

BOROUGH OF MADISON
ZONING BOARD OF ADJUSTMENT

IN THE MATTER OF: :
: :
MADISON MOVIE DEVELOPMENT, : TRANSCRIPT
DEVELOPMENT, LLC : OF
14 LINCOLN PLACE, : REMOTE
BLOCK 2702, LOT 24 : PROCEEDINGS

THURSDAY, MARCH 11, 2021
VIA ZOOM VIDEOCONFERENCE
COMMENCING AT 7:42 P.M.

BOARD MEMBERS PRESENT:

JOSEPH SANTORO, Chairman
ANTHONY DIONNO
TIMOTHY FITZSIMMONS
HELEN KAAR
ROGER PAETZELL
MARY SUE SALKO
CHRISTINE TIRITILLI

ALSO PRESENT:

FRANCES BOARDMAN, Board Secretary
DENNIS HARRINGTON, Assistant Borough Engineer
RUSSELL STERN, Board Planner
HAROLD MALTZ, Borough Traffic Expert

STENOGRAPHICALLY REPORTED BY:

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DAY PITNEY, LLP
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By: PETER J. WOLFSON, ESQ.
LUKE S. PONTIER, ESQ.
Counsel for the Applicant

I N D E X

<u>WITNESSES</u>	<u>SWORN</u>
ERIC KELLER (previously sworn)	16
ERIC RANGE	34
JOHN MORRIS	34
JANET FOSTER	45

EXHIBITS MARKED INTO EVIDENCE

<u>NUMBER</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
	(None Marked)	

1 CHAIRMAN SANTORO: All right, so we're
2 going to go to old business, so this is Case No. Z
3 20-018, Madison Movie Development, so we're
4 continuing what we started on the 28th and then on
5 the 25th of February and then the 4th of March, so
6 Mr. Wolfson...

7 MR. WOLFSON: Good evening, Mr.
8 Chairman, Board professionals. Peter Wolfson, along
9 with my colleague, Luke Pontier, of Day Pitney, here
10 on behalf of Day Pitney here on behalf of the
11 applicant.

12 CHAIRMAN SANTORO: Perfect.

13 MR. WOLFSON: Mr. Chairman, you'll
14 recall that we ended the very late evening last week
15 with Eric Keller serving as our traffic engineer.
16 He took questions from the Board, there was not an
17 opportunity for the public to ask questions. I know
18 that Mr. Maltz is also in attendance. And then
19 further, it was clarified that Mr. Simon would not
20 be attending tonight for his client and the thought
21 was that we would attempt to get through questioning
22 from the public other than Mr. Simon, any comments
23 Mr. Maltz cares to make, and then close the public
24 except for Mr. Simon. So with that, I would -- if
25 that's accurate and acceptable to everybody, I'd ask

5

1 Eric to come back up and entertain questions.

2 CHAIRMAN SANTORO: Yeah, before we do

3 that, I think Helen and James were going to step

4 down again. That hasn't happened yet.

5 MR. FOSTER: Yeah, I was going to

6 comment. Joe, I will step down since I'm recused.

7 Since Janet is likely to be talking on behalf of the

8 HPC as per your --

9 CHAIRMAN SANTORO: Yeah, you're

10 welcome to come back once we're through with this.

11 MR. FOSTER: She'll step in for me.

12 CHAIRMAN SANTORO: You're welcome to

13 watch from the waiting room, you just can't be a

14 panelist.

15 MR. FOSTER: Yup.

16 MS. KARR: I'm going to recuse myself

17 too.

18 CHAIRMAN SANTORO: Yeah. So Fran is

19 going to put you back in the waiting room so give us

20 a second.

21 MS. BOARDMAN: Give me one minute.

22 CHAIRMAN SANTORO: Okay, so it looks

23 like Helen's out.

24 MR. HALL: Helen's gone, Jim's still

25 there.

6

1 CHAIRMAN SANTORO: There we go. Great

2 job.

3 MR. KELLER: I think we lost Mr.

4 Wolfson, though.

5 MR. PONTIER: I was going to say, it

6 looks like Peter may have been demoted as well.

7 MR. HALL: Luke can take over.

8 CHAIRMAN SANTORO: He said he needs to

9 be elevated.

10 MR. BOARDMAN: Yeah.

11 CHAIRMAN SANTORO: Okay, give it a

12 second.

13 MS. BOARDMAN: Got it.

14 CHAIRMAN SANTORO: There he is.

15 You're back now.

16 MS. BOARDMAN: Sorry.

17 MR. HALL: You didn't miss anything.

18 CHAIRMAN SANTORO: And then also,

19 after we get through the traffic aspects of it,

20 there were some memos from various commissions that

21 we want to get on the record, so we'll get that out

22 next, after that.

23 So should we -- should we -- maybe we

24 should hear from Mr. Maltz at this point, right?

25 Because your traffic expert went and why don't we

7

1 give Mr. Maltz an opportunity to comment on what he

2 heard as well as share his own view.

3 MR. MALTZ: Okay. This is Mr. Maltz.

4 Can everybody hear me okay?

5 CHAIRMAN SANTORO: Yes.

6 MR. HALL: I can hear you.

7 MR. MALTZ: It's okay, the sound is

8 good?

