybe you should try to, in
22 the interest of moving along, keep your questions-and-
23 comment period to 3 minutes. We will try to --
24 MR. HARALAMPOUDIS: Tom Haralampoudis, 27
25 Pomeroy Road, Madison.

1 things that are what defines as a -- significant 29
2 architecturally.
3 MR. FREEDMAN: Architecturally, but with
4 all due respect, what does that have to do with the
5 history of the building in terms of historically
6 significant?
7 MR. RINALDI: I was answering the
8 question in terms of potential significance and...
9 MR. FREEDMAN: Does it matter to you that
10 it's been standing for over 90 years and has served the
11 community in a historical way?
12 MR. RINALDI: I think you will hear from
13 our professionals that the building is structurally
14 compromised. It needs to come down. It's not
15 economically feasible to rebuild, and as somebody who
16 owns a half a dozen truly historical buildings in this
17 state, I actually can opine on what buildings we
18 believe are historically significant and spend millions
19 of dollars saving versus a building that is
20 economically challenged. We do not have the ability,
21 from an economic possibility, of saving the building
22 and we, personally, don't believe the architecture is
23 that significant.
24 MR. FREEDMAN: Thank you.
25 MR. PRATT: Rob Pratt, 25 Shore Avenue,

1 Mr. Rinaldi, you stated you work for the 31
2 Saxon Development Company and your partners with
3 Hollister Construction. You guys have extensive
4 experience with historic and distressed properties in
5 the state, don't you?
6 MR. RINALDI: Yes.
7 MR. HARALAMPOUDIS: Based on your
8 experience, would this have been one of the most
9 challenging buildings for you to preserve?
10 MR. RINALDI: Yes.
11 MR. HARALAMPOUDIS: Okay.
12 Another question: Do you know when the
13 building went up for sale?
14 MR. RINALDI: I think it stated the end
15 of 2015, if not, 2016, and it was on the market for
16 over 12 months before we purchased it.
17 MR. HARALAMPOUDIS: Well, it was more
18 than 12 months. It was September of 2015 and I was
19 following it along and --
20 MR. LOUGHLIN: Sir, now, I will have to
21 swear you.
22 MR. HARALAMPOUDIS: You want me to leave?
23 MR. LOUGHLIN: No, I don't want you to
24 leave. You just have to, procedurally, be sworn
25 because you are making statements of what you believe

1 to be facts in your question. Just procedurally, you 32
2 have to be sworn.
3 TOM HARALAMPOUDIS, first having been
4 duly sworn, testified as follows:
5 MR. HARALAMPOUDIS: So the building was
6 for sale for, approximately, 16 months, 17 months, and
7 there was nobody that approached you when they found
8 out that you were trying to buy the building to
9 preserve it as a theater?
10 MR. RINALDI: You know, the building was
11 publicly and widely marketed. No one really stepped up
12 to be able to purchase the building. We ended up,
13 obviously, purchasing the building, and you know, we --
14 like I said before, we anticipated keeping Bow Tie for
15 the time being and they ended up noticing to vacate.
16 MR. HARALAMPOUDIS: Right. Okay.
17 Thank you.
18 MR. RINALDI: Thank you.
19 MS. KOLAKOWSKI: Sandy Kolakowski, 1361
20 Park Avenue.
21 You stated that no one else was
22 interested in the building. Didn't the gentleman that
23 was just here bid for the building and get outbid by
24 you?
25 MR. RINALDI: No one was interested in

1 Newark, New Jersey, first having been duly sworn, 34
2 testified as follows:
3 VOIR DIRE EXAMINATION BY MR. WOLFSON:
4 Q. Can you give a brief description of your
5 education and professional background and
6 qualifications?
7 A. Sure.
8 I graduated from Cornell University with
9 a degree in structural engineering, a Master's degree
10 in structural engineering from Columbia University. I
11 have been working at Thornton Tomasetti, a
12 multidisciplinary group of engineers, architects and
13 other professionals, for nearly 30 years doing
14 structural design, structural evaluation, evaluation of
15 various building conditions and problems in order to
16 write reports, recommendations and, also, to design
17 adaptive reuse or to design various sorts of fixes that
18 would be required.
19 Q. Do you hold any professional licensures?
20 A. I do. I'm a registered professional
21 engineer in the State of New Jersey as well as New
22 York.
23 DIRECT EXAMINATION BY MR. WOLFSON:
24 Q. Okay. You heard, at beginning of the
25 session, that we marked five reports, including yours,

1 purchasing it at the purchase price that the sellers 33
2 were only willing to sell it for.
3 MS. KOLAKOWSKI: Clearly, that's always
4 true, if you wait long enough, another buyer may have
5 come forward but you outbid buyers within Madison that
6 wanted to give it a try as a movie theater; is that
7 correct?
8 MR. RINALDI: On behalf of the
9 organization that Tom was putting together, they
10 determined it wasn't financially feasible, which is why
11 they didn't move forward.
12 MS. KOLAKOWSKI: I understand that but
13 there was other interest and you outbid them for --
14 because your intention was not to keep it as a movie
15 theater but, instead, to use it as a property that you
16 wanted to redevelop.
17 MR. RINALDI: Actually, I know there are
18 other people who offered much more than us but we
19 developed a relationship with the owners and they ended
20 up selling us the property.
21 MS. KOLAKOWSKI: Thank you.
22 CO-CHAIRWOMAN LENAHAN: Okay.
23 MR. WOLFSON: So I would like to call
24 Wayne Hostetler, our structural engineer.
25 WAYNE HOSTETLER, 744 Broad Street,

1 into the record? 35
2 A. Yes.
3 Q. One of those was prepared by McManus
4 Design Group, the HPC's consultant, dated February 11,
5 2019. Did you have a chance to review that report?
6 A. Yes, I did.
7 Q. Are his findings consistent with yours?
8 A. Yes.
9 Q. And then, you, of course, prepared a
10 report which has also been placed in the record,
11 correct?
12 A. Correct.
13 Q. That's dated February 8, 2019?
14 A. Yes.
15 Q. Okay. In connection with your retention
16 to opine on the structural condition of the building,
17 did you have an opportunity to inspect the existing
18 building?
19 A. Yes.
20 Q. While you were inspecting the building,
21 did you take photographs?
22 A. Yes, I did.
23 Q. During your inspection, did you come to
24 the conclusion that the existing building is
25 structurally compromised?

1 A. Yes, I did.

2 MR. WOLFSON: We have a Power Point

3 presentation that a number of our witnesses are going

4 to be referring to. We will offer a copy of that to

5 the Commission in the end. Perhaps we can mark that

6 for the record now as A-4.

7 (Exhibit A-4, Power Point presentation, was

8 marked for Identification.)

9 MR. LOUGHLIN: That sounds fine. Thank

10 you.

11 MR. WOLFSON: Thank you.

12 Q. Going through the pictures that you took

13 of the existing building, would you please describe to

14 the Commission what each picture depicts and what would

15 be required to make the existing structure safe and

16 into compliance with applicable codes?

17 A. Sure.

18 Okay. I'm just going to walk you through

19 a number of photographs of conditions that I observed

20 while visiting the facility. They are at various

21 portions of the building and representative of various

22 conditions.

23 The theater building has a sloped-roof

24 portion. It's about three-quarters of the length of

25 the building and then a flat-roof portion in the front.

1 below or temporarily support it, put the wood back in

2 place and then re-support the ceilings.

3 At the flat-roof portion of the facility,

4 on the second floor, there's space that's wood-framed

5 floors. The roof is also wood-framed. I noticed quite

6 a number of locations where water had entered the

7 building and the floors, as a result, and possibly the

8 roofing, although it's not accessible, have warped or

9 sagging or displaced floorboards. To correct that

10 concern, you would need to inspect the conditions

11 throughout and selectively remove and replace any

12 floorboards that are a hazard with respect to being too

13 soft or deflected.

14 I spent quite a bit of time looking at

15 the exterior of the building. Three sides of the

16 building -- the photo here, we are looking at the east

17 side where, for the sake of my presentation anyway,

18 north is facing towards the rear of the theater and the

19 street would be on the south side so this is on the

20 east. The rear and the west side are similar.

21 A notable condition on the east side is

22 that there's some significant cracks that go diagonally

23 through the exterior walls. The exterior walls are

24 bearing walls at pier locations underneath the trusses

25 that I mentioned earlier, and at the flat-roof portion

1 We are looking at a photograph at the sloped roof.

2 It's supported by structural steel roof trusses that

3 are, approximately, 17 feet apart from one another and

4 the roof is constructed between the trusses with wood

5 joists and a framing that goes over top of that

6 supporting the shingling.

7 One of things I noticed when I was there

8 is that there's an accessible space within that truss

9 space and the wood joists are sagging rather

10 significantly. We noticed one that was cracked and it

11 was a pretty obvious condition, so back at the office,

12 we took a look at the structural capacity and ran some

13 calculations and determined that, for code loads,

14 carrying the weight of snow, carrying the weight of the

15 roof, it also has rods that are supporting the original

16 plaster ceilings, and under all those loads prescribed

17 by code, the existing joists that span that 17 feet are

18 overloaded and I think that's the reason why we are

19 seeing the sagging.

20 So to correct that condition and bring it

21 up to code and make it safe, there's really no other

22 way to address it, economically, other than removing

23 and replacing the wood portion of that structure. You

24 would have to brace the trusses. You would need to

25 either remove the plaster ceiling that's suspended

1 of the building, there's also bearing walls that

2 support the flooring and the roof. The cracked

3 conditions are indicative --

4 MR. HOSTETLER: You can advance through

5 another one or two. I think I have a few that show

6 those diagonal cracks.

7 A. They are indicative that there's, likely,

8 settlement of the foundations underneath these portions

9 of the structure.

10 If you go a slide or two further, you

11 will see that there's a portion of the foundation on

12 the interior. It's a concrete foundation that's

13 visible in one of the crawl spaces that has a

14 significant crack through the footing. In order to

15 rectify these concerns, you would need to investigate

16 the soil conditions underneath to determine whether or

17 not the settlement has continued or if it's stopped at

18 this point. If it's continuing, you want to stabilize

19 it with some sort of measure like mini piles perhaps or

20 injecting grout underneath to stiffen the soil.

21 Regardless of whether or not its stable -- in any case,

22 once you stabilize it or determine that the foundation

23 is stable, you would have to go and selectively remove

24 and replace masonry where it's significantly cracked

25 because the piers act structurally to support the roof

1 trusses and the entire building is stabilized laterally 40
2 by these exterior masonry walls.
3 Towards the front portion of the
4 building, there's some bearing walls that, I believe, I
5 mentioned that support the flooring and the roofing
6 adjacent to the same side of the building of the east
7 where I just mentioned that cracking and settlement.
8 We see other cracks inside the building of the bearing
9 walls of similar types of conditions so those are
10 indicative of the same concerns that would be addressed
11 in a similar manner.
12 With these interior walls, to remove and
13 replace portions of them selectively, you would have to
14 temporarily support the flooring that they support with
15 shoring and so forth, do the repairs and then restore
16 the support of the floors.
17 There's also locations where the existing
18 walls on the exterior are displacing outward and they
19 show cracks. This is looking from the -- looking at
20 the west side of the building toward the front and the
21 front elevation of the building is pulling outward to
22 some extent. That's the photo on the right.
23 The photo on the left shows an interior
24 perpendicular partition wall against an exterior and
25 it's separated. These are indicative that there's

1 coating itself that's on the exterior of the walls 42
2 should be removed and replaced because it's failed
3 throughout. To address it structurally, you could
4 leave a certain amount of deterioration on the bricks
5 and put back material and another coating to protect
6 it. If, for other reasons, architectural or aesthetic,
7 you would want to leave the brick exposed, there would
8 be a significant scope of brick that would have to be
9 removed and replaced because of the erosion and
10 deterioration.
11 Some shots of what the building looks
12 like, generally, on the outside.
13 And the next slide, I believe, shows, at
14 the foundation level, there's concrete that is cracked
15 and spalled. That, also, would have to be locally
16 removed and replaced with concrete.
17 Q. So, Wayne, based on your review of the
18 existing structure, the relevant building codes and
19 applicant's plans for the property, what would be
20 required to rehabilitate the existing structure and
21 renovate it into the proposed mixed-use building?
22 A. Okay. So it's a theater structure. It's
23 very distinct with respect to how it's configured. It
24 has a --
25 What we are looking at, actually, is a

1 insufficient tiebacks of the exterior walls to the 41
2 floor system to make sure they do not move.
3 There's also horizontal cracks that go
4 through these piers in certain locations. Again, since
5 these piers are structural, you would need to
6 investigate those further and possibly reinforce them
7 to make sure they are not bowing outward and that any
8 cracks that are developing horizontally are not a
9 significant structural concern, or if they are, you
10 need to repair them.
11 The last series of slides that I have
12 relate to the conditions of the exterior walls
13 themselves. The vast majority of the wall openings
14 consisting of windows or louvres or doors have corroded
15 reinforced-steel lintels on top of them. To fix that
16 concern, you would need to locally remove masonry above
17 the lintels and clean and paint them if they are in
18 good enough condition or replace them, and then, you
19 can put the masonry back.
20 There's also a large scope of existing
21 brick behind a coating that's been put on the wall that
22 are deteriorating, eroding, spalling. The joints are
23 deteriorating as well. In order to address that
24 concern, you need to remove and selectively replace
25 brick that is severely eroded and deteriorated. The

1 cross-section of the proposed structure. Just for the 43
2 sake of explaining some of what's involved to adapt it
3 to a different use, I thought that would be a good
4 photo to look at or diagram.
5 So the existing facility has a sloped
6 ground-level floor. Portions of it are higher and
7 portions of it are lower than the grade level in order
8 to use it for the theater use. It has -- in the front
9 end of it, it has a second floor and then a flat roof,
10 and in the back end, it has a sloped roof.
11 Now, in addition to having to address
12 concerns with the existing structure, if you were to
13 adapt it to the use that is proposed, you would have to
14 remove a very large scope of the existing structure in
15 order to install the configuration of what is proposed
16 with the multiple levels, with the roof not -- the
17 levels just don't line up, so essentially, you would
18 have to remove the interior walls and the sloped floor.
19 You would have to remove the flat roof. You would have
20 to remove the sloping roof. You may be able, from a
21 configuration standpoint, to keep some of the exterior
22 walls but the exterior walls are -- serve as structure.
23 They don't have any structural concrete or steel within
24 those walls or masonry and they are in poor condition
25 so you would have to selectively remove them and

1 replace a large scope of those to be able to serve as 44
2 some sort of support for the proposed structure. It
3 would be much more practical and economical to remove
4 and replace the structure.
5 Q. Based upon your conclusion that the
6 building is structurally compromised and the
7 substantial cost that would be required to bring the
8 existing building into use for the proposed mixed use,
9 do you find it to be a logical decision to demolish the
10 building?
11 A. Yes.
12 CO-CHAIRWOMAN LENAHAH: Hi, Mr.
13 Hostetler. I wanted to ask you a question.
14 In your report, you covered three things.
15 What were they?
16 MR. HOSTETLER: In my report, I covered
17 three things?
18 CO-CHAIRWOMAN LENAHAH: Yes.
19 MR. HOSTETLER: Let me refer to my
20 report. I summarized and evaluated the conditions.
21 CO-CHAIRWOMAN LENAHAH: Uh-huh.
22 Existing.
23 MR. HOSTETLER: Correct, existing.
24 I described what would be required to
25 restore the building for its current use and

1 MS. RHODES: Well, I mean, that's one 46
2 example.
3 MR. HOSTETLER: You asked about the
4 structure being primarily terracotta as opposed to
5 brick. There are some portions of the structure that
6 is brick. The roof trusses are supported by brick
7 piers. The terracotta actually runs continuously as a
8 certain thickness.
9 MS. RHODES: Is it on all floors or is
10 it...
11 MR. HOSTETLER: Yeah, it's the full
12 height.
13 MS. RHODES: My context for this, I have
14 a brick house that has significant cracking. I was
15 told it's simply an external veneer and shows no real
16 damage to the structure so I'm just questioning to what
17 degree all of those cracks legitimately show structural
18 damage versus just being an external veneer.
19 MR. HOSTETLER: Right. The main ones for
20 the terracotta were concerns with the settlement but
21 the brick piers also support the roof trusses so those
22 are structurally flawed.
23 MS. RHODES: Okay. Thank you.
24 MR. LUBER: You did walk through a list
25 of items that describe the deterioration of the

1 configuration, and then, I described what work would be 45
2 required to alter the building to the proposed mixed
3 use.
4 CO-CHAIRWOMAN LENAHAH: Okay. Thank you.
5 Any questions from anybody on the
6 Commission?
7 MS. RHODES: Hi. So much ado has been
8 made about the cracks in the external brick. My
9 understanding is that the infrastructure of this
10 building is actually terracotta tiles, so if the bricks
11 are just an external veneer, how accurately would all
12 those cracks you keep showing us demonstrate any
13 meaningful internal structural damage?
14 MR. HOSTETLER: Well, there's a few
15 things. With the original photos that we have up here,
16 that shows the diagonal ones through the wall. The
17 interior sides also shows the cracks diagonally through
18 the terracotta so that's --
19 MS. RHODES: How come you don't have any
20 photos of those?
21 MR. HOSTETLER: We do. That's the
22 interior side on the right. They are both interior.
23 The one on the left is covered in plaster with
24 terracotta.
25 Did that answer your question?

