

BOROUGH OF MADISON
HISTORIC PRESERVATION COMMISSION

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

Monday, May 6, 2019
Madison Borough Hall
50 Kings Road
Madison, New Jersey
Commencing at 7:30 p.m.

BOARD MEMBERS PRESENT:

JANET FOSTER, Co-Chairwoman
MARY ELLEN LENAHAN, Co-Chairwoman
CARMINE TOTO
JOHN SOLU (arrived when noted)
CHRISTON KELLOGG
KAREN JEISI
DAVID LUBER, Alternate #1
JILL RHODES, Alternate #2

ALSO PRESENT:

JOHN HATCH, Architect
LAURIE HAGERICH, Recording Secretary

MICHELE QUICK
CERTIFIED COURT REPORTER

QUICK COURT REPORTING, LLC
47 BRIAN ROAD
WEST CALDWELL, NEW JERSEY 07006
(973) 618-0872
office@quickreporters.com

1 A P P E A R A N C E S:

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3 JONATHAN TESTA, ESQ.
4 Counsel for the Board

5 DAY PITNEY, LLP
6 One Jefferson Road
7 Parsippany, New Jersey 07054
8 By: PETER J. WOLFSON, ESQ.
9 Counsel for the Applicant

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1 CO-CHAIRWOMAN LENAHAAN: Okay, we're
2 going to begin. In compliance with the Open Public
3 Meetings Act, adequate notice of the meeting as
4 provided by transmitting a copy to the Madison Eagle
5 and the Morris County Daily Record, posting a copy
6 on the bulletin board in the main entrance of
7 Borough Hall and filing a copy in the Office of the
8 Clerk, all on April 15, 2019 and on RoseNet April
9 29.

10 Okay, so we have the Open Pub Meetings
11 Act.

12 MR. TESTA: Good evening, everyone, my
13 name is --

14 CO-CHAIRWOMAN FOSTER: Do we need
15 Laurie to take --

16 LENAHAAN: Laurie?

17 CO-CHAIRWOMAN FOSTER: -- attendance
18 first?

19 MR. TESTA: Oh, yes. Yes.

20 MS. HAGERICH: Okay, I will take a
21 roll call, an oral roll call, of those in
22 attendance.

23 Janet Foster?

24 CO-CHAIRWOMAN FOSTER: Here.

25 MS. HAGERICH: Mary Ellen Lenahan?

1 I N D E X

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2	<u>APPLICANT'S WITNESSES:</u>	<u>PAGE</u>
3	JEFFREY GERTLER	13

6 EXHIBITS MARKED INTO EVIDENCE

8	<u>NUMBER</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
9		(NONE MARKED)	

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1 CO-CHAIRWOMAN LENAHAAN: Here.

2 MS. HAGERICH: Carmine Toto?

3 MR. TOTO: Here.

4 MS. HAGERICH: Jill Rhodes?

5 MS. RHODES: Here.

6 MS. HAGERICH: Chris Kellogg?

7 MR. KELLOGG: Here.

8 MS. HAGERICH: Karen Jeisi?

9 MS. JEISI: Here.

10 MS. HAGERICH: And I believe John For

11 [sic] -- oh, David Luber.

12 MR. LUBER: Here.

13 MS. HAGERICH: And John Forte?

14 CO-CHAIRWOMAN LENAHAAN: John's not
15 coming.

16 CO-CHAIRWOMAN FOSTER: He's absent.

17 MS. HAGERICH: Okay.

18 CO-CHAIRWOMAN FOSTER: I have heard
19 that John Solu is absent but I don't see him here,

20 but we do have a quorum --

21 MS. HAGERICH: Yes, we do.

22 CO-CHAIRWOMAN FOSTER: -- so we will
23 proceed and if he joins us later, we'll catch him
24 up. Okay?

25 Now, our meeting is open and I present

1 our new attorney, John Testa.
 2 MR. TESTA: Good evening, everyone,
 3 it's Jonathan Testa. For those of you who have
 4 already been to this meeting once or twice before, I
 5 look a lot different than Mr., uh, Mr. Loughlin. So
 6 I apologize that he's no longer here with us, I am
 7 now going to be stepping into his capacity as the
 8 Commission's attorney. Before we begin, I just want
 9 to advise you of a couple of the, uh, the protocols
 10 and responsibilities of all of us for this meeting.

11 This meeting of the Historic
 12 Preservation Commission for the Borough of Madison
 13 is a special meeting concerning an application filed
 14 by Saxon Real Estate concerning the property located
 15 at 14 Lincoln Street, Block 2702, Lot 24, in the
 16 Borough. This meeting is a continuation of the
 17 prior hearings held before this Commission on the
 18 application first -- which was first conducted on
 19 March 12, 2019 and continued on April 9, 2019. The
 20 procedural rules for the orderly of operation of
 21 this meeting were previously discussed by Mr.
 22 Loughlin during the prior hearing. At this time,
 23 I'd like to just remind you of those rules once
 24 more.

25 First of all, I want to stress to you

1 that the Commission's authority is set forth in the
 2 Municipal Land Use Law and in connection with the
 3 Borough's ordinances. Pursuant to Code 112-6A of
 4 the Borough's code, a Certificate of Historic Review
 5 is required to be issued by the Commission before
 6 any permit is issued or before work can commence for
 7 activities such as demolition, additions to a new --
 8 additions or new construction or a change in
 9 exterior appearance of a building. Upon conclusion
 10 of the hearings in this matter, the Commission will
 11 make a decision on the application, which may
 12 contain advice and recommendations from the
 13 applicant in regards to the appropriateness of the
 14 proposed action and may also include mandatory
 15 conditions in accordance with the applicable
 16 ordinances.

17 Second, the burden is on the applicant
 18 to show that the demolition will be appropriate and
 19 that the design or construction of any proposed new
 20 construction of the structure is appropriate and in
 21 accordance with whatever requirement the Commission
 22 would have for conditions that would apply for
 23 adaptive reuse of portions of the building or for
 24 design elements to be incorporated.

25 Third, the ordinance provides the

1 criterion requirements that apply to an application
 2 of this site. The criteria is set forth at length
 3 at the Code 112-7 through 112-8, as well as 112-4B,
 4 of the Borough's ordinances, and as well as the
 5 Secretary of Interior standards for rehabilitation
 6 of historic buildings.

7 The applicant has already presented
 8 certain expert testimony of witnesses. The Board
 9 has retained consultants on the issue of structural
 10 integrity and restored features and characteristics
 11 of the property that the Commission may require, uh,
 12 may require to be followed by the applicant.

13 For purposes of today's hearing, the
 14 applicant will again make an opening statement,
 15 through counsel, to provide context. From there,
 16 the applicant will continue with the presentation of
 17 his expert witnesses, after which -- after the
 18 expert testifies and have concluded their testimony,
 19 there will be an opportunity for questions by the
 20 Commission members and the consultants, followed by
 21 questions by the public.

22 I want to stress to you that, out of
 23 courtesy and respect for each other, the applicant
 24 and the members of the Commission, we ask that when
 25 it's your time to ask a question, you state your

1 name and your address. Whenever you ask a question,
 2 please do not talk over the person who's going to be
 3 answering the question or other people. Also, allow
 4 the witness to complete that question before you
 5 continue onward.

6 We'd ask that your questions be limited
 7 to three minutes, as was the prior requirements that
 8 we'd ask for from you, and that your questions not
 9 be repetitive.

10 No comments will be made during the
 11 questioning period; however, the hope is that,
 12 today, at the end of this, uh, this meeting, that
 13 the public will be able to provide comments at that
 14 point in time. However, we'd like to stress to you
 15 that, again, the questioning period is not time for
 16 public comment. Rather, at the end of today's
 17 meeting, you'll have the opportunity to make those
 18 comments. During the comment portion, again, we ask
 19 that you abide by the same rules for the question
 20 period, which is one person speaks at a time, give
 21 respect to everyone else, let them finish their
 22 comments before someone else comes up. And again,
 23 it will be limited to three minutes per person,
 24 okay?

25 The hearing has an absolute close

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1 tonight of 11 p.m. Testimony, if necessary, will
 2 only be continued after 10:30, if it's appropriate.
 3 We've already scheduled the follow-up
 4 hearing for May 28 at 7:30 p.m. at the same
 5 location. At that time, Save Madison Theater's
 6 attorney, Ms. Donato, will have the opportunity to
 7 cross-examine the applicant's witnesses on behalf of
 8 Madison Theater members and will be able to present
 9 its own expert witnesses at that time.
 10 Thank you.
 11 CO-CHAIRWOMAN FOSTER: Thank you, Mr.
 12 Testa.
 13 CO-CHAIRWOMAN LENAHAN: Mr. Wolfson?
 14 MR. WOLFSON: Thank you, Madam
 15 Chairwomen and Commission members and Commission
 16 professionals. Peter Wolfson of Day Pitney here for
 17 the continuation of this matter and we thank you all
 18 for your continuing interest and stamina in dealing
 19 with your review.
 20 You'll recall that we have, at the
 21 prior two sessions, provided testimony relative to
 22 the original design of the proposed building as well
 23 as the structural, uh, the compromised structural
 24 nature of the existing building in connection with
 25 the demolition, so we've completed all that. With

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1 me tonight is the project architect, Jeff Gertler,
 2 who had, at the very beginning of the process,
 3 testified on the very original design. That design
 4 has undergone a number of modifications which
 5 reflected input that we've received from the
 6 Commission and its professionals. Jeff, tonight, is
 7 going to provide his discussion on the revisions
 8 that were submitted to you early April but were not
 9 testified to at that time and then is going to
 10 further provide proposals for further revisions
 11 based upon Mr. Hatch's comments in his memo of the
 12 29th of April.
 13 So that's the intended process tonight.
 14 My understanding, in discussions with your attorney,
 15 Mr. Testa, included in that discussion was the Save
 16 the Theater attorney, Ms. Donato, would be that Mr.
 17 Gertler would stand for cross-examination for the
 18 public tonight and that cross-examination would be
 19 closed except for Ms. Donato, who is away on an
 20 extended vacation tonight and is thus not here
 21 tonight.
 22 So before we get to that, I'd just like
 23 to take a couple minutes to place on the record the
 24 history of the matter from a process stance and also
 25 to set forth, just for the record, the lengths to

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1 which the applicant has gone to accommodate this
 2 process as well as the public's interest in it.
 3 You'll recall, because many of you were
 4 here, at the request of the Borough, we held, a long
 5 time ago, two informal sessions, one of which also
 6 included the Planning Board and both of which also
 7 included this Commission. January 15 of 2019, the
 8 site plan application was submitted to the Planning
 9 Board and, pursuant to your ordinance, was referred
 10 over to the Commission. The Commission promptly
 11 scheduled a first discussion for February 12, 2019
 12 and that, as you'll recall, was cancelled due to bad
 13 weather. We did get started, as Mr. Testa
 14 indicated, with the first session on March 12 and
 15 testimony was presented.
 16 Sometime before April 8, so nearly
 17 three months after our original application and two
 18 months after the original hearing date, we became
 19 aware that Save Madison Theater, Inc. had retained
 20 Ms. Donato and we received some -- copies of some
 21 correspondence from Ms. Donato to Mr. Loughlin. At
 22 that time, she had asked for an additional hearing
 23 beyond the April 9 hearing and Ms. Donato did not
 24 attend the April 9 hearing.
 25 There was an April 12 letter then from

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1 Ms. Donato to Mr. Loughlin indicating that she would
 2 be out of the country from the 6th through the 24th
 3 and then there were two letters from Ms. Donato, one
 4 to the Commission and one to Mr. Loughlin, asking
 5 for an extension into June to accommodate her
 6 vacation and to allow her time to present witnesses.
 7 On April 25, we convened, with Mr.
 8 Testa's good offices, a conference call with Ms.
 9 Donato in which we offered a special meeting for the
 10 week of April 29 to May 3 instead of tonight's date,
 11 prior to Mr. Donato's vacation. She declined that
 12 offer and we proposed one further meeting on May 28,
 13 as Mr. Testa indicated earlier, in addition to the
 14 meeting tonight, at which time it's anticipated that
 15 the objector's attorney will cross-examine Mr.
 16 Gertler and put on any witnesses that they may want.
 17 So, as I indicated earlier, this plan
 18 has undergone significant revisions, and without
 19 further adieu, I'm going to ask Jeff to lead you
 20 through the ones that were dated April 4 and were
 21 submitted some time ago, as well as some additional
 22 tweaks based upon Mr. Hatch's latest memorandum.
 23 MR. GERTLER: Thank you, Peter.
 24 Good evening and thank you for your
 25 time again this evening, Commissioners, and also to

1 the Madison public, thank you very much for
2 attending and certainly participating in this
3 important application.

4 I thought maybe I would stand up and
5 point to the things that we've changed as a
6 reflection of the request that HPC -- did this go
7 off for a second? Oh, here it is, sorry. -- that
8 HPC had talked about as well as Mr. Hatch has
9 pointed to also.

10 So let's start with the first image,
11 which is of the building, sort of in the third
12 design on 3/12. So this was the building that the
13 main issues that we talked about, and there will be
14 this image and the front facade image, but let's --
15 I'm sorry, Shao-Chen, let's stay with this one just
16 for a second. So the things that we talked about
17 was the size of the bay windows on the side, we
18 talked about the height of the parapet, we talked
19 about the verticality of the second and third floor
20 and largely because of the -- am I in your way? I'm
21 sorry.

22 VOICE: That's all right.

23 MR. GERTLER: -- of the verticality
24 because of the recesses that the windows are back
25 from the piers and columns of the building.

1 And then on the front facade, you could
2 see a little different things. On the front facade,
3 we talked about the size of the windows, the
4 fenestration and grills of the windows, we talked
5 about the canopy in front, we talked about the base
6 along the bottom of the front entrance, we talked
7 about the middle part of the building, that it maybe
8 should take more reflection and response from the
9 train station across the street from it.

10 So we looked at all those issues in
11 detail. Firstly, we looked at the windows. You
12 could see that the original design had the larger
13 windows and -- three, six -- there are 15 lights in
14 the middle bay in the building, and on the left and
15 right sides, there were eight lights. There was a
16 question about whether those created an industrial
17 look, so we revisited that, and on our next
18 go-around, which you'll see, this is the one that
19 you saw on 3/12, so what we did to change it was
20 that we did a few things, you know, one is that we
21 enlarged the width of the piers, which diminished
22 the width of the windows. We -- you could see the
23 size of the brick spandrel below the windows.
24 That's been -- I'm sorry, I apologize. We increased
25 that height of the spandrel so that you can see that

1 height, the amount of more brick on the face, and
2 the window has now -- has been increased
3 considerably. We replaced the metal heads on top
4 from metal to limestone as well, again, a less
5 industrial look to it. And lastly, the windows were
6 recessed 12 inches from the face of the piers.
7 That's been diminished to four inches, so that
8 really diminishes the verticality, you don't see the
9 shadows quite nearly as much going forward.

10 The next thing that we talked about was
11 the side of the building. The side of the building
12 had the large bay windows and there were actually
13 three windows in the bay window and there was a
14 question about the height of the lintel -- I mean of
15 the parapet along the top, so in our revised design,
16 you could see the three windows on the left-hand
17 side. We've now diminished them to two, and we've
18 changed the grills as well, less grills on both of
19 these windows and on -- throughout the entire
20 building but you could see the changes from eight
21 lights to six lights. And then the parapet on the
22 left side has grown about 16 inches, so therefore,
23 the windows up top were diminished by 16 inches as
24 well, which was another comment.

25 This just shows the bay windows in a

1 little bit more graphic detail where, again, you see
2 the three windows before with the grill pattern and
3 now you see there are two windows with a more open
4 grill pattern, and you can see more easily the
5 parapet on the right side has grown another 16
6 inches, covering more of the fourth floor.

7 Next slide. Lastly, we talked about
8 the front entrance to the building, and what was
9 thought was at the canopy and the storefront didn't
10 address the train station across the street from it,
11 so what we did -- next slide. You can see this is
12 the existing storefront design, and what we did was
13 we took the middle canopy, which was a 12-inch piece
14 of steel, and actually, with all the three canopies
15 in front of each of the buildings, we introduced a
16 piece of wood inside of it, so now there's basically
17 about three quarters of an inch steel and the rest
18 of it is wood inside of it. The middle canopy, we
19 increased from 12 inches to 18 inches and then we
20 recessed -- between this pier and this pier, we
21 recessed the entire entrance back two feet and
22 placed the doors to the retail stores from their far
23 right-hand side and far left-hand side to the center
24 of the building so it better addresses the train
25 station. As you're walking down the stairs, you see

18

1 this as a centering to the entire building right
2 now. We also changed the base, which you'll see in
3 another slide in a little bit more strongly. So
4 I'll wait with the base a little bit. Oh, and also,
5 I'm sorry, and the -- we introduced a canopy along
6 the top also, again, it gave us centering to the
7 entire building with a canopy on top.

8 Mr. Hatch sent along a memorandum based
9 on the 4/29 submission, and on the 4/29 submission
10 -- actually, I won't necessarily read from it but,
11 Mr. Hatch, let me know if there's anything I'm
12 missing, feel free to jump in, okay?

13 MR. HATCH: Sure.

14 MR. WOLFSON: Yeah, just -- just for
15 the record, so the memorandum is updated through
16 additional comments through 4/29 and I think that
17 the highlighted sections begin on Page 12 of 15.

18 I think those are the things you're
19 going to refer to, right, Joe?

20 MR. GERTLER: That's correct. And
21 even though there were many issues brought up, some
22 of them were repeated because in different sections,
23 they had different meanings, but we broke it down to
24 about four issues, largely. If I've missed any, let
25 me know, though, okay?

19

1 The first one -- actually, the first
2 one that you did talk about was the massing of the
3 building and the size of it compared to the existing
4 building, but I'll show a slide later that addresses
5 that a little bit easier.

6 We talked about the change of the color
7 of the window frame as well as a change of the
8 mullion. At this stage in the process, as you
9 appreciate from designing buildings, it's hard to
10 grasp the exact color, but we have a few suggestions
11 and we can share them with you. They range from
12 dark grays to lighter grays to bronze, the typical
13 duranodic bronze. We'll try to match it with a
14 brick, with a stone base, with a variety of things,
15 so the color pallet in total that has a -- sort of a
16 finely sort of drafted combination of everything.
17 It's hard to pick one color and then go back and
18 pick the exact color of brick. You know, right now,
19 we do have the brick, as you've see in our
20 renderings, which is a reddish-tone brick, and we're
21 trying to find the exact matches for the color of
22 the mullions, color of the awning, color of the
23 base, but what you see now, and I can share them
24 with you now if you want to see them, Mr. Hatch, or
25 we could show you later, some actual metal finishes

20

1 that we're looking at, but --

2 MR. HATCH: Are they images or are
3 they --

4 MR. GERTLER: Well, actually metal
5 samples themselves. You know, with --

6 MR. HATCH: I don't know what they --
7 what would you like? Would you like to see their...

8 MR. TESTA: He can circulate to you
9 now, but for the Commissioners, they need to see
10 some context of it as well.

11 MR. GERTLER: I'm sorry, the last
12 thing you said?

13 MR. TESTA: The Commissioners need to
14 see the context --

15 MR. GERTLER: Sure.

16 MR. TESTA: -- of them as well.

17 MR. GERTLER: Okay. Should I pass
18 them now or later?

19 MR. TESTA: You can pass them out now.

20 MR. GERTLER: Okay. If I pass them
21 now, there will be a little bit of maybe lack of
22 attention to what else I'll be saying.