9 CHAIRMAN SANTORO: I think so. Is

10 everybody all right?

11 UNIDENTIFIED VOICE: Yup.

12 CHAIRMAN SANTORO: Okay. Go ahead,

13 proceed.

14 MR. MALTZ: You know, I reviewed Mr.

15 Keller's report and also the report that he

16 submitted, the extensive, you know, fieldwork and

17 parking study, traffic counts, that was submitted to

18 the Planning Board, which was also back-referenced

19 as to this application. I'm going to try and be

20 very brief.

21 Essentially, I'm in agreement with

22 everything Mr. Keller presented as to his studies,

23 findings and conclusions. Very briefly, you know,

24 the current proposal is 24 apartments with 24 garage

25 spaces, 17 square feet of retail. This is a

8

1 reduction of the retail from the previous 4526

2 square feet, that's a 60 percent reduction, and the

3 91-seat theater and whatever it generated is gone.

4 In terms of trip generation, I agree

5 with the source he used, which is also required by

6 the New Jersey Residential Site Improvement

7 Standards. The 24 apartments only produces 8, 11

8 and 17 trips in their respective a.m., p.m. and

9 Saturday peak hours. I agree with Mr. Keller's

10 analysis. These numbers are too small to have any

11 notable impact at any location.

12 Similarly, the retail, which is also

13 very small, only produces 2, 28 and (audio freeze)

14 trips, that's total two-way, in the weekday a.m.,

15 p.m. and Saturday, and about a third of it is not

16 new trips but people that might be passing by the

17 area already and decide to stop, so once again,

18 we're talking very, very nominal flows.

19 He performed a capacity analysis, this

20 was a report that was submitted through the Planning

21 Board, at Lincoln Place and Prospect and Lincoln

22 Place at Green Waverly, and I reviewed his work and

23 the impact of this project at those two

24 intersections is a half a second of additional delay

25 or less and this is imperceptible to motorists. So

9

1 I agree with Mr. Keller's findings in that regard.
2 In terms of the parking, they're
3 providing 24 garage spaces, they're going to be
4 assigned as one space per unit, and the RSIS does
5 allow for parking standards to be accepted by the --
6 to reflect the local condition, and some of the
7 things that it lists are available mass transit and
8 available off-site parking resources. Well, the
9 Madison train station is directly across the street,
10 and in fact, there are reductions. New Jersey
11 Transit put out a publication I cited in my review
12 that identifies for this proximity you can reduce
13 the parking demand by about 30 percent, so 47 spaces
14 comes down to 33. Supplementing the rest, you also
15 have mass transit in terms of buses around the
16 corner along Main Street, which would also affect
17 the parking demand.
18 And finally, in terms of off-site
19 parking resources, Mr. Keller and his staff did an
20 extensive study, which was summarized in the report
21 that went to the Planning Board, of six municipal
22 lots and they didn't -- didn't even bother to take
23 into account on-street parking, but there was
24 substantial parking available which would be for
25 visitors and anybody for retail, would park in those

10

1 areas. So I'm comfortable with the analysis that
2 was performed in terms of the parking.
3 He discussed the sight distance, which
4 was right in line with what I presented, so I'm
5 comfortable with that. My recommendation to add
6 pedestrian crosswalk signs at the two crosswalks
7 which are just to the east and west of the site
8 frontage as well as advanced pedestrian crosswalk
9 sign assemblies, they've agreed to provide that.
10 And finally, they're providing 9-by-18
11 parking stalls with 24-foot aisles, which conforms
12 to the RSIS. There was some discussion about
13 columns that could protrude on one side six inches
14 into a parking space. I'm not troubled by that,
15 this is very common in a garage and, certainly, it
16 reduces in that area of the pull-in at 8-1/2 feet.
17 You could certainly pull a vehicle in in that area
18 but what's important, as the vehicle pulls forward,
19 the doors that people have to get out of, the
20 passenger, the driver, are beyond the -- are beyond
21 the columns, so you have the full nine-foot width
22 available, so I'm not troubled by that at all.
23 The only thing that I would note is
24 that there was a request to provide a turning
25 template of a car entering the garage, there was

11

1 some discussion if they can make the garage door a
2 little bit wider, instead of 18, they do 20, Mr.
3 Keller can address that, and I think there was a
4 Board member, it wasn't something from me but prior
5 -- it might have been the first hearing, a Board
6 member raised a question about access to parking on
7 Lot 1, which is behind, the property behind us.
8 There's nine angled spaces and I think there's six
9 perpendicular spaces. The angled spaces face
10 towards Main Street and there was some talk about if
11 that area's going to be cleaned up or whatever.
12 Possibly Mr. Keller could talk about that. I would
13 note they have an access drive under the building
14 which goes out to Main Street. That's, excuse me,
15 the lot number, that would be -- I just don't have
16 the lot number. Oh. I think it's through Lot 10,
17 that -- that drive that goes out to Main Street, but
18 it's being used as a two-way facility. So Mr.
19 Keller can address that as well. I didn't bring it
20 up, I think it was brought up by a Board member.
21 So I'm basically comfortable with the
22 vast majority of what Mr. Keller has presented and I
23 have no other comment.
24 CHAIRMAN SANTORO: Okay, good. Mr.
25 Wolfson, did you have any comment on that, on what