1 structure. Of those, what is the more critical and 47
2 would be the most difficult, expensive to remediate?
3 MR. HOSTETLER: The two that come to mind
4 are the settlement concern in order to investigate and
5 determine what's happening with the soils and whether
6 the soil settlement has ceased or not and addressing
7 any ongoing concern with the soil and then having to
8 selectively remove and replace portions of the wall
9 that have been significantly cracked by the settlement.
10 The other is the roof construction and
11 having to remove and replace portions of the roof
12 construction.
13 MR. SOLU: During your presentation for
14 the east exterior wall, you referred to, potentially, a
15 way of repairing the structure by applying mini piles
16 and grouting the foundation. What are the challenges
17 associated with that kind of procedure?
18 MR. HOSTETLER: Well, there's companies
19 that specialize in that sort of work, so first, there
20 would be an investigation to determine whether that's
21 required.
22 Is your question as to how to go about
23 doing it in the facility? You would have to get some
24 information about how the foundation is configured.
25 Portions of it may be on the outside portion spread

1 footing thickness of the wall so there may be some
2 challenges trying to get the support from access on the
3 outside if there's also things you have to do on the
4 inside, bring equipment in to handle some of the
5 interior walls that may be settling to address it in
6 the interior as well.

7 MR. SOLU: Thank you.

8 MR. LUBER: I have another one. You
9 described the out-of-plane displacement and the
10 cracking of the exterior walls. You state they should
11 be stabilized as required by adding anchors and
12 reinforcing the brick piers. I'm not a structural
13 engineer. What is the anchors and what is that -- what
14 does it take to do that?

15 MR. HOSTETLER: So the masonry walls are
16 often constructed where, at a corner, the coursework
17 would be interlocked. I don't know if it was done that
18 way with this particular structure but that often will
19 hold the walls together with one another. With
20 construction of this age, it may have relied on
21 composite action of the various portions of the masonry
22 being interlocked with one another.

23 The way you address it currently, though,
24 you would likely drill some holes, install threaded
25 rods with an adhesive and epoxy for that sort of thing.

1 That would go through both sides of the separation to
2 hold them together once installed at some spacing so
3 that could tie the masonry but you could also do
4 anchors of -- connecting into the floor or the roof
5 construction. In that case, it would likely be from
6 the inside where you would have to fasten perhaps at an
7 angle at some space into the wood construction and then
8 drill into the masonry and install, again, with an
9 adhesive or an epoxy to anchor the masonry to an angle
10 to the wood.

11 MR. KELLOGG: The 2 by 10s that you
12 witnessed up in the gable roof, were they full 2 by 10s
13 or were they the partial 2 by 10s we know today?

14 MR. HOSTETLER: Yeah. I think they are
15 more of a full.

16 MR. KELLOGG: Okay.

17 You didn't comment on the condition of
18 the steel trusses that were in that space. How did
19 they hold up?

20 MR. HOSTETLER: The condition looks good
21 for the trusses.

22 MR. KELLOGG: The issue of settlement,
23 when did you think that settlement occurred?

24 MR. HOSTETLER: Likely, over the course
25 of the life of the building.

1 MR. KELLOGG: Isn't it common to see
2 settlement occur more often at the beginning or early
3 after construction due to, you know, issues that have
4 to do with soils that are excavated? I mean, the Tower
5 of Pisa is a good example.

6 MR. HOSTETLER: Yeah. It certainly can.
7 There can be things that impact the soil during the
8 course of its use.

9 MR. KELLOGG: What do you think could
10 have been the cause of that settlement over time? The
11 building wasn't really impacted by other structures
12 around it so...

13 MR. HOSTETLER: Yeah. I haven't explored
14 that question thoroughly so I don't have anything I
15 gathered, information.

16 MR. KELLOGG: Do you think water could
17 have caused some of that issue if the water off the
18 building was not maintained properly and it began to
19 swell up? The soils may well be clay because Madison
20 is covered with clay so is there a chance that waters
21 from the roofs may have moved the clay and swelled it
22 up?

23 MR. HOSTETLER: Water, freeze-thaw,
24 adjacent construction, there's any number of sorts of
25 contributing factors.

1 MR. KELLOGG: If the soils are somewhat
2 prone to that activity, would this be a concern for the
3 adjoining buildings during construction or demolition,
4 in fact?

5 MR. HOSTETLER: It's not a concern unless
6 you are close to the adjacent ones. When you do
7 adjacent construction, you do have to stabilize as
8 necessary to protect the adjacent construction.
9 There's a pretty sizable separation between these
10 buildings and the adjacent ones. That's pretty
11 workable.

12 MR. KELLOGG: Are you familiar with the
13 Department of Interior's *Temporary Protection Tech*
14 *Notes* where they talk about protecting historic
15 structures during construction and demolition?

16 MR. HOSTETLER: I'm aware of the more
17 general requirements to protect adjacent structures.

18 MR. KELLOGG: I mean, there are cracks
19 evident in the station across the street that are
20 probably long enough to inspect and repaired so the
21 post office is also a significant building in the
22 district and would be another concern so would you
23 suggest certain special techniques be used during
24 demolition and/or construction?

25 MR. HOSTETLER: You would want to follow

1 whatever the recommended measures are within the 52
2 standards.
3 MR. KELLOGG: Okay.
4 The front wall displacement that you
5 noted, I don't know if you noticed but the brick on the
6 front of the building is distinctly different than the
7 side brick so they may not have woven together. You
8 can't tell and they certainly don't weave together
9 right at the corner where you can see them.
10 MR. HOSTETLER: There's terracotta behind
11 the face brick, in any event.
12 MR. KELLOGG: Yeah.
13 But that's a fairly common condition, is
14 it not, for brick masonry facades to begin to lean away
15 from the structure in old buildings?
16 MR. HOSTETLER: It may happen in a number
17 of old buildings but it's a condition that you want to
18 address.
19 MR. KELLOGG: Yes. I agree.
20 I would just like to ask you, briefly,
21 about the report from John Hatch, the architect. He
22 says "There's some minor water damage on the interior
23 and the building is not in eminent danger of collapse.
24 It's rehabilitation or restoration would be expensive
25 but not impossible."

1 building to another use. With the conditions that we 54
2 have in this particular theater building, it is
3 especially challenging, costly, to try to approach
4 that.
5 CO-CHAIRWOMAN FOSTER: Okay.
6 The fact that the facade is -- appears to
7 be pulling away from the box of the building, does that
8 give any indication that it would be possible to do
9 that intentionally and save the facade? If something
10 happened to the rest of the building, could you save
11 the existing facade?
12 MR. HOSTETLER: The front facade?
13 CO-CHAIRWOMAN FOSTER: Uh-huh.
14 MR. HOSTETLER: You could.
15 CO-CHAIRWOMAN FOSTER: I know this is a
16 quick question of something you didn't really study but
17 could that be done or could that even work?
18 MR. HOSTETLER: Structurally, you could
19 work out ways to stabilize and reattach a facade to a
20 new structure. It's a costly endeavor and I can't
21 speak to how that impacts the design as a whole or the
22 architectural components.
23 CO-CHAIRWOMAN FOSTER: I'm not asking you
24 to. I'm just saying: Is it possible in your
25 experience as a structural engineer?

1 Do you agree with that assessment? 53
2 MR. HOSTETLER: I'm sorry. Can you read
3 it again?
4 MR. KELLOGG: "There is some minor water
5 damage on the interior and the building is not in
6 eminent danger of collapse. It's rehabilitation or
7 restoration would be expensive but not impossible."
8 MR. HOSTETLER: I would agree that you
9 could, with enough funds, address the conditions but
10 it's significantly bad conditions requiring significant
11 structural work as well as other things that people
12 speak to to address the conditions.
13 MR. KELLOGG: Okay. Thank you.
14 CO-CHAIRWOMAN FOSTER: Two questions: In
15 historic preservation, adaptive reuse is always
16 favored. Is there an adaptability factor of this
17 building? What is the adaptability in renovating it
18 and changing -- doing a different kind of building?
19 How would you assess that?
20 MR. HOSTETLER: So I can only speak to
21 the structural.
22 CO-CHAIRWOMAN FOSTER: Right, right.
23 MR. HOSTETLER: It was designed and built
24 for a very specific use and the configuration is pretty
25 unique to theaters so it's difficult to adapt a theater

1 MR. HOSTETLER: With enough funds, yes. 55
2 CO-CHAIRWOMAN FOSTER: Okay. Thank you.
3 MS. RHODES: So just following up,
4 largely, pertaining to questions my colleague, Mr.
5 Kellogg, has asked you, based on my understanding, I
6 want to know, would it be fair to say that this
7 building does not need to be demolished because of
8 structural problems but rather due to its financial
9 constraints of the desired use? I.e., the building is
10 not falling down. You simply -- it does not need to be
11 demolished; you wish to demolish it?
12 MR. HOSTETLER: If it were salvageable,
13 it would need significant structural restoration as
14 well as other sorts of repairs but it's feasible, apart
15 from the financial and other considerations.
16 MS. RHODES: Okay. Thank you.
17 MR. LOUGHLIN: The Board may want to
18 consider asking Mr. Hatch a question. Mr. McManus will
19 provide testimony shortly after the witness has
20 finished his examination but the Board may wish to ask
21 Mr. Hatch if he has any questions for Mr. Hostetler
22 while he is before the Board or the Commission.
23 MR. HATCH: I do have a question.
24 Regarding the roof structure, you
25 testified that the roof joists were undersized and that

1 they would need to be replaced. Could they actually be 56
2 sistered? Could you keep them in place and add
3 additional roof joists to improve how they function
4 structurally?
5 MR. HOSTETLER: So that would be a
6 financial evaluation because, to sister them, there's a
7 few challenges. One is: The sagged, deflected shape
8 is significant; the other is: There's a number of
9 hangers that are attached supporting the plaster
10 ceiling below so you would have to work out what that
11 sistering plan would look like and price it out
12 compared to a replacement.
13 MR. HATCH: Okay. Thank you.
14 CO-CHAIRWOMAN LENAHAN: Any other
15 questions?
16 MR. LUBER: The Persimmon report was
17 entered into the proceedings. I'm assuming you could
18 comment on the conclusions from that report?
19 MR. HOSTETLER: Right. I reviewed it.
20 It was consistent with my findings. I agreed,
21 generally, with what was stated.
22 MR. LUBER: Well, he made a statement,
23 "Of primary concern are the horizontal cracks that
24 propagate through the brick pilasters that hold the
25 roof joist" -- not the joist -- "the structure and the

1 Now, you didn't mention any of that. 58
2 MR. HOSTETLER: Is that in the context of
3 retrofitting the building?
4 MR. LUBER: That's the question I have.
5 I don't know. It's not clear whether he's speaking
6 about use as a theater or use for the different use.
7 MR. HOSTETLER: I would have to review
8 that again to know, specifically, what he was speaking
9 to but my comments relate to restoring the building in
10 its existing configuration for the types of loads and
11 use that it has now where I went through a series of
12 work that you have to do to do that, or if you want to
13 adapt the use and have to reconfigure things, there's a
14 large portion of the structure that just has to be
15 removed and replaced either because of condition or
16 because of the structure. It's not the right
17 configuration.
18 MR. LUBER: It's not clear from this
19 report which is which so you believe that that probably
20 has to do with the different use of the building for
21 mixed use?
22 MR. HOSTETLER: Yeah. I don't recall it,
23 specifically.
24 MR. LUBER: Okay.
25 CO-CHAIRWOMAN LENAHAN: Any questions

1 severe cracks observed in portions of the terracotta 57
2 walls which serve to laterally brace the structure
3 against the wind loads." How would you remediate that?
4 Is that included in your description?
5 MR. HOSTETLER: Yes. The horizontal
6 cracks you are referring to, some of them, I showed on
7 the slides so I addressed that by indicating that you
8 would -- I would really want to investigate that issue
9 further but, likely, would have to reinforce it because
10 it's rising from the foundation all the way up to the
11 roof supporting those trusses, and if it's cracking,
12 evidence of, say, a bowing outward of the pilaster,
13 that would be a structural concern, and the other
14 cracking with the lateral bracing with supporting the
15 wind resistance of the building, those cracks, I
16 believe, you are referring to are, mainly, the ones
17 that I showed with the first set of slides, like the
18 one on the screen now that looked like they have
19 occurred as a result of settlement but it damaged the
20 walls that provide lateral resistance.
21 MR. LUBER: The other thing Mr. Burn
22 spoke about was requiring "an independent steel-frame
23 structure on the inside of the existing walls to brace
24 the walls and transfer wind and seismic forces will be
25 required."