23 MR. TESTA: So these are swatches?

24 MR. GERTLER: Yeah, they are swatches.
25 I'll start with Mr. Hatch. Yeah, they are swatches

21

1 and they're -- as you know with designing buildings,
2 you start with a variety of colors. You can take
3 the paper out from between them.

4 The idea is that, if you look in
5 downtown Madison, you see a variety of colors. You
6 see black, you see dark gray, you see dark-dark
7 green, green-gray, green-blue, you see the rainbow
8 of dark colors, and then you see white. White,
9 we've ruled as a possibility for this building, but
10 we're looking at a dark color, some off gray, dark
11 gray. It's a little bit in transition but I think
12 -- I think those show the direction we're heading
13 in. And the same is true with the canopy. You
14 know, if you look on a website for canopy colors,
15 you'll see some of the most God-awful colors
16 available. If you look downtown in Madison, you'll
17 see, roughly speaking, one-third are black, one-
18 third are green, almost one-third are red. We're
19 trying to find something that's a dark gray to fit
20 in with the colors that we'll select for the window
21 frame as well. So that's the direction we're taking
22 on the canopy as well.

23 So the entrance, you see the entrance
24 has changed quite a bit. The entrance -- let me
25 grab my pointer. So you could see the entrance

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1 before and I say the center of the building changed
 2 quite a bit. The center of the building had just a
 3 flush window system down to the ground and what
 4 we've changed it to is that now we have the entrance
 5 doors in the center of the building, dead center, we
 6 have an enlarged canopy across the face with wood,
 7 and we have a canvas canopy on top of that. We also
 8 have -- because this part of the building is now
 9 recessed two feet, we have the opportunity to
 10 express the center column, doing that with wood as
 11 well in the center point. And now we're showing
 12 along the base of the building a stone base, we're
 13 showing the base not as high as the other one. The
 14 other one was like 30 inches. That was when it was
 15 glass, and I apologize, you had thought it was
 16 "black painted glass," it was meant to be
 17 back painted."
 18 MR. HATCH: Oh.
 19 MR. GERTLER: That's why -- we saw
 20 that pop up in your memorandum, but we're thinking
 21 about stone, about a 16-inch-high base with the
 22 storefront coming down on top of that, which again,
 23 if you walk around downtown Madison, you'll see a
 24 wide variety of storefronts. You'll see some metal
 25 going right down to the glass. I noted about six as

23

1 I was walking around yesterday. There are some that
 2 are stone, some that are brick, some that are wood,
 3 painted wood, some that are just metal panel. So
 4 there's a wide variety. We were trying to select a
 5 base for this building that both would enhance the
 6 building and also be able to provide a place to look
 7 in to see the life and vitality, so we didn't want
 8 to go very high, and not going down to the bottom,
 9 we provide enough base so that it feels like it's a
 10 more substantial open building as a result of that.
 11 MR. WOLFSON: So Jeff, if I might --
 12 MR. GERTLER: Yes.
 13 MR. WOLFSON: -- the expansion of the
 14 range of possible colors, subject to comment from
 15 the Commission, on the mullions and the windows and
 16 the canopy is in response to comments contained in
 17 Mr. Hatch's report, and similarly, the use of stone
 18 in the base area that you just described is
 19 something that he indicated might be a favorable
 20 improvement on the plan?
 21 MR. GERTLER: Entirely, yes.
 22 Next slide. The side of the building,
 23 there was a comment about trying to activate the
 24 side, the entrance to the movie theater, as well as
 25 the entrance to the residences on the left-hand

24

1 side, so we did a few things. One is that we added
 2 wood along the side of the canopy, which we didn't
 3 have before. We added plaques on the side of the
 4 building. So the plaques would be descriptions
 5 probably about what the existing building's history
 6 was about. We added seating out on this side, which
 7 would really straddle between our property, which is
 8 really only five feet between us and the property
 9 line, and then the post office, so we do have to
 10 have permission to put seating out by the post
 11 office, but I think they might like to feel more
 12 engaged with the community as well. We also
 13 provided some seating along the side as well and it
 14 would separate every, let's say, ten feet, it would
 15 separate the post office property from our property
 16 at the same time.
 17 And then lastly, what I didn't point
 18 out before -- if you can go back to the slide
 19 before, Shao-Chen -- on the front, we added these
 20 planters, so at each pier, there's planters that
 21 just stick out about four inches and they would have
 22 some sort of ivy growing up on them and they would
 23 sort of soften the whole building along the whole
 24 face as well as -- now go to the next slide, please
 25 -- along the side as well, we could create some

25

1 greenery on the side of the building as well.
 2 What's nice is that now with people walking by the
 3 side of this building, as you know, now, there's
 4 just dumpsters on the side. This would be a vast
 5 improvement that it becomes really a public space,
 6 that people could come and sit, they could come and
 7 relax on either this seating or the benches, be able
 8 to look inside to the retail spaces, to have some
 9 protection, if they needed to, by the canopy, and
 10 they'd have some plaques to read some memorabilia
 11 from as well.
 12 This is an image of the building as
 13 designed today. It shows the revised front facade
 14 with the recesses, the new canopy, the larger canopy
 15 with the canvas on top, the revised window size.
 16 You could see now, the size of the windows on the
 17 middle building are the same size as the windows of
 18 the two buildings on the right and left. They've
 19 all been reduced in width and these have been
 20 reduced in height considerably. The windows, the
 21 bay windows, have been changed, the parapet has been
 22 changed. We've activated the left-hand side.
 23 (Whereupon Mr. Solu arrived at the meeting.)
 24 MR. GERTLER: You missed the best
 25 part, John.

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1 And we changed the base of the building
 2 as well that we spoke about, the stone base.
 3 I'm not sure if I'm forgetting anything
 4 but those are the large changes.
 5 This shows it from the side, the
 6 changes, particularly the bay windows on the side,
 7 increasing the amount of brick, decreasing the size
 8 of glass, increasing the height of the parapet, and
 9 you can see on the side how now this canvas canopy
 10 on the side creates a centering to the building,
 11 even from the side view, and creates a focal point
 12 looking down that to the west of the building.
 13 Next slide. There was a question about
 14 building height comparison from the existing
 15 building as is today to what we're proposing. And
 16 this was a slide we actually showed a long time ago,
 17 you may or may not remember it, but we're showing
 18 you the existing condition on this, and the existing
 19 condition is that if you were to strike line from
 20 the train station all the ways to British Pine
 21 Emporium, it would appear that the movie theater
 22 presently is just about on that diagonal line. It's
 23 really an imaginary line. I don't think anyone had
 24 thought much about it, but it is -- it is sort of
 25 telling about the heights of the buildings in this

27

1 part of Madison. And if you notice, the height of
 2 the theater is 42 feet 2 inches in the front and 54
 3 feet 2 inches measured from the back.
 4 If you look at our building, what we've
 5 done, the red represents the additional area of the
 6 building, the yellow actually represents a
 7 subtraction of the existing building in mass. Our
 8 building went from 42-2 to 44 feet, so it's a foot
 9 10 inches only. And the back, of course, is the
 10 same foot 10 inches between the back comparison.
 11 If you look at this from the front
 12 view, this is the existing building, of course, and
 13 the red represents the image of the new building on
 14 top of it. If you could imagine the roof of the
 15 theater now, it's a gabled roof so it's angled like
 16 this, the top of the roof, so what we're doing,
 17 basically, is we're taking the roof and making it
 18 horizontal. So if you could imagine the roof behind
 19 this over here, we're basically spreading it
 20 horizontally, we're adding 1 foot 10 inches to it.
 21 So there's relatively very small mass that we're
 22 getting to the entire building.
 23 And if you look at it from the back,
 24 from Main Street, which is also an important view, I
 25 think what's really something to keep in mind is

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1 that the back of the building now is part of Main
 2 Street's view and this is what it looks like. It
 3 also looks this way on the east side and on the west
 4 side, but the back of this building will be just
 5 what the front of the building looks like and the
 6 apparently larger size is also very small in
 7 comparison. Someone asked a question last week from
 8 the audience and the question was would the new
 9 building prevent someone from seeing steeples off in
 10 the distance. The answer is no, there are no
 11 steeples from Main Street that would be in any way
 12 blocking the view from that.
 13 The next slide. There was -- there was
 14 a question about, and it was talked about
 15 considerably, the apparent importance of the
 16 relationship of the train station or, I would say,
 17 the exactness of the train station exit off -- onto
 18 Lincoln Place and where the existing movie theater
 19 is, that there's this thought that there was this
 20 perfection between walking down the stairs and
 21 there's this axis of symmetry between the train
 22 station and the movie theater. So the reality is
 23 that if you look at this -- oh, and there was an
 24 impression that somehow it related to Hartley Dodge.
 25 So what we wanted to do is we wanted to make sure

29

1 there was an understanding that if you were to
 2 strike a center line between the center of the movie
 3 theater -- of the train station and look at it to
 4 the center of the movie theater, you see that you're
 5 -- don't change the slide yet -- that you're not
 6 quite on center, but we'll show you a better image
 7 of this, and relationship of the train station and
 8 Hartley Dodge doesn't exist at all. So it's only in
 9 this direction that there's a relationship, but it's
 10 off by five feet. So if you blow up the image on
 11 the left, this is what the photograph looks like
 12 and, fortunately, there is a railing dead center in
 13 the train station, you can follow it. So if you
 14 follow it precisely and superimpose a line on top of
 15 it, what you get is this five feet off symmetry.
 16 Now, I would ask any designer in this
 17 room, if you wanted to make a relationship that was
 18 so important, you would make it. You wouldn't be
 19 off by five feet. So my contention is that there
 20 was a site across the street from the train station
 21 and they put a building where they thought would be
 22 best located. If they wanted to move it over five
 23 feet and center the building, they would have done
 24 it in 1925, but they didn't; they had a close
 25 relationship.

30

1 So what we've done is that we've --
 2 keep the slide. What this does, it actually
 3 exaggerates the asymmetry, the relationship between
 4 the two buildings. Because there's a center point,
 5 the ticket booth is the center of the building, it
 6 would suggest to you that that is a monumental
 7 important place of symmetry, but what we did in our
 8 design is that the middle of the building, if you
 9 remember, is one longer -- is one long canopy and
 10 it's a long recess, uh, recess for the two retail
 11 stores, so there's -- what we've done is that we've
 12 created a -- we've strengthened the relationship
 13 between the two buildings but not tried to falsely
 14 identify the perfect symmetry between the two
 15 buildings.
 16 Okay. And that concludes the
 17 presentation.
 18 CO-CHAIRWOMAN FOSTER: Okay. Thank
 19 you very much, Jeff.
 20 MR. GERTLER: Thank you.
 21 CO-CHAIRWOMAN FOSTER: Should we start
 22 with questions and comments on your presentation
 23 from our Commission members?
 24 Well, John just got here, so...
 25 Mr. Hatch, well, should we hear your

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1 comments first?
 2 MR. HATCH: Sure.
 3 CO-CHAIRWOMAN FOSTER: What's
 4 protocol, the Commission's questions first or...
 5 CO-CHAIRWOMAN LENAHAN: Either way.
 6 Either way. If you want to divert to him first,
 7 it's fine, and then follow --
 8 CO-CHAIRWOMAN FOSTER: Okay, let's
 9 have you -- since much of this is sort of dialogue
 10 between you and Jeff, not directly but in memo form,
 11 I'll let you respond first.
 12 MR. HATCH: So, first of all, thank
 13 you for, um, for addressing my comments, I
 14 appreciate it, and I think that the design of the
 15 building has come -- come a long way in terms of
 16 addressing some of the scale issues and some of the
 17 detail issues as well. And it was, I think, also
 18 very informative to see the -- the diagram of the
 19 relative sizes.
 20 I'll just say, in terms of the size,
 21 that the apparent size of the existing movie theater
 22 is reduced because of the gabled roof, so -- so that
 23 does certainly impact its size. And I think the
 24 adjustments that you've made have helped to reduce
 25 the apparent size and mass of the building and the

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1 only way to further have an impact on that is to do
 2 something dramatic with the overall design, so I
 3 think you've done a lot with what you've -- with
 4 what you've proposed.
 5 And I don't -- I think that's all I
 6 have to say. If I think of something after all your
 7 comments, I hope I'll have another opportunity, but
 8 right now, that's all -- that's all I have to say.
 9 CO-CHAIRWOMAN FOSTER: Okay, thank
 10 you. Yes, Mary Ellen.
 11 CO-CHAIRWOMAN LENAHAN: Yeah, Jeff, on
 12 this -- the corners, you have the parapet going up
 13 in the front and on the side, then you have that
 14 empty space off the top of that window in the
 15 corner?
 16 MR. GERTLER: Yes.
 17 CO-CHAIRWOMAN LENAHAN: Okay. Does
 18 that have that in all four corners?
 19 MR. GERTLER: It is in all four
 20 corners.
 21 CO-CHAIRWOMAN LENAHAN: Okay. Okay.
 22 The other question I had was, you
 23 talked about the left side and you talked about
 24 there's some kind of, um, like, history or something
 25 there. What were you -- I couldn't see from here --

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1 MR. GERTLER: Sure.
 2 CO-CHAIRWOMAN LENAHAN: -- where you
 3 were doing that.
 4 MR. GERTLER: It's a -- it's a little
 5 hard to see, it's a smaller scale than I would like,
 6 these plaques on the side, so they really could be
 7 anything, you know, the thoughts that we had were
 8 larger, smaller, recessed, in color. Interesting,
 9 if you blew up the photograph that the HPC had on
 10 your website, you could see that what they did on
 11 their columns was that was where they put the movie
 12 advertisements for the next week or the coming week.
 13 So, you know, one could do any number of things to
 14 recall a movie theater of that vintage, what -- what
 15 they did to advertise the upcoming movies, so this
 16 is, I think, just a quick description that something
 17 could happen on this wall and it becomes a
 18 conversation with people who are sitting and walking
 19 by.
 20 MR. WOLFSON: Just to remind, one of
 21 Mr. Hatch's earlier comments in terms of retaining
 22 characteristics and features of the existing
 23 building, one of them was to have an internal
 24 presentation, which would have some photography and
 25 a plaque with some information on the history of the

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1 building. I think this would be a supplement to
 2 that as well and we certainly would work with Mr.
 3 Hatch in terms of appropriate text for both
 4 presentations.
 5 CO-CHAIRWOMAN LENAHAAN: Yeah, I was
 6 going to ask you about that. So you're still
 7 keeping the plans on the inside to use the, um, the
 8 front piece --
 9 MR. WOLFSON: I --
 10 CO-CHAIRWOMAN LENAHAAN: -- the
 11 entryway -- not the entryway.
 12 MR. WOLFSON: We're going to keep the
 13 plaque.
 14 CO-CHAIRWOMAN LENAHAAN: Yes.
 15 MR. WOLFSON: Okay? We're going to
 16 try to retain some aspect of the box office --
 17 CO-CHAIRWOMAN LENAHAAN: Uh-huh.
 18 MR. WOLFSON: -- to the extent that it
 19 survives transportation, and there was a few other
 20 items that Mr. Hatch suggested that we consider,
 21 including chandelier.
 22 CO-CHAIRWOMAN LENAHAAN: The
 23 chandeliers and the marquis. Right? Because I
 24 remember, in an earlier design, you had a type of
 25 marquis.

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1 MR. WOLFSON: So the marquis is not
 2 original and it really not salvageable, so I don't
 3 think that was anticipated.
 4 CO-CHAIRWOMAN LENAHAAN: Okay. But the
 5 salvageable pieces were the, um, chandeliers, the,
 6 um -- I don't know what you call that.
 7 CO-CHAIRWOMAN FOSTER: The theater
 8 plaque.
 9 CO-CHAIRWOMAN LENAHAAN: The plaque.
 10 CO-CHAIRWOMAN FOSTER: Right?
 11 MR. WOLFSON: Yup.
 12 CO-CHAIRWOMAN LENAHAAN: And the --
 13 CO-CHAIRWOMAN FOSTER: Ticket booth.
 14 CO-CHAIRWOMAN LENAHAAN: The ticket
 15 booth. Thank you, Janet.
 16 MR. WOLFSON: Ticket booth, and we're
 17 going to create the historical information utilizing
 18 photography inside and now, tonight, we're also
 19 proposing, pursuant to some input we have received,
 20 to have an additional plaque on the outside in this
 21 public area to create some additional interest.
 22 CO-CHAIRWOMAN LENAHAAN: Okay.
 23 Jeff, in the front, the, uh, the doors
 24 you've put in the middle, are they two and two or
 25 how have you done them?

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1 MR. GERTLER: Well, there would be a
 2 pair of doors for each retail space on left and
 3 right sides of the center of the building.
 4 CO-CHAIRWOMAN LENAHAAN: Okay.
 5 MR. GERTLER: A pair of three-foot
 6 doors each.
 7 CO-CHAIRWOMAN LENAHAAN: Okay. And do
 8 they go up to the -- how high do they go?
 9 MR. GERTLER: Um, this is probably
 10 about a nine-foot mark over here.
 11 CO-CHAIRWOMAN LENAHAAN: Okay.
 12 All right. I'll ask a question anyway.
 13 You know the doors that presently go into the
 14 theater, can you use those there?
 15 MR. GERTLER: Well, we couldn't use
 16 them for egress, they're too narrow --
 17 CO-CHAIRWOMAN LENAHAAN: Okay.
 18 MR. GERTLER: -- so they wouldn't be
 19 legal for egress purposes. Now, if they could be
 20 used on the inside of the movie theater itself --
 21 CO-CHAIRWOMAN LENAHAAN: That's another
 22 --
 23 MR. GERTLER: -- not egress, it might
 24 be more of a decorative thing but...
 25 CO-CHAIRWOMAN LENAHAAN: No. No, okay,

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1 I understand that, but maybe on the inside --
 2 MR. GERTLER: Right.
 3 CO-CHAIRWOMAN LENAHAAN: -- where the
 4 entranceway to the movie theater would be.
 5 MR. WOLFSON: Just also on that score,
 6 there was an agreement that those doors were not
 7 original doors either.
 8 CO-CHAIRWOMAN LENAHAAN: Oh, real --
 9 okay. That, I didn't know. I thought they were
 10 original. Okay.
 11 MR. GERTLER: And I think there's a
 12 good chance that that ticket booth may not be. It's
 13 probably original in shape, but because it's just
 14 inexpensive wood that's been painted, it's unlikely
 15 that it's been -- it lasted for this much time
 16 without it being totally replaced. The wind-driven
 17 snow, the wind-driven rain, it just decays that
 18 wood, it's not something that you'd have forever
 19 there. So it's a pretty unprotected and unforgiving
 20 space there --
 21 CO-CHAIRWOMAN LENAHAAN: Right.
 22 MR. GERTLER: -- so there's a good
 23 chance it's been changed and it's -- it's -- I think
 24 it's no more than just painted plywood today,
 25 actually.