12

1 Mr. Maltz... You're muted.
2 MR. WOLFSON: Excuse me. As I
3 reported last week, we continue to be in contact
4 with the neighbors that share the driveway with us
5 and that process is underway. We have worked on all
6 of the issues that we heard in terms of feedback,
7 that being one of it, one of them, and we hope to be
8 able to report back to you on some solutions in
9 advance of our next appearance.
10 CHAIRMAN SANTORO: Okay. That's good.
11 So maybe we should see if there's any questions from
12 our experts, either our planner or our engineer, and
13 then we'll see if the Board has questions.
14 MR. HARRINGTON: No questions, Mr.
15 Chairman, on Mr. Keller's traffic testimony. I do
16 have one clarification or one concern that would
17 really be for Mr. Gertler, and it regards traffic
18 and turning movements, so if you don't mind, I'd
19 like to get this on the record quickly.
20 On your sheet, Jeff -- I'm sorry, Mr.
21 Gertler, A-101, where it shows the garage-door
22 opening on the cellar floor plan, it shows a
23 projection of the wall narrowing down the garage
24 opening. In effect, Jeff, it's where the pedestrian
25 entrance is, and looking at an elevation drawing, it

13

1 appears that that wall does not project in front of
 2 the pedestrian opening, in effect, making the
 3 opening to the building, on the facade of the
 4 building, wider than 18 feet, which would greatly
 5 help the turning motions there. I would just like
 6 you to take a look at that, if you would, please,
 7 and see if that is indeed the case, that the opening
 8 of the -- at the building envelope is actually wider
 9 than what's shown.

10 MR. GERTLER: I think, on the
 11 elevation, you'll see that there are columns, or
 12 maybe in plan, you'll see it easier, there are
 13 columns on either side of the door openings and
 14 they're in a regular rhythm with the building, so
 15 they align with everything up and down, and that was
 16 one of the triggers for the size of the opening.

17 MR. HARRINGTON: That's -- that's
 18 fine. I'd like to take a look at that offline --

19 MR. GERTLER: Okay.

20 MR. HARRINGTON: -- with Mr. Gertler
 21 and we can resolve that, but in my view, it would
 22 greatly aid and improve the turning movements for
 23 cars exiting the garage.

24 MR. GERTLER: Okay, very good.

25 MR. HARRINGTON: Thank you.

14

1 CHAIRMAN SANTORO: Mr. Stern, did you
 2 have any questions?

3 MR. STERN: Sure. Mr. Gertler, I
 4 probably know the answer, but it did come up in my
 5 report. The farthest parking spaces in the
 6 building, really the two spaces adjoining Lincoln
 7 Place, is there any opportunity to widen those by a
 8 foot or get a little area to make it easier for
 9 those vehicles to back out?

10 MR. GERTLER: It would be -- if we had
 11 more room, I would love to do that, but we are sort
 12 of at the property line on the south side, which is
 13 Lincoln Place, and if you basically count the nine-
 14 foot stalls as you proceed north, it terminates at
 15 the opening for the garage doors that we were just
 16 speaking about, so that -- that is -- they're all
 17 exactly nine feet, that's along the eastern side of
 18 the building.

19 MR. STERN: Right, so it's that --
 20 what limits you is the columns, the garage-door
 21 opening, and your pedestrian egress door.

22 MR. GERTLER: Well, in a way, the
 23 answer is yes, but it is really down to two, and
 24 that is the nine-foot-wide parking stalls and then
 25 the 18-foot-wide opening that takes us to the back

15

1 of our property. So we don't -- if we reduce one or
 2 if we increase one, we reduce the others.

3 MR. STERN: Right. Okay. Thank you.

4 CHAIRMAN SANTORO: Okay, so does the
 5 Board have any questions on traffic?

6 MS. SALKO: No.

7 CHAIRMAN SANTORO: For any of the
 8 experts?

9 (No response)

10 CHAIRMAN SANTORO: Okay. Very good.
 11 So then, Fran, what we're going to do is go to the
 12 public for questions and the questions are going to
 13 be on the testimony from both of the -- potentially
 14 for both of the traffic experts and then I want to
 15 mention to the public again that this is an
 16 opportunity to ask questions of the witness, to get
 17 to the facts, bring up things that, you know, maybe
 18 haven't been talked about, that sort of thing, but
 19 get to the facts. It's not an opportunity to talk
 20 about whether you like the project or not, that will
 21 come later. So are there any hands raised? No?

22 MS. BOARDMAN: Hold on. Yes, there
 23 are two. Katherine Caccavale.

24 MS. CACCAVALE: I think you called on
 25 me, Kathleen Caccavale, 82 Central Avenue, Madison.

16

1 MS. BOARDMAN: Yes.

2 MS. CACCAVALE: Okay. My -- I have
 3 one question and that is, has anybody checked the
 4 turning radius for the first parking spot closest to
 5 the garage door on the driveway side?