1 from the public? 59
2 MS. COREA: Carol Corea, 41 Mann Avenue,
3 East Hanover.
4 I appreciate your expertise, sir.
5 You have indicated that, a lot of what
6 you said here, that you have to investigate, you have
7 to look at this, we'd have to make sure. Are you
8 saying that, a lot of this, you really don't know if we
9 have a structural problem or if we have the problems
10 that you suspect based on your observation so we would
11 have to look at them; we don't know yet?
12 MR. HOSTETLER: The majority of the
13 investigation I mentioned was related to confirming
14 whether settlement had stopped or not so that would
15 require, in this case, to determine what scope of work
16 you have to do for the foundations of the soils.
17 However, the issues with relation to the roof, the
18 cracking in the exterior walls, would have to be
19 addressed, the condition of the walls themselves, the
20 foundations with spalling and deterioration, tying back
21 locations of the wall where there's displacement and
22 separation, all those things would need to be addressed
23 without doing additional investigation.
24 MS. COREA: In addition to that, you
25 said, about the mold, if there was any warped boards,

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1 anything, you would have to fully rip things apart to
2 see the extent of that; you wouldn't be able to tell it
3 just by your observations that you have seen?
4 MR. HOSTETLER: I didn't actually speak
5 to mold.
6 MS. COREA: There was a picture up there
7 that you showed with mold and with wet boards that you
8 felt would have to be examined further.
9 MR. HOSTETLER: I was speaking to the
10 structural condition of the wood floor.
11 MS. COREA: Okay.
12 And this relates to the proposed new
13 structure, what would have to be done to use the
14 existing building to support that or is it in reference
15 to keeping the existing use of the building?
16 MR. HOSTETLER: The majority of what I
17 described would be a fixing of what exists for the --
18 to restore it to a use like it's used now.
19 MS. COREA: Okay. Thank you.
20 MR. PRATT: Rob Pratt, 25 Shore Avenue.
21 I was excited to hear you note that the
22 plaster ceiling is still intact. Do you know how much
23 of that ornamental ceiling is still up there from the
24 original?
25 MR. HOSTETLER: Well, it's covered by an

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1 MS. FENNELLY: So have you had a chance
2 to look at the proposed theater that would be
3 developed?
4 MR. HOSTETLER: I looked at the overall
5 design of the building, especially as to how it's
6 configured and the levels and what's within it.
7 MS. FENNELLY: Does that theater have the
8 unique characteristics of a room built to be a theater?
9 MR. HOSTETLER: So I think, my comments,
10 I have to limit to structural issues. Your question --
11 MS. FENNELLY: Does it have a sloping
12 floor like a theater that would show movies would have?
13 MR. HOSTETLER: I'm unable to answer
14 that.
15 MS. FENNELLY: All right. Thank you.
16 MR. KILLIAN: Ron Killian, 142 Southern
17 Boulevard, Chatham.
18 Sir, did you see a seller's disclosure
19 before you inspected the building?
20 MR. HOSTETLER: A seller's disclosure?
21 MR. KILLIAN: Yes.
22 MR. HOSTETLER: No.
23 MR. KILLIAN: A seller's disclosure shows
24 what is wrong with the building.
25 MR. HOSTETLER: Okay.

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1 acoustical drop ceiling so you cannot see the majority
2 of it. I don't know its condition.
3 MS. FENNELLY: Deborah Fennelly, 88
4 Constitution Way, Convent Station, New Jersey.
5 I'm particularly interested in a couple
6 of the statements you made which were not actually
7 focused but you talked about the unique theater
8 structure of this building and I just wanted to make
9 sure I understood. You talked about a sloping roof and
10 attributing that to a theater construction; is that
11 correct? Am I understanding what you said?
12 MR. HOSTETLER: The sloping floor. I was
13 referring to theaters having sloping floors.
14 MS. FENNELLY: Right. I was wondering if
15 you had a chance to take a look at the proposed, quote,
16 unquote, "theater" that the developer is proposing in
17 the new building and whether or not it complies with
18 this unique theater structure or whether it doesn't.
19 MR. HOSTETLER: Well, just to clarify,
20 when I said "unique" structure, I didn't mean it was
21 unique among theaters; I meant theaters as to
22 themselves.
23 MS. FENNELLY: "Theaters" meaning
24 somewhere where you would show movies?
25 MR. HOSTETLER: Yes.

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1 MR. KILLIAN: So due to the fact that a
2 large percentage of buildings in Madison, including my
3 own home, has cracks in the foundation --
4 MR. LOUGHLIN: Sir, I'm going to ask you
5 to be sworn. You have to be sworn because you are
6 asking him a question based on what you believe to be
7 facts.
8 R O N K I L L I A N, 142 Southern Boulevard, Chatham,
9 first having been duly sworn, testified as follows:
10 MR. KILLIAN: Due to the fact a large
11 percentage of buildings in Madison and surrounding
12 areas, including my own home, have cracks in the
13 foundation for years, I was going to ask you what your
14 comments are after you saw the seller's disclosure, but
15 since you didn't see it, you have no comment on it.
16 The final question is: Who hired you to
17 inspect the building?
18 MR. HOSTETLER: I was hired through
19 Saxon's attorney.
20 MR. KILLIAN: Thank you.
21 MR. DORFSCHNEIDER: Eric Dorfschneider, 9
22 South Street, Madison.
23 My question has to do with how quickly
24 the building might be deteriorating due to
25 breathability of the building. The building hasn't

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1 been heated nor has it been cooled since the ownership,
2 since the new ownership. Plus, all doors, everything
3 is vacuumed-sealed so does that equate to a quicker
4 deterioration of the facilities?
5 MR. HOSTETLER: I would just like to note
6 that there's a lot of suppositions in there and factual
7 assertions. I don't know whether this gentleman has
8 specific knowledge of any of that.
9 MR. DORFSCHNEIDER: Looks like I hit
10 something.
11 MR. LOUGHLIN: It's okay. He's got your
12 question. Let's see if he can answer it.
13 MR. HOSTETLER: So the question is: Will
14 deterioration continue --
15 MR. DORFSCHNEIDER: Well, my question is:
16 Has it sped up because of it being sealed, not cooled,
17 not heated and just something being sealed, you know,
18 with all of -- everything coming to it, the weather, as
19 it is, you know, not being taken care of; therefore, if
20 there are leaves on the roof, have they been swept
21 away? Things are happening to the facility for it to
22 -- I believe --
23 CO-CHAIRWOMAN FOSTER: Keep it to a
24 question. Stop; stop.
25 MR. DORFSCHNEIDER: Will it deteriorate

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1 structures and they come to some different conclusions
2 because of their experience with analyzing loads for
3 wind. You have full 2 by 6s or whatever it was. Is
4 there -- you said that the roof may not be the right --
5 have the right load capacity. Is there a chance that
6 the calculation would be -- of a joist makes a
7 difference or no?
8 MR. HOSTETLER: So the difference in the
9 size of the joist between a nominal size of today
10 versus a full, in this case, 10 inches is a depth of
11 about a half inch, maybe five-eighths-inch difference.
12 It does make some difference in the load-carrying
13 capacity, but when we evaluated it, we considered the
14 sizes.
15 MS. KOLAKOWSKI: Okay. Thank you very
16 much.
17 You have also, kind of, talked about that
18 these repairs would be very extensive but you haven't
19 -- I mean, is there a percentage of the brick that you
20 feel needs to be replaced? Were you able to quantify
21 it at all?
22 MR. HOSTETLER: Of the exterior brick?
23 MS. KOLAKOWSKI: Yeah.
24 MR. HOSTETLER: So to address the
25 significant cracking with everyday settlement, that was

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1 quicker than if it were being used in a weekly, daily
2 basis?
3 MR. HOSTETLER: Okay. So the large scope
4 of repair work that I identified would not be affected
5 by that; some things would, perhaps, like the condition
6 of the floor boards on the second floor, for instance,
7 that could be impacted, but the exterior wall
8 conditions, the settlement question, the pulling away
9 of the walls from separations, the structural
10 deficiency in the roof, none of that is impacted.
11 MR. DORFSCHNEIDER: No?
12 MR. HOSTETLER: No.
13 MR. DORFSCHNEIDER: Okay.
14 I know that, if I have leaves in my
15 gutter, I remove them.
16 CO-CHAIRWOMAN FOSTER: Thank you. Stop.
17 MR. DORFSCHNEIDER: Okay. Thank you.
18 MS. KOLAKOWSKI: Sandy Kolakowski.
19 Thank you very much for your report. It
20 seemed very thorough and well organized and I really
21 appreciated this part.
22 If you did this structural work required
23 to continue using the building, I wanted to follow up
24 on a question that Chris asked because, if you --
25 sometimes there's engineers that specialize in historic

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1 observed, primarily, on the east elevation and that may
2 impact a quarter or so of that elevation.
3 Some of what I did not speak to as much
4 as what some of my colleagues might speak to is the
5 condition of the exterior brick itself, not so much
6 from the structural standpoint but with regard to
7 acting as a barrier to the weather, and if there's an
8 aesthetic component, that means you restore -- you
9 can't, without doing more investigation, determine,
10 with too much precision, how much of that brick needs
11 to be replaced because it's covered by the coating;
12 however, the coating is in very bad shape. In the
13 location where conditions are showing through, it's
14 indicative that there's a large percentage of the brick
15 that would have to be removed and replaced and I don't
16 know what that percentage is.
17 MS. KOLAKOWSKI: You don't know what that
18 percentage is.
19 And does it need to have a new -- some
20 kind of stucco finish on it again or would that just be
21 an aesthetic or are you saying that would be just a
22 cheaper way without replacing as much?
23 MR. HOSTETLER: There's ways you can
24 economize to not have to replace so much brick.
25 MS. KOLAKOWSKI: Okay.

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1 Thinking about the financials of it, you
2 kind of talked quite a bit about whether it's
3 financially feasible for -- do you have any idea how
4 much it would cost to make the structural repairs you
5 prescribed in Section 4.0?

6 MR. HOSTETLER: No, we haven't been
7 engaged to try to figure that out yet.

8 MS. KOLAKOWSKI: Wouldn't that be
9 something that would be helpful for the Commission to
10 understand?

11 MR. HOSTETLER: Well, the scope is
12 significant and there's a large quantity of work that
13 would be required so it's evident that, especially to
14 move forward with an adaptive use of this building, it
15 really isn't -- it's not a financially-viable approach.

16 MS. KOLAKOWSKI: That's for preserving
17 the building?

18 MR. HOSTETLER: For preserving the
19 building, I haven't been engaged to do that.

20 MS. KOLAKOWSKI: Okay. So it just wasn't
21 the scope of your work for that. That is something
22 that you could do, though?

23 MR. HOSTETLER: You would have to do more
24 investigation to identify quantities and figure out
25 costs.

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1 understand it.

2 Mr. Loughlin, how do you have economic
3 feasibility without knowing the numbers?

4 MR. LOUGHLIN: Economic feasibility is a
5 term that applies to -- and I don't want to simplify it
6 too much but -- reasonable and appropriate. You know
7 the expression "money is no object"? Anything is
8 possible with certain expenditures being made. Because
9 of guidelines that we received in judicial proceedings
10 and the formation of the ordinance that was crafted in
11 light those decisions, it's referred to as an indicator
12 of utility and feasibility as to whether something is
13 reasonable and appropriate considering the factors that
14 have to be dealt with in accordance with this
15 gentleman's testimony about what is wrong with the
16 building, to use my terms, and is it reasonable and
17 appropriate.

18 I don't want to go beyond that because I
19 don't want to testify or offer my opinions. I just
20 want to say specific dollars is not allowed but
21 economic utility and feasibility is.

22 MS. KOLAKOWSKI: Is a range of numbers --

23 MR. LOUGHLIN: No. Stop. No numbers.
24 Thank you.

25 MS. KOLAKOWSKI: So how would you know --

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1 MS. KOLAKOWSKI: Could you do a rough
2 order-of-magnitude budget on something like that? Is
3 that something that's commonly done to get a sense of
4 the feasibility of restoring?

5 MR. HOSTETLER: I couldn't today,
6 standing here now. You would have to qualify.

7 CO-CHAIRWOMAN LENAHAN: May I just
8 interject to say, the Preservation Commission, the
9 Planning Board, nobody in New Jersey other than the
10 Municipal Land Use Law can talk about specific money.
11 That's not something that would -- that is a relevant
12 point for our discussion so he's correct in providing
13 the structural engineering report but not numbers on
14 anything.

15 MR. LOUGHLIN: Just to follow up on the
16 comment of the Chair, specific numbers and cost figures
17 are not appropriate but considerations of the economic
18 feasibility must be and should be discussed in this
19 presentation because it's a factor in the Commission's
20 requirements to consider whether the demolition should
21 be approved and/or approved with conditions so specific
22 numbers cannot be referred to but economic feasibility
23 is a proper concern. He may have covered that in his
24 testimony. I don't want to suggest he did or didn't.

25 MS. KOLAKOWSKI: Right. I don't

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1 MR. LOUGHLIN: You cannot engage me,
2 please. Questions.

3 MS. KOLAKOWSKI: So my question is: How
4 do you determine economic feasibility?

5 CO-CHAIRWOMAN LENAHAN: Let me just say
6 --

7 MS. KOLAKOWSKI: Why do you bring it into
8 the discussion if there's no numbers? That's what I
9 don't understand. I'm sorry.

10 CO-CHAIRWOMAN LENAHAN: I just want to
11 remind everybody, we are pushing a clock here. If you
12 can keep your questions clear and to 3 minutes. I
13 don't want to have hundreds of people telling me they
14 didn't get a chance to speak.

15 MS. KOLAKOWSKI: Yeah. I understand.

16 CO-CHAIRWOMAN LENAHAN: So thank you,
17 Sandy.

18 MR. HOSTETLER: Is there a question?

19 MS. KOLAKOWSKI: So the question is: How
20 do you determine economic feasibility without having a
21 rough order of magnitude of what it would cost to fix
22 something?

23 MR. HOSTETLER: Well, to adapt the use, I
24 know that it would be less -- there's too much scope
25 and not enough structure to salvage for that use for it

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1 to make sense.

2 MS. KOLAKOWSKI: Okay. So you are only

3 saying that the economic feasibility for adapting the

4 use, adding stories on top of what's there, is not

5 economically feasible but you not making a comment as

6 to whether restoring the theater is economically

7 feasible?

8 MR. HOSTETLER: Well, I have less

9 information about the economic evaluation with respect

10 to saving the theater. There's a big business

11 component of that decision. I'm just telling my

12 clients that there's a significant amount of scope of

13 repair work that would be required that would cost a

14 lot of money to restore it for its existing use but I

15 haven't quantified it.

16 MS. KOLAKOWSKI: You haven't quantified

17 it.

18 Thank you.

19 MR. ESPOSITO: Sebastian Esposito, 81

20 Woodland Road.

21 Question: Is the building condemned?

22 Was it condemned when it was sold?

23 MR. HOSTETLER: You are asking me? I

24 don't know.

25 MR. ESPOSITO: Can I present that

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1 MR. ESPOSITO: Well, just, has the

2 building deteriorated means the whole building, right?

3 Interior, exterior. You are saying it hasn't; is that

4 right? Except maybe some floorboards.

5 MR. HOSTETLER: The exterior of the

6 building would continue to deteriorate at a fairly

7 similar rate that it has for a number of years.

8 MR. ESPOSITO: So is it reasonable to

9 assume that some basic upkeep is required for any

10 building?

11 MR. HOSTETLER: Yeah. Maintenance is

12 required for buildings.

13 MR. ESPOSITO: And was maintenance

14 performed that you could see?

15 MR. HOSTETLER: I don't know,

16 specifically, what maintenance is in the form but it's

17 a building in poor shape. It doesn't look like it's

18 been...

19 MR. ESPOSITO: No. I understand, but if

20 you had a building in poor shape and there were leaks,

21 it would make sense try to stop or remediate those

22 while it was standing fallow, no, so it wouldn't

23 deteriorate?

24 MR. HOSTETLER: If you need to continue

25 using it and continue to --

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1 question to the --

2 MR. LOUGHLIN: No. Only to him.

3 MR. ESPOSITO: Did you inspect the

4 building when it was sold?

5 MR. HOSTETLER: I inspected it in

6 January.

7 MR. ESPOSITO: Do you know if the

8 building has deteriorated from the time of the sale

9 until now?

10 MR. HOSTETLER: Recapping a similar

11 question earlier, the majority of the scope that I

12 commented on -- the additional exposure that it has

13 experienced over -- in recent months over the last year

14 or so.

15 MR. ESPOSITO: So does that mean it's not

16 affected by -- in your opinion, does that mean that

17 elements don't affect the condition of the exterior of

18 the building?