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1 CO-CHAIRWOMAN LENAHAH: If I recall
 2 correctly, in the original -- one of the earlier
 3 plans, you had the room where the theater was and
 4 that little ante room, and I thought those pieces
 5 were in there or some version of those pieces were
 6 in there.

7 MR. GERTLER: Yeah, I think it would
 8 be safer to think that you can re-create that exact
 9 same shape and form and paint it like it is today,
 10 but to try and remove some old wood with old nails
 11 and try and disassemble it, you'd have a better
 12 chance just building a new one.

13 CO-CHAIRWOMAN LENAHAH: Okay. All
 14 right. Thank you.

15 CO-CHAIRWOMAN FOSTER: Okay.

16 MR. KELLOGG: Jeff, would you agree
 17 that our district, as all historic districts -- let
 18 me speak into this thing -- are three-dimensional
 19 interrelated mesh of historic sites?

20 MR. GERTLER: Yes.

21 MR. KELLOGG: As a district, it is
 22 much more than its facades. So would you then agree
 23 that we must consider volume, height and scale to do
 24 justice to the character of our district?

25 MR. GERTLER: Yes.

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1 MR. KELLOGG: So starting on Page 26
 2 of the appendix to our present preservation
 3 ordinance, we are given five criteria to use when
 4 reviewing new construction proposals. One of them
 5 is called "Size and Scale". I'm quoting from the
 6 appendix. "New construction should conform to the
 7 massing, proportions, volume, scale and height of
 8 neighboring buildings." So while you've made
 9 adjustments to the proposed design as to the facade
 10 detail, such as your window-wall ratios and canopies
 11 or awnings, is it correct to conclude that you have
 12 not addressed the issues relating to volume, massing
 13 and height?

14 MR. GERTLER: Not correct, and --

15 MR. KELLOGG: How have you done that?

16 MR. GERTLER: Well, the reason -- I
 17 think you should look at the history of Madison
 18 downtown and I'll just suggest, when I was on the
 19 Planning Board for many years, there was a
 20 suggestion, a strong suggestion, that the height of
 21 buildings in the preservation district be 60 feet
 22 high, and it was moving along in that direction, and
 23 I personally had my own architecture office, built
 24 models, showing what a 45-foot-high building would
 25 look like, to reduce that apparent suggestion of 60

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1 feet, and it was agreed upon by multiple planners,
 2 Planning Board, Town Council, that -- because we
 3 looked at other communities, not just New Jersey but
 4 New Hampshire, Vermont, all over, and we thought
 5 that 45 feet was an appropriate building height for
 6 a downtown because 45 feet would mean about a 15-
 7 foot first-floor retail space and three successive
 8 floors of 10 feet of residential space and we
 9 thought collectively that that was an appropriate
 10 height for a downtown. So that's where the 45 feet
 11 came from. It wasn't made up a long time ago, it
 12 was made up about 12 years ago or 15 years ago, is
 13 when we --

14 MR. KELLOGG: 2008.

15 MR. GERTLER: -- created that
 16 ordinance.

17 MR. KELLOGG: 2008 is when it was
 18 turned into an ordinance. It also -- it also then
 19 made the ordinance -- it spoke to the issue of
 20 stories and made it three stories.

21 MR. GERTLER: That, I think is a typo,
 22 honestly.

23 MR. KELLOGG: Typo?

24 MR. GERTLER: I'm just telling you
 25 that when I discussed it, it was four stories,

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1 because when you think about a three-story building
 2 45 feet and you have a normal 15-foot retail space
 3 on the ground floor and you're going to say to
 4 someone "You'll have two 15-foot-high-ceiling
 5 residential floors," it's preposterous, so I'm
 6 suggesting to you -- I know it sounds silly -- it's
 7 a typo, but good planning does not suggest 15-foot
 8 residential floors. 10 foot is appropriate. Right?
 9 One foot of construction, nine foot floor-to-ceiling
 10 heights.

11 MR. KELLOGG: Well, there's a lot of
 12 ways to organize the building section, but to call
 13 that a typo seems to be out of keeping with your own
 14 experts. I mean, the engineering and site drawings
 15 show that you require a variance for the number of
 16 stories.

17 MR. GERTLER: So I'll bring to your
 18 attention the new building on Greenwood Avenue, you
 19 know, alongside the Iosas (phonetic) building, which
 20 is a three-story residential brick building whose
 21 height is 45 feet along the street --

22 MR. KELLOGG: Yeah.

23 MR. GERTLER: -- it's three stories,
 24 and it looks awkwardly proportioned because you have
 25 even higher than 15-foot-high ground-floor space and

1 probably 13- to 14-foot-high residential spaces and
2 very high parapets. It's a --

3 MR. KELLOGG: Yeah. Well, there's a
4 lot of ways to design buildings, as you know. That
5 building, for some reason, the first floor is
6 elevated a little higher than you might have
7 expected, which tends to elevate everything.

8 MR. GERTLER: I think I know why they
9 did that. Do you want me to share --

10 MR. KELLOGG: No, I'm sure there's a
11 good reason for it but --

12 MR. GERTLER: No. That's besides the
13 point.

14 MR. KELLOGG: So the Master Plan
15 specifically says that it's three stories and 45
16 feet. I mean, it's right in our Master Plan, I
17 don't think we need to debate that, and your expert
18 has put it down as a needed variance for the fourth
19 floor, so it's a given.

20 MR. GERTLER: So, Chris, I have a
21 question for you then. If the building were 45 feet
22 with three stories, would it change your reaction?

23 MR. KELLOGG: Well, what I'm trying to
24 get at --

25 MR. GERTLER: And by the way, it could

1 be 45 feet right along Lincoln Place --

2 MR. KELLOGG: No, it --

3 MR. GERTLER: -- so we held it back to
4 35 feet.

5 MR. KELLOGG: It can't be 45 feet
6 because of the grade-plane averaging you need to do
7 on a sloped site.

8 MR. GERTLER: Okay. Shall we talk
9 about grade-plane average then?

10 MR. KELLOGG: If you'd wish.

11 MR. GERTLER: Sure, I'd love to.

12 So let's take a look at Lincoln Place,
13 okay? Look at Lincoln Place along Waverly Place at
14 the corner. At the corner, it's flat, right? As
15 you turn the corner, perfectly flat. Do we know
16 what the average grade plane is? Can I explain it
17 then? It says a building, let's say it's 45 feet,
18 would start from an average grade plane. This is a
19 grade plane. But if the plane went down or if the
20 plane went up behind the building, it would change
21 the height that you could build a building. So if
22 it went up roughly ten feet to the back, you'd lose
23 about five feet of the building. Or, I'm sorry,
24 you'd gain five feet of the building. If it went
25 down ten feet, you'd lose five feet of the building.

1 So that sounds -- it makes perfect sense because,
2 again, I was one of the authors of that on the
3 Planning Board, it made perfect sense for
4 residential houses so no house looked awkwardly
5 bigger or smaller than the house next to it, and it
6 was also about putting in driveways underneath
7 houses and puffing up the apparent height of the
8 house.

9 If you look at Waverly Place, it's flat
10 as you turn from Lincoln Place around Waverly. If
11 you go to our property, it goes down about ten feet.
12 So if you were to comply with the average grade
13 plane along Lincoln Place, and I think every urban
14 planner would suggest not to do this, is that every
15 property would have a different height. It would
16 keep on going down and down and down until you got
17 to Prospect, because it goes down in the back and
18 level over on Waverly Place. And if you look across
19 the street by the train station, if you were to
20 develop the buildings across the street if there
21 were a public space, those properties would be
22 higher because the plane goes up; you'd be
23 benefitting by five feet. So what you'd have, you'd
24 have virtually every single building on Lincoln
25 Place a different height because of the property

1 elevation behind it. The idea of what we did with
2 average grade planes had nothing to do with Lincoln
3 Place or downtown, it had everything to do with
4 single-family houses, and the idea of urban planning
5 and 45 feet was that every building should be about
6 45 feet and you would have sort of a march of
7 buildings of all the same height. They could be
8 lower but they can't be higher. But it wasn't a
9 forced gradation down on one side of the block and a
10 gradation up on the other side. That would not be
11 the intention of urban planning, so...

12 MR. KELLOGG: Well, there's -- there's
13 no, uh, no mention of that intention in our
14 ordinance, so --

15 MR. GERTLER: Um-hum.

16 MR. KELLOGG: -- you know... And your
17 expert, the Bowman consultant that you hired to do
18 your site planning, has clearly done grade
19 averaging. They have indicated that your building
20 is 49.33 feet high --

21 MR. WOLFSON: If I might, you know, we
22 apply for a site plan and we look at the ordinance
23 requirements and we apply for a variance.

24 MR. KELLOGG: Correct.

25 MR. WOLFSON: Okay.

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1 MR. KELLOGG: So I'm just saying, you
 2 have not addressed the concerns that have been put
 3 forth by either Mr. Hatch or the Commission in
 4 previous meetings regarding this massing of the
 5 building.
 6 MR. WOLFSON: Jeff, Jeff, your
 7 testimony earlier tonight is that it's a de minimis
 8 increase both in terms of height and mass over the
 9 existing building, correct?
 10 MR. GERTLER: Correct.
 11 MR. WOLFSON: And your earlier
 12 testimony, through a number of slides, doing a
 13 comparison along Lincoln Place, is that it is
 14 consistent with the development there, right?
 15 MR. GERTLER: Correct.
 16 MR. KELLOGG: Nevertheless, the
 17 diagram you showed of the section through the
 18 building is somewhat deceiving because you take the
 19 long cut through the street and through the old
 20 theater at its ridge line, and as Mr. Hatch just
 21 pointed out a moment ago, the gable roof
 22 substantially reduces the volume of the theater. So
 23 your building, and I asked you to check the volume
 24 for me, your building appears to be about 30 percent
 25 larger than the theater building.

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1 MR. GERTLER: Our design was not
 2 trying to replicate the movie theater.
 3 MR. KELLOGG: Of course not.
 4 MR. GERTLER: So the fact that it's
 5 larger didn't suggest to us, as designers or
 6 developers, we're doing something wrong. In fact,
 7 what we do as designers and developers is we look at
 8 what the code is in the municipal -- municipality
 9 that we're working in and we look at the code and we
 10 start with 45 feet. So if you actually use the
 11 average grade plane precisely, the building right on
 12 Lincoln Place could be 40 feet.
 13 MR. KELLOGG: Correct.
 14 MR. GERTLER: Would that be correct?
 15 MR. KELLOGG: Correct.
 16 MR. GERTLER: And how high is -- could
 17 you go back, Shao-Chen? So we could do 40 feet
 18 legally and our building -- we're not showing it
 19 here but our building, at this point, is about 10
 20 feet down, so it's about 34 feet. So we lowered the
 21 legal amount by 6 feet. Frankly, I have no
 22 intention, I have no intention of making it higher
 23 than it needs to be, I'm just trying, in my de -- in
 24 our design, we're trying to create a building that
 25 contextually fits in with downtown Madison, that

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1 conforms to the building across the street to it,
 2 that's down the street from it. We're not trying to
 3 make it conform to the consignment one-story
 4 building next to it or basically the one-and-a-half-
 5 story post office to the left of it. That's not a
 6 relationship that we think is worthwhile.
 7 MR. KELLOGG: Well, okay, my wider
 8 point is that the diagram you show here makes it
 9 look like there's a small little of volume at the
 10 front of the building and a tiny little blip at the
 11 back when, in fact, if you took the section the
 12 other way through the building, we'd see a
 13 substantial increase in volume --
 14 MR. GERTLER: But I showed --
 15 MR. KELLOGG: -- so --
 16 MR. GERTLER: I showed it -- I'm
 17 sorry. I showed a drawing of it head on and showed
 18 the apparent additional size on the right and left
 19 sides. I wasn't hiding that; that was --
 20 MR. KELLOGG: No, that's the section
 21 you --
 22 MR. GERTLER: That was on --
 23 MR. KELLOGG: -- showed through the --
 24 yeah, this one.
 25 MR. GERTLER: I showed that one.

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1 MR. KELLOGG: Yeah.
 2 MR. GERTLER: So I wasn't hiding the
 3 additional -- that was probably the easiest way to
 4 show this, and because you were looking at the
 5 existing building, we thought everyone would grasp
 6 that the quickest.
 7 MR. KELLOGG: Well, this diagram also,
 8 unfortunately, is not showing the true volume of
 9 your structure inasmuch as the second and third
 10 floors of your building are cantilevered 42 inches
 11 beyond the line of the building to each side --
 12 MR. GERTLER: No, no, only on one
 13 side.
 14 MR. KELLOGG: -- and at the top.
 15 MR. GERTLER: Only on one side.
 16 MR. KELLOGG: But your drawing showed
 17 it on both sides, but perhaps I misread that.
 18 MR. GERTLER: I think it's only one,
 19 but you should check the drawing.
 20 MR. WOLFSON: So at this point,
 21 respectfully, I understand Mr. Kellogg's passion for
 22 the various points that he's made throughout this
 23 hearing, but I don't know that the continuing
 24 argument over the exhibits is useful. The exhibits
 25 speak for themselves and they're in the record.

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1 MR. TESTA: It wasn't an argument, it
 2 was a question that he was trying to ask him to
 3 confirm whether or not there's a difference in one
 4 side as opposed to the other side based on the
 5 diagram. So can you confirm that?
 6 MR. GERTLER: Yes, only on the east
 7 side is there a cantilever. On the west side, it's
 8 straight.
 9 CO-CHAIRWOMAN LENAHAN: Jeff, do you
 10 have a picture of that?
 11 MR. GERTLER: Well, the actual
 12 rendering of the front would show it. Maybe the
 13 other -- it's actually hard -- well, you could see,
 14 this is the cantilever, this little piece over here
 15 that comes out 42 inches --
 16 CO-CHAIRWOMAN LENAHAN: Um-hum.
 17 MR. GERTLER: -- and on this side,
 18 it's flush. It's straight. It recesses on the
 19 third, so on the fourth floor, it recesses, again,
 20 trying to reduce the apparent bulk of the building.
 21 We recessed the fourth floor in the front, in the
 22 back, on the left side and on the right side.
 23 MR. KELLOGG: It does show, you know,
 24 extension on each side, but that's -- I --
 25 MR. GERTLER: Okay.

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1 MR. KELLOGG: -- we don't have to get
 2 into the details of that. I could be well mistaken
 3 on that. The building's not that simple to
 4 immediately grasp, but my bigger point is that, as
 5 John Hatch has pointed out, the volume of the
 6 building is substantial and it doesn't conform or
 7 fit well within this part of our historic district,
 8 and since we have -- in our appendix, we are given a
 9 criteria of volume to consider, so let's just talk
 10 about the height for a minute.
 11 MR. GERTLER: But let's go -- you want
 12 to go back to bulk for a moment?
 13 MR. KELLOGG: All right, let's do
 14 bulk.
 15 MR. GERTLER: So the building can, by
 16 ordinance, be 40 feet at the street but it's six
 17 feet lower than that. It could extend five feet
 18 more to the left, and it could extend five or more
 19 feet to the right. It could be a bigger building.
 20 We don't need it to be a bigger building, we're not
 21 trying to make it bigger. We think this fits
 22 comfortably on the site. The movie theater was not
 23 a small building. In fact, if you go back to the
 24 very opening slide, Shao-Chen -- this is
 25 interesting. This is, of course, ghosted, but this

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1 is the movie theater. Do you see another building
 2 in the area this big? I mean, I don't -- I don't
 3 want the people in the audience to think we had a
 4 very small movie theater and now we're putting in a
 5 very large building in its place. You had the
 6 largest building in downtown already there.
 7 MEMBER OF THE PUBLIC: Not true.
 8 MR. GERTLER: We're basically
 9 replacing it with about the same size building.
 10 It's not any wider, it's just a little bit higher on
 11 the sides filling in the gable roofs.
 12 MR. KELLOGG: Well, Jeff, the size --
 13 the size of the building, as Mr. Hatch has pointed
 14 out, are -- one of the -- the way he described the
 15 building in his initial report was the sides and
 16 particularly the rear of the building feel quite
 17 massive because the site drops so dramatically,
 18 exposing more of the exterior walls. That's the
 19 existing building. The top of the parapet walls, as
 20 they run down the site, is about 36 feet. The top
 21 of your parapets are 56 feet, so you've added 20
 22 feet --
 23 MR. GERTLER: I'm sorry, the top of
 24 that -- you mean -- you're talking about the lowest
 25 part of the side of the building?

