

Public Notice ZONING BOARD OF ADJUSTMENT BOROUGH OF MADISON NOTICE

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Details for Public Notice ZONING BOARD OF ADJUSTMENT BOROUGH OF MADISON NOTICE

Jan 30, 2020

Public Notice ZONING BOARD OF ADJUSTMENT BOROUGH OF MADISON NOTICE OF HEARING PLEASE TAKE NOTICE that on February 13, 2020 at 7:30 p.m., Madison Movie Development LLC (the "Applicant") will appear before the Zoning Board of Adjustment of the Borough of Madison at the Borough of Madison Hartley Dodge Memorial Building, 50 Kings Road, Court Room, 1st Floor, Madison, New Jersey, for a public hearing concerning its appeal of a decision of the Borough's administrative officer, as more particularly described below, on property located at 14 Lincoln Place, designated on the Borough of Madison Tax Map as Block 2702, Lots 11, 23, and 24 (the "Property"). The Property is in the CBD-1 Central Business Zone. The Applicant submitted an application to the Planning Board for preliminary and final site plan approval on January 15, 2019. The application was then referred to the Madison Historic Preservation Commission ("MHPC"). The MHPC approved certificates of historic review for the demolition of the existing building and construction of a new building on the Property, with certain conditions attached to each of the certificates. In accordance with the MHPC's issuance of a certificate of historic review for demolition, the Applicant submitted a complete demolition permit application to the Borough's Administrative Officer on December 3, 2019. On December 11, 2019, the Administrative Officer and Construction Code Official denied the Applicant's demolition permit application, for failing to satisfy "a number of those conditions" issued by the MHPC, as well as "statutory requirements and prior approvals." The Applicant seeks elimination and/or modification of three (3) conditions that were placed on the certificates of historic review, as outlined below, which were part of the reason for the Administrative Officer's denial of the demolition permit. Specifically, the Applicant appeals the following three conditions, included in the MHPC's Resolution memorializing the certificates of historic review: 1. Condition #4: "Demolition shall not commence until after all required State, County, and local land use approvals have been secured; all building and soil permits have been obtained; and Borough Officials are fully satisfied that the demolition and new construction is in full compliance with all applicable laws." 2. Condition #9: "Continuation of a public theater is

necessary, reasonable, and in furtherance of the public interest to preserve the historical, cultural, and social significance of the Lyons Theater and the District as a whole. A 90 to 100 seat theater shall continue in active operation on a portion of the Lyons Theater property. A 90 to 100 seat theater shall be included on the final design plans and within a portion of the replacement building/structure to ensure that the property can continue to be used as a theater for public access and entertainment. The site shall be promoted and marketed in a commercially reasonable manner for use as a public movie theater and Saxum shall use commercially reasonable efforts to secure a movie operator tenant." 3. Condition #10: "All new construction on the site of the Lyons Theater property shall be in the character of the Madison Civic Commercial District such that the scale, mass, size and height of the replacement structure to be built at the Lyons Theater site shall be kept in line with the character of the Madison Civic Commercial District and shall not be larger than three stories (45 feet) in height as measured from "average grade" as per the Borough's Zoning Ordinances and Building Department regulations." The notice of appeal, application, papers and plans that pertain to the appeal are available for public inspection with the Board Administrative Secretary in the Hartley Dodge Memorial Building, 50 Kings Road, 2nd Floor, Madison, New Jersey, during regular business hours Monday through Friday, except holidays. All interested persons may attend and be heard at the aforesaid hearing. DAY PITNEY LLP Attorneys for Applicant P.F.\$58.13 01/30/T1