19 MR. HOSTETLER: Of the exterior? Oh.

20 Okay.

21 MR. ESPOSITO: Are you saying it hasn't

22 deteriorated? Does the elements still impact the

23 structure of the building?

24 MR. HOSTETLER: Significantly less than

25 the exterior and the exterior elements.

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1 MR. ESPOSITO: No. I mean if you just

2 need to keep the building in its current state so that

3 it doesn't degrade. Obviously, you don't want an

4 unsafe building, right?

5 MR. HOSTETLER: Yeah. There is some

6 contribution of the ongoing time but it's a very small

7 contribution to the scope of what I observed.

8 MR. ESPOSITO: Is it commercially zoned;

9 do you know?

10 MR. HOSTETLER: I don't.

11 MR. ESPOSITO: Is there an obligation to

12 maintain it?

13 MR. WOLFSON: Excuse me. Respectfully, I

14 think he's going beyond the scope in terms of zoning

15 and code provisions.

16 MR. ESPOSITO: He's a structural

17 engineer. I think that --

18 MR. LOUGHLIN: Excuse me.

19 MR. ESPOSITO: -- there are things that

20 need to be maintained.

21 MR. LOUGHLIN: Excuse me; excuse me. I'm

22 speaking. Pardon me. I'm speaking. We speak one at a

23 time. It's not an appropriate question to follow up

24 with the zoning status or that line of questioning you

25 appear to be starting on, just his testimony and his

1 conclusions, please. Thank you. 76
2 MR. ESPOSITO: Okay.
3 Last question: Can you please describe,
4 again, the economic feasibility that you're
5 specifically speaking to in the assessment of the
6 building's condition as to whether or not it should be
7 -- it can be repaired or it should not be repaired?
8 MR. WOLFSON: Again, that's been asked
9 and answered. Respectfully, move on.
10 MR. ESPOSITO: No. I'm just trying to
11 focus it and try to understand: Economic feasibility
12 for the structure as it is today or the proposed
13 structure? I'm confused.
14 MR. HOSTETLER: Yeah. Summarizing what I
15 stated earlier, primarily -- or I should say it this
16 way: The conditions that are required to adapt the use
17 as well as the reconfiguring is clear to me that it's
18 not an economical -- it's not economically feasible to
19 do that. To repair the structure for its existing use,
20 there's a significant amount of scope of work that
21 would be required and I don't have that quantified. It
22 --
23 MR. ESPOSITO: It could be done?
24 MR. WOLFSON: Please let him finish.
25 MR. HOSTETLER: Technically, from an

1 we don't really take too much exception to it. 78
2 MR. LOUGHLIN: I think it would be more
3 appropriate, since Mr. McManus has done a report, you
4 are going to ask him certain questions about that
5 report and what he did in connection with the reports
6 that were supplied to the Commission for this
7 proceeding and, particularly, the testimony of Mr.
8 Hostetler, if that is acceptable to the Commission.
9 You have to be sworn.
10 J O H N M c M A N U S, 13 Madison Avenue, Madison,
11 New Jersey, first having been duly sworn, testified as
12 follows:
13 MR. LOUGHLIN: Mr. McManus, I'll ask you
14 to stay where you are because the conditions are
15 difficult. It would probably take you 5 minutes to get
16 over here. We are going to have your testimony from
17 where you sit. Is that okay?
18 MR. McMANUS: Sure.
19 MR. LOUGHLIN: Okay. Mr. McManus, what
20 is your business, please, sir?
21 MR. McMANUS: Business is McManus Design
22 Group, Incorporated, structural engineers. Our office
23 is at 13 Madison Avenue and we have been in business
24 since 1992 and I am the president of the company and I
25 have a couple of other associates, professional

1 engineering standpoint, it could be fixed with enough 77
2 funds.
3 MR. ESPOSITO: Thank you very much.
4 CO-CHAIRWOMAN FOSTER: Mr. McManus, do
5 you have any specific questions? You provided --
6 seeing the structural engineering report, do you have
7 questions that you would like to ask of Mr. Hostetler?
8 MR. McMANUS: Did you address foundation
9 repairs in any kind of study or anything you would have
10 to do on that in order to save the building or bring it
11 up to any sort of structural integrity as far as the
12 existing foundation? Because I think we start from the
13 foundation and go up.
14 MR. HOSTETLER: Are you referring to
15 where there's concerns of settlement?
16 MR. McMANUS: You know, the entire
17 building. There's footings and foundations and
18 foundation walls.
19 MR. HOSTETLER: Right. My focus was on
20 where I saw evidence of settlement so that would need
21 to be studied and stabilized if the settlement is
22 ongoing.
23 Are you asking about --
24 MR. McMANUS: No.
25 We did a little bit of a study also and

1 engineers, who also -- we prepared this report. 79
2 MR. LOUGHLIN: Before we get to your
3 report, I have to qualify you by putting forth your
4 experience and training and education because you are
5 going to provide testimony as a consultant or expert to
6 the Commission in this hearing. Okay, sir?
7 MR. McMANUS: Yep.
8 MR. LOUGHLIN: Would you explain to the
9 Board and the public your training and experience in
10 the field -- your educational background and then your
11 training and experience in the field of engineering?
12 MR. McMANUS: Sure.
13 I graduated from New Jersey Institute of
14 Technology in 1992 -- in 1993, excuse me, and I have
15 been working in structural engineering since that time
16 in this company that I own now and it's about 25 or 26
17 years and I am primarily working in rehabilitation of
18 structures including parking garages and buildings.
19 MR. LOUGHLIN: Were you -- I think you
20 had prepared a report for the Commission in this case;
21 is that correct?
22 MR. McMANUS: Yes.
23 MR. LOUGHLIN: You were retained by the
24 Commission to analyze the structural condition of the
25 property that's being considered before the Commission

1 this evening; is that correct? 80
2 MR. McMANUS: Yes.
3 MR. LOUGHLIN: 14 Lincoln?
4 MR. McMANUS: Yes.
5 MR. LOUGHLIN: And, sir, were you
6 retained by the Commission to perform -- I'll use the
7 words in the ordinance -- "a report and analysis and
8 opinion about the structural soundness and the
9 integrity of this building"? Is that a fair statement?
10 MR. McMANUS: Correct.
11 MR. LOUGHLIN: I'm going to ask you, in
12 your own words, to explain what you did in your study
13 or analysis, part one, of the information that's before
14 the Commission this evening regarding this property and
15 the structural condition and then, part two, your
16 opinion or statement to the Board about what you
17 believe to be the case for this property as far as its
18 structural condition, soundness and integrity; is that
19 acceptable?
20 MR. McMANUS: Sure.
21 MR. LOUGHLIN: Okay.
22 You have also had access to the reports
23 of the applicant's consultants, Mr. Hostetler, and the
24 2018 report that was done earlier and then, of course,
25 the architectural reports submitted by the applicant

1 damage, there's a lot of maintenance that has not been 82
2 done on the building. Roof structure, there's -- much
3 of the joists and the sheathing and all that on the
4 roof structure itself has got a lot of water damage and
5 a lot of cracking. The roof structure is supported by
6 steel trusses. The steel trusses seem to be in pretty
7 good condition; although, we ran some preliminary
8 calculations on that and they seem to be pretty under-
9 designed by today's standards. The -- so the trusses
10 are supporting are also holding up the ceiling below.
11 There's a lot of damage on the ceiling below. There's
12 some -- what do you call it? Acoustical ceiling in the
13 theater area that's covering up the ceiling above that
14 so we couldn't really see a lot of that.
15 The walls themselves, I think the other
16 engineers all mentioned the same thing that we
17 mentioned. There's a lot of cracking. There's a lot
18 of diagonal cracking, sheer cracking on the outside.
19 You can see a lot of cracking. Also, on the inside,
20 there's a lot of cracking.
21 Also, the original structure is masonry.
22 The original wall structure is masonry and got the
23 backup of terracotta which is in pretty poor shape and
24 it's also not a very good structural element to use by
25 today's standards, especially. You can see, in a lot

1 and Mr. Hatch's report. There have been five marked 81
2 into evidence; is that correct?
3 MR. McMANUS: Correct.
4 MR. LOUGHLIN: Okay. Can you tell the
5 Commission and the public here tonight what you did to
6 analyze that question and that subject?
7 MR. McMANUS: My associate, John Dang,
8 who is a professional engineer, and myself did a full
9 walk-through of the building from the foundation all
10 the way into the roof structure, and basically, our
11 entire analysis was visual only. We didn't do any
12 constructive testing or anything like that. We did,
13 mostly -- just, mostly, visual inspections and so much
14 of the structure is -- obviously, there's walls that
15 are still together. We didn't break any walls or
16 remove any ceilings or anything like that. There's a
17 lot of ceilings that are still covered up, like
18 different finishes and different things like that, but
19 we did observe some foundation issues and some framing.
20 A portion of the framing, we could see but a lot of the
21 framing is covered up, and also, the roof structure, we
22 could also see.
23 As far as the condition goes, this
24 building, obviously, has really been neglected for
25 probably a couple of decades so there's a lot of water

1 of areas on the inside, that the walls are pulling away 83
2 from the slabs and the slabs are structural, reinforced
3 concrete slabs on the first floor for the front part of
4 the building. The steel below that is in pretty good
5 shape in the basement area. There's only a portion of
6 the basement which is the front section of the building
7 that is in satisfactory condition.
8 So there's a second-floor mezzanine level
9 through a second and front portion of the building
10 which is -- looks like wood framing, which is in pretty
11 rough shape. The floors are in pretty bad shape and
12 they have been -- have a lot of water damage as well.
13 MR. LOUGHLIN: You can refer to your
14 report if you like. This is not meant to be a memory
15 challenge.
16 MR. McMANUS: No. It's okay.
17 One of the things that I was concerned
18 about is the foundation itself because it's really --
19 there's no way of seeing the foundation or what's there
20 so a study and probably a constructive test would have
21 to be done to see exactly what the structure is. It
22 really would depend on what the use would be. If you
23 are going to add another level or something like that,
24 you would have to -- you would have to, you know, do
25 some sort of studies, geotechnical studies or

1 something, to see what the structure can hold as far as
2 the foundation goes.

3 Also, I think the intended use, I
4 believe, is they are going to have parking underneath,
5 which would mean they would have to excavate that, so
6 they are going to excavate that, it would be
7 underpinning foundations and things like that so...

8 And generally, that's the condition of
9 the building. It's been neglected. I think everybody
10 who has seen it would agree with that and there's
11 mechanical issues and there's electrical issues, which
12 I don't get into in the structural but I can certainly
13 see them when I was there.

14 And I did offer, in the report, you know,
15 various anecdotes as far as what you can do to repair
16 certain things. Like the front of the building, you
17 see, in the front facade, you can see some of the brick
18 is bowing out above the windows and things like that.
19 You could add strip steel backup to it. You can add a
20 steel structure to the inside of it. All these would
21 be costly, of course, but you could repair certain
22 things.

23 The lintels over all the windows are
24 pretty much deteriorated. They would all have to get
25 repaired. They would have to get replaced.

1 MR. LOUGHLIN: Thank you, John.
2 Chairs, I would suggest that Mr. Wolfson
3 be given an opportunity to question John before the
4 Commission has questions for him.

5 MR. WOLFSON: I appreciate the
6 opportunity. We would like to try to get to additional
7 witnesses so we will pass. Thank you.

8 MR. LOUGHLIN: Okay.
9 Questions?

10 CO-CHAIRWOMAN LENAHAN: Any questions
11 from anyone on the Commission?

12 CO-CHAIRWOMAN FOSTER: I just have one
13 question for you, John.

14 In the words of the song, "Tell me
15 something good." This is a historic building in our
16 historic district. What is good about it?

17 MR. McMANUS: I think Counsel pointed out
18 before, anything can be fixed. It just depends on how
19 much money it would cost. In my report, I did mention,
20 I think, in almost any section, certain repairs that
21 could be considered. A cost analysis would have to be
22 done; plans would have to be developed in order to get
23 the cost for that kind of thing but...

24 MR. KELLOGG: Do you have specific
25 experience with historic buildings or masonry brick

1 MR. LOUGHLIN: Are there code
2 requirements that would also come into play in addition
3 to the conditions you observed?

4 MR. McMANUS: Code requirements for what?

5 MR. LOUGHLIN: That would require
6 additional work for this building either to continue as
7 it presently exists or to adapt it for a, possibly,
8 further use?

9 MR. McMANUS: I'm not 100 percent sure on
10 the rehab code, but, I believe, if you are doing that
11 extensive work, you have to bring it into compliance.

12 MR. LOUGHLIN: I would like, if you
13 could, John, the ordinance talks about structural
14 soundness and building integrity. Is there any
15 difference in those two terms, and if so, what is the
16 difference? Is there any difference in those terms?

17 MR. McMANUS: No. Not really. It's
18 pretty synonymous.

19 MR. LOUGHLIN: If you had to summarize
20 the overall condition of this building, what would you
21 describe it as far as its structural condition?

22 MR. McMANUS: Structural, I would say
23 it's in pretty poor shape and it's not in imminent
24 danger of collapsing but it would require quite a bit
25 of work to bring it up to acceptability.

1 older buildings?

2 MR. McMANUS: Yeah. We have some, yeah.

3 MR. KELLOGG: Would you anticipate that
4 the repairs you mentioned that might happen to this
5 structure would be done in a phased format? You might
6 do a little bit here, a little bit there, you know,
7 kind of slowly stabilize, move up foundation upwards.

8 MR. McMANUS: On the outside?

9 MR. KELLOGG: Well, I guess inside or
10 outside just to stabilize the building. I'm wondering
11 if a phased approach would be reasonable.

12 MR. McMANUS: That is kind of like a
13 means-and-methods kind of question. I mention, if
14 someone would go to do a repair, they would probably
15 try to repair the whole envelope of the building at
16 once so that would be a more feasible -- a way to do
17 it.

18 MR. KELLOGG: Okay.

19 MR. LUBER: In your conclusions, you say
20 that, "Virtually, all structural compounds that make up
21 the structure in its current condition would require
22 extensive rebuilding, reinforcement or replacement and
23 issues with the exterior bearing walls would have to be
24 addressed by introducing a remedial structure system,"
25 and I think you just described, "such as steel columns

1 and beams to replace" -- that sounds like a lot to me. 88
2 Am I overreacting to what you said?
3 MR. McMANUS: Well, it is a lot. It --
4 virtually, every component of the building is either
5 under-designed or damaged enough where it would require
6 extensive work or replacement.
7 MR. LUBER: And this is true whether it
8 was for the current use for the proposed mixed unit?
9 MR. McMANUS: Yes.
10 MR. LUBER: I guess I would like to ask
11 Counsel's question sort of the same way. Would you say
12 the structural integrity of the building has been
13 somewhat, moderately or seriously compromised?
14 MR. McMANUS: From a safety standpoint?
15 I would say moderate at this point, but without having
16 X-ray vision or being able to see every component, it's
17 impossible to say, really.
18 CO-CHAIRWOMAN FOSTER: Okay. I'm going
19 to suggest, for the sake of all our health, that we
20 take a 5-minute, 5-minute break, and then, when we
21 reconvene, we will have the opportunity for the public
22 to ask any specific questions of Mr. McManus and move
23 on to our architectural presentation.
24 Thank you.
25 (Recess taken)

1 MR. McMANUS: I don't know when the last 90
2 owner was in it.
3 MR. GRANGE: Thank you.
4 MR. GILBERT: James Gilbert.
5 Very simple question for both structural
6 engineers: Has the building inspector missed something
7 here? Should this building be condemned?
8 MR. WOLFSON: Respectfully, that's a code
9 question.
10 MR. McMANUS: That's not really my
11 function, just doing a condition report on the building
12 but we did touch on the question, I think, earlier was
13 good, better or best. I think somewhere in the middle.
14 MR. GILBERT: Could I ask that of the
15 other structural engineer?
16 CO-CHAIRWOMAN FOSTER: We closed
17 questioning for him. Sorry.
18 MR. WOLFSON: Just to follow up on the
19 first gentleman's question, the conditions that you
20 have described in your report and again today in your
21 testimony, is your opinion consistent with that of
22 Wayne's that a number of those conditions, in fact,
23 most of those conditions date back well beyond, much
24 further back in time, than the ownership for the last
25 two years of the current owner?