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1 MR. KELLOGG: Correct, at the back as
 2 you drop down the site.
 3 MR. GERTLER: So could you go to the
 4 other slide of the back of the building. I'm sorry,
 5 the one of the -- showing the front and back with
 6 the dashed lines.
 7 And you're speaking about this
 8 elevation?
 9 MR. KELLOGG: Yeah, so --
 10 MR. GERTLER: Okay.
 11 MR. KELLOGG: So you have your heights
 12 already shown on your diagram, at least you did
 13 originally, so the top of the parapet at the left
 14 corner is about 36, somewhere in that range, 34, 36,
 15 and yours is 57 all the way to the top. So your
 16 bulk --
 17 MR. GERTLER: I'm not sure what you're
 18 referring to.
 19 MR. KELLOGG: You added a considerable
 20 amount of bulk to the original walls, so --
 21 MR. GERTLER: There's no -- we're not
 22 denying we're adding more bulk to the building.
 23 MR. KELLOGG: Yeah.
 24 MR. GERTLER: That's not, I think, a
 25 question and I think I've tried to show that in a

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1 multitude of ways, so the answer is yes, we're
2 adding more bulk to the building, that's correct.
3 CO-CHAIRWOMAN FOSTER: Okay.
4 MR. KELLOGG: Okay, well, I'd like to
5 ask some more questions but let's see if someone
6 else would have a question or two.
7 CO-CHAIRWOMAN FOSTER: Thank you. I
8 know we have a queue waiting in line. Karen, would
9 you like to...
10 MS. JEISI: Yes. I just had a
11 question, Jeff, about the design of the first floor.
12 I was reading in the Tomasetti report under the
13 conclusion, that's Section 5, Pages 6 and 7, it
14 says, "In an historic commercial district, it is
15 crucial to support buildings and enterprises that
16 will thrive and maintain desirable life and activity
17 in a time when many historic commercial districts
18 have vacant and struggling businesses."
19 Now, my question is two-part. One, you
20 have two retail spaces there now and in this very
21 report here, he's saying that that's somewhat
22 difficult in a small town to fill, so I wondered if
23 there was any consideration given to, or could there
24 be, to making the whole first floor a movie theater?
25 In other words, no retail there, you come in and

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1 there either is one large movie theater and two
2 small ones, and you can use the things that are
3 historic in there if you choose to do that and that
4 might be appropriate, but I didn't know if that was
5 ever considered. That's the A part of the question.
6 The B part is: If you were to do that,
7 could you then use, you know, how the land slopes
8 and in the back part there, you now have 24 parking
9 spots underneath the building. Would it be possible
10 then to have the theater slope down and put 24 spots
11 in the back, it's not a lot of cars, for 24 cars and
12 have, like, solar panels back there or something,
13 make it the building a little green. I don't know
14 if any -- if that can be considered at all but I
15 just thought I would ask if that was even considered
16 or thought about. Thank you.
17 MR. GERTLER: Well, the answer, and
18 I'm going to answer for Saxon for a moment, you
19 know, I've done a lot of building renovations, I've
20 actually worked for our favorite, Bowtie Movie
21 Theater, for a major project for them between 44th
22 and 45th Streets at Times Square --
23 MS. JEISI: Um-hum.
24 MR. GERTLER: -- for hundreds of
25 thousands of square feet for them. Right? So,

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1 like, any retail or any owner, if a retailer comes
2 along and wants to take the space, what you do is
3 you build out a white box, it's called, and you
4 advertise, just as Saxon has been advertising, and
5 if a movie theater came along, they would be an
6 eligible contender, but if no -- but you don't
7 necessarily know that you're going to have a coffee
8 shop, a movie theater, a clothing store, any number
9 of things, so we're planning for a white box and
10 whoever wants to take it could basically take it.
11 No one's approached Saxon to take the space -- any
12 of the spaces for movie theaters.
13 MS. JEISI: Okay. But the theater you
14 have designed in the back is smaller so I could see
15 why someone might say that might not be profitable,
16 that's not a --
17 MR. GERTLER: Understood.
18 MS. JEISI: But I just meant, in terms
19 of your rethinking, then what about -- so if you
20 were to do that, let's say someone wanted to take
21 the space for a movie theater, could it be
22 redesigned and do what I said and you could have a
23 sloping theater then, because I think that's one of
24 the concerns that people have had.
25 MR. GERTLER: Sure. We've probably

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1 all been to Roberts Cinema --
2 MS. JEISI: Um-hum.
3 MR. GERTLER: -- over in Chatham,
4 Hickory Square.
5 MS. JEISI: Many times, sure.
6 MR. GERTLER: You've been there?
7 MS. JEISI: Oh, yeah.
8 MR. GERTLER: Yeah.
9 MS. JEISI: A number of times.
10 MR. GERTLER: So have we and we go
11 there quite frequently, actually. They have really
12 great movies there.
13 MS. JEISI: Yes.
14 MR. GERTLER: So the size of screen
15 that we could fit in our theater would be slightly
16 larger than the screen that they have at Hickory
17 Square. So we're showing 91 seats because we're
18 showing comfortable seats. Hickory Square or
19 Roberts Cinema has probably a hundred and something
20 there, but they're pretty small seats, so our -- and
21 that's a very deep theater --
22 MS. JEISI: Right.
23 MR. GERTLER: -- and that's a small
24 screen for a deep theater. So our theater's
25 probably two-thirds as deep with more comfortable

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1 seating. So the answer is we could make it viable,
 2 um --
 3 MS. JEISI: All right. Thank you.
 4 MR. GERTLER: You're welcome.
 5 MS. JEISI: I appreciate your
 6 comments.
 7 CO-CHAIRWOMAN FOSTER: I would like to
 8 back up a little bit and, first of all, say how much
 9 I appreciate and I think the Commission appreciates
 10 you listening so well to our comments and I'm afraid
 11 I made the snarky comment about looking industrial
 12 and you have moved the building well beyond that, it
 13 is clearly contemporary but I think picks up a lot
 14 of cues that are appropriate for insertion in an
 15 historic district, so I just thank you for listening
 16 and acting on that.
 17 If the building met our zoning, if this
 18 increase in height is so de minimus, is it -- why is
 19 it not 18 inches smaller to actually meet the zoning
 20 requirement, in which case we wouldn't necessarily
 21 have this discussion?
 22 MR. GERTLER: Well, you're saying 18
 23 inches, but that just matches the existing movie
 24 theater. Correct? When you say 18 --
 25 CO-CHAIRWOMAN FOSTER: Well, whatever

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1 the -- whatever your height differential that you're
 2 -- the four feet -- that you need the variance for,
 3 the overall height variance of the new building, I
 4 understand needs a variance for height because
 5 you're exceeding the 45 feet that is regulated for
 6 our town.
 7 MR. GERTLER: Right.
 8 CO-CHAIRWOMAN FOSTER: I'm not talking
 9 about number of stories, that's fine, but is it
 10 possible to take a couple of inches out of every
 11 floor and get to -- get to conformity in -- in
 12 height?
 13 MR. GERTLER: No.
 14 CO-CHAIRWOMAN FOSTER: Okay.
 15 MR. GERTLER: But --
 16 CO-CHAIRWOMAN FOSTER: Can I ask --
 17 MR. GERTLER: -- we're not that close
 18 either. I'll tell you why.
 19 CO-CHAIRWOMAN FOSTER: Okay, why?
 20 MR. GERTLER: Because the building
 21 would have to be approximately 40 feet high. If
 22 you're losing that five feet because of the average
 23 grade plane -- I'm just rounding off now.
 24 CO-CHAIRWOMAN FOSTER: Um-hum.
 25 MR. GERTLER: 40 feet. -- and you're

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1 using the average residential height for a building
 2 now, which is 10 feet floor to floor, losing one
 3 foot for floor construction, 9 foot for the
 4 floor-to-ceiling height, so you have three floors at
 5 30 feet, at least 10 feet for a retail entity.
 6 There is no retailer who wants a -- it wouldn't be a
 7 10-foot ceiling, less a foot of construction is 9,
 8 and then everything else you put in there, ducts and
 9 pipes, et cetera, et cetera, if they're left with a
 10 7- to 8-foot ceiling, could you think of any
 11 retailers that would say "I want my business in
 12 Madison"? So you basically render the building not
 13 viable for that purpose. I don't think we want to
 14 do that; we want to activate Lincoln Place.
 15 CO-CHAIRWOMAN FOSTER: So that -- and
 16 does your project work if it were only three stories
 17 --
 18 MR. GERTLER: Well --
 19 CO-CHAIRWOMAN FOSTER: -- instead of
 20 four?
 21 MR. GERTLER: Yeah, I can't speak for
 22 the numbers --
 23 CO-CHAIRWOMAN FOSTER: I -- okay.
 24 MR. GERTLER: -- but what -- what
 25 troubles me, honestly, is that we sit on our boards

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1 for a very long time, we come up rules and
 2 regulations and ordinances and we're saying 45 feet
 3 and now we're coming before you and you're saying
 4 "Let's make it 35 feet, we were just kidding" --
 5 CO-CHAIRWOMAN FOSTER: I didn't say
 6 that.
 7 MR. GERTLER: No, but --
 8 CO-CHAIRWOMAN FOSTER: I'm asking you
 9 a question.
 10 MR. GERTLER: I understand, but
 11 effectively, it's saying "Let's just reduce a floor,
 12 reduce 10 more feet, let's just do the same project,
 13 let's ignore what we spent time developing," and my
 14 contention about the 45 feet was that we spent a
 15 great deal of time understanding what 45 feet felt
 16 like. We, as a collective group, thought that was
 17 fine, and what we're saying tonight, potentially, is
 18 "It's not fine." Even though it's in our ordinance,
 19 45 feet -- if this building didn't have a slope
 20 going down -- let's look at it a different way. So
 21 we're being penalized for a fantastic geometry.
 22 I'll tell you why. If you were to build a building
 23 in downtown Madison today, you would have to provide
 24 parking for the building, correct? So where would
 25 you put all those parking spots? You'd have to put

1 them -- you couldn't dig a driveway all the ways
 2 down, roughly 10 feet, and turn around and park for
 3 20 spots. Not enough space, definitely. So you'd
 4 have to put it on the ground floor. So let's put 20
 5 or 24 spots on the ground floor. Well, that happens
 6 to be the parking garage. So therefore, we're
 7 saying "Let's look at what" -- again, I also did on
 8 -- is that Central Avenue? He's got a four-story
 9 there, and what's the ground floor?
 10 CO-CHAIRWOMAN FOSTER: Parking.
 11 MR. GERTLER: Parking. So why does
 12 that -- why is there parking on the ground floor of
 13 that building? Because of that question, "Can we
 14 put parking anywhere else," and the answer is "Yes,
 15 let's put it underground, and in this particular
 16 site, we have such an amazing, blessed geometry and
 17 topography that we can go down on the right-hand
 18 side, curve around and go underneath the building
 19 and no one sees a car, and our benefit for that, our
 20 reward, is basically being asked "Can you take off a
 21 floor off the top because we have the benefit of
 22 that topography?" When I was on the Planning Board
 23 for years, whenever there was an opportunity to put
 24 parking deftly underneath the building, we all said
 25 that was great, you know, cheers, that was

1 fantastic. Now there's seemingly not the
 2 recognition of the benefit of not seeing one car,
 3 they're all underground.
 4 CO-CHAIRWOMAN FOSTER: I'm aware that
 5 parking is not really the purview of the HPC. We --
 6 we know that's part of the design --
 7 MR. GERTLER: Right.
 8 CO-CHAIRWOMAN FOSTER: -- but I'm
 9 really trying to, in my mind, settle the issue of --
 10 I guess I would describe it as "big shoulders," you
 11 know, it's -- the parapet height is pretty close to
 12 what you're suggesting, it's the filling out of what
 13 is currently void to solid and trying to imagine how
 14 that fills up and integrates or not into our
 15 district, so I appreciate your answering my
 16 questions about what's possible and not possible and
 17 I'm certainly not making a recommendation one way or
 18 the other, I would just be sensitive that that --
 19 the first floor is -- or the front being set back is
 20 -- is great, is stepped down, that's great. My
 21 visual concern, based on our criterion for the HPC,
 22 is is that bulk particularly at the top and
 23 particularly how that impacts a view from Main
 24 Street. As you say, we have a pretty unlovely view
 25 of the back side of the building from Main Street

1 right now. If that is wider and fuller, does that
 2 help, hinder or become a nonentity in viewing of our
 3 district, and I'm still asking questions, other
 4 people are asking -- still trying to get a handle on
 5 that, so thank you for answering questions. I'm
 6 sorry you were upset by that.
 7 MR. GERTLER: I'm not upset at all.
 8 CO-CHAIRWOMAN FOSTER: Are there other
 9 questions from our Board about the project?
 10 CO-CHAIRWOMAN LENAHAN: No, Jeff, I
 11 had a -- can you put a slide up that shows the two
 12 buildings, the current building and the one before
 13 it?
 14 MR. GERTLER: You mean with the dashed
 15 --
 16 CO-CHAIRWOMAN LENAHAN: Yeah.
 17 MR. GERTLER: With the dashed lines?
 18 CO-CHAIRWOMAN LENAHAN: Yeah. No, no,
 19 just the two pictures --
 20 MR. GERTLER: Oh.
 21 CO-CHAIRWOMAN LENAHAN: -- the fronts
 22 of the buildings. I don't know if you have that.
 23 MR. WOLFSON: With your revisions.
 24 MR. GERTLER: Oh, with our revisions,
 25 the one before and after.

1 CO-CHAIRWOMAN FOSTER: Yeah, the old
 2 version and the new version, in other words.
 3 CO-CHAIRWOMAN LENAHAN: Yeah. And it
 4 was very helpful the way you did the slides showing
 5 the old and new pieces, like that; that was very
 6 good.
 7 CO-CHAIRWOMAN FOSTER: That's part of
 8 it.
 9 CO-CHAIRWOMAN LENAHAN: Um-hum.
 10 MR. GERTLER: We didn't -- there was
 11 no one slide that had the existing -- I'm sorry, the
 12 older building and the newer building.
 13 MR. WOLFSON: So run through them.
 14 MR. GERTLER: Okay. Would you like to
 15 see that again, Mary Ellen?
 16 CO-CHAIRWOMAN LENAHAN: Sure. Yeah.
 17 MR. GERTLER: Okay.
 18 So why don't you start from the very
 19 beginning, if you don't mind, Shao-Chen. That would
 20 be helpful.
 21 So we talked about the bay windows --
 22 CO-CHAIRWOMAN LENAHAN: Yes.
 23 MR. GERTLER: -- the parapet, we
 24 talked about the apparent, sort of, verticality of
 25 these piers in between the windows.

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1 CO-CHAIRWOMAN LENAHAN: Um-hum.

2 MR. GERTLER: And then on the front

3 elevation, we talked about diminishing the size of

4 these windows, widening of the piers, the brick

5 piers themselves, we talked about the parapet, the

6 bay windows, we talked about making this cornice

7 along -- I mean this, um, this piece along the front

8 with wood in it and enlargening [sic] this piece --

9 CO-CHAIRWOMAN LENAHAN: Um-hum.

10 MR. GERTLER: -- adding a stone base

11 along the bottom, taking the doors from the side and

12 moving them to the center, we talked about

13 activating the left-hand side --

14 CO-CHAIRWOMAN LENAHAN: Um-hum.

15 MR. GERTLER: -- for more of a plaza,

16 and an awning that we added on top, and so the next

17 slide, I think -- so this sort of goes through each

18 one. Do you want me to go through each one again

19 or...

20 CO-CHAIRWOMAN LENAHAN: No, no. No,

21 no, please, I just --

22 MR. GERTLER: The final version --

23 CO-CHAIRWOMAN LENAHAN: And that's

24 fine. Another comparison would be -- that's the

25 side, right?

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1 MR. GERTLER: That's -- yes, that was

2 -- go back again, I'm sorry, Shao-Chen. Right, that

3 was the original side and that's the new side. I

4 guess keep going.

5 CO-CHAIRWOMAN LENAHAN: Okay.

6 MR. GERTLER: -- until the -- I think

7 -- I think -- go back one. I think that's really

8 one of the largest differences --

9 CO-CHAIRWOMAN LENAHAN: Yes.

10 MR. GERTLER: -- between the two

11 designs, is that -- I think one of the important

12 things of any part, whether it be Main Street or

13 Waverly or Lincoln Place, is that you want people to

14 walk down the street and feel that there's activity,

15 they want to see into a store, there's lights on,

16 they want to go there and, hopefully, the store

17 owner makes a sale that day, so we think that this

18 look right now, particularly with the recessed doors

19 in the center of the building, with added some wood

20 and the canopy and planting, is about as inviting

21 as, really, I've seen in most downtowns or any

22 building, quite frankly.

23 CO-CHAIRWOMAN LENAHAN: Thank you.

24 MS. RHODES: So echoing Janet's

25 concerns about what we're trying to envision in our

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1 minds about how this is going to look and if it's

2 going to be sized appropriately and recognizing that

3 the back of this building is totally open and

4 visible from Main Street, do you have any plans that

5 actually show this from the Main Street so we can

6 actually get a sense of the scaling of the back of

7 the building considering that is the very

8 substantial element that --

9 MR. GERTLER: Yeah.

10 MS. RHODES: -- we're dealing with?

11 MR. GERTLER: Well, I think I could

12 show you, if we go to the -- this front of the

13 building is basically the -- virtually the same

14 except for this parapet --

15 MS. RHODES: Yes.

16 MR. GERTLER: -- at the back.

17 MS. RHODES: So is the fourth story

18 similarly set back or is it flush with the back

19 wall?

20 MR. GERTLER: It's set back also, so

21 there's actually terraces in the back, terraces on

22 the side, and there are also -- you know, talk about

23 the shoulders before addressing that, was that

24 that's why these bay windows on the side of the

25 building, they are further glass, set back, to

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1 diminish the size of the shoulders as well, and

2 we're diminishing the height, the setbacks and the

3 sides themselves with the bay windows. So we've

4 taken a number of sort of architectural devices to

5 diminish the size of the building. And most

6 importantly, we didn't use the entire site either.

7 By code, you could, but there was no -- we didn't do

8 that. So we've already pulled the building in

9 roughly ten feet from where it could be. It could

10 be ten feet wider. I'm not -- don't take this as a

11 threat, it's not like that, it's just that it could

12 be ten feet wider --

13 MS. RHODES: No, I'm just trying to

14 under --

15 MR. GERTLER: -- so it is actually

16 narrow already.

17 MS. RHODES: Okay. Sorry.

18 MR. GERTLER: Yeah.

19 MS. RHODES: Because you actually have

20 applied for a variances with the one saying it's

21 going to have 100 percent of the impervious lot

22 coverage ratio, so I'm just trying to see, is that

23 you would take away the sidewalks if you could have

24 made it bigger? I don't quite see how you could

25 have made it bigger.

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1 MR. GERTLER: Well, so this -- this
 2 five -- this five-foot walk on the left-hand side,
 3 if the building occupied that five feet, then we
 4 would have an access to the residential right here
 5 in the corner. We thought it was a more interesting
 6 way to approach it by going to the back and actually
 7 having an activated side entrance, so we thought
 8 that was a positive thing, and on the right-hand
 9 side, we tried to create as wide a driveway as
 10 possible for two-way traffic. Right now, there's
 11 not two-way traffic, there's only one-way. We've
 12 created two-way traffic there, so... But we try to
 13 take those directions.

14 MS. RHODES: Thank you.

15 CO-CHAIRMAN FOSTER: Okay.

16 MR. KELLOGG: So, Jeff, I had a few
 17 more questions. The issue of the structure, let's
 18 just talk about that for a second.

19 MR. GERTLER: Um-hum.

20 MR. KELLOGG: As you well know as an
 21 architect in New York, you can do much lower floor
 22 to floor --

23 MR. GERTLER: And New Jersey.

24 MR. KELLOGG: And New Jersey,
 25 apparently. You can go much lower floor-to-floor

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1 height when you pour concrete as opposed to steel.
 2 What system have you anticipated for this new
 3 building?

4 MR. GERTLER: You could go to lower
 5 floor heights with many systems. Right? We're not
 6 going to do a concrete building above the first
 7 floor. We'll probably just build a concrete podium
 8 and probably just a metal gauge on top of that --

9 MR. KELLOGG: Um-hum.

10 MR. GERTLER: -- or even wood. It's
 11 -- really, that's what you build with. The
 12 residences above don't need big spans, only the
 13 ground floor --

14 MR. KELLOGG: No.

15 MR. GERTLER: -- needs a large span.

16 MR. KELLOGG: So 15 first floor, 10,
 17 10 and 10 adds up to 45 feet, so... I mean, we have
 18 the 40-foot height limit but, you know, you've been
 19 telling us the 45 feet isn't good enough, you need
 20 to go to 49.