6 MR. KELLER: Not specifically. I
 7 could look at that but, I mean, it may be that that
 8 takes more than one maneuver, but that is not an
 9 unusual arrangement in a garage. It is a small
 10 garage with a limited number of vehicles, so we
 11 don't see an issue with that.

12 MS. CACCAVALE: And people can back
 13 in? There won't be any restriction on backing in?

14 MR. KELLER: If somebody chooses to
 15 back in, they could.

16 MS. CACCAVALE: Thank you.

17 CHAIRMAN SANTORO: Okay. Any
 18 additional --

19 MS. BOARDMAN: There's two others.

20 CHAIRMAN SANTORO: Okay.

21 MS. BOARDMAN: Dorothy.

22 CHAIRMAN SANTORO: Hello?

23 MS. O'BRIEN: Hi. Dorothy O'Brien, 38
 24 Crestwood Drive. Concerning the first person's
 25 question concerning backing into the parking spaces,

17

1 will the columns allow for driver doors to open
 2 based on the placement of the columns?
 3 MR. KELLER: Yes. You mean if the car
 4 backs in?
 5 MS. O'BRIEN: Yeah.
 6 MR. KELLER: Yeah. The doors would be
 7 behind the column, so if they backed in, they would
 8 be able to still open the door.
 9 MS. O'BRIEN: Okay, and that's for all
 10 24 spots?
 11 MR. KELLER: Well, to the extent that
 12 there's a column on the driver's side if somebody
 13 backs in, yes, but...
 14 MS. O'BRIEN: Okay. Second, Mr.
 15 Maltz, concerning your analysis concerning the
 16 availability of parking, if residents own two cars,
 17 where would a second car be able to park overnight
 18 in downtown Madison?
 19 MR. MALTZ: I think Mr. Keller
 20 addressed that in his testimony last time. I
 21 believe they would have to obtain a parking permit
 22 somewhere and make arrangements somewhere else. In
 23 taking a lease in this building, it's going to be
 24 restricted to one car per unit, so somebody signing
 25 a lease to come in would know that right away. If

18

1 they needed a second spot for a car, they'd have to
 2 know ahead of time or make arrangements to
 3 accommodate that vehicle. I think Mr. Keller
 4 presented some information --
 5 CHAIRMAN SANTORO: Mr. Keller, do you
 6 remember the three lots you mentioned?
 7 MR. KELLER: I don't.
 8 CHAIRMAN SANTORO: Okay, well, let me
 9 just address the member from the audience, the
 10 person from the audience. It's on the website. Mr.
 11 Keller got it off the borough website, so it was
 12 three lots that he cited off of Kings Road where
 13 there was overnight parking.
 14 MS. O'BRIEN: So that would -- so...
 15 CHAIRMAN SANTORO: Go ahead.
 16 MS. O'BRIEN: So whether somebody is a
 17 guest who wants to park overnight and does not own a
 18 permit would be able to park in any -- in those
 19 three lots?
 20 CHAIRMAN SANTORO: That's the
 21 understanding. That was what was testified to. So
 22 there's overnight -- there's overnight parking
 23 provided by the Borough and Mr. Keller testified
 24 there was three of them. I don't want to say
 25 because I don't want to say the wrong one, but I

19

1 believe he got those from -- he testified that he
 2 obtained those from the Borough website.
 3 MR. KELLER: Mr. Chairman, the Borough
 4 website lists for overnight parking Kings Road,
 5 Maple Avenue and Prospect Street.
 6 CHAIRMAN SANTORO: Okay, do you have
 7 another question?
 8 MS. O'BRIEN: Are there any other
 9 hands raised?
 10 MS. BOARDMAN: Yes.
 11 MS. O'BRIEN: I'll let somebody else
 12 go ahead and if my other questions aren't asked,
 13 I'll raise my hand again.
 14 CHAIRMAN SANTORO: Next?
 15 MS. BOARDMAN: Ms. Reynolds?
 16 MS. REYNOLDS: Yes, thank you. This
 17 is Laurie Reynolds of Academy Road. My question is:
 18 Can the 24 spaces underground accommodate a large
 19 SUV or is it limited to like a sedan?
 20 MR. KELLER: You mean in what sense
 21 can they be accommodated?
 22 MS. REYNOLDS: Like does it fit just a
 23 small car or can it fit an SUV, like a Pilot or a
 24 Tahoe or even a Tesla truck? I'm just asking about
 25 if anybody can fit their car in there or no.

20

1 MR. KELLER: Yes.
 2 MS. REYNOLDS: Okay, and then my
 3 question about the overnight parking also is that,
 4 does that mean somebody could move their car in the
 5 day and park at night and move it again in the day,
 6 because it seems to me there was a lot of
 7 competition for spaces in those lots.
 8 MR. KELLER: Well, I mean, we're
 9 providing -- every -- everyone who leases one of
 10 these apartments is going to know that they get one
 11 space --
 12 MS. REYNOLDS: Yup.
 13 MR. KELLER: -- and, you know, if they
 14 have more than one vehicle, then they're going to
 15 have to make arrangements for that second vehicle to
 16 be parked. That's what they have.
 17 MS. REYNOLDS: Right. It would be
 18 good to know more about that because it's my
 19 understanding that they would have to buy a permit
 20 from Madison, which in the past, as a commuter, was
 21 a challenge, and then I guess they would have to
 22 move their cars in the day.
 23 MR. KELLER: Well, commuter parking is
 24 different, you know, but there is resident overnight
 25 parking.