1 CO-CHAIRWOMAN FOSTER: We were about to 89
2 the part of the meeting where John McManus, engineer
3 for the borough, has presented his report. Are there
4 any -- I think the Commission is finished with their
5 questions, yes? And so we open that to the public to
6 ask questions of Mr. McManus's report on the structural
7 condition of the building.
8 Are there any public questions? And in
9 the interest of time, remember, stating your name, your
10 address, ask your question and please sit down. Let's
11 not have these endless question after question after
12 question. We do feel the need to hear from everybody.
13 Thank you.
14 MR. GRANGE: Erik Grange, Bellwood
15 Avenue, Madison.
16 I just want to clarify something that you
17 said. You stated that the building was likely
18 neglected for years or even decades so the structural
19 disrepair endangered preserving the structure occurred
20 long before the current owners; is that correct?
21 MR. McMANUS: It's somewhat of an
22 assumption. I don't know exact dates, but the original
23 owner, you are talking about -- I mean, the previous
24 owner?
25 MR. GRANGE: Or the owner before that.

1 MR. McMANUS: Oh, yeah. I would say so. 91
2 MR. WOLFSON: Okay. Thank you.
3 MS. KOLAKOWSKI: Mr. McManus, so what are
4 your credentials, again, please? Because it appears
5 that you are not the engineer, is that correct, in your
6 firm? Are you the engineer of your firm? Do you have
7 an engineering degree?
8 MR. McMANUS: I am a design engineer and
9 a structural design engineer and I have an associate,
10 John Dang, who's also an engineer and he's a
11 professional engineer.
12 MS. KOLAKOWSKI: He's the professional
13 engineer and he's not here tonight; is that right?
14 MR. McMANUS: He's not here.
15 MS. KOLAKOWSKI: Okay. Thank you.
16 CO-CHAIRWOMAN FOSTER: I'll close the
17 questions from the public for Mr. McManus and we move
18 on.
19 MR. LOUGHLIN: Thank you, John.
20 MR. WOLFSON: Thank you, Madam Chair.
21 I would like to call Jeff Gertler, our
22 project architect.
23 JEFFREY GERTLER, 145 West 30th Street,
24 New York, New York, first having been duly sworn,
25 translated as follows:

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1 VOIR DIRE EXAMINATION BY MR. WOLFSON:
2 Q. I'm going to seek to qualify you as an
3 expert in the area of architecture. Can you give us a
4 brief description of your educational and professional
5 experience and qualifications?
6 A. Yes.
7 My education, I have a civil engineering
8 and economics degree from Rutgers University, and then,
9 I have an architecture degree from City College. I
10 began my practice in 1985 as the founding partner. We
11 are now a firm of about 25 architects and professionals
12 in New York.
13 Q. Do you hold professional licensures?
14 A. I do, in New York, in New Jersey,
15 in Pennsylvania, in Massachusetts, Texas, Nevada.
16 DIRECT EXAMINATION BY MR. WOLFSON:
17 Q. Okay. You have been engaged as the
18 project architect to design the proposed building at 14
19 Lincoln Place?
20 A. Yes, I have.
21 Q. And I see a model there. Did you prepare
22 that?
23 A. I didn't, myself, do it but a 3D printer
24 and some young people in my office did it, yes.
25 (Exhibit A-5, model, was marked for

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1 Madison, a commercial district as well as historic
2 preservation area as well. The important thing is
3 that, in the downtown commercial district of Madison,
4 it's been years, that we know, that, all of our
5 merchants, they struggle competing against the large
6 shopping malls, which, lately, have not been doing as
7 well. Certainly, the online purchasers are
8 debilitating many of the merchants, and the last thing,
9 we are competing, of course, against Florham Park and
10 Chatham and Morristown and Summit. Summit, they have a
11 tough go of it.
12 Also, on a residential side, since I have
13 been in Madison for over 20 years, the conversation
14 from day one has been: Is Madison too expensive for
15 our young people to move into Madison? Is it too
16 expensive for older people who are empty-nesters to
17 live here any longer? Those are the underlying issues
18 as to why this building is a mixed-used building.
19 It has a retail component. It has three
20 commercial spaces in it. The first two commercial
21 spaces are at the front of the building that face Kings
22 Road. One is about 2200 square feet. The second is
23 about 2300 square feet and there is a commercial space
24 in the back that we would like to see as a proposed
25 movie theater. That is about 2200 square feet for the

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1 Identification.)
2 Q. Also, you prepared portions of the Power
3 Point that you are going to refer to?
4 A. Yes.
5 Q. And we have already indicated that that
6 is going to be A-4 so can you please guide the
7 Commission and the public through your design paying
8 particular attention to the Madison Design Guidelines
9 that get integrated into the design of the project?
10 A. I will. Thank you.
11 Well, thank you for your time. It's nice
12 to see you again this evening.
13 I thought maybe the first thing that I
14 would do is, that because so much time has lapsed from
15 the first time the we first introduced this project,
16 was to take a step back and understand how we got to
17 this design today and I would start by -- I think,
18 Chris knows this probably as good as anyone else in
19 this auditorium tonight.
20 When you design a building, you don't
21 just start by putting a pencil to paper. You have to
22 begin to understand some underlying issues that go into
23 the basic concept of the building. So how do you start
24 with this building? When is that --
25 This site is in, as we know, Downtown

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1 theater component and about 700 square feet for the
2 ticket sales, concessions, bathrooms, etc.
3 Above that, there are three floors of
4 residential, 24 units of which there are one-, two- and
5 three-bedrooms, a mixture of them, and four them are
6 COA units, which are sorely needed in Madison.
7 But besides those underlying issues,
8 there's also another issue. That's because of its
9 location that it needs to conform to the Downtown
10 Historic Guidelines, it needs to conform to the
11 ordinances and it needs to conform to our Master Plan
12 so while those are somewhat constrictive on occasion, I
13 think we looked past that, on some level, to say:
14 After we achieve those prescriptive issues, is there
15 something more important about this building? And
16 what's more important is that we want it to be
17 reflective of and honor the history of Madison, but not
18 only that, we also want it to be reflective of and
19 honor the future of Madison so this building doesn't
20 just sit in the past but look to the future as well.
21 Having said that, maybe we can take a
22 look at more of the specific items about the building
23 itself. The design guidelines, this is directly from
24 your design guidelines. It's important that I read a
25 couple of these things because this gives us the

1 foundation from which we design the building from. 96
2 "Styles and differences in the buildings
3 downtown are worth preserving. There's no one style to
4 which all the buildings in the downtown ever did or
5 ever should conform. The buildings complement each
6 other by their common scale and materials. Good
7 craftsmanship and their relationship to the street are
8 just as important as details like brackets or
9 transits."
10 Additionally, it says, "All buildings
11 shall be recognized as products of their own time.
12 There's no need to falsely create an earlier historic
13 appearance or introduce or historicizing alterations
14 that have no historical basis."
15 So within the guidelines, there are
16 multiple bullet points that need to be addressed in
17 designing a building so we will go through the bullet
18 points to make sure we have covered them because that's
19 what we are mandated to do in designing this building.
20 The first item is siting. "The setback
21 and orientation of a new building within a historic
22 district should align with neighboring historic
23 districts. In Madison's Civic Commercial Historic
24 District, the siting is different in the civic and
25 commercial areas. The commercial buildings are located

1 it, you can see that the train station has its roof eve 98
2 at this point which is at --
3 So the edge between the roof and the
4 front wall of the train station building is at 37 feet.
5 Our building, which goes up to three stories and then
6 sets back, is a half a foot lower than that so it
7 addresses that point to this point.
8 The train station building goes up to 49
9 feet. Our building goes up to the top of the parapet
10 to 46 feet -- actually, less than that and in a more
11 descriptive way of seeing that is seeing it directly
12 this way just to make sure you are understanding that
13 the end of that roof line, our parapet and the top of
14 the building to the top of our parapet so we are
15 actually lower in both instances so we are addressing
16 our neighbor directly across the street.
17 The only other tall building on the block
18 is a three-story building, 6 Lincoln Place. The height
19 of the top of the parapet is 34 feet so we are only, to
20 the top of our parapet that's on the face of the
21 building on the street, again, is at 36.5 feet so we
22 are only 2 and a half feet higher, so of the two
23 buildings on the block that are the most similar to a
24 new building, which is our new building, and not to the
25 one-story buildings which are not even legal going

1 right on the sidewalk with a facade the full width of 97
2 the historic district. South of the railroad,
3 institutional buildings are set within large lots with
4 generous setbacks."
5 So just very quickly, here's an image of
6 Lincoln Place and this is the existing movie theater
7 building as is. Our building sits on the same
8 footprint except we have actually moved it 5 feet.
9 After we would remove the building, we would move it 5
10 feet to the west. It's, virtually, on the sidewalk in
11 the same location that the ordinance has -- or
12 guidelines have asked us to place the building.
13 Size and scale: "New construction should
14 conform to the massing, proportions, volume, scale and
15 height of neighboring buildings."
16 So there are two buildings on Lincoln
17 Place that provide the most direction as to how this
18 building should be designed. There are some one-story
19 buildings on the block, but as we know, the current
20 building or zoning ordinances don't even allow one-
21 story buildings any longer so we are not trying to make
22 our building conform to one-story buildings which can't
23 be built any longer downtown except through variance.
24 So if you look at our building along the
25 train station which is directly across the street from

1 forward or a civic building that is recessed back, we 99
2 are in total conformance as far as reflecting what is
3 on the block already.
4 "Rhythm and directional emphasis," so
5 this is speaking vertically at this point. "New
6 construction should be compatible with the rhythm of
7 neighboring buildings along the street. 'Rhythm' is
8 defined by the relationship of buildings to open space
9 along the street, relationship of solids to the lights
10 on building facades and the relationship of entrances
11 to the street to directionally consists with a vertical
12 or horizontal in character of new construction [sic]
13 should relate to that of neighboring buildings."
14 So we took a look at buildings in
15 Downtown Madison and tried to understand how they are
16 formulated; what was the basis of their design? So
17 here's 55 Main Street. I'm sure you are all familiar
18 with that. What we found is that, the majority of
19 these buildings develop a rhythm and the rhythm is
20 often an A-B-A rhythm. There is a certain set of
21 window hangings in the center of the building and they
22 are different on the left side and different on the
23 right side. Often, the columns or pilasters create
24 that separation between the A-B-A rhythms.
25 We see this at 50 Main Street, another

1 contributing building. This one is really an A-A-A.
2 The only difference about it, in the center, is that
3 there's a pediment on top with a plaque at the
4 pediment.

5 The British Home Emporium is outside the
6 district but there is a reason why we are showing it.
7 I'll explain that later. Again, it has an A-B-A
8 rhythm.

9 I'll speed this up. 6 Lincoln Place, now
10 we are on the block that we are on, of course, on
11 Lincoln Place, again, an A and B and A. In this case,
12 the center is really subordinate to the shoulder on the
13 left and the right sides.

14 On our building is also an A-and-B rhythm
15 separated by large columns between the three different
16 portions of the building.

17 And just to put it into context, this is
18 a fairly good example of all the buildings in Downtown
19 Madison. We have added a couple more because the James
20 Building is an interesting building. It's not an A-B-
21 A; it's a little bit scattered but you can see the
22 rhythms of that, how it sets up, even at 7 Waverly
23 which has that same A-B-A rhythm with this large
24 circular pediment on the top, but that rhythm, that
25 A-B-A, is consistent throughout Downtown Madison.

1 Now, we are talking about it
2 horizontally, how that works with buildings. Without
3 going through each building the way I did before, in
4 this one image, you can see all these buildings,
5 basically, have a separation up through the headpiece,
6 the shaft and the base itself. What happens in these
7 buildings is that there's often a distinguishing line
8 separating this sometimes with mansard roofs or
9 sometimes with gables or sticking out from the
10 buildings, and then, there's usually about two stories
11 or three stories that would be a shaft that's different
12 than the upper portion of the building, and then, the
13 lowest portion of the building, which is usually the
14 retail portion itself, is usually distinguished by very
15 large windows. You can see, below this point, they
16 separate often with either material changes or just
17 with the large expanses of glass. There's a separation
18 between almost the three different portions of the
19 building.

20 Storefronts: "Traditional storefronts in
21 the Madison Civic Commercial Historic District were
22 composed of a single-story shopfront, two or three
23 upper stories and a decorative top cornice or parapet.
24 Storefront design should relate to the composition and
25 internal style and detailing of the upper floors.

1 Historical commercial buildings had large
2 windows to pass light into the rear of the display
3 windows, was particularly common on traditional
4 storefronts and often covered in 20th Century
5 renovations."

6 So in this example, you see several
7 buildings indicative of Downtown Madison, the James
8 Building, and what we see, and it's very common to
9 these buildings, is that, let's say, the James
10 Building, between the structural columns, they put as
11 much glass as they can. This is done in most buildings
12 because, the reality is that, any retailer wants to
13 have as much glass as they can. They want to show off
14 their product, they want to bring light into the
15 building and for any number of reasons, and, in fact,
16 over the years, as our technology improved and we were
17 able to span longer distances --

18 You know, originally, it was just wood,
19 and then, it became -- it could have been concrete and
20 steel, but as the distance between columns got larger,
21 the glass companies have to begin to make larger pieces
22 of glass to accommodate the need for large retail
23 stores.

24 We took the same initiative, basically,
25 having between columns. We have our glass between the

1 columns and then, actually, what's interesting about
2 the James building, you can almost see the same rhythm
3 of column to column and then a midpoint in between and
4 that's something we actually did intentionally. It
5 just turned out to be a great similarity.

6 What was also common in a lot of
7 buildings was these transom windows above the large
8 storefront windows so they would take the larger
9 windows and divide them into smaller pieces. It gave
10 it a more human scale to them. It was a decorative
11 element. Sometimes they would put windows in there for
12 circulation, for any number of reasons. We chose to do
13 the same thing with our windows. We thought it was a
14 good way to break the lower portion of the building to
15 the upper portion by having a few elements in between.

16 I don't know how many people have seen
17 this slide. It's a fantastic slide of the old movie
18 building. What is very revealing about this slide, one
19 is that it also had very large storefront glass for two
20 retail spaces at the front of the building so it's not
21 entirely a movie building, by any means. It was,
22 actually, the front of the building up to probably
23 where this gable roof began. This was all retail space
24 in the front and there was one, basically, in the same
25 entrance, the slender entrance in the center,

1 separating the two retail stores. This is Fred
2 Miller's Real Estate Company -- I don't know if
3 everybody knows who this is -- and the other is a taxi
4 stand and you can see the marquee, the old marquee, is
5 in place. It no longer looks like this anymore
6 because, now --

7 You know, what they did then was, they
8 put all the movie posters and pictures on to the
9 columns so they weren't on the marquee itself. This
10 was only the advertisement for the Lion's Madison.
11 This marquee also has these long steel tie rods holding
12 up the canopy because it's a very heavy element and a
13 long cantilevered span that would require some ties.
14 It looks like Lon Chaney was having a movie there that
15 night which is interesting, and of course, you see this
16 is pretty. This was built in 1925. You see the Model-
17 T Fords there.