21 MR. GERTLER: Now, what we're saying
 22 is that we're really trying to build a 45-foot
 23 building after the setback beyond the third floor --

24 MR. KELLOGG: Right.

25 MR. GERTLER: -- and that's where it

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1 would reach the full height because at the top of
 2 the third floor, which is how we view Lincoln Place
 3 as, presently, there's only -- I think what's
 4 interesting is that we talked last time about
 5 Lincoln Place and the beauty -- and the beauty of
 6 Lincoln Place, about how all the buildings lay out
 7 and how meaningful it is, so if I could introduce
 8 something for you to take a look at.

9 So I took photographs of Lincoln Place,
 10 I said "Well, let's just make a collage out of it,
 11 the way it really is, the way you see it," so let's
 12 hold that over here for a second.

13 CO-CHAIRWOMAN FOSTER: So --

14 MR. GERTLER: And we'll pass it
 15 around, I promise.

16 MR. TESTA: This is demonstrative at
 17 this point in time. Are you going to be entering
 18 this as an exhibit?

19 MR. GERTLER: I'd love to, yeah. I'd
 20 like to.

21 MR. TESTA: You want to set a
 22 foundation?

23 MR. WOLFSON: Yes, thanks.

24 MR. TESTA: Okay.

25 MR. WOLFSON: So, Jeff, you've

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1 indicated that you took the pictures that are
 2 connected here and composed a panoramic view of
 3 Lincoln, correct?

4 MR. GERTLER: Correct.

5 MR. WOLFSON: And you took these when,
 6 approximately?

7 MR. GERTLER: Two weeks ago.

8 MR. WOLFSON: Okay. So -- I don't
 9 know where we are with the exhibits so why don't we
 10 mark this A-1, today's date -- okay? -- for the
 11 record.

12 MR. GERTLER: So the reason why I did
 13 this was because --

14 MR. TESTA: I have a couple questions
 15 for you, if I can.

16 MR. GERTLER: Yes, sure.

17 MR. TESTA: Did you do any editing --
 18 I know this is a collage of all those photographs.
 19 Did you actually do some editing to the -- to what
 20 the photographs depict, as in the structures?

21 MR. GERTLER: What was done was that,
 22 basically I paced about ten steps -- sorry -- about
 23 ten steps, taking a shot, and then ten steps, taking
 24 a shot, and then through the mastery of Shao-Chen,
 25 he took all those photos, correctly sized and

1 spliced them together. So if that's what you call
 2 "editing," yes, because, obviously, I couldn't take
 3 one panoramic shot, I had them put together, yeah.
 4 And I think what you see from that is that Lincoln
 5 Place is not particularly pretty, it doesn't tell
 6 any story of any consequence, so when we talk about
 7 "What is this going to do to Lincoln Place," my
 8 answer is it's going to enhance it a great deal and
 9 I would welcome a new, vibrant building on the
 10 street that might have both some vibrant retail and
 11 some residential above it, because right now,
 12 Lincoln Place is a pretty tired-looking street.

13 MR. KELLOGG: So, Jeff, you have
 14 indicated that --

15 MR. WOLFSON: Just one minute, please.

16 MR. KELLOGG: Yup.

17 (Pause)

18 MR. KELLOGG: So, Jeff, you've
 19 indicated that the benefit you gain by having
 20 parking below the building, which is an unusual
 21 condition in Madison, shouldn't then penalize you
 22 for adding a fourth floor, but in fact, you're
 23 getting three floors where, in many cases for a
 24 project of this scale and scope, you would only be
 25 able to do two on top of parking. The proposal on

1 98 Main that's currently going through the zoning
 2 process in town is looking for two stories above
 3 parking behind the bank. So I don't think you're
 4 being penalized by folks asking you about the fourth
 5 floor as a possible elimination because you've
 6 gained something by having the sloping site, you and
 7 your owner have specifically gained a substantial
 8 benefit, because now you can have three full floors,
 9 with parking. So now you've said "I've gotta have a
 10 fourth floor as well." So the question I would have
 11 is: Can you not do the fourth floor and save
 12 yourself two of the most difficult variances to get
 13 would be the height and stories?

14 MR. GERTLER: Well, let's be clear
 15 about two things, okay? One is that we're talking
 16 about a 45-foot-tall building. Right? It's not
 17 taller than that because you measure it from the
 18 first habitable floor, it's not from the cellar
 19 floor, we know that.

20 MR. KELLOGG: Right.

21 MR. GERTLER: So it's 45 feet from
 22 Lincoln Place, and we have four floors, one 15 feet
 23 and the other three are 10 feet, and that comes out
 24 to a 45-foot building. The average grade plane
 25 would knock that down approximately 5 feet --

1 MR. KELLOGG: Correct.

2 MR. GERTLER: -- to 40 feet. So at 40
 3 feet, you have this in-between building in terms of
 4 height, which is why, in the ordinance, we made it
 5 45, allowing a four-story building. That's
 6 precisely why it was done. We didn't make it 40
 7 because it didn't -- it doesn't tabulate to a three-
 8 or four-story building, it just doesn't make sense.
 9 We made it 45 specifically because it felt right as
 10 a mass -- massing study and it felt right as a four-
 11 story building.

12 MR. KELLOGG: But now, a flat site,
 13 you could -- I'm sorry. Go ahead and finish.

14 MR. GERTLER: So that was the first
 15 thing.

16 MR. KELLOGG: Okay.

17 MR. GERTLER: The second thing is that
 18 you say we're benefitting and the answer is yes, but
 19 there's somebody else benefitting and that is
 20 Madison. And why is Madison benefitting? You don't
 21 see a car on the street or in a parking lot the way
 22 you see in virtually every other development in
 23 Madison and you gain from that a vitality on the
 24 street, which is needed in downtown Madison and
 25 really needed on Lincoln Place.

1 MR. KELLOGG: So -- but if it was a
 2 flat site, you would be able to build your 45 feet
 3 and sneak in four stories.

4 MR. GERTLER: And that -- you can't --

5 MR. KELLOGG: The ordinance --

6 MR. GERTLER: It would be perfect for
 7 that.

8 MR. KELLOGG: It would be perfect,
 9 yeah. So the ordinance was correct in that sense;
 10 the ordinance did not consider the specific site.

11 MR. GERTLER: So --

12 MR. KELLOGG: And not only that, the
 13 ordinance does say three stories as well. It's not
 14 a typo.

15 MR. GERTLER: So let me ask you a
 16 question. If you're on Lincoln Place, anybody, and
 17 you're -- it's very hard to walk on the south side
 18 of Lincoln Place, but you can walk on the north
 19 side. Would anybody recognize -- because I want to
 20 be practical about this -- anybody walking on the
 21 sidewalk on the north side of Lincoln Place, which
 22 is where 99 percent of the people walk because
 23 that's where the sidewalk is, who recognizes that
 24 there is an elevation drop or rise behind those
 25 buildings? You can't see it. So the -- because you

1 can't see through buildings, obviously. So the
2 point is: If you can't see it, the most important
3 thing is what is the urban context of Lincoln Place,
4 and I submit to you it's as if it's a flat street,
5 and whether it goes up or down in the back, let it
6 be just like Main Street, which everyone perceives
7 to be as flat, and that's why I say if you look
8 across the street, if you had the advantage of a
9 hill on the other side, you would have buildings 50
10 feet high. No one wants 50 feet.

11 MR. KELLOGG: Not, that's why we have
12 a 45-foot limit.

13 MR. GERTLER: That's why we thought --

14 MR. KELLOGG: Right.

15 MR. GERTLER: -- conceptually --

16 MR. KELLOGG: Yup.

17 MR. GERTLER: -- that was the right
18 height.

19 MR. KELLOGG: So -- I mean, we can
20 debate the planning issues back and forth, there's a
21 lot going there.

22 MR. GERTLER: Yeah.

23 MR. KELLOGG: You haven't done a
24 rendering from Main Street down by the diner looking
25 up at your new building, and I think that one of the

1 MR. GERTLER: Um-hum.
2 MR. KELLOGG: So this drawing, which
3 all of us can see and I guess the rest of you
4 cannot, this drawing is in our packet on the third
5 page. So, two comments on this one. It's a little
6 difficult for me to -- to -- to feel like this is
7 giving me a full picture because you can see, if you
8 understand perspective, that we're not on the
9 ground, as most of our renderings are done at street
10 level, and the view from the other side, looking
11 this way, you're at ground level. This is probably
12 ten feet up in the air.

13 MR. GERTLER: It's holding the camera
14 like this, that's right.

15 MR. KELLOGG: Yeah, it's -- it's
16 considerably above, so --

17 MR. GERTLER: Is that from Google, I
18 think? I think that's from Google, that picture.

19 MR. KELLOGG: This has the effect of
20 reducing the overall volume of the building because
21 we're higher.

22 MR. GERTLER: It's negligible.

23 MR. KELLOGG: It's -- it's not really
24 negligible, but I would suggest and I'd like to see
25 this rendering redone from Waverly Place.

1 members asked if that was possible because that
2 would be very interesting to see. But you did add
3 another rendering that I'd like to ask you about
4 right now and that is the rendering from Waverly
5 Place looking down, so if you could pull that one up
6 to the screen, I want to look at the for a second.
7 From Waverly Place looking towards the new design.

8 MR. GERTLER: Did you bring that, that
9 internal one?

10 MR. KELLOGG: It was included in the
11 last submission.

12 MR. GERTLER: Uh-huh.

13 MR. KELLOGG: That rendering was on
14 the third page of the last submission.

15 MR. GERTLER: I think it's the one
16 that -- the one that you did, Shao-Chen, the
17 professional renderings. Do you have -- do you have
18 that?

19 CO-CHAIRWOMAN LENAHAN: Chris, do you
20 have it there? Okay.

21 MR. GERTLER: Right, that's the one
22 that we did internally, uh-huh. Right.

23 MR. KELLOGG: Yeah. Yeah, we asked
24 for this at the last meeting. Thank you for doing
25 it.

1 MR. GERTLER: Well, this is -- this is
2 what the study we had -- this is the study we had
3 done a while ago and that really shows the
4 relationship of 3 Lincoln Place in relation to 14
5 Lincoln Place and it really shows the relationship
6 between the height -- the height of this building
7 and the height of the parapet of our building and
8 how the -- again, if you're walking on Lincoln
9 Place, even though our rendering looks really
10 further away just to show more of the face of the
11 building, but the fact of the matter is you can't --
12 you can't see -- you can only see this from a view
13 from here. If you're walking on Lincoln Place
14 itself, you don't see the fourth floor. I mean,
15 that's the reality of perception.

16 MR. KELLOGG: Well, you see it clearly
17 in the image you gave us and you see it in that one
18 and you would see it further down from Waverly
19 Place, so my point is still about the bulk of the
20 building. It's substantially bigger than the
21 theater, which is a smaller, two-story box that goes
22 back over 30 feet, so --

23 MR. GERTLER: Well, we should show you
24 what the theater looks like within that picture --

25 MR. KELLOGG: Yeah, if you were able

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1 to do that, that would be helpful.

2 MR. GERTLER: Okay.

3 MR. KELLOGG: It would be nice if you

4 could see this down at eye level and further back.

5 MR. WOLFSON: Excuse me, just for

6 context in the record because we're referring to

7 stuff without really being specific, your last

8 references, Jeff, were to a slide which is part of

9 an exhibit that's already in the record and that's

10 slide number 9 and it's entitled "Contextual

11 Comparison 14 Lincoln Place," and then, Mr. Kellogg,

12 I think you're referring to the submission dated

13 4/4/19 and --

14 MR. KELLOGG: What's date on this?

15 MR. WOLFSON: -- I think I have --

16 MR. LUBER: 4/5.

17 MR. KELLOGG: Or 5/19.

18 MR. WOLFSON: Yes.

19 MR. KELLOGG: Correct, that's the one.

20 MR. WOLFSON: And it is a composite

21 picture called "Elevations" and it's issued for HPC

22 Revised.

23 MR. KELLOGG: Right. So, I mean,

24 architects, as I well know, draw renderings to best

25 show our building. In this case, I think that

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1 raising of perspective view to considerably higher

2 than eye view has given the building a lower

3 profile, and then I see that the cupola for the post

4 office conveniently hides the penthouse on the new

5 building. So it's -- it's something -- it's right

6 behind it.

7 MR. GERTLER: Yes.

8 MR. KELLOGG: Yeah. Which why I think

9 we positioned the camera in that particular

10 location. So all I'm saying is I would like this

11 rendering to be done a little bit farther down the

12 street so we truly see the projection of the new

13 building out into Waverly Place.

14 The other rendering I'd like to talk to

15 you about would be the one here, which I believe you

16 do have, the main view that you've been showing us

17 all along, so if you could pull that up for a

18 moment.

19 CO-CHAIRWOMAN FOSTER: That's from

20 today's presentation.

21 MR. KELLOGG: Yes, that's from today's

22 presentation, that's in our packets. Not -- not the

23 one that -- it's the one shows the station to the

24 left with the woman in the --

25 MR. GERTLER: Oh, that was just

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1 cropped a little bit, but it would be better to show

2 the station because the station is higher.

3 MR. KELLOGG: Yes.

4 MR. GERTLER: I'm sorry, the station's

5 actually higher. We even show it in this --

6 MR. KELLOGG: Yes, so let's just take

7 a look at that view.

8 MR. GERTLER: I don't think we have

9 that one.

10 MR. KELLOGG: There it is.

11 MR. GERTLER: Okay, good.

12 MR. KELLOGG: Yeah.

13 MR. GERTLER: Good. Okay.

14 MR. KELLOGG: So in that view, we also

15 see some shifting of elements and I'm just curious

16 for you could speak to the building, the flooring

17 store at the end of the street.

18 MR. GERTLER: Again, I'm sorry?

19 MR. KELLOGG: The flooring store at

20 the end of the street there, the three-story

21 existing building.

22 MR. GERTLER: This one?

23 MR. KELLOGG: Yes.

24 MR. GERTLER: And you're --

25 MR. KELLOGG: The photographs that

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1 I've taken of that from that exact position where

2 this photograph was taken, the building is

3 considerably lower and we've also lost the mansard

4 roof of the other building across Waverly Place.

5 For some reason, that just disappeared, which was

6 right there to be seen by anybody standing in this

7 position, so it makes it look to me like that

8 building at the corner is taller than it actually

9 is.

10 MR. GERTLER: So this was from the

11 photograph and we superimposed our building into the

12 photograph.

13 MR. KELLOGG: Okay, well, something

14 shifted because if I take -- my photograph doesn't

15 have that building that tall.

16 MR. GERTLER: Which building not that

17 tall?

18 MR. KELLOGG: The three-story existing

19 building at the end of Lincoln Place.

20 MR. GERTLER: Um --

21 MR. KELLOGG: So --

22 MR. GERTLER: You could check your

23 photographs, I'm sure it's that tall.

24 CO-CHAIRWOMAN FOSTER: I would suggest

25 that --

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1 MR. KELLOGG: I would like to check
 2 that.
 3 MR. GERTLER: Okay.
 4 CO-CHAIRWOMAN FOSTER: If either --
 5 unless either of you are using actual rectified
 6 photography, it's way too squishy to compare your
 7 photo from his photo.
 8 RM. GERTLER: Yeah.
 9 CO-CHAIRWOMAN FOSTER: It depends on
 10 your camera, you believe --
 11 MR. KELLOGG: Well, no, there's a
 12 height issue.
 13 CO-CHAIRWOMAN FOSTER: -- you're at
 14 the same angle but --
 15 MR. KELLOGG: You could stand there
 16 with your eye and see that the building's too high.
 17 CO-CHAIRWOMAN FOSTER: I would just --
 18 MR. KELLOGG: So I'm just asking the
 19 question, I'd like to see it --
 20 MR. GERTLER: Okay.
 21 MR. KELLOGG: -- checked.
 22 MR. GERTLER: It could be checked. So
 23 we also check it with Google Earth that does
 24 pictures. They're very accurate.
 25 MR. KELLOGG: Okay. Lastly, I just

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1 wanted to check in on color. Your pallet that you
 2 passed around is a very monotonal color and in
 3 general, the Secretary of the Interior and many
 4 other historic preservation offices do not recommend
 5 monotonal color. So we have, mid to late 19th
 6 century, a certain pallet that's kind of particular
 7 throughout the country and then, as you come into
 8 the 20th century, it gets a little lighter, but
 9 generally, there's a blend of color from frame to
 10 sash or door, cornices. I think, in more in keeping
 11 with the downtown character color-wise, your
 12 building is too monotonal and I would ask you if
 13 that was something you would consider, adding a
 14 little color to your design.
 15 MR. GERTLER: Yeah, we'll take a look
 16 at that.
 17 MR. KELLOGG: Okay, thank you.
 18 CO-CHAIRWOMAN FOSTER: Thank you.
 19 Okay, any other questions from the Commission?
 20 (No response)
 21 CO-CHAIRWOMAN FOSTER: I would suggest
 22 a quick recess, a quick break to get our heads
 23 together and whatever else, and when we come back, I
 24 believe we will be able to have questions from the
 25 public for Mr. Gertler and Mr. Hatch. So let's call

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1 it five minutes, seven minutes if we have a line in
 2 the loo. See you soon.
 3 (Recess taken)
 4 CO-CHAIRWOMAN FOSTER: Okay, everybody
 5 present and accounted for again.
 6 I think I cut off questions too soon or
 7 I missed an opportunity for Mr. Hatch to have any
 8 further comments on -- on this report. I'm so
 9 sorry, John, you're just, like, way out there in
 10 left field to me and I'm --
 11 MR. HATCH: You know, I think the
 12 discussion was pretty thorough. I don't have any
 13 other -- any other comments, so...
 14 CO-CHAIRWOMAN FOSTER: Are there any
 15 Commission members who want to ask a question of
 16 John Hatch?
 17 MR. SOLU: Yes. I just wanted to
 18 refer to your report, John. On Page 5 of the report
 19 you submitted on April 29, you, um, you state that
 20 in summary of issues regarding demolition, that the
 21 Historic Preservation Commission is charged with,
 22 quote unquote, "achieving preservation of historic
 23 resources in the designated historic district and
 24 promoting the use of the historic district and
 25 fostering private reinvestment in the historic

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1 district and balancing the purpose of historic
 2 preservation with current needs."
 3 MR. HATCH: Yeah.
 4 MR. SOLU: And that comes from our
 5 ordinance, correct?
 6 MR. HATCH: Right, I -- I put that in
 7 there because that was language in Madison's
 8 ordinance, yup.
 9 MR. SOLU: And in your -- in your
 10 summary, then, you go through in Section -- Section
 11 1 and in Section 2 where you refer to the fact that
 12 the building requires -- if it was to be, in -- in
 13 number 2, for example, "its current and potential
 14 use for the uses permitted by zoning," and you refer
 15 in your final statement in that paragraph, "In fact,
 16 the building requires significant reconfiguration to
 17 make it economically viable, at least for a number
 18 of decades, of several smaller movie theaters.
 19 Apparently, its closure several years ago reflects
 20 additional economic constraints."
 21 MR. HATCH: Yeah, there's a bit of
 22 conjecture in that, but the original configuration
 23 of the building was as a single large movie theater,
 24 I forget when but it was divided into a number of
 25 smaller ones when that was no longer a viable

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1 economic model and then, obviously, it ultimately
 2 closed completely.