21

1 CHAIRMAN SANTORO: Okay, do you have
 2 another question?
 3 MS. REYNOLDS: Well, so that still
 4 isn't answering my question. So the person would
 5 have to move it in the day and then could leave it
 6 there at night?
 7 MR. KELLER: They would have to follow
 8 the regulations that the Borough has established for
 9 permit parking for residential use.
 10 MS. REYNOLDS: Okay, so you don't
 11 know, that's what I'm hearing, that you don't know
 12 that, but as a commuter in the past, it was very
 13 difficult to, one, get a permit and, two, find a
 14 space, so I wouldn't want this to take away from
 15 Madison residents being able to park --
 16 CHAIRMAN SANTORO: Right. Do you have
 17 any other questions?
 18 MS. REYNOLDS: -- at the train
 19 station.
 20 CHAIRMAN SANTORO: Do you have any
 21 other questions?
 22 MS. REYNOLDS: I do. I understand
 23 there's one handicapped spot. Is that typically
 24 enough or -- it seems a little short.
 25 MR. KELLER: It's what's required by

22

1 code.
 2 MS. REYNOLDS: Required by code.
 3 Okay. Thank you. And then my next question is: Do
 4 either of you live or do business in Madison on that
 5 street, like, do you regularly walk there or try to
 6 drop your mail off there? Because it's busy, and so
 7 for you to say there's a nominal effect is quite
 8 surprising.
 9 MR. MALTZ: Who's that addressed to?
 10 MS. REYNOLDS: Harold and Eric.
 11 Sorry, Mr. Maltz and Mr. Keller.
 12 MR. MALTZ: Okay, the -- the analysis
 13 is based on the capacity of -- capacity analysis and
 14 traffic counts performed by Mr. Keller's firm at the
 15 two intersections would he identified and the
 16 traffic to be imposed that's calculated for the
 17 residential site, which as I pointed out, I agree
 18 with Mr. Keller, and he used the Institute of
 19 Transportation Engineers trip generation, the
 20 current edition is the 10th, and by the way, we
 21 don't have a choice about using that; the New Jersey
 22 Residential Site Improvement Standards specifies
 23 that you have to use that document in calculating
 24 trip generation for a residential site, and the
 25 numbers that were identified by Mr. Keller, which I

23

1 confirmed, and these are total two way volumes, are
 2 eight cars in the morning peak hour, 11 cars in the
 3 p.m., to 17 on a Saturday peak hour. To give you an
 4 idea, 8 cars in the morning, that's about one car
 5 every seven or eight minutes to and from the site.
 6 11 cars, that's one about every five minutes. 17
 7 cars, once again, it's about one every three
 8 minutes. These are very nominal flows and it would
 9 be imperceptible, the analysis was that a level of
 10 service C or better is experienced at the
 11 intersection -- the critical movements at the
 12 intersections at each end of Lincoln, that's at
 13 Prospect and -- Prospect and Waverly, and you know,
 14 the impact is about a half a second or less increase
 15 on the critical --
 16 MS. REYNOLDS: With all due respect,
 17 Mr. Maltz, I do not think that addresses the actual
 18 of use of a post office, right? It sounds like
 19 that's addressing traffic moving on streets
 20 perpendicular where the post office is, but when a
 21 resident needs to stop and drop something off at the
 22 post office, it's, you know, by definition, people
 23 running in and out --
 24 MR. HALL: Is that a question?
 25 MS. REYNOLDS: Yes, so --

24

1 MR. HALL: It's question time right
 2 now, please.
 3 MS. REYNOLDS: Yes, so my question is,
 4 this traffic study does not seem to represent what
 5 actually happens on the street in front of the post
 6 office by the residents of Madison.
 7 MR. HALL: Do you agree, Mr. Maltz?
 8 Let's make it a question.
 9 MR. MALTZ: I don't agree. Mr.
 10 Keller, the traffic has been performed at each end
 11 of Lincoln, includes the traffic that went to and
 12 from the post office and traveled on that roadway.
 13 Mr. Keller can address that to confirm it himself
 14 because they performed the counts. I think he
 15 should weigh in at this point.
 16 MR. KELLER: Yes, it does. It does
 17 account for the traffic that was on the street, for
 18 the post office and every other use in the area.
 19 MS. REYNOLDS: Well, I would just
 20 wonder if the Board could be made aware that the way
 21 we actually use it is to go in and -- is to park, go
 22 in and out of the post office, and it's very
 23 congested there currently, and maybe the traffic
 24 study happened before all the condos in the area
 25 were populated. I don't know, but it certainly