18 We talked about the brick on the front
19 and the side of the building. This is pretty
20 revealing. The construction on this side, which is in
21 other images, you can see the different change in brick
22 in the front to the side so it was very utilitarian
23 brick used on the side. It doesn't appear that they
24 were locked together or spliced together, which is
25 probably the reason why this facade is pulling away on

1 both sides from the side facades.

2 The materials that we will use, "Exterior
3 materials used in new construction should be compatible
4 with historic and appropriate materials of neighboring
5 buildings or the district as a whole."

6 So the building that we are proposing has
7 a reddish-tone brick that matches a lot of the red-
8 toned bricks in Downtown Madison of the same module as
9 well. Additionally, it has a light-colored brushed
10 brick at the fourth floor and that same buff-colored,
11 fourth-floor brick is, virtually, the same color as the
12 post office next door and the train station across the
13 street so it matches. The building has brick that
14 matches both parts of Madison, the darker reddish-tone
15 brick as well as the lighter-tone brick. The lighter-
16 tone brick, in this sense, we are using also makes the
17 building feel a little bit lighter as the lighter color
18 at the very top floor. Other materials that we are
19 using are metal and glass but the predominant
20 materials, obviously, in this building are going to be
21 brick and, I guess, glass.

22 Building elements: "The various
23 individual elements of the building, roof, windows,
24 doors, porches, trim and cornice, should be carefully
25 integrated into the overall design of new construction.

1 These elements should complement those of neighboring
2 structures. Window and door proportion, size, design
3 and how they are spaced between openings should be
4 compatible with historic treatments of windows and
5 doors in this district."

6 Roofs and cornices, so there's a few of
7 these. Let's talk about roofs and cornices. "Roofs
8 are an important part of identifying a building's
9 historic character. Most of the structures built as
10 commercial buildings in Madison since the last quarter
11 of the 19th Century have flat or low-pitched roofs
12 hidden behind parapets and cornices."

13 These are images of several buildings in
14 Madison. You can see they tend to be buildings that
15 have the monument, the piece in the center of them
16 identifying maybe the name and age of the building.
17 Sometimes they are sort of gently patterned with little
18 ridges and bumps. Hard to explain what they are,
19 actually. Sometimes they are just a flat roof with an
20 ornate cornice, and then the existing movie theater
21 building today and our building, that is a bit little
22 reflective of some of these in total but we like to
23 think it has undulation in and of itself which is what
24 the ordinance is actually asking for.

25 Windows and doors: "Proportionate

1 openings within the display: The relationship of the
2 width of windows to the height of windows and the
3 building shall be visually compatible with the
4 buildings and places to which it is visually related."

5 That's an important part because our
6 building on Lincoln Place is only visually related to
7 those buildings on Lincoln Place except for one other
8 which I'll show you. Most of the buildings in Madison
9 are not -- you can't see the relation to this building
10 anyway, but if you look around, again, downtown, you
11 see windows of certain sizes. This is almost 24 square
12 feet. This is 30 square feet. The next building is --

13 So now, there are buildings that are --
14 the windows themselves are mulled together. They are
15 individual windows but they are mulled together without
16 brick piers between them so you have some windows that
17 might be 60 square feet of window, right? This one is
18 even larger still. This is about 78 or 80 square feet
19 probably. The Ratti Building, is -- again, this is
20 just wood between the windows. This is about 84 square
21 feet for this window size.

22 So the British Home Emporium, the reason
23 why we bring up this, though it's not in the district,
24 it turns out there's only one building that you could
25 look at the back of 14 Lincoln Place and, at the same

1 time, look at one building on Main Street. It happens
2 to be the British Home Emporium so you can be on the
3 right side of it and look this way. On your left side,
4 you can capture the two buildings so we thought that
5 was an important image to understand, so besides having
6 the A-B-A rhythm, this window is 36 square feet and
7 this is 135 square feet for the size of this, sort of,
8 triple window together.

9 This is right on Lincoln Place now, so
10 now, we are looking at, again, a group of windows all
11 mulled together. This is about 45 square feet for that
12 cluster of windows, and then, the next building is the
13 train station across the street. 50 square feet for a
14 window, and then, right next door, the post office is
15 about 30 square feet for the window.

16 So when we look at our windows in the
17 revised building -- because we have been here before --
18 we have some windows that are 25 square feet. This
19 window is, let's say, 35 square feet so by no means are
20 our windows larger than other windows, and if they are,
21 they are larger than some of the very small windows but
22 the majority of windows in the Downtown Madison
23 Historic buildings are this size and larger.

24 Rhythm of facade openings: So this is
25 important because these buildings, which are commercial

1 buildings, I believe, they really do show how these
2 windows go from column to column, column to column.
3 They are uninterrupted except there are windows mulled
4 together with wood in the middle. They are not --
5 there are no brick piers between them and there's a
6 reason why I'm saying that so this is also true with
7 the Ratti Building, the same situation, 14 feet of
8 clear window from left to right, and then, the YMCA
9 building, there are very tall windows, 20 feet high, or
10 the Chase Bank, 17 and a half feet high.

11 So when you look at our building, and
12 now, we are looking at it one by one, here's 55 Main
13 Street. Again, this building, we see what some of the
14 designers did was, they took the windows and decided to
15 put brick piers between the windows so they are not
16 mulled together. There's actually a piece of --
17 there's probably some 8-inch brick between each of the
18 windows and we see that commonplace on the James
19 Building. They do it two ways. Sometimes they just
20 mull windows together with just a piece of wood in the
21 center and sometimes they put brick in the middle of
22 the windows, and again, British Home Emporium, they do
23 that with a slim piece of brick between the windows.

24 So when we looked at our building, we
25 liked that system and we are using the same system of

1 having, basically, thin rows of brick separating the
2 windows themselves also, so again, we are just
3 following a pattern that we saw very common in Downtown
4 Madison.

5 The reason why we are showing this is
6 that we have been here a couple of times before and I
7 wanted to make sure that you knew that we, A, paid
8 attention to what you discussed with us, that we
9 listened and went back to the drawing board and made
10 changes to accommodate those concerns that you had.

11 So this was the original building and I
12 won't dwell on that but it was thought to be too open,
13 in general, so from that design, we began to make some
14 changes. One is that the windows got considerably
15 smaller, so the windows, instead of being a piece of
16 metal between the windows, we now begin to have brick
17 piers between the windows. Windows are no longer 8
18 feet tall, but now, they are 6 feet tall on the left
19 and right side and 6 feet 10 in the center. The
20 windows are narrower from 4 foot 6 and 5 feet 5 in
21 width and now 4 foot 3 and 4 foot 9 in width. We
22 reduced the size of all the windows in the facade of
23 the building.

24 As I mentioned, we added the brick piers.
25 We also added the brick columns as well. The brick

1 columns, as you can see, before, they were 2 feet wide.
2 They now became 4 feet 8 feet wide so we more than
3 doubled the columns themselves.

4 There are brick spandrels, so where we
5 had metal spandrels before, we now turned them into
6 brick spandrels, and the stone sills, we had metal
7 sills underneath all the windows that now became stone
8 sills beneath all the windows. That was some of the
9 things we talked about at that first meeting.

10 The other thing we did is we really made
11 the more drastic change of creating this A-B-A rhythm
12 which we talked about before and, at the same time,
13 dividing up these three elements. The canopy got
14 divided so it's three different canopies now and the
15 fourth story also got divided and has -- the two
16 shoulders are set back from the middle piece, the
17 center of the building, as well. Then, we developed a
18 new decorative cornice over the plaque that we are
19 keeping from the original building.

20 We then did some further designs. This
21 was submitted in February so some of the smaller things
22 that we did, at that point, were from that presentation
23 but we looked at the corners. There was a concern that
24 the corners were too much steel and not enough brick so
25 we replaced the steel with brick and heavied-up the

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1 corners.
2 We added a granite base on the bottom of
3 the building. We are not sure if it's granite or a
4 cast stone. We are trying to get the color. We are
5 not there yet with that so we have a stone base, and
6 then, the brick colors. There was a concern that maybe
7 there's too much color splotchiness on the original
8 brick so we changed that. You will see it on the
9 rendering. It's not changed on this drawing as much as
10 the rendering that the brick now has less color
11 variation and more continuity to it.
12 The other thing we did was that we went
13 and changed the mullion pattern on the bay windows as
14 well as the center windows. Before it was a three-
15 over-four module, and now, it's a three-over-five
16 module. The same is true on the bay windows as well,
17 and then, we also thinned out the center pier on the
18 building to give it a little more softness throughout
19 the face of the building as well.
20 The Madison ordinance states "It is not
21 the intent of this ordinance to discourage contemporary
22 architectural expression or to encourage construction
23 which emulates existing buildings of historic or
24 architectural style but rather to preserve the
25 integrity and authenticity of the Historic Preservation

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1 nice, comfortable plush seating that we are all so
2 accustomed to these days.
3 The second floor, the third floor didn't
4 change much. That's the residential units that we
5 spoke about.
6 The fourth floor has an additional
7 recreational appurtenance with terraces on the front
8 and back.
9 The roof plan, we have an amenity space
10 on the roof for the tenants.
11 And this is the finished rendering for
12 the front of the building. I think it shows the color
13 of the brick that we talked about how we were changing
14 it so it was less mottled, both on the red brick as
15 well as the lighter-toned brick.
16 And let's see another view. The back of
17 the building, this shows the revised entrance on the
18 side of the building rather than behind the building.
19 The back of the building looks fairly similar to the
20 front of the building as well.
21 The western side is the entrance to the
22 residences where it says "14 Lincoln Place." If you
23 head all the way back, you would see a large sign for
24 the Lion's Theater in the back of the building covered
25 by a canopy the whole way.

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1 Districts and to ensure the compatibility of the new
2 structures therein."
3 Okay. So design modifications on the
4 plans, the original basement of the building on the
5 parking level, we thought we would be able to get an
6 easement with our neighbor to the north that we thought
7 we would be able to enter through the back of the
8 building which would make it a little more graceful to
9 come in and have parking on either side. Unable to get
10 that easement from our neighbor, we have to turn to
11 come into this side so we changed entrance to the
12 lowest level. You still maintain 24 cars. We had to
13 change some of where the elevators and the stairs are a
14 little bit so it reflected the upper level, and on the
15 upper level, the theater lobby moved around a little
16 bit, but now, we are thinking that --
17 I'm sorry. This is the older plan. But
18 because of the changed plans of the stairs and
19 elevators, we now have a slightly different
20 configuration of the potential theater. We have the
21 concessions on the left side when you walk in and a
22 ramp on the right side to come in for handicap access
23 coming in to what would be the center of the theater.
24 You can go up or go down at that point in the theater
25 and that would be a 91-seat theater in there with the

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1 We thought this was a terrific slide to
2 end on because I think it shows this building how it,
3 we believe, contextually fits into what would be an
4 addition to Downtown Madison. I think we recognize
5 that, every time you see something new, there's a bit
6 of a shock so your first reaction is "Oh my God. I
7 wish I had the old movie theater here" for reasons I'm
8 not sure about, except that, if you can get a movie
9 theater in this building and you then can improve the
10 energy of Downtown Madison by creating a larger-scaled
11 building to have more tenants upstairs so that they can
12 service the town themselves, create a transit village
13 building that we are trying to create, a world that has
14 less carbon footprint. We want to bring people to live
15 in the downtowns so they can hop onto the train and
16 walk to Stop & Shop go to the drugstore. They don't
17 have to hop in their car to buy a dozen apples but they
18 can live in town.
19 I think this building gives the
20 opportunity for people at all different incomes. It's
21 a rental building to be able to do that to provide
22 energy for the -- have more retail stores and a movie
23 theater and it complies with the downtown ordinance
24 regulations for the historic district as well as blend
25 in in scale and size and materials with the other

1 neighboring buildings. 116
2 Thank you.
3 CO-CHAIRWOMAN FOSTER: Okay. Thank you.
4 I guess we should start with questions
5 from the Commission and then from Mr. Hatch, who is our
6 preservation expert.
7 I may start because I've got the mic in
8 my hot little hand.
9 We walked through this before and I
10 appreciate your close analysis of a lot of buildings.
11 I appreciate the movement you made in other
12 designs. Why, though, when I look at the renderings,
13 does this still look like a Chelsea loft or factory
14 building to me? That does not resonate with Madison's
15 very non-industrial history. What am I missing in the
16 design tweaking that gives me that impression?
17 MR. GERTLER: Let's look at this building
18 further down the street, which is 6 Lincoln Place.
19 That would be your typical-looking residential facade,
20 a brick building facade with punch-out windows.
21 There's nothing we find to be interesting in that, and
22 if you were to look at this building from the side
23 view, which you are, you actually now see very little
24 glass and people had talked about there's too much
25 glass but, in fact, the reason why we recessed the

1 stick up for the character of the Madison Historic 118
2 District, which is our job as the Commission. The
3 larger district represents commercial vernacular
4 structures. There is no tradition of industrial
5 buildings. An industrial, loft-like building is
6 currently very popular in SoHo and Chelsea and Hoboken
7 and Brooklyn and I acknowledge that, and if one goes
8 down the train line, one sees -- you mentioned transit
9 village. You see very similar kinds of development
10 that this is a very current architectural trope. I
11 believe it is probably associated with some very
12 successful buildings, but within our historic district,
13 I'm still questioning how that supports, not point by
14 point but the larger goal of a building that respects
15 the history of Madison, so I have to say, I'm
16 struggling with some of the design features about this,
17 and piece by piece, I follow you. The overall facade
18 is a daylight factory building and I'm not sure that's
19 exactly Downtown Madison.
20 So I guess my question is: In the
21 architectural language in spelling things out, are
22 there ways to keep it a contemporary building, to keep
23 it in -- we have no purview on the use so the uses that
24 you wish to do that could -- I think, it's, basically,
25 around the windows still, that the windows read very

1 windows, you now see a lot more brick. You see a lot 117
2 more brick in both the front view and the side view of
3 the brick and, really, much less of the window.
4 Now, if you are saying: Why does it look
5 like this and not another building? Why does it not
6 look like other commercial buildings in the downtown?
7 There's a few ways to answer that. One is that: We
8 are not asked -- there's nothing in the ordinance that
9 says "It shall look like the following building or
10 buildings" or "shall look like" -- "Let's take all the
11 buildings and amalgamate all of them and spit out the
12 average of all the buildings." I think the ordinance
13 actually suggests: Let's try and create something that
14 might be a little bit different, a little bit more
15 character to it.
16 You know, I heard someone say, at one of
17 the meetings, that the building looks like it's maybe
18 from Hoboken or Brooklyn and I thought, well, those are
19 two communities that are about the most successful
20 communities in all of America, so if, God forbid, it
21 was so successful that it's something that wonderful, I
22 would think that Madison would be very happy that it
23 had that kind of success that those communities are.
24 CO-CHAIRWOMAN FOSTER: I'm not here to
25 discuss our happiness or our joy about this but to

1 much as a clump in the middle that look like not a 119
2 building that has a tradition in Madison.
3 So that is sort of a question and a
4 comment and I am struggling with the language to
5 describe what would make this better. I admit, I'm
6 struggling with that but I think, right now, it's --
7 that big grid says it's an urban-industrial setting
8 that is not historic for Madison.
9 So let me let other Commissioners ask
10 questions.
11 MR. GERTLER: Real industrial buildings
12 -- I can't speak for everyone but having spent many
13 years in lower Manhattan living there and working
14 there, they are very often column to column big spans
15 of window. They are not often broken up, necessarily,
16 by the brick piers so we could use the word
17 "industrial" but we might be also using the word
18 "commercial" for this same building type, and as a
19 commercial building, it maybe doesn't look like other
20 commercial buildings in Madison's downtown but it's
21 just another kind of building that could --
22 You know, I think this building almost --
23 or think about design as, like, the alphabet and that
24 is: I can imagine the Romans, a couple of thousand
25 years ago, coming up with all the letters and getting

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1 to L, M, N, O, P, and saying "That's enough. You don't
2 need any more letters anymore. We are good" and
3 someone says, "Well, let's try Q." Well, we can't do
4 that unless we put a U next to it or something. And
5 how about X and Z? They are odd but, you know, they
6 spice up the alphabet, so thankfully, more character
7 was added to the alphabet so that it can enrich our
8 vocabulary.