3 MR. SOLU: So I guess what I wanted to
 4 make sure that we on the Commission are aware, that
 5 that's part of our charge here, is to make sure,
 6 when the ordinance was first written in Madison, it
 7 made sure that at least one member, a Class C
 8 member, had to be a -- somebody who owned property
 9 in the historic district that would represent those
 10 issues that would be presented to a property owner
 11 who may be faced with economic issues and make sure
 12 that those views are presented and considered as we
 13 deliberate over, you know, the choices we, uh, we
 14 look for and make.

15 So I just wanted to make sure that we,
 16 in our deliberation here, as much we're also looking
 17 at the architectural, the massing, the size, that we
 18 also, you know, keep in mind that that's one of our
 19 charges that our group needs to keep in the
 20 forefront as we go through this discussion. So
 21 thank you, Mr. Hatch.

22 MR. HATCH: Sure.

23 MR. SOLU: In light of Mr. Gertler's
 24 revised design, we wanted to make sure that that's
 25 still -- those statements in the report reflect

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1 those -- those sentiments that were in our
 2 ordinance. Thank you.

3 CO-CHAIRWOMAN FOSTER: Thank you. Now
 4 we can --

5 MR. KELLOGG: I have one question for
 6 John.

7 CO-CHAIRWOMAN FOSTER: Oh, okay. Yup.
 8 Yup, yup, yup.

9 MR. KELLOGG: So, just to get back to
 10 my favorite topic, scale and mass, you presented a
 11 whole page of scale and mass discussion in your
 12 original report and then in your recent revisions,
 13 you spoke to it again, indicating that there have
 14 been some adjustments that mitigated the oversize of
 15 the proposed design, but you said "I don't see any
 16 additional design changes that would impact this
 17 impression of a building at this scale unless the
 18 height of the proposed building were reduced." So,
 19 obviously, you've said these things, just maybe you
 20 can summarize quickly your concern, as you've shown
 21 it two separate times now, with the bulk of the
 22 building.

23 MR. HATCH: So I'm -- I'm really just
 24 pointing out that the new building is larger than,
 25 um, than the current theater. I am -- I am actually

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1 not stating that -- that that's good or bad, I'm
 2 just pointing out that it's -- that that's the case,
 3 and the reason is that, um, that the apparent mass
 4 of the original theater is reduced because it has a
 5 sloped roof, so, um, so -- and the proposed building
 6 has, as you pointed out, has a larger volume because
 7 it doesn't have a sloped roof, it has a -- a flat
 8 roof.

9 MR. KELLOGG: So you don't see a good
 10 or a bad with a building that may be the largest
 11 building in the downtown historic district.

12 MR. HATCH: It is a -- it's a large
 13 building. As I said earlier in the report, there
 14 are other buildings on that street that are large;
 15 the railroad station directly across the street is a
 16 pretty large building as well. They've done a lot
 17 to mitigate the apparent scale, so...

18 MR. KELLOGG: Okay, so you don't --
 19 you're not concerned that this building has
 20 overwhelmed the street, especially in light of the
 21 fact that the street takes a bend and you see even
 22 more of the building as it projects --

23 MR. HATCH: Actually, I would -- the
 24 bend in which direction?
 25 MR. KELLOGG: The post office.

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1 MR. HATCH: I'm sorry.

2 MR. KELLOGG: The street takes a turn
 3 so that, looking down the street from Waverly Place,
 4 you see quite a bit more of the building, both the
 5 post office and the new proposed design, they
 6 project considerably out into your view plane
 7 because the street takes a little kick and you see
 8 those other facades to a much greater degree than if
 9 it was a straight street, so in my mind, it has --

10 MR. HATCH: That certainly impacts
 11 your apparent --

12 MR. KELLOGG: Yeah.

13 MR. HATCH: -- you know --

14 MR. KELLOGG: Yeah.

15 MR. HATCH: -- how you perceive it.

16 MR. KELLOGG: Because right now, we
 17 have -- we have a two-story sort of head house, it
 18 goes back to a taller movie space, but now they're
 19 filling it all the way up so not only is the gable
 20 being filled in but you're filling in the two-story
 21 head house all the way up as well.

22 MR. HATCH: Well, the two-story part,
 23 I mean, has become a three-story part and then it's
 24 set back to the four-story part.

25 MR. KELLOGG: Only set back ten feet.

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1 The existing head house is 30 feet, so...

2 MR. HATCH: It's certainly -- it is

3 certainly is a larger building, absolutely.

4 MR. KELLOGG: Okay, thank you.

5 CO-CHAIRWOMAN FOSTER: Okay. Any

6 other questions for Mr. Hatch?

7 (No response)

8 CO-CHAIRWOMAN FOSTER: Other comments

9 or questions from the Board regarding this design

10 proposal at this point?

11 (No response)

12 CO-CHAIRWOMAN FOSTER: Then I think we

13 should move on in the meeting and invite questions

14 -- questions -- from the public about the design

15 issues that we've discussed this evening. I will

16 have a timer going, you have three minutes, so I

17 would urge you, if there are multiple people asking

18 questions, come up to the podium, sign in so you can

19 use your time wisely, not just signing in and

20 shuffling back and forth, so if there are more

21 people, you can step forward and sign up. But state

22 your name and address for the record, please. Is

23 there a sign-in sheet?

24 MS. GUIDOS: I don't see a sign-in

25 sheet.

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1 CO-CHAIRWOMAN FOSTER: I'm so sorry.

2 Here we go. This is what we -- thank you, John.

3 MS. GUIDOS: I can start, though.

4 CO-CHAIRWOMAN FOSTER: Yes.

5 MS. GUIDOS: My name is Shari,

6 S-H-A-R-I, the last name is Guidos, G-U-I-D-O-S, 21

7 Lathrop Avenue, Madison.

8 I have two questions. One is, we're

9 talking about volume and mass. I think this might

10 be a question for you since you did an analysis on

11 it but --

12 MR. HATCH: Actually, they did an

13 analysis.

14 MS. GUIDOS: Okay.

15 MR. HATCH: But I commented.

16 MS. GUIDOS: Okay. What -- that's a

17 mathematical formula, so what is the mass of the

18 current movie theater and what is the mass of the

19 new structure and what is the percentage of

20 difference?

21 CO-CHAIRWOMAN FOSTER: I think that's

22 for Mr. Gertler to start with, so please...

23 MR. GERTLER: Yeah, I think you're

24 referring to volume and not mass, I presume that --

25 MS. GUIDOS: Fine.

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1 MR. GERTLER: Yeah, I -- I don't know

2 the numbers off the top of my head what the

3 difference in volume is between the two buildings.

4 MS. GUIDOS: Sorry, the difference is?

5 MR. GERTLER: I don't know the

6 difference between the two.

7 MS. GUIDOS: Okay.

8 MR. GERTLER: But that would be a

9 cubic-foot number if that would be -- is that going

10 to be meaningful to you?

11 MS. GUIDOS: I think so because in

12 this discussion, I think we're getting distracted by

13 the height and I think the concern, especially --

14 well, I'll say my concern is how big it is and it's

15 a mathematical formula that we should understand.

16 MR. GERTLER: Well, we could look in

17 -- we could look into what the actual numbers are

18 for cubic volume of the buildings.

19 MS. GUIDOS: Okay. My second question

20 is: If two retailers did take that space as a movie

21 theater, it would never have a sloped floor, it

22 could not accommodate a sloped floor for someone

23 coming in to run a movie theater there. Is that

24 correct?

25 MR. GERTLER: Well, that's correct,

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1 you wouldn't have a sloped floor in a typical retail

2 store.

3 MS. GUIDOS: Okay. Thank you.

4 CO-CHAIRWOMAN FOSTER: Okay, thank

5 you. Thank you.

6 Are there additional questions from the

7 public?

8 MR. MALCOLM: Hi, Jim Malcolm, 24

9 Maple.

10 I was wondering, since we're spending

11 an awful lot of time on the height and you're

12 planning on retail space while there's still retail

13 space open in Madison and more new retail space

14 going on Central Avenue and so on, have you

15 considered four floors of residential? You can get

16 your 10-10-10-10 standard up to 40 feet, still have

17 your underground parking, get your 24 apartments or

18 more, because coincidentally, there's a number of

19 affordable housing units I think Madison is on tap

20 for. Well, has that been considered?

21 MR. GERTLER: It's not been

22 considered. Traditionally, residential on the

23 ground floor is not a desirable use.

24 MR. WOLFSON: It would require a use

25 variance, so --

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1 MR. MALCOLM: It would require what?

2 MR. WOLFSON: A use variance. The

3 requirement for the zone that we're located would

4 not allow residential, by right, on the first floor.

5 MR. MALCOLM: More variances than -- I

6 mean, you're not a stranger to variances.

7 MR. WOLFSON: Well, a use variance is

8 a whole different animal than the minor bulk

9 variance that we seek.

10 MR. MALCOLM: Okay. Thank you.

11 CO-CHAIRWOMAN FOSTER: Okay.

12 Interesting question. Any additional questions?

13 Yes, keep...

14 MS. CAMERON: Yes, my name is Michele

15 Cameron, I'm at 1 Community Place, Madison.

16 My question is, is considering the

17 amount of traffic and so forth on the street, it was

18 mentioned that there's going to be 24 spaces

19 underground parking. Do you think that that's a

20 realistic amount of parking, one spot per unit?

21 CO-CHAIRWOMAN FOSTER: I would just

22 interject and say that is a question for the

23 Planning Board and their parking -- there are rules

24 about parking and parking spaces and so on. The HPC

25 does not have a charge and really not a familiarity

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1 with those calculations. Hold that for when this

2 comes to the Planning Board. It's a good question,

3 but we are not the right Board to answer it, sorry.

4 Thank you, Michele.

5 MR. ABRUZZO: Good evening. Tom

6 Abruzzo, 52 Maple Avenue.

7 Jeff, I want to go back to a comment

8 you made during your presentation. You said you're

9 recessing the fourth floor of the building to reduce

10 the apparent size of the building. I'm interested

11 in, of all the pictures we get, for instance, the

12 one here, everything seems to be ground-floor --

13 seems to be sort of ground-floor-related pictures,

14 so whether it's from the view from Waverly Place

15 looking down Lincoln or from Prospect or whatever,

16 but the true view of this building comes from the

17 gateway to the town, which is the train station, and

18 the view from the platform, people getting off every

19 day. When I get off the train every day commuting

20 in from the City, I walk down the beautiful steps

21 one side or the other, I walk right down, what do

22 you see? You see the movie theater. I'm pretty

23 sure I'm going to be staring right at the fourth

24 floor there. There's not going to be any change to

25 the, uh, the view, we're going to be seeing four

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1 floors. So if you want make it to look like three

2 floors, why don't you just build it to three floors?

3 That would be my first question.

4 MR. GERTLER: And the question is why

5 don't we build it to three floors?

6 MR. ABRUZZO: Yeah.

7 MR. GERTLER: It's not the program of

8 the building. For economic, reasons, we're building

9 a four-story building.

10 MR. ABRUZZO: Okay, can we then get

11 some views or designs of how it's going to look from

12 the train station platform?

13 MR. GERTLER: I believe the view that

14 you've been looking at from across the street is a

15 pretty accurate view of that.

16 MR. ABRUZZO: No, that's ground floor.

17 I don't -- I don't look at that building from the

18 ground floor. When we walk down Lincoln, you look

19 at whatever; I don't look at it from Waverly and go

20 "Oh, look at that beautiful building or movie

21 theater." I look at it -- I look down the street.

22 I see the movie theater from the platform on the

23 train station, which is high and elevated and I'll

24 be staring right at that fourth floor, almost eye to

25 eye.

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1 MR. GERTLER: Actually, because I take

2 the train every day and a good part of the train

3 station shields the view of the movie theater. The

4 -- that head house at the train station is directly

5 across the street, which is why I keep on drawing a

6 section through the train station and the movie

7 theater building and our building, because the

8 heights relate. The train station building is

9 higher than our proposed building. So you actually

10 can't see it directly. You can see in between some

11 columns but it's really not, as you're describing

12 it, in your face, it's not that. I've looked at it

13 as well as you have but I think you need to take

14 another look and I'm happy to also.

15 MR. ABRUZZO: Okay. Well, it's direct

16 from -- when you come down the stairs, it's right

17 there. Before you start coming down the steps, the

18 view right across is right there, and then

19 obviously, if you're walking along, you see it

20 pretty clear, so...

21 My other question -- again, if this is

22 not related fairly to this forum, that's fine, but

23 have you all done any studies about who or -- sort

24 of profiled who's going to be the likely tenants to

25 this building?

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1 (Alarm sounds)

2 MR. ABRUZZO: Because I've seen the

3 floor plans, you've got 24 units, square footage --

4 CO-CHAIRMAN FOSTER: Stop.

5 MR. ABRUZZO: -- most of them, I think

6 less than a thousand feet, um --

7 CO-CHAIRWOMAN FOSTER: Stop.

8 MR. TESTA: That's three minutes.

9 CO-CHAIRWOMAN FOSTER: Sorry.

10 MR. ABRUZZO: Okay.

11 CO-CHAIRWOMAN FOSTER: That is your

12 three minutes, but finish your -- finish your

13 question.

14 MR. ABRUZZO: So I just want to --

15 have there been any studies about who would be the

16 likely tenants?

17 MR. GERTLER: There was testimony by a

18 representative of the applicant early on about the

19 retail market that's likely available.

20 MR. ABRUZZO: Okay. I just don't see

21 commuters wanting to go on a one-hour -- I guess

22 this is a comment I'll keep for another time but --

23 CO-CHAIRWOMAN FOSTER: Thank you, Tom.

24 Thank you. Questions are good.

25 Further questions from the public?

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1 Okay.

2 MS. O'BRIEN: Hi. Dorothy O'Brien, 38

3 Crescent Drive, Madison.

4 This is going back to the question Mr.

5 Kellogg asked Mr. Hatch. Do you have concern -- I'd

6 like to rephrase that question. Do you have

7 concerns about, in a historic district, the -- if --

8 not the train station or the movie theater, I don't

9 know which of the two is larger, of a large historic

10 building in the historic district being replaced

11 with a larger non-historic building, which would be

12 basically the crown -- replacing the crown of what

13 is the historic district?

14 MR. HATCH: In -- in my memo, I talked

15 about that the demolition of a historic building in

16 a historic district is the most drastic thing that

17 you can do. It is, um, it is, by its nature, a

18 drastic encroachment. Now, you know, there are a

19 lot of other parts to the context of that

20 discussion, I mean, this is an empty building and

21 it's been empty for a bit and it's -- it has

22 structural issues and all of that, all of that

23 stuff, but the demolition of a contributing building

24 in a historic district is the most drastic thing

25 that you can do in a historic district, so that's

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1 one whole part of the discussion and to look at

2 that, and there's been lots of testimony about the

3 condition of the building and all of that stuff.

4 The other is, you know, if it does get

5 replaced, what does it get replaced with, and the

6 idea is to have something -- I mean, there are both

7 design considerations and then, as Mr. Solu brought

8 up, there are also economic considerations and so

9 that's kind of what the whole discussion here is.

10 You know, if I -- you know, if I had my

11 druthers about what the building was, I don't -- you

12 know, in a perfect world, I think it wouldn't have a

13 fourth floor but, you know, but this is what's --

14 what's proposed, so that's kind of what we're --

15 what we're looking at.

16 MS. O'BRIEN: Okay.

17 MR. HATCH: Okay?

18 MS. O'BRIEN: My second question is

19 concerning the view of the building from Main

20 Street, which people have described as not being

21 aesthetic. I, on the other hand, have -- it's

22 barely noticeable, really, from Main Street, you

23 have to really be looking across the, you know, the

24 auto lot that's behind the movie theater to even

25 notice the back of the movie theater. Would it be

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1 possible for a, you know, a -- an artist's rendering

2 of what the new building will look like to be

3 submitted, a view of it from -- what the view of it

4 will be from Main Street?

5 MR. GERTLER: Again, I'll repeat what

6 I had said before and that is, the design of the

7 front and back of the building are virtually

8 identical. The program stays the same. So if you

9 look at the view of the back of the present movie

10 theater building, and I think we showed that a

11 little while ago, I think, clearly, that's not

12 something that anyone wants to look at and say

13 that's -- that's the older version, right?

14 MR. WOLFSON: Yeah, but it shows the

15 quality, so what I'm --

16 MR. GERTLER: Sure.

17 MR. WOLFSON: What I'm referring to

18 now is Sheet 107 on the 4/4/2019 revisions, which

19 are in the record and which have been referred to

20 tonight. One of the depictions is entitled, No. 2

21 is entitled "View of Northeast Corner" and that

22 shows a portion of the rear and the quality of

23 finish, so maybe you could show her that.

24 MR. GERTLER: And I wonder, do we have

25 a picture taken from Nautilus, by chance?