25

1 doesn't represent reality in March in Madison.
 2 Thank you.
 3 MR. KELLER: Mr. Chairman, you're
 4 muted.
 5 CHAIRMAN SANTORO: If you don't have
 6 another question, we're moving on.
 7 MS. REYNOLDS: Thank you, I appreciate
 8 you were listening to my questions.
 9 CHAIRMAN SANTORO: Thank you.
 10 Okay, is there any other hands?
 11 (Pause)
 12 CHAIRMAN SANTORO: Fran, you're muted.
 13 No. Okay.
 14 MS. BOARDMAN: Yes.
 15 CHAIRMAN SANTORO: No hands?
 16 MS. BOARDMAN: Yes.
 17 CHAIRMAN SANTORO: So we can move on.
 18 MS. O'BRIEN: No, my hand's raised.
 19 CHAIRMAN SANTORO: Okay, I'm sorry,
 20 we're just having a little communication [sic].
 21 Who's speaking right now?
 22 MS. O'BRIEN: Dorothy O'Brien.
 23 CHAIRMAN SANTORO: All right.
 24 MR. KELLER: Dorothy muted herself.
 25 MS. O'BRIEN: No, I did not.

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1 CHAIRMAN SANTORO: Okay. First of
 2 all, let's take it one at a time. Laurie Reynolds,
 3 please put her back in the public. Right now, she's
 4 up as a panelist. And then Dorothy, why don't you
 5 again state your last name.
 6 MS. O'BRIEN: Can you hear me?
 7 CHAIRMAN SANTORO: Yes, I can.
 8 MS. O'BRIEN: Dorothy O'Brien, 38
 9 Crestwood Drive.
 10 CHAIRMAN SANTORO: Okay. Go ahead.
 11 MS. O'BRIEN: Okay, so I have a
 12 question concern -- well, first off, Mr. Keller,
 13 who's paying for your time and your -- and your
 14 study?
 15 MR. KELLER: The applicant.
 16 MS. O'BRIEN: Okay, so I am con-- I am
 17 concerned, what -- is Madison going to pay to have a
 18 traffic study done?
 19 MR. HALL: Mr. Maltz is the Board's
 20 witness.
 21 MS. O'BRIEN: Sorry?
 22 MR. HALL: Mr. Maltz is testifying for
 23 the Board.
 24 MS. O'BRIEN: Okay, but it's based on
 25 Mr. Keller's study, though.

27

1 MR. HALL: Well, he reviewed it and
 2 commented. He's the traffic expert. That's the way
 3 the process always works.
 4 MS. O'BRIEN: Okay. I didn't hear
 5 mention in the study concerning deliveries and the
 6 parking -- not parking, I'm sorry. I didn't hear
 7 mention concerning tenants moving in and out of the
 8 building, you know, the impact --
 9 CHAIRMAN SANTORO: I think we talked
 10 about that two or three times and we've already
 11 fielded questions about that.
 12 MS. O'BRIEN: I was told to hold my
 13 questions and ask the traffic expert, so --
 14 MR. HALL: But if they're repetitive,
 15 we don't need to hear it again and Mr. Chairman's
 16 right, we heard --
 17 MS. O'BRIEN: Well, I didn't get an
 18 answer last time I was told -- I was cut off,
 19 similar to the way you're cutting me off now, and I
 20 was told to wait to talk to the traffic expert. So,
 21 I'm sorry, so let me just go on again. The impact
 22 concerning deliveries to the building, whether it be
 23 tenants moving in or out, which obviously will take
 24 hours with large vehicles, and delivery of other
 25 large vehicles, such as, you know, TV deliveries,

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1 Best Buy, Amazon, et cetera, what kind of study's
 2 been done, again, concerning the impact on the
 3 traffic flow for people to go in and out of the post
 4 office?
 5 MR. KELLER: So --
 6 CHAIRMAN SANTORO: Either one of the
 7 traffic experts can respond to the question.
 8 MR. MALTZ: I think Mr. Keller should
 9 respond.
 10 CHAIRMAN SANTORO: Okay. Mr. Keller?
 11 MR. KELLER: Thanks, Mr. Maltz. You
 12 know, for move-in/move-out activities, those are
 13 always scheduled, you know, these are apartments,
 14 these are, you know, I don't remember the exact
 15 size, but they're not large units. It does not take
 16 hours to unload or load a moving van. These are
 17 smaller trucks because of the size of the units.
 18 They would be scheduled and, you know, that can be
 19 worked through building management that they don't
 20 do it when the post office is busy. It's a
 21 management action, no different than the loading
 22 that occurs now for the businesses that are on the
 23 street. For the most part, once, you know, the
 24 building is leased, the turnover of the units is
 25 going to be infrequent. Again, we're talking about

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1 24 units and any other deliveries, you know, for the
 2 most part, are going to be mail or UPS and they're
 3 going to park where they park today for the
 4 deliveries that they make for the other businesses
 5 and residences along the street.

6 MS. O'BRIEN: So -- but the delivery
 7 schedule, if there is a schedule, that would be
 8 dependent on the management of the building
 9 enforcing that schedule or enacting and enforcing a
 10 schedule? That's not a town requirement?

11 MR. KELLER: You know, for move-in/
 12 move-out, that's a -- the manager will direct the
 13 tenants as to when they will be able to move in, and
 14 that's typical for these type of buildings. As to
 15 whether there's any Borough regulations as far as
 16 when loading or deliveries could be made, I'm not
 17 aware of any, but that doesn't mean that the code
 18 doesn't have that someplace.