9 So what I'm asking the Board is: Think
10 about increasing the vocabulary of Downtown Madison.
11 It doesn't have to be the same. I would say that
12 Downtown Madison is probably more tired looking than it
13 is energy looking. I mean, just look at Lincoln Place.
14 What buildings on Lincoln Place provide the energy?
15 Not 6 Lincoln Place, right? Certainly not the one-
16 story buildings. The train station is very nice but
17 there's nothing on the block, so if you look at 6
18 Lincoln Place again and you want to look at a building
19 with punch-out windows and vinyl siding on the sides,
20 but this development group said "Let's make the sides
21 of this building brick." It's an infill building. It
22 could be vinyl siding, in a way, like 6 Lincoln Place
23 is. They chose to look at this building as four sides,
24 not the front side alone, so what we do is try to give
25 it character on all four sides, and yes, it's maybe

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1 Construction and Hollister Construction is not
2 designing the building so I'm not sure --

3 MS. RHODES: But the building, the
4 building. So I guess my question is: Again, looking
5 at the scale and place of this design and whether it is
6 appropriate to Madison's specific cultural heritage so
7 perhaps it is simply a coincidence that this is a
8 popular style of building but I guess my point is: If
9 something architecturally so similar to this building
10 has a place in Brooklyn and has a place Montclair, how
11 can that also speak to our -- I'm not going to say --
12 sleepily, rural community in Madison but definitely not
13 Brooklyn.

14 MR. GERTLER: I think, if you took a look
15 at every building in the downtown district, I'm not
16 sure you could find two buildings that look alike.
17 They are so different. We can go through the deck and
18 I don't know that you want to but you will be hard-
19 pressed to find -- you will find similarities only in
20 the big picture, the window rhythms, sizes of windows,
21 pilasters, columns but the cupcake building looks
22 nothing like the YMCA building. You can go building
23 after building and you won't find one that looks like
24 the next building, and if there's any energy or beauty
25 in Downtown Madison, it's because there's all the

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1 different than some other buildings in Downtown Madison
2 but we thought it has enough character that reflects
3 what is downtown to give it some more depth and breadth
4 than downtown and we are thinking about this going into
5 the future.

6 That's why I said that statement in the
7 beginning. I'm not trying to create a historic
8 replication of anything downtown and I don't think we
9 should. I don't think that any of our architecture
10 that we are doing, in general, goes in that direction.
11 We try to get a little bit outside the box and that's
12 what we are trying to do here.

13 MS. RHODES: So speaking to the design
14 and its place within Madison's cultural heritage, you
15 spoke about all these unique design elements that you
16 specifically reference other buildings within our
17 historic district.

18 What I find interesting is: I went to
19 the Hollister Construction website, and given all of
20 the unique design elements that tie this building in
21 with the Madison Historic District, can you explain how
22 markedly similar, architecturally, this building is to
23 the Vestry project in Montclair and even elements of
24 the Brooklyn Grand?

25 MR. GERTLER: I don't work for Hollister

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1 differences combined. It's like a beautiful quilt all
2 put together in that regard so this would become
3 another element of that quilt.

4 MS. RHODES: I'm not asking that you
5 replicate what's downtown. My point isn't in the
6 dissimilarities between the buildings, but simply, the
7 similarity between this architectural style with other
8 buildings in markedly different communities.

9 MR. GERTLER: I'm sorry. I didn't get
10 the question. In other communities?

11 MS. RHODES: Well, I'm just answering back
12 to you regarding the dissimilarity and styles. My
13 point wasn't to the dissimilarity but the relevance of
14 this design in Madison bearing its similarities to
15 other currently-built projects in Brooklyn and in
16 Montclair and in communities vastly different from
17 Madison and our cultural heritage.

18 MR. GERTLER: I'm not following.

19 MS. RHODES: Well, you argued that this is
20 something unique and special to Madison. We are
21 charged with preserving our cultural heritage given
22 that it would appear to fall into place in Brooklyn.

23 MR. GERTLER: I think it could fall into
24 place any place in America and I think it's not so
25 dissimilar to other things in Madison. I thought that

1 what I showed showed a great deal of similarities.
2 Now, this has some uniqueness above and beyond all the
3 similarities and what I'm suggesting is that, to create
4 some more energy in Downtown Madison, is that we don't
5 make every single element on every new building have to
6 have the exact reflection of what exists in Madison.

7 I think when, they were building all
8 these new buildings 100 years ago, if the first
9 building was, let's say, the James Building, did every
10 building have to be like the James Building? The fact
11 of the matter is: By looking at all the different
12 buildings in Downtown Madison, it was clear that they
13 encouraged great differences because the YMCA doesn't
14 look like the Museum of Natural Trades. You couldn't
15 name two buildings that look alike, so what I'm
16 suggesting is that, yes, this adds to the deeper
17 character of Madison going forward.

18 MS. RHODES: So I guess my point is,
19 simply: The buildings you are referencing are typical
20 of the character of their time and that it was
21 different. This building, again, seems to harken back
22 to an industrial heritage that doesn't exist and I
23 think we kind of covered this subject so thank you.

24 CO-CHAIRWOMAN FOSTER: Anybody else?

25 MR. KELLOGG: So I want to talk to you,

1 Jeff, about one of the criteria in 1127 and that's the
2 rhythm of solids to voids in the front facades. Of
3 course, the conversation is difficult because it's not
4 a prescription but it is asking for compatibility so
5 "The relationship of solids to voids in the front
6 facade of a building shall be visually compatible with
7 the buildings and places to which it is visually
8 related."

9 I think we need to clarify with you that
10 this notion that Lincoln Place is the only point of
11 reference for your work is incorrect --

12 MR. GERTLER: Yes.

13 MR. KELLOGG: -- that the entire district
14 is your reference. The district is an ensemble that
15 holds together as one piece so you need -- and you have
16 done it for us. I mean, you have shown us and taken us
17 through the district and shown us the many examples of
18 how the buildings work and how you are trying to
19 emulate that, at least, with the A-B-A.

20 So on Criteria Number 4, the solid-to-
21 void ratio is not meeting the look and appearance, as
22 Janet has elaborated, of the district. The idea of the
23 warehouse that has column-to-column glass is, really,
24 more of an early 20th Century poured-and-placed
25 concrete structure. Your imagery is more about a 19th

1 Century warehouse type of structure, so you know, you
2 are emulating a historic style. You are not
3 particularly innovating and showing some brand new
4 approach. You are not doing a Frank Gehry in the
5 middle of Madison. Maybe that would be of interest; I
6 don't know but you're -- and even there, you might be
7 able to deal with the void and the solid issue so do
8 you feel you could do more with that relationship
9 between solid and void?

10 MR. GERTLER: So, Chris, I think it's
11 pretty clear that, if you were to look at this
12 building, you would see the glass. The solid to void
13 is a lot more void across that face than our building.
14 You would see the same thing on this building, so to
15 say that we are doing something different, I would say
16 yes. It's not the same as the eighty-fifth percentile
17 of Downtown Madison but are we doing things that have
18 similarities to other buildings in the downtown that
19 all contribute as you said?

20 So what I'm saying, Chris, is that, in
21 different ways, this building is -- I didn't try and
22 make this or we didn't make it into a compilation of
23 "Let's take A and B and C and stick it onto the face of
24 this building," but as the building developed, what we
25 saw was that there are similarities that, as we were

1 developing it, that are similar to buildings downtown
2 so we never felt that we were straying very far from
3 what was, really, characteristically, a lot of elements
4 in Downtown Madison, so if this building has
5 differently been repped than the other building, which
6 I'm hearing, obviously, is that there's a bit more of
7 the vertical striation through the building, which
8 gives it a slightly different character than some other
9 buildings and my answer to that is yes. It's slightly
10 different than the other buildings and so be it. Let
11 there be something a little bit different in Madison.
12 I think it's okay to bring a little difference to
13 Downtown Madison.

14 I mean, we do that, Chris. We don't buy
15 old Model T cars that we saw in the photographs. We
16 don't buy old toasters. We can actually move forward,
17 incrementally pushing us forward to create better
18 retail, better housing, better everything and let this
19 be a little bit of a push forward. That's all I'm
20 suggesting.

21 MR. KELLOGG: Would you say that it's
22 only a little bit of a push forward since,
23 statistically, your building is a late 19th Century
24 warehouse?

25 MR. GERTLER: Chris, I would like to put

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1 in a modern building but it doesn't allow it so I'm
2 trying to create a building that has a character, that
3 could be successful on many levels, right, and then add
4 some more vigor to Downtown Madison. Does it look like
5 a commercial building of 50 or 75 years ago? Yes, it
6 does. The idea of designing anything downtown is that
7 it's supposed to have some reflection of what a
8 downtown and Downtown Madison should look like.

9 MR. KELLOGG: I think, maybe to Janet's
10 point that, if you are going to -- sounds like you
11 agree. You are sort of emulating an older look. Why
12 not emulate an older look that's more in the manner of
13 Madison? So I mean, you and I can both name modern
14 architects who have worked with mass and masonry and
15 stone and carved out the openings for ventilation and
16 entries and windows. Modern design does not
17 necessarily depend on lots of glass and metal to be
18 modern. I mean, there's all kinds of great examples.
19 We could talk about them together at another time
20 but...

21 So why or how was it that you did not
22 consider a more heavily-walled building that you then
23 carve into in a very modern way? I mean, it could be
24 abstract. The openings could be odd shapes. I mean,
25 we would probably argue about that but you know? I

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1 does from the side. It changes in character because of
2 the recessed windows purposely. It also creates a sense
3 of privacy because, now that you can't see in the
4 windows from the side, you really only can be from
5 across the street.

6 MR. KELLOGG: Right.

7 MR. GERTLER: It creates a natural
8 privacy having the recessed windows.

9 MR. KELLOGG: You know, I mean, I do like
10 some of the features of the building and I like the
11 corner windows, especially, that wrap the corners.
12 That could even be seen as a 19th Century element.
13 There's plenty of examples of very delicate, light 19th
14 Century bays and extensions so I just wonder if the
15 front facade couldn't solidify but still hold that
16 modern, sort of, layer behind it sort of creeping in
17 and out of the more solid, traditional Madison, sort
18 of, masonry. I mean, it would be a creative project to
19 attempt that, it seems, and then, you would have -- you
20 would answer -- you would see the both and we'd sort of
21 answer the tradition of Madison and we'd slide this
22 modern element in behind it and through it. It would
23 be a more creative and a more interesting proposal, I
24 think.

25 MR. GERTLER: So if you put ten

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1 mean, this seems to have been kind of a solution you
2 came up with and stuck with it so was there an
3 exploration for that more wall-to-window ratio? Did
4 you think about that?

5 MR. GERTLER: So the traditional building
6 in Downtown Madison that has obvious residential on the
7 upper floors are punch-out window buildings, a lot more
8 solid than you ever want to see and the same way we
9 want to -- in the vein that we want to create the most
10 successful building we can for Madison and not to
11 handcuff ourselves on any level, whether it be
12 residential or commercial, if what we understand today
13 is that people want more openness and more
14 transparency, our goal was to create more openness and
15 more transparency.

16 Now, if we could have a more modern type
17 building with large punch-out windows that would look
18 like the Ratti Building and I think what we would
19 probably get is "Wait a second. You have gone from
20 column to column with window" and the windows could be
21 out at the face of the building so it looks like a
22 punch-out window. That's another style. We were not
23 really looking to create a flat-faced building. We are
24 looking to try to create a building that has more
25 rhythm that looks very different head-on to it as it

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1 architects into one room and you ask them to design a
2 building, you would get over ten designs, correct? So
3 I don't dispute what you are saying. That is another
4 way to approach the design. If we didn't take that
5 approach, we could have taken a third approach or a
6 fourth approach and so on and so forth but we took this
7 approach for the reasons that I stated before. None of
8 the approaches are necessarily 100 percent right or
9 wrong but we thought this was a building that would be
10 fitting for Downtown Madison and take the other
11 approach that is a real interesting play of can you do
12 a punch-out window that has interesting fenestration,
13 interesting surrounds, interesting wood window
14 mullions, interesting everything and I would be sitting
15 in front of this Board and the Board might be saying to
16 me "The windows are too large, and now, they are at the
17 face of the building. They are even more apparent." I
18 would say, "Well, I guess you want to go back to
19 Lincoln Place and do some punch-out windows."

20 I would be in front of this Board
21 defending no matter what I did because what some people
22 want -- I'm not saying you, Chris -- "I want just what
23 I have seen exactly like it. I am unable to have any
24 change in my life" and this is, I think, what some of
25 us are witnessing.

1 MR. KELLOGG: Yeah. Well, I think the 132
2 opportunities for an exciting interaction between
3 history or older forms and newer forms is inherent with
4 this project. You have got an opportunity there. It
5 just seems to me the front facade is not quite pulling
6 it off. The more modern elements can remain. They can
7 slide in and around but it's not quite there yet.
8 I need to also ask you about another
9 element on your building and that is the cornice on the
10 top of the center piece. I mean, if you are not trying
11 to emulate Historic Downtown Madison, what is that
12 thing doing there? It specifically asks that generic
13 historic designs do not be used in the district.
14 "Features such as overhangs, wood shakes, coach
15 lanterns or lumber yard colonial detailing such as
16 ballast rods or pediments are prohibited," hopefully.
17 You have got a faux cornice sticking up
18 on the front of the building there, so now, what are
19 you trying to do? It seems to me that could be -- I
20 would advocate a more modern approach with masonry
21 that's intersected and invaded by a modern system
22 within and around it. It would give us Madison and the
23 modern you are looking for and that I also look for.
24 MR. GERTLER: Well taken. Chris, I have
25 no problem doing this more modern but I designed the

1 I enjoyed the presentation that you made 134
2 last year to us. The heights of the buildings were a
3 good summary. I checked those. I have the same tools
4 you do, Google Earth. I checked the heights. They
5 seemed pretty accurate for the reasonably-proximate
6 tool. I then took those heights and calculated the
7 square footage of the buildings, the footprints and
8 then extruded it up to get a volume analysis. I'm not
9 telling you that what I have done is absolutely
10 correct. What I respectfully request is that you do a
11 volume analysis for us so we can see the size of your
12 building relative to the old theater and the size of
13 your building relative to some of the other downtown
14 structures. By my initial study, it looks to me like
15 your building is 30 percent larger in volume than the
16 theater.
17 MR. GERTLER: But I'm not sure what the
18 criteria for that is.
19 MR. KELLOGG: Well, the criteria is scale
20 of the building so your building becomes one of the
21 largest buildings in the downtown district. I think,
22 for that site, it's particularly difficult. There's
23 parts of the building that are lovely but I'm not sure
24 that the scale of it is correct and that's certainly
25 one of the criteria by which we judge our buildings in

1 building a little more modern than the current building 133
2 and I have caught just as much crap for the side of the
3 building because it's too modern so I'm trying to say
4 to you: It doesn't really matter what an architect
5 will come up and show. You are going to get 20
6 different opinions on it's too modern, it's too
7 reflective of the past, it's too something.
8 MR. KELLOGG: That's why we are here.
9 MR. GERTLER: I understand that but no
10 one can comply with everything, and if we did, it would
11 be let's just give you exactly what you see in Downtown
12 Madison; pretend we are in 1925 again. I don't want to
13 do that.
14 MR. KELLOGG: Yeah. We are not asking
15 for that either. We, clearly, would look for a little
16 more innovative approach to the front of the building.
17 Maybe the sides remain the same.
18 But I want to go on and ask you another
19 question about the building. The Criteria Number 10,
20 the scale of the building. The scale of the building
21 is another criteria we consider so "The size of the
22 building, its mass in relation to open spaces and
23 windows, door, windows, porches and balconies, shall be
24 visually compatible with the buildings and the place in
25 which it is set."