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1 MR. WOLFSON: Show her.
2 (Mr. Gertler hands document to Ms. O'Brien.)
3 MR. GERTLER: Top right corner.
4 That's an older version that you're looking at, so
5 there's been modification to the windows and the bay
6 window, et cetera, from the parapet, but that's
7 basically the encroachment.
8 MR. TESTA: Mr. Gertler, can you speak
9 into the mic?
10 MR. GERTLER: I'm sorry.
11 MR. WOLFSON: Here (handing Mr.
12 Gertler a microphone).
13 MR. GERTLER: So the rendering that
14 Mr. Wolfson was referring to was dated, and I can't
15 read this offhand, but it was the older version of
16 the facade of the building before the changes were
17 made in the last two go-arounds, but it goes the
18 quality of the building, it shows it being a brick
19 building, it shows the new windows, it shows the
20 parapets, it shows the setbacks, I think, clearly, a
21 much nicer building than what you see as the back of
22 the movie theater building. You're just seeing a
23 white object in the back. And you could see the
24 side of the building is also fully detailed and
25 realized, whereas right now, it's a series of Stucco

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1 on top of brick with exposed piers.
2 MR. WOLFSON: Here.
3 MR. GERTLER: There's nothing
4 architectural about it.
5 MR. WOLFSON: There's a picture of the
6 existing back, right?
7 MS. O'BRIEN: Yeah, the existing back
8 is -- is very neutral right now. It's really not
9 very noticeable in passing.
10 All right, I appreciate that, thank
11 you.
12 CO-CHAIRWOMAN FOSTER: Sure.
13 MR. HATCH: I also want to make a
14 point about it. So it is visible from Main Street
15 at this point but it's visible because it's a vacant
16 lot and so, at some point, presumably, there's --
17 there's a possibility that that is going to get
18 filled in.
19 MS. O'BRIEN: But that lot would still
20 -- is not part of the development area.
21 MR. HATCH: No, no, but --
22 MS. O'BRIEN: Yeah, but --
23 MR. GERTLER: It's not part of this,
24 but it is a vacant lot that could be, as Mr. Hatch
25 is pointing out, it could be developed with a

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1 building that would block that view.
2 MS. O'BRIEN: Yeah, actually, it's not
3 vacant, it's a parking lot. It's -- there's an auto
4 body shop, there's the two garage doors --
5 MR. GERTLER: Right.
6 MS. O'BRIEN: -- you see right there.
7 MR. GERTLER: Right.
8 CO-CHAIRWOMAN FOSTER: Okay, thank you
9 for your questions. Additional questions, please.
10 MS. WALLACE: Nancy Wallace, 28 Maple
11 Avenue.
12 I -- I just want to ask if you've --
13 the building -- the other building where the floor
14 store is on the other side of the -- of the post
15 office, what is the size of that building? Did you
16 do any -- I mean, that building -- I mean, we -- we
17 can visualize -- we see that building so we know
18 what that looks like and we know the size of that.
19 We're looking at this rendition. Renditions do
20 absolutely nothing when -- I mean, it's lovely and
21 you did a great job, but you can't get a sense of
22 how massive it is. Now, if you compare that to the
23 building, the floor store, do you have any idea how
24 big that building is?
25 MR. GERTLER: I don't -- I don't know

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1 the width of the building offhand, but we have a
2 image looking down Lincoln Place and comparing the
3 height of that building to the height of the
4 proposed building --
5 MS. WALLACE: Okay.
6 MR. GERTLER: -- and if we could pull
7 that back up again. We have that in two different
8 views but probably the one looking east would be the
9 most effective. Okay, thanks. Excuse the time,
10 it's from different presentations we're pulling
11 together.
12 MS. WALLACE: No, I can -- I can see
13 it.
14 MR. GERTLER: So there's another view
15 in the other direction. Here it is.
16 So I think you can see the white dashes
17 are 10 feet, 20 feet, 30 feet, and then the parapet
18 of the 3 Lincoln Place is 34 feet, which is actually
19 a little bit higher.
20 MS. WALLACE: So you're saying the
21 white that we're seeing, that's the proposed
22 building. The white building that we're looking at
23 there.
24 MR. GERTLER: That's correct.
25 MS. WALLACE: That's the -- that's the

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1 proposed building.

2 MR. GERTLER: So I think it's

3 important to point out, so the height of 3 Lincoln

4 Place is over here and what we're comparing is the

5 face --

6 MS. WALLACE: So the height --

7 MR. GERTLER: -- of the building --

8 MS. WALLACE: -- is the same. I guess

9 it's the width?

10 MR. GERTLER: Well, the width -- the

11 width is different.

12 MS. WALLACE: Yeah.

13 MR. GERTLER: I don't know the width

14 of this building, though.

15 MS. WALLACE: Do you have any idea of

16 what the -- the difference, I mean, does anybody

17 know what the difference is in the width? Because

18 that building doesn't look so massive and it looks

19 -- it fits there, where your building just is --

20 we've seen massive in Madison. We're done with

21 massive --

22 MR. WOLFSON: So --

23 MS. WALLACE: -- in Madison, I think.

24 MR. WOLFSON: So he doesn't know the

25 width of the building.

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1 MS. WALLACE: Okay. All right, well,

2 um --

3 MR. GERTLER: But it is important to

4 note that the width of the proposed building is no

5 wider than the existing movie theater building.

6 MS. WALLACE: Okay. It just looks

7 bigger then. I mean --

8 MR. GERTLER: Well, if you're not

9 comfortable with the renderings, then maybe there it

10 is, but it is the same width.

11 MS. WALLACE: When you see the dotted

12 lines, it's substantially bigger, looking at it,

13 visually.

14 MR. WOLFSON: Can we please have

15 questions --

16 CO-CHAIRWOMAN FOSTER: Yes.

17 MR. WOLFSON: -- at this point?

18 CO-CHAIRWOMAN FOSTER: Yes. So is

19 there a question further to that?

20 MS. WALLACE: No, I'll just -- maybe

21 we can do some -- or somebody can just -- just

22 because you can see a building; can you find out the

23 width of that other building and how big that is,

24 compare? Because visually, it's so much easier,

25 then you can compare the one. I mean, that's me, I

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1 don't know, that's just for me.

2 CO-CHAIRWOMAN FOSTER: I think any of

3 us can go to the Tax Office and look at the width --

4 MS. WALLACE: Okay.

5 CO-CHAIRWOMAN FOSTER: -- of the

6 property and find that out pretty handily, we just

7 don't know tonight --

8 MS. WALLACE: Okay.

9 CO-CHAIRWOMAN FOSTER: -- so we won't

10 speculate.

11 MS. WALLACE: Thank you --

12 CO-CHAIRWOMAN FOSTER: Thank you,

13 Nancy.

14 MS. WALLACE: -- for that information.

15 I would --

16 CO-CHAIRWOMAN FOSTER: Thank you.

17 MS. WALLACE: I'll do that. And I did

18 have another question that I kind of...

19 CO-CHAIRWOMAN FOSTER: Well --

20 MS. WALLACE: Oh.

21 CO-CHAIRWOMAN FOSTER: -- let's see if

22 somebody else wants a question first --

23 MS. WALLACE: Okay.

24 CO-CHAIRWOMAN FOSTER: -- and then

25 we'll come back to you. You're over time.

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1 Any other member of the public who has

2 a question? Thank you.

3 Okay.

4 MR. MORRIS: Good evening, thank you

5 for this time. A couple questions for Mr. Gertler,

6 please. Mr. Gertler, when did --

7 MR. WOLFSON: Excuse me, your name?

8 MR. MORRIS: Oh, I'm sorry. My name

9 is John Morris, M-O-R-R-I-S, 27 Bedford Court in

10 Madison. I'm also the president of the Madison

11 Chamber of Commerce and I co-own a business and

12 commercial property at 71 Kings Road in Madison.

13 Mr. Gertler, how long has the movie

14 theater -- former movie theater building been

15 shuttered and vacant and nonperforming?

16 MR. GERTLER: I'm going to have to

17 ask. Is it over two years now? Over two years.

18 MR. MORRIS: Two years. The

19 applicant's plan for the new building, a couple

20 general questions about that. Conjecture is

21 involved, but based upon current -- what we know

22 about planning and things like that in urban

23 environments, I think answers are very much in

24 grasp. First question is: Would the applicant's

25 new building increase the amount of foot traffic in

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1 downtown Madison?

2 MR. GERTLER: It would increase the

3 foot traffic, particularly from a boarded-up

4 building today for sure. Yes.

5 MR. MORRIS: Would the new building

6 increase economic activity in a general sense in

7 downtown?

8 MR. GERTLER: Well, that -- the answer

9 is, I believe, yes, and that's the goal of the

10 project.

11 MR. MORRIS: And would the new

12 building increase the prestige of downtown Madison?

13 MR. GERTLER: We think it would

14 significantly.

15 MR. MORRIS: And one other question,

16 if I can. Would the applicant's new building bring

17 more attention to the historic nature and building

18 and fabric of downtown Madison by bringing in

19 increased viewers or visitors and residents and

20 shoppers to the new retail spaces on Lincoln Place?

21 MR. GERTLER: Yeah, we think it would

22 do that also by having increased people looking at

23 the Madison downtown, appreciating what is still

24 viable down there.

25 MR. MORRIS: Thank you.

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1 CO-CHAIRWOMAN FOSTER: Thank you.

2 MR. MADARA: Bob Madara, 12 Wayne

3 Boulevard.

4 COURT REPORTER: Can you spell your

5 last name, please?

6 MR. MADARA: M as in Mike, A, D as in

7 delta, A, R as in Romeo, A.

8 COURT REPORTER: Thank you.

9 MR. MADARA: Okay.

10 Mr. Gertler, you mentioned that your

11 movie theater, which will have a flat floor, will

12 have a screen bigger than the one down in -- excuse

13 me -- Hickory Mall, so how big is your screen going

14 to be?

15 MR. GERTLER: Well, the one at Hickory

16 Mall is, I think, 10 feet high. This could be about

17 12 feet high. What we're showing, just to

18 understand, we're showing opportunities that you

19 would -- if there were a theater that were built in

20 that space, that you would enter at the midpoint and

21 you would go up half the aisles and you would go

22 down to the other half, down to the screen. That

23 would be the way you'd approach it.

24 MR. MADARA: I'm confused. This is a

25 -- a 12-foot screen, right? You said a 12-foot-

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1 high, in a 15-foot room, but you said earlier that,

2 you know, you don't get 15 feet, you have pipes and

3 things that are taking up space in the ceiling, so

4 actually how high from the floor would you put the

5 top of the screen, how high could you go? 12 feet?

6 13 feet?

7 MR. GERTLER: So we haven't designed a

8 movie theater to its fullest extent, but we've

9 designed a volume to insert a movie theater into it.

10 What we've shown is the ability to put a 12-foot

11 screen, we've shown the ability to put a raked floor

12 going up and down, and until someone proposes to

13 rent the space -- you know, not every movie theater

14 operator has the exact same requirements, so

15 therefore, the owner of the building doesn't create

16 a movie theater for one movie theater operator and

17 negate nine others. You wait for them to come to

18 you and you make the correct accommodations --

19 MR. MADARA: Okay, I understand, so

20 this is only a possibility that there'd be a movie

21 theater. The one that shows up in the designs is

22 simply --

23 MR. GERTLER: What we --

24 MR. MADARA: -- a possibility. I know

25 you're anxious to say something. What is it?

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1 MR. GERTLER: Yeah. What we've shown

2 is a generically designed movie theater but Bowtie

3 might want something different and --

4 MR. MADARA: But you said "raked," so

5 --

6 MR. GERTLER: Correct.

7 MR. MADARA: -- I'm just trying to get

8 this because if you've got a 12-foot screen and

9 you've only got about maybe, what, 13 foot, 12 foot,

10 13 foot to work with --

11 MR. GERTLER: No, you have more than

12 that.

13 MR. MADARA: Well, it's a maximum of

14 15 foot and you're not going to have 15 foot.

15 MR. GERTLER: Right. So if you were

16 designing a movie theater --

17 MR. MADARA: No, no, I'm asking about

18 this one.

19 MR. GERTLER: -- you would not put

20 pipes and ducts --

21 MR. MADARA: Okay.

22 MR. GERTLER: -- where the screen is,

23 you would design around it.

24 MR. MADARA: So you would have all 15

25 foot. Okay, let's say you've got 15 foot. So the

1 bottom of the screen would be three foot off the
 2 ground, and people are sitting behind one another
 3 and you said "raked."
 4 MR. GERTLER: Yes.
 5 MR. MADARA: How high from the bottom
 6 of the rake to the top of the rake?
 7 MR. GERTLER: We go up about seven
 8 feet.
 9 MR. MADARA: 70 feet?
 10 MR. GERTLER: Seven.
 11 MR. MADARA: Seven feet, okay. All
 12 right. So that's not really steep. Okay?
 13 MR. GERTLER: Well, I think --
 14 MR. MADARA: Especially if you have
 15 somebody tall. I'm vertically -- I can't say
 16 "short." I'll say "vertically challenged," okay?
 17 MR. GERTLER: Right.
 18 MR. MADARA: If I've got somebody six
 19 foot tall sitting in front of me and there's a very
 20 slight angle up --
 21 MR. GERTLER: Um-hum.
 22 MR. MADARA: -- and the bottom of that
 23 screen is, max, three foot off the floor, I'm
 24 probably never going to come back.
 25 CO-CHAIRWOMAN FOSTER: Okay, we need

1 specific questions that Mr. Gertler can answer.
 2 MR. MADARA: Well, that's my question.
 3 How can that be a viable movie theater --
 4 CO-CHAIRWOMAN FOSTER: Okay.
 5 MR. MADARA: -- given the size of the
 6 room, the fact that the screen would have to come
 7 down to, maximum, three foot off the floor? I mean,
 8 I think this is just -- I'll be honest, I feel
 9 conned with this movie theater concept.
 10 CO-CHAIRWOMAN FOSTER: Okay.
 11 MR. MADARA: That's it.
 12 CO-CHAIRWOMAN FOSTER: Thank you.
 13 MR. TESTA: Is there a response to
 14 that? Mr. Gertler, do you want to respond?
 15 MR. WOLFSON: Does he want to respond
 16 --
 17 MR. TESTA: Yes.
 18 MR. WOLFSON: -- to the comment that
 19 he made that he feels like he's being conned?
 20 MR. TESTA: On the question, I'm
 21 talking about, yes.
 22 MR. GERTLER: No, I don't think so.
 23 MR. TESTA: You have no response to
 24 that, correct?
 25 MR. GERTLER: To that? No.

1 MR. TESTA: Okay. Thank you.
 2 MR. RANGE: How you doing? My name's
 3 Eric Range, 17 Belleau Avenue in Madison.
 4 Jeff, are you familiar with the
 5 urbanomics study from 2016 that was commissioned by
 6 the Borough and the Downtown Development Commission
 7 and, if so, its recommendations to increase the
 8 residential capacity in the downtown core? Do your
 9 plans kind of reflect that increase and the desire
 10 to have an increase in residential population
 11 downtown and, therefore, the height of the building
 12 and the number of units you've proposed?
 13 MR. GERTLER: It does do that and it
 14 also includes four additional COAH units which are
 15 needed in Madison.
 16 MR. RANGE: Great. Thank you.
 17 CO-CHAIRWOMAN FOSTER: Okay. Thank
 18 you.
 19 MS. REYNOLDS: Hi.
 20 CO-CHAIRWOMAN FOSTER: Next.
 21 MS. REYNOLDS: I'm Laurie Reynolds at
 22 29 Academy Road.
 23 COURT REPORTER: I'm sorry, your name
 24 again?
 25 MS. REYNOLDS: Reynolds,

1 R-E-Y-N-O-L-D-S, like the wrap.
 2 COURT REPORTER: Thank you.
 3 MS. REYNOLDS: Laurie, L-A-U-R-I-E.
 4 Yeah, so we've had a lot of discussion
 5 about the size and the volume and I recall, I think
 6 that Chris said it was about 30 percent bigger, the
 7 proposal, just to, you know, just to get a sense
 8 there. So I had more questions about the use and
 9 the contribution to Madison and life in Madison.
 10 Were you aware that this site is in the
 11 civic commercial historic district --
 12 MR. GERTLER: Yes.
 13 MS. REYNOLDS: -- kind of when you
 14 started? And that it was designated as arts and
 15 cultural?
 16 MR. GERTLER: As one of the uses, yes.
 17 MS. REYNOLDS: I think -- I think the
 18 last -- one of the last meetings, we said it was the
 19 only spot designated as arts and cultural. I'm
 20 looking at Janet because she was my teacher. I want
 21 to use the right terms. I think it was the only
 22 spot in the civic and commercial historic district
 23 that was designated for arts and culture.
 24 MR. GERTLER: Yes.
 25 MS. REYNOLDS: So I'm curious as to

1 the arts and cultural uses that you considered or
 2 designed, you know, in terms of performance space or
 3 something that would contribute to downtown Madison,
 4 because as Boy Scout parents and churchgoers, we
 5 encourage our children to contribute to each other
 6 and to the community overall -- right? -- building
 7 -- Boy Scouts build seats and kids sing at nursing
 8 homes and so forth, so I'm just wondering, what
 9 designs did you consider that would contribute to
 10 Madison overall before you came to this residential?

11 MR. GERTLER: Well, there's a 15-foot-
 12 high floor-to-ceiling in the building and any group
 13 that would want to use that for any use they want
 14 to, any arts use or any cultural use or any
 15 auditorium use or any work use, it's all viable,
 16 it's all allowable in there, so if the question is
 17 are we designing it for one use only, the answer's
 18 no, we're designing it for a variety of uses.

19 MS. REYNOLDS: Okay, because I heard
 20 retail and you were going to, you know, rent it to
 21 the first person who came for retail.

22 So then I'd like to pick up on what
 23 Karen said in terms of anything in the historic
 24 district should contribute to the people of Madison
 25 so they can thrive, maintain a desirable life and

1 maintain, you know, a level of activity, so my
 2 question is -- I want to ask an open-ended question,
 3 but what things have you considered, like a food
 4 court, that will bring in other people from other
 5 places that would absolutely increase the foot
 6 traffic? Or -- I know I heard you say earlier that
 7 there's a beautiful view from the terrace upstairs.
 8 What if that could be opened to the public somehow
 9 to bring people into Madison to increase the foot
 10 traffic for the retailers? Did you consider
 11 anything like that or what things like that have you
 12 considered; for instance, a food court where artsy
 13 type food people could set up different booths and
 14 -- and have a variety of activities going on?

15 MR. WOLFSON: So I think the testimony
 16 on numerous occasions has been that --

17 MR. TESTA: Wait. Let him -- if he
 18 can answer the question, he should answer it, not
 19 counsel.

20 MR. WOLFSON: He's an architect. This
 21 is a question --

22 MR. TESTA: I understand that but --

23 MR. WOLFSON: I'm going to refer back
 24 to prior testimony by another witness.

25 MR. TESTA: If he can answer the

1 question, he should answer it.

2 MR. WOLFSON: It's appropriate for me
 3 to refer back to testimony at a hearing that you
 4 weren't in attendance and weren't the attorney of,
 5 at the point that he's already addressed this. It's
 6 not an appropriate question posed to our architect.
 7 It's a market question.

8 MS. REYNOLDS: Well, excuse me, I'm
 9 building on what I think Karen Jeisi was reading
 10 from, an Historic Preservation Commission document,
 11 "thrive and maintain desirable life and activity."
 12 So something that would benefit more than the 18
 13 families that might rent the units on the second and
 14 third floor.

15 MR. GERTLER: A food court would be
 16 wonderful. Absolutely. I don't know what -- I'm
 17 not sure what else you'd like me to say.

18 MS. REYNOLDS: It seems like you're
 19 excluding that and just talking about retail, just
 20 --

21 MR. GERTLER: Well, a food court is
 22 retail. Isn't it?

23 MS. REYNOLDS: So -- so then -- you
 24 know, there are ten variances, so then my other
 25 question is: What have you designed that doesn't

1 require ten variances? Have you been able to design
 2 anything within code that would be appropriate for
 3 this site?

4 MR. WOLFSON: You indicated earlier
 5 that variances weren't the province of this
 6 Commission.

7 CO-CHAIRWOMAN FOSTER: Yeah, and we're
 8 -- we're -- thank you for your questions. We're --

9 MS. REYNOLDS: Thank you.

10 CO-CHAIRWOMAN FOSTER: -- double-
 11 timing there, Laurie, so if you have additional
 12 questions when everyone else has had a chance to ask
 13 a question, but I think we've heard some of the
 14 answers on that.

15 Is there anyone else? Yeah.

16 MS. JEISI: Just one clarification,
 17 Laurie. That was not from a Historic Preservation
 18 Commission document, that was from a report from the
 19 applicant, the Tomasetti report. I just wanted
 20 the...