19 CHAIRMAN SANTORO: All right, so any
 20 last question? Because we need to move on.

21 (No response)

22 CHAIRMAN SANTORO: No?

23 MS. BOARDMAN: Mr. Chairman, I do have
 24 someone else with their hand raised.

25 CHAIRMAN SANTORO: All right, I want

30

1 you to -- I want you to put the last two members of
 2 the public into --

3 MS. BOARDMAN: They are in the
 4 attendees' room.

5 CHAIRMAN SANTORO: The attendees'
 6 room?

7 MR. HALL: Yes.

8 CHAIRMAN SANTORO: I'm looking at them
 9 on my screen.

10 MS. BOARDMAN: Not in the panelists'
 11 room.

12 CHAIRMAN SANTORO: Why are they
 13 showing here?

14 MS. BOARDMAN: They are in the
 15 attendees' room.

16 CHAIRMAN SANTORO: Okay.

17 MS. BOARDMAN: But I do have one more
 18 hand raised. It's Peter Steck.

19 CHAIRMAN SANTORO: Okay.

20 MR. HALL: I think -- he's Mr.
 21 Wolfson's client, expert, isn't it?

22 MR. WOLFSON: No.

23 MR. HALL: Oh. He's Mr. Simon's
 24 expert.

25 MR. WOLFSON: Well, Mr. Simon had a

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1 different planner last time. Why don't we ask Mr.
 2 Steck his capacity as --

3 MR. HALL: Yeah, why he's here, okay.

4 MR. STECK: If you can hear me, I'm
 5 here on a later application, I didn't believe that I
 6 raised my hand, so I'm just watching.

7 MR. HALL: Okay.

8 CHAIRMAN SANTORO: Okay, thank you.

9 MR. HALL: Thank you, Peter.

10 CHAIRMAN SANTORO: Okay. Go ahead.

11 MS. BOARDMAN: There is one more hand
 12 raised from Dorothy O'Connor. I'm sorry, Dorothy
 13 O'Brien.

14 CHAIRMAN SANTORO: Ms. O'Brien, one
 15 last question.

16 MS. O'BRIEN: I didn't have my hand
 17 raised, I think that was from last time.

18 CHAIRMAN SANTORO: Okay.

19 MS. BOARDMAN: Okay, there are no
 20 other hands raised.

21 CHAIRMAN SANTORO: All right, I'm
 22 closing the public portion. So that concludes that
 23 aspect of it, so I think we should move beyond
 24 traffic now. Any objections, Gary?

25 MR. STERN: Mr. Chairman?

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1 CHAIRMAN SANTORO: Yeah.

2 MR. STERN: I just had -- it doesn't
 3 pertain to vehicular traffic, it does pertain to one
 4 of the waivers and it was for the sidewalk width.
 5 If you recall, that one-story building to the east
 6 has a one-stoop exit out onto a sidewalk, and
 7 because of that, the walk doesn't meet the minimum
 8 required width of six feet, it narrows down
 9 slightly, and I just see that as a tripping hazard,
 10 so to the applicant for the next meeting and when
 11 you look at revisions, you may want to look at maybe
 12 putting just a very small railing or bollard at the
 13 corner of that step so, you know, people that have
 14 their -- are sidetracked by looking at their phone
 15 when they're walking the sidewalk don't slam their
 16 foot into that stoop, so I hope it's something you
 17 could address at the next hearing.

18 MR. WOLFSON: We will address it, Mr.
 19 Stern.

20 MR. STERN: Thank you.

21 CHAIRMAN SANTORO: Okay. Very good.
 22 All right, so with that, I wanted to --
 23 Mr. Stern, we had talked about putting on the record
 24 some memos received?

25 MR. STERN: Sure. Yeah, as part of

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1 the submission and the protocol, the application was
 2 transmitted to downtown development commission that
 3 reviews these types of applications occurring in the
 4 downtown. They review the application as well as
 5 subcommittee reviews, the signs, any freestanding
 6 signs or facade signs. The application has also
 7 been forwarded to the Historic Preservation
 8 Commission, who's been involved with this now for
 9 quite some time; in fact, the application, when it
 10 was first initiated, was before the Planning Board
 11 and the Historic Preservation had gotten involved at
 12 that point. And then finally, we do have a report
 13 from the Environmental Commission, I think a number
 14 of reports, and we have one short review memo from
 15 the Shade Tree Commission, so these are all the
 16 Borough's commissions and committees that get
 17 involved in the review of these applications. On
 18 top of that, we, of course, have fire and police
 19 that review these applications, but the Historic
 20 Preservation Commission, DDC, Environmental
 21 Commission, I believe are in attendance at this
 22 meeting, have representation, so I think it would be
 23 good if we went over their reviews at this point.
 24 CHAIRMAN SANTORO: That 's perfect.
 25 We have Mr. John Morris and Mr. Eric Range with us.