1 the district. 135
2 MR. GERTLER: You do know that zoning
3 allows a 45-foot street wall on Lincoln Place.
4 MR. KELLOGG: Yes. That's fine.
5 MR. GERTLER: So we have, very
6 purposefully, tried to reduce the apparent size of the
7 building by several ways. One is that we removed the
8 fourth floor off the face of the building and recessed
9 it back about 12 feet.
10 MR. KELLOGG: Right.
11 MR. GERTLER: We have recessed the fourth
12 floor on the sides of the building on all, both the
13 long sides, and have done that on the rear of the
14 building. We have taken the corner of the building
15 that you are looking at here and we have taken the
16 apparent width of the building and taken off 2 feet on
17 the right side, 2 feet on the left side and pushed it
18 back 2 feet for the bay windows and given it more light
19 and air.
20 So the building is a big building but we
21 can't be penalized for having a large site. We would
22 -- it would not behoove the Building Department or the
23 Zoning Department to say, you know, "If you have a
24 large site, we are not going to allow you to use the
25 entire site because the building appears to be large."

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1 The zoning allows the building to be larger than this,
2 you understand?

3 MR. KELLOGG: Uh-huh.

4 MR. GERTLER: We have purposely pulled it
5 back to reduce the apparent size of it to make it blend
6 in with other buildings on Lincoln Place and even on
7 Main Street for that matter.

8 MR. KELLOGG: Well, you will need the
9 variance for the fourth floor.

10 So the other question I have to ask you,
11 I checklist the, kind of, urban planning aspects of the
12 district around the subject site so one of the
13 characteristics that I'm sure you are aware of is the
14 pedestrian tunnel that's part of the station complex.
15 It comes right out through the overpass of the train
16 right on axis with the canopy of the old theater. Your
17 building serves as a terminus to that axis but I think
18 it doesn't do quite as good a job as the theater did
19 in, kind of, collecting and representing the
20 termination of the axis through the tunnel. It's a
21 gateway, wouldn't you say, into so do you think there's
22 a way we could move the doors of the retail to the
23 middle to perhaps signify a slight recess and maybe a
24 real canopy that has been advocated by some, including
25 Mr. Hatch, and it would actually cover some of the

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1 Some of my comments you have talked
2 about. Some of the other ones, one of them, in
3 particular, I think relates to this view which has to
4 do with scale and appearance.

5 So one of my concerns, I think --
6 overall, I think you have addressed, and in the
7 previous renderings, the initial concerns I had about
8 the scale of the building and its relation to the
9 street and to the train station, so on this particular
10 view, I think the one thing that still causes me
11 concern is just how large the fourth floor looks in
12 this view. I think it may be a combination of its
13 color, the size of the windows and then, also, just the
14 way the -- you've kind of separated the corner and then
15 dropped the parapet so I just -- I guess asking you to
16 see if there are ways that you could continue to reduce
17 the visual scale of the building by adjusting how you
18 have done that so that the fourth floor doesn't look
19 quite so looming in this particular view because I
20 think it's a big view and it's probably similar the
21 other way that you get that same kind of impression.

22 MR. GERTLER: We can do that pretty
23 easily by raising the parapet on the third floor and
24 that reduces the piercing height of the fourth floor by
25 doing that.

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1 sidewalk and protect people waiting for the train or
2 for people to pick them up so that is an urban, kind
3 of, planning element and it's a very significant
4 element. That's a really special site you have there
5 because of that connection.

6 MR. GERTLER: We can look at that to try
7 to get a little bit more of a focus.

8 MR. KELLOGG: Yeah. I mean, it really
9 links it into the texture of the urban quality of the
10 downtown.

11 The other aspect is the fact that Lincoln
12 Place takes a turn at the corner of the post office and
13 then cranks off on a slightly different angle so that
14 the entire 30 feet of the lower portion of the existing
15 theater is completely visible from Waverly Place so I
16 have noticed that your renderings have never shown us a
17 view from Waverly Place and I would like to see that
18 rendering because I suspect the building will look too
19 large but I'm waiting for the rendering to make that
20 call.

21 Anybody else?
22 (No response)

23 MR. HATCH: First of all, thank you for
24 the presentation. It was actually enlightening and, I
25 thought, very well organized.

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1 MR. HATCH: I hadn't seen the earlier
2 design so I think the changes you made, in general, are
3 an improvement. I must say that I agree with the
4 comments that, although I think you make a very good
5 case about how this relates to the other architecture
6 in Madison, it still has an overall feel of, kind of,
7 an industrial building and I think that's mainly --

8 The concern that I have had is that it
9 just kind of feels industrial and I think that's the
10 part that maybe causes me the most concern. .

11 I have a lot of sympathy of what you are
12 saying as you put a few architects in the room and
13 everybody has an opinion and you could do it in a
14 million different ways. That's the -- the feel of it
15 just feels kind of industrial and that is what seems
16 out of character to Madison to me.

17 And part of it is also, on this view, is
18 -- and again, I appreciate how the changes that you
19 made from the earlier design to this because I think
20 they are greatly improved and fit more in the
21 character, but still, the bay windows, somehow about
22 how it completely peels the front facade from the side
23 feels, both, industrial but maybe also just, like,
24 super, super modern so I'm just wondering if that --
25 and maybe that would get resolved if the parapet

1 continued around the side and helped to reduce the 140
2 scale of the fourth floor. Okay?
3 MR. GERTLER: If you have gone to the
4 building, maybe out there on the roof of the second
5 floor, it's remarkable to see the view east and west
6 down Lincoln Place. You got to crawl through a hatch
7 to get to the roof but it's a very interesting view,
8 one I never experienced, and this bay window, the
9 people are going to appreciate this very interesting
10 view. I would like to take advantage of it.
11 MR. HATCH: And I agree. I think it's a
12 really nice picture for the units and maybe it can be
13 tweaked so it doesn't feel quite so large and such a
14 dramatic separation between the front facades and the
15 sides.
16 I also really appreciate what you said
17 about that the building has four sides because that's
18 really true. The movie theater is really a front
19 facade and kind of a box, a very utilitarian box
20 attached to it so I appreciate what you said about
21 that.
22 In terms of the storefronts, I also
23 really appreciate seeing all of the full range of the
24 downtown storefronts. These still feel larger and
25 maybe it's that they are less detailed or something so

1 center of the center and how it aligns with the tunnel. 142
2 I think that's an excellent point.
3 I think one of the nice aspects of this,
4 and I think Mr. Kellogg was also talking about this, if
5 I understood his comment, one of the nice aspects about
6 this is it having entries to the building and then to
7 the movie theater along the side of the building
8 between the building and the post office provides a
9 really nice opportunity for, kind of, a small-scale but
10 civic kind of a space so I hope that, as you get into
11 the design, there's some more landscaping or maybe it's
12 low stone walls and things like that that make that a
13 really interesting space to be and that people can --
14 that are going to both the front retail and to the
15 movie theater can kind of use that and that it's a
16 really nice civic space.
17 Mr. Kellogg, what did you say about the
18 side entry? I'm not sure if I understood about an
19 angle or a...
20 MR. GERTLER: Having side entries to the
21 retail.
22 MR. KELLOGG: Correct. Yeah. The retail
23 shops are open at the very corner, so by moving the
24 entries to the center maybe with a little retail
25 recess, you could provide a simulation maybe of the old

1 maybe there's some adjustments that you can make to 141
2 them that just makes them feel not quite so large and
3 maybe quite so blank.
4 MR. GERTLER: I was able to look at the
5 front of the building, and actually, there's a horizon
6 line at about 24, 30 inches off grade, and a lot of
7 older buildings, they would put in a knee wall that
8 paint would decay and they would repaint it they would
9 refinish it. At that point in time, there used to be
10 radiators on the either side of that. There was
11 reasons why there was always a solid wall with the base
12 of retail buildings. More current retail buildings
13 choose to have a very small base, 2 inches, 4 inches,
14 because you want to see in more. If you have a
15 restaurant, you get to see the chairs. The people
16 become more -- the separation in and out is much easier
17 to break down so it's a much more desirable retailers'
18 environment so --
19 MR. HATCH: Maybe it could be a mullion
20 or a muntin or something that refers to it just to add
21 some more detail.
22 MR. GERTLER: We do have that. That
23 could be beefed-up and we could express that more.
24 MR. HATCH: I also thought Mr. Kellogg
25 made a very good point about just emphasizing the

1 theater's canopied entryway. 143
2 I think, to your point in your report, we
3 also are concerned that the awning or the canopy is not
4 providing any protection for anything. It's just a
5 sign board, so the if the awning had an actual cover,
6 just like that wonderful picture you found with the
7 awnings hanging out, it could even be fabric because
8 that's a tradition that we saw in your photos so it
9 could be a fabric system, I suppose, but something that
10 provides that real protection along the street.
11 Another question I need to ask you about
12 is the solar-gain issues that may occur on the south
13 windows along the front of the building. It came up, I
14 think, from one of the Planning Board members last
15 year. How are you going to maintain the privacy and
16 solar gain on those windows? Aren't they going to be
17 curtained 24/7? So that's another potential issue and
18 I know there's answers to that but what do you think
19 might happen?
20 MR. GERTLER: Well, the windows are going
21 to be the low windows, number one. Number two is that,
22 because they are recessed away from the face of the
23 facade, it creates its own shadows both as the sun
24 rotates from east to western sky and over the southern
25 sky. The deep recess provides more shade, as you know,

1 so a window that's a punch-out window has sun on it as
2 soon as the sun touches the face of the building, not
3 so with this building because there is going to be a
4 strong shadow line created by the depth of the windows,
5 and like other people, they will put shades in case
6 it's too hot.

7 MR. KELLOGG: Yeah. Of course. It seems
8 a shame to have all that glass and then have to keep it
9 covered, because what you are talking about, the kind
10 of controls that you would need for solar-gain control
11 would be much deeper than your building is showing or
12 that any of the buildings -- I mean, some of the
13 buildings downtown have deep recesses for the windows
14 but they are not enough to control the sun of that
15 quantity. Your windows are very tall so the gain will
16 be there, but you know, I'm sure you will work out the
17 glass and all the solutions but it's an issue, I think.

18 CO-CHAIRWOMAN FOSTER: It's 11:00.
19 Everyone is fading. I'm very sorry to interrupt this
20 conversation. I will say, in regular HPC proceedings
21 where we are not quite so judicial, this is the fun
22 part, the challenge part. It is not appropriate to
23 design by Committee. It is appropriate to continue to
24 have this back-and-forth dialogue between the
25 Commission charged with preserving character-defining

1 plans so I would prefer we talk tonight. I don't know
2 how long it would take Mr. Gertler to come up with
3 revisions. I would be very hopeful we could announce a
4 new date for the continuation of the case so that we
5 don't have to get concerned with notice requirements.
6 Do you want to confirm with your client
7 and your architect as to when you think you would be
8 ready for another hearing?

9 MR. WOLFSON: Yeah. I just want to make
10 sure they are free to talk to each other and exchange
11 information.

12 MR. LOUGHLIN: I made my point on the
13 record, Mr. Wolfson. I don't want to give any
14 appearance that Mr. Hatch has presented this design in
15 cooperation, in conjunction or an endorsed design to be
16 presented to the Commission. I don't think that is
17 appropriate.

18 MR. WOLFSON: That wasn't our intention,
19 sir.

20 MR. LOUGHLIN: Okay. I just wanted to
21 stress that point. Thank you.

22 (Recess taken)

23 MR. LOUGHLIN: We do not allow for bad
24 manners or yelling. We believe in politeness. Please,
25 let's not have outbursts. Thank you.

1 elements in the district and the architect for the
2 project so I appreciate you putting the time in to talk
3 to us. We are listening to you. You are listening to
4 us, and now, I think it's up to the attorneys to talk
5 about what happens next.

6 MR. WOLFSON: If I may, to your point, we
7 have a suggestion and that would be, if it's acceptable
8 to the Commission, if you have Mr. Hatch confer with
9 Mr. Gertler and, hopefully, he can be a conduit for the
10 comments from the Commission and they can work together
11 to try to continue to evolve the design, as my client
12 thinks they have been doing, to get closer to address
13 some of the comments we have heard.

14 MR. LOUGHLIN: I would only have the
15 concern that it's routine to exchange basic information
16 but I'm a little concerned about Mr. Hatch doing the
17 design. I don't think that's appropriate.

18 MR. WOLFSON: Well, he's made suggestions
19 for changes to the design in his memo and we have
20 considered them closely and we are going to consider
21 them.

22 MR. LOUGHLIN: I understand but I think
23 it's more appropriate that comments were made and any
24 need for exchanging information as opposed to Mr. Hatch
25 reviewing the design before it's presented and revised

1 MEMBER OF THE PUBLIC: Then answer the
2 question, please.

3 MEMBER OF THE PUBLIC: The public has a
4 right to hear this.

5 MR. LOUGHLIN: Let's not have private
6 discussions. It's not appropriate. Thank you.

7 MR. WOLFSON: We can -- we are going to
8 make some changes based on what we think we heard and
9 we can have those in within 20 days and then, if you
10 want, 10 days, which is typical, to review them. That
11 would take us a month out.

12 CO-CHAIRWOMAN FOSTER: Our next regular
13 meeting would be April the 9th.

14 MR. LOUGHLIN: Mr. Hatch, can you check
15 the calendar? Thank you.

16 MR. WOLFSON: The 9th is fine.

17 MR. LOUGHLIN: The case will then be
18 continued to the 9th of April.

19 We need an extension from you, Mr.
20 Wolfson.

21 MR. WOLFSON: Sure. We would extend
22 through that meeting.

23 MR. LOUGHLIN: Thank you.

24 CO-CHAIRWOMAN LENAHAN: We will continue
25 this meeting on April 9th and it, hopefully, will be in

1 the Borough Hall, but again, we would start there.
 2 MR. LOUGHLIN: Same location as this
 3 evening to have the commencement of the meeting. There
 4 will be no further notice given of the continuation of
 5 this case, April 9th at 7:30.
 6 Thank you, all.
 7 MR. WOLFSON: Thanks very much. We
 8 appreciate your time.
 9 (The hearing concluded at 11:06 p.m.)
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CERTIFICATE

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 5 I, ALISON GULINO, a Certified Court Reporter,
 6 Registered Professional Reporter and Notary Public of
 7 the State of New Jersey, do hereby state that the
 8 foregoing is a true and accurate verbatim transcript of
 9 my stenographic notes of the within proceedings, to the
 10 best of my ability.
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 19 ALISON GULINO, CCR, RPR
 20 NOTARY PUBLIC No. 2415679
 21 LICENSE No. 30X100235500
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