21 MS. REYNOLDS: Thank you.

22 MS. JEISI: -- court recorder to get
 23 that. Thank you.

24 MR. WICKMAN: Hello, Larry Wickman, 33
 25 Walnut Street.

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1 A few questions. Main Street traffic
 2 versus Lincoln Place traffic, pedestrian and also
 3 cars, which side of the building do you think will
 4 be the most seen?
 5 MR. GERTLER: It's a guess, of course,
 6 but I think probably traveling west.
 7 MR. WICKMAN: Main Street traffic.
 8 People on Main Street will probably see this. This
 9 will have more of an impact on Main Street than --
 10 MR. GERTLER: I'm sorry --
 11 MR. WICKMAN: -- Lincoln.
 12 MR. GERTLER: -- when you said
 13 "which direction," I thought you meant east to west
 14 or west to east. What was your --
 15 MR. WICKMAN: Yeah.
 16 MR. GERTLER: Can you ask your
 17 question again?
 18 MR. WICKMAN: Which side of the
 19 building will be seen the most, from Main Street on
 20 Route 24, by the most people, Main Street/Route 24
 21 or Lincoln Place?
 22 MR. GERTLER: I think Lincoln Place.
 23 MR. WICKMAN: You think more people
 24 will see this from Lincoln Place than the
 25 thoroughfare of our town?

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1 MR. GERTLER: Yes.
 2 MR. WICKMAN: Even with its new
 3 dominance over the area?
 4 MR. GERTLER: Yes, I do.
 5 MR. WICKMAN: Okay. Are you aware
 6 that the terraced back of the building is viewable,
 7 you can see it from Dodge Field a quarter of a mile
 8 away?
 9 MR. GERTLER: I'm not, but it's not
 10 surprising to me.
 11 MR. WICKMAN: And it's smaller now of
 12 a terrace, of a roof line. You're going to be
 13 increasing that roof probably about 30 percent in
 14 the back, the wall will be about 30 percent bigger?
 15 MR. GERTLER: I'm not sure where the
 16 30 percent is coming from, so I'm -- it's hard to
 17 respond to that number. I don't know where that
 18 number came from.
 19 MR. WICKMAN: What signif [sic] -- I
 20 mean, can you apply a number, like, how much bigger
 21 is the back wall going to from moving it from a
 22 terrace to a horizontal block?
 23 MR. GERTLER: I really would rather
 24 look at the numbers and get back to you on that.
 25 MR. WICKMAN: Okay. But currently,

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1 there is no actual rendering of the building from
 2 Main Street as it has been revised?
 3 MR. GERTLER: The rendering that we
 4 have is an older rendering --
 5 MR. WICKMAN: Right.
 6 MR. GERTLER: -- and it's really from
 7 almost the Nautilus parking lot area.
 8 MR. WICKMAN: Okay. Also, the current
 9 terraced back of the building, back of the building
 10 --
 11 MR. GERTLER: You said "the current."
 12 On the present building?
 13 MR. WICKMAN: The present building,
 14 yes, the terraced -- on the back of the building.
 15 Are there any windows or light sources coming from
 16 the back of that building currently?
 17 MR. GERTLER: I don't believe so, no.
 18 MR. WICKMAN: And it will be increased
 19 in size also now with windows put in place over-
 20 looking Main Street?
 21 MR. GERTLER: Yes, it will.
 22 MR. WICKMAN: So that will be a
 23 significant change of us looking at that area,
 24 looking towards the train station?
 25 MR. GERTLER: It will look different,

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1 there will be a -- a building that has life in it,
 2 yes, looking from that direction.
 3 MR. WICKMAN: Okay. We're going to
 4 four stories high?
 5 MR. GERTLER: That's correct.
 6 MR. WICKMAN: And windows, it's a new
 7 height, it's a taller building, there will be
 8 windows, there will be light sources all around the
 9 building. How far away will that building be seen
 10 from the town portion, not the -- not this side of
 11 town but the other side of the town; how much impact
 12 will that have? It will be a substantially tall
 13 building with a lot of light that we don't have now.
 14 MR. GERTLER: I think there will be a
 15 very little impact, is my point of view.
 16 MR. WICKMAN: Okay. I have one other
 17 question about the Saxon portfolio. Can someone
 18 answer that? The online portfolio of Saxon
 19 properties?
 20 MR. WOLFSON: That's not the testimony
 21 that is the subject of the cross-examination at this
 22 time.
 23 MR. WICKMAN: Okay. Thank you.
 24 CO-CHAIRWOMAN FOSTER: Okay.
 25 MR. HINGE: Good evening. My name is

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1 Peter Hinge, 3 Russ Court, H-I-N-G-E.
 2 My concern is the movie theater. I
 3 think the building looks fine to me, it will
 4 definitely add something positive to the street, but
 5 whether it fits the historical picture, I'm not so
 6 sure.
 7 Has it been considered to use the front
 8 of the current movie theater, to make that part of
 9 the construction?
 10 MR. GERTLER: Well, we have considered
 11 that and the front of the building right now is
 12 barely pinned to the substrate behind it. It's
 13 actually peeling away right now. So to save one
 14 whith (phonetic) of brick is virtually impossible to
 15 do. Also, the lower floor is not at all what the
 16 original building was. The second floor is only a
 17 brick plane with some punched-out windows. So
 18 salvaging that conceptually does not seem to be the
 19 direction you would want to design an entire
 20 building behind it by looking at the second floor of
 21 that building.
 22 MR. HINGE: So it has been considered,
 23 in other words.
 24 MR. GERTLER: Yes.
 25 MR. HINGE: And ruled out.

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1 MR. GERTLER: Yes, that's right.
 2 MR. HINGE: We see in many places that
 3 building projects are preserving the front walls, I
 4 don't know how thick they are, but it seems to me
 5 that perhaps it could be possible.
 6 MR. GERTLER: Well, if it were a
 7 building that I think we all thought it was
 8 architecturally significant and it would add
 9 something to the future uses of the other building,
 10 that would be one thing, but because it doesn't, and
 11 structurally, it's compromised so much, there
 12 doesn't seem to be a reason to pursue that approach.
 13 MR. HINGE: Um-hum. All right. As
 14 far as the movie theater's concerned, I have similar
 15 reservations about the 15 feet and the small screen
 16 and whatnot. Has anybody who knows about running of
 17 movie theaters taken a look at this to see if it's
 18 even viable to have a hundred-seat movie theater in
 19 this kind of space?
 20 MR. GERTLER: Well, I think that we
 21 looked at a 91-seat theater and we thought it was
 22 viable.
 23 MR. HINGE: I'm sorry?
 24 MR. GERTLER: We looked at a 91-seat
 25 theater with plush seating --

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1 MR. HINGE: No, I understand that, but
 2 has anybody who is knowledgeable in running movie
 3 theaters looked at this and said "Yes, that can
 4 work"?
 5 MR. WOLFSON: If I may, Counsel,
 6 again, there was prior testimony from the owner in
 7 terms of the work they did trying to consult the
 8 market on movies, there was testimony presented that
 9 they had no legitimate interest in a movie operator
 10 in the current configuration and the amount of money
 11 that would be required to put it in usable
 12 condition, so the answer is yes, and that's in the
 13 record.
 14 MR. HINGE: I wasn't so much concerned
 15 about the current movie theater but the new space.
 16 Did the same people look at the new space and say
 17 "Yes, this is a good idea, it can work, it's
 18 viable"?
 19 MR. WOLFSON: The owner consulted with
 20 knowledgeable people in the movie market as to the
 21 proposal for a potential movie theater that's shown.
 22 MR. HINGE: All right. Thank you.
 23 CO-CHAIRWOMAN FOSTER: Thank you.
 24 MR. HINGE: I hope it works.
 25 MR. GERTLER: Thank you.

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1 MR. TESTA: Just to -- just to get a
 2 number because we're running -- we're getting close
 3 to time, it's 10:00 now, any -- besides the
 4 gentleman that's standing right now, is there anyone
 5 else that has a question from the public before we
 6 go to public comment? By a show of hands? Just
 7 one? Go ahead.
 8 MR. HARALAMPOUDIS: Okay. Can I ask a
 9 question? Tom Haralampoudis, 27 Pomeroy Road.
 10 COURT REPORTER: I'm sorry, spell your
 11 last name, please?
 12 MR. HARALAMPOUDIS: H-A-R-A-L-A-M-
 13 P-O-U-D-I-S.
 14 COURT REPORTER: Thank you, and your
 15 address, please?
 16 MR. HARALAMPOUDIS: 27 Pomeroy Road.
 17 COURT REPORTER: Thank you.
 18 MR. HARALAMPOUDIS: Okay. So, full
 19 disclosure, I was originally a suitor trying to buy
 20 the building. I am actually grateful that I did not
 21 get the building when the Saxon group decided to
 22 come in and buy it for development, but I did
 23 originally feel it was important to have a theater,
 24 and we had discussed that, Jeff, but after talking
 25 to the tenants who were there, Bowtie, and looking

1 for other tenants, it was impossible to find any
2 movie company to stay in the current condition that
3 the theater was in. Even if -- even if it was
4 renovated, there was no theater companies that
5 wanted to come to a downtown anymore, from the
6 people that I was talking to, but that's not the
7 point of my question.

8 Yeah.

9 MEMBER OF THE PUBLIC: He's
10 testifying. He's supposed to --

11 MR. HARALAMPOUDIS: No, no, I'm sorry,
12 I just wanted to give disclosure as to who I am so
13 that you know when I'm talking, nobody comes up and
14 say "Oh" --

15 MEMBER OF THE PUBLIC: You're
16 testifying.

17 MR. HARALAMPOUDIS: -- "he was so and
18 so."

19 MEMBER OF THE PUBLIC: It's supposed
20 to be a question.

21 MR. HARALAMPOUDIS: Okay. Sorry about
22 that.

23 MR. TESTA: Try to keep it limited to
24 questions.

25 MR. HARALAMPOUDIS: Yes, sir. Okay.

1 So -- well, a question for the Board.

2 MR. TESTA: No, it's directed to the
3 --

4 MR. HARALAMPOUDIS: Oh, just to --

5 MR. TESTA: -- witness at this point.

6 MR. HARALAMPOUDIS: Okay. Mr.
7 Gertler, do you believe that, in the history of the
8 central business district, every time a developer
9 came in in the last hundred and twenty years to
10 change the landscape of Main Street or Lincoln Place
11 where there was probably single-story or two-story
12 homes and weren't used as businesses, were converted
13 to buildings, like British Pine, like the building
14 that I own at 17 Waverly Place, like the YMCA
15 building on Main Street, the James building, do you
16 think that there was people that came out and
17 objected to the progress and development that was
18 going to take place on Main Street?

19 MR. GERTLER: Well, I --

20 MR. HARALAMPOUDIS: Just --

21 MR. GERTLER: Yeah, I certainly was
22 not there a hundred years ago or 50 years ago. I
23 know I have lived here but I'm not that old. So I
24 don't know if they objected but what I would have
25 observed was that there's such a variety of

1 architecture in downtown Madison that, clearly, the
2 people of Madison welcomed new and innovative
3 architecture and different styles and that's why
4 there's such a diverse, you know, such a diverse
5 amount of architectural styles in downtown Madison.

6 MR. HARALAMPOUDIS: Sure. So when you
7 were on the Planning Board -- and I was also on the
8 committee back then when we were studying the
9 different height options for downtown -- was there
10 ever, and you commented on this before, and Chris
11 was on my committee back then also, was there ever a
12 discussion of whether we should have three stories
13 or four stories in a 45-foot structure or were we
14 really focusing on what the effect would be to the
15 height of something that was 60 feet as opposed to
16 45 feet?

17 MR. GERTLER: Yeah, um, I distinctly
18 remember speaking about the number of stories
19 because just picking a number out of the hat, 45
20 feet or whatever the number is, as a designer, it's
21 only meaningful what you can put within that
22 envelope, so 45 feet has an actual significance in
23 design, whereas 40 feet does not, for example. 35
24 feet in a residential district of Madison has real
25 significance, we've seen that already. 45 feet in

1 downtown has another significance to it.

2 MR. HARALAMPOUDIS: Okay.

3 MR. GERTLER: In numbers of stories.

4 MR. HARALAMPOUDIS: Okay. Thank you.

5 CO-CHAIRWOMAN FOSTER: Sir.

6 MR. O'BRIEN: Terence O'Brien, 38
7 Crestwood Drive.

8 I was wondering, would you be willing
9 to consider making the fourth floor, like, maybe
10 like sky blue or medium gray? Because, you know,
11 maybe if it, like, like, blended in with the sky, it
12 would get rid of many of the concerns about the
13 height if it -- it might not be -- it might make it
14 less noticeable that way?

15 MR. GERTLER: It is a consideration,
16 but the reality is that most skies are not beautiful
17 blue and they tend to be a lot whiter than blue, so
18 if you looked at a lot of additions to buildings
19 that are set back, they often are a much lighter
20 shade to blend in with clouds, white skies or
21 lighter color skies, so this tends to make the
22 building appear smaller and fade away when you have
23 a lighter tone like this. Blue would probably stand
24 out against most skies.

25 MR. O'BRIEN: So, like -- so you do

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1 figure it'll be, like, less noticeable with this
 2 shade?
 3 MR. GERTLER: Yes, we do.
 4 MR. O'BRIEN: Okay. Thank you.
 5 CO-CHAIRWOMAN FOSTER: Thank you.
 6 Okay. Are we ready to close the public
 7 question portion of this meeting? Yes?
 8 (No response)
 9 CO-CHAIRWOMAN FOSTER: Agreed that we
 10 have to make a motion? Okay. New counsel, we have
 11 new rules. Well, then I'll make a motion that we
 12 close the public question portion of this meeting.
 13 CO-CHAIRWOMAN LENAHAAN: Second.
 14 CO-CHAIRWOMAN FOSTER: Okay. All in
 15 favor?
 16 BOARD MEMBERS: Aye.
 17 CO-CHAIRWOMAN FOSTER: Any opposed?
 18 (No response)
 19 CO-CHAIRWOMAN FOSTER: Hearing none,
 20 we have closed the public meeting. I am now
 21 informed that we can have public comment -- it
 22 doesn't have to be a question -- related to things
 23 that happened tonight, so again, public comment
 24 related to design. Counsel's been very clear,
 25 comment related to other issues, particularly some

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1 of the theater issues or economic issues, may not be
 2 discussed tonight because -- because we haven't
 3 really had expert testimony on that, but if you have
 4 something else to put into the record that can't be
 5 phrased in a question and would like to put it on
 6 the record, now would be a time, so again, come
 7 forward, three minutes, and -- and state your name,
 8 please.
 9 MR. HANNA: My name is David Hanna, I
 10 live at 87 Central Avenue here in Madison.
 11 I wanted to thank Mr. Gertler for his
 12 presentation. I find him to be very knowledgeable
 13 and articulate about these matters and I've attended
 14 all of the meetings.
 15 One of the things that has inspired me
 16 is the desire to keep the historic district for the
 17 town and the sense of civic-mindedness and history
 18 combining and I wanted to share some words that I
 19 found very inspiring and very articulate that were
 20 written by Mr. Gertler in an op-ed to the Eagle a
 21 number of years ago. Some of you may have been
 22 familiar with this article. I don't think it could
 23 be put any better, frankly, than he put it. He
 24 writes, "Over the past few years, it's been
 25 distressing to watch the demolition of so many

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1 beautiful historic homes and buildings in Madison.
 2 It's become all too common to watch the erosion of
 3 Madison's history brick by brick. Our fair city's
 4 rich history is slowly evaporating. Are we also not
 5 losing our spirit to remember why we so enjoy living
 6 here? Madison feels a little less," quote unquote,
 7 "'authentic' each time another gem becomes just
 8 another historical footnote." I can't read the
 9 whole thing because I'll run out of time, but I was
 10 wondering if it's possible to share copies of this
 11 particular op-ed with the Historic Preservation
 12 Commission?
 13 MR. TESTA: That's fine, yeah.
 14 MR. HANNA: I think there's enough
 15 copies here.
 16 MR. TESTA: Thank you.
 17 CO-CHAIRWOMAN FOSTER: Thank you, sir.
 18 MR. HANNA: Thank you.
 19 CO-CHAIRWOMAN FOSTER: Okay.
 20 Appreciate your comments, David.
 21 Any other comments from the public?
 22 (No response)
 23 CO-CHAIRWOMAN FOSTER: Hearing none,
 24 then I will say we will move to adjourn this
 25 meeting. We have no more witnesses for this evening

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1 and we are ready to close up for tonight, unless
 2 there's an objection to adjourning. Nope. Okay.
 3 MR. TESTA: Motion to close the public
 4 comment and motion to close the meeting.
 5 CO-CHAIRWOMAN FOSTER: Okay.
 6 CO-CHAIRWOMAN LENAHAAN: Motion to
 7 close the public comment. Second?
 8 CO-CHAIRWOMAN FOSTER: Second.
 9 CO-CHAIRWOMAN LENAHAAN: Motion to
 10 close the meeting.
 11 MR. WOLFSON: Well, can we -- are we
 12 going to just make an announcement --
 13 CO-CHAIRWOMAN LENAHAAN: Yes.
 14 MR. WOLFSON: -- again, for context,
 15 that this is going to continue on the 28th?
 16 CO-CHAIRWOMAN FOSTER: Yes. Correct.
 17 MR. WOLFSON: Okay, and the purpose,
 18 the way we envisioned it in our conversation with
 19 the counsel, was that Save the Theater's attorney
 20 would be present and would have an opportunity to
 21 cross-examine Mr. Gertler and then would present
 22 whatever witnesses they have to present.
 23 MR. TESTA: Yes, that's correct, that
 24 was as per my statement at the beginning of the
 25 meeting.

1 MR. WOLFSON: Thank you.

2 MR. TESTA: Yes.

3 MR. WOLFSON: And so, also just in
4 terms of housekeeping, I believe Mr. Testa has asked
5 for a disclosure of the witness or witnesses that
6 will be appearing and I don't know that we've
7 received that complete information yet. She's on
8 vacation, I don't --

9 MR. TESTA: I have not received that
10 yet, correct.

11 MR. WOLFSON: Right. We also had
12 asked for a disclosure in terms of the constituency
13 of her client, which is anticipated under the
14 Municipal Land Use Law and other municipal law. We
15 have not received that. We renew our request for
16 that.

17 I think that's it, so thanks again for
18 your time and attention.

19 MR. TESTA: Thank you, Counsel.

20 CO-CHAIRWOMAN FOSTER: Thank you.
21 Good night.

22 MR. GERTLER: Thank you.
23 (Hearing adjourned at 10:09 p.m.)

24
25

C E R T I F I C A T E

I, MICHELE QUICK, a Certified Court Reporter, Registered Merit Reporter, Certified Realtime Reporter of the State of New Jersey, authorized to administer oaths pursuant to R.S. 41:2-1, do hereby state that the foregoing is a true and accurate verbatim transcript of my stenographic notes of the within proceedings, to the best of my ability.

Michele Quick

MICHELE QUICK, CCR, RMR, CRR
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