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1 MR. RANGE: Good evening, Mr.
 2 Chairman.
 3 CHAIRMAN SANTORO: Welcome. What I
 4 thought we could do is, you know, you've submitted
 5 two memos, right? Let's go with the one of January
 6 26 that addresses the overall opinion of the -- not
 7 the sign and facade, the other one, the overall
 8 opinion --
 9 MR. RANGE: Right.
 10 CHAIRMAN SANTORO: -- about this and I
 11 thought maybe you could open up and tell us just a
 12 little bit about the DDC, its membership, so people
 13 understand how important it is and what you guys do.
 14 MR. RANGE: Absolutely.
 15 MR. HALL: Why don't I swear them in
 16 just because of the nature of the testimony. Mr.
 17 Range and Mr. Morris.
 18
 19 E R I C R A N G E, Downtown Development Commission
 20 Vice Chairman, is sworn by the Board attorney.
 21
 22 J O H N M O R R I S, Member of Downtown
 23 Development Commission Executive Committee, is sworn
 24 by the Board attorney.
 25 MR. HALL: Thank you. I assume you're

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1 both officers in DDC or I don't know the proper term
 2 but...
 3 MR. RANGE: I am the current Vice
 4 Chairman, yes.
 5 MR. HALL: Okay. And Mr. Morris, just
 6 for the record?
 7 MR. MORRIS: I'm part of the Executive
 8 Committee of the DDC.
 9 MR. HALL: Thank you. That's fine.
 10 CHAIRMAN SANTORO: So you have the
 11 floor for a little while so why don't you tell us
 12 about DDC.
 13 MR. RANGE: Sure. So just by way of
 14 introductions, again, I'm Eric Range, I've served on
 15 the Downtown Development Commission for the last 16
 16 years and currently serve as its Vice Chair and I'm
 17 a prior Chairperson. I currently serve as a member
 18 of the Sign and Facade Committee, which you've
 19 noted, we'll talk about that memo shortly, as well
 20 as chairing the Marketing and Economic Redevelopment
 21 Subcommittee.
 22 Just for those that may be unfamiliar
 23 with the DDC, we hope that's not the case but we've
 24 lots of members of the public who may not know what
 25 we do day to day, we're one of the Borough

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1 commissions appointed by the Mayor and endorsed by
 2 the Council and our goal is really and our purpose
 3 is to study the future of the downtown district in
 4 regards to its economic growth and development, to
 5 develop plans for the redevelopment of the downtown
 6 district, to advise the downtown community on
 7 improvements requiring private sector action, advise
 8 the Mayor and Council on improvements requiring
 9 local government action, coordinate redevelopment
 10 activities in the downtown district, and foster a
 11 close working relationship between all segments of
 12 the Madison community, and to analyze and plan for
 13 the impact on downtown district development in other
 14 areas of the Borough, so you can see why we might
 15 have an interest in 14 Lincoln Place.
 16 The DDC is comprised of members who are
 17 a cross-section of the Madison community, including
 18 business owners, commercial property owners,
 19 residents and representatives from our higher
 20 education institutions, Board of Education, arts,
 21 and the Chamber of Commerce, which is by way of how
 22 John joins us, and other members of our community.
 23 So that's a little bit about the DDC.
 24 Does that answer that question, Mr. Chairman?
 25 CHAIRMAN SANTORO: Yes, it does.

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1 MR. RANGE: Great. So as you've
 2 noted, we've submitted two memos and I'll talk to
 3 the first. The first one is just the DDC's general
 4 support for the project. The DDC really sees the
 5 mixed-use redevelopment of 14 Lincoln Place as an
 6 overall positive addition to the downtown. The
 7 design certainly has come a long way. As you'll
 8 note, the draft of the memo actually started as a
 9 draft of the memo to HPC when the application was
 10 before them, and we liked it then and we certainly
 11 appreciate the evolution that has happened with the
 12 input from HPC and the Zoning Board.

13 Ultimately, this project also aligns
 14 with the ergonomic study which was commissioned by
 15 the Borough and the DDC a few years ago. If you're
 16 not familiar with that particular study, it was an
 17 independent market analysis completed partially due
 18 to the closure of Blue Ridge Mountain Sports, which
 19 was in the James building at that prominent corner,
 20 and the rumor is at the same time that Bowtie
 21 Cinemas was imminently closing at the end of 2015.
 22 Those were seen as two potential big hits to the
 23 downtown and we wanted to see what actions the
 24 Borough should be taking to mitigate those losses.
 25 Of course, we now know that Bowtie ultimately did

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1 not cease operation until 2017, but the study did
 2 ultimately grow out of the genuine concern for the
 3 future of Madison's downtown.

4 The study itself, the study document is
 5 quite long and extensive and talks about
 6 streetscapes and the arts and all sorts of things,
 7 but one of the biggest takeaways of the market
 8 analysis was, to have Madison's downtown continue to
 9 thrive well into the future, was that we needed to
 10 increase the residential population in the downtown
 11 core, and of course, during this -- this study and
 12 after, we've seen recent developments at the Green
 13 Village Road school property as well as along
 14 Greenwood Avenue, but the study suggests we still
 15 have capacity and need for these residential units
 16 that are suggested for 14 Lincoln Place. So I think
 17 that covers kind of the thoughts and feelings
 18 outlined in our memo. I'll give it to John if he
 19 has anything additional that maybe I missed in my
 20 overview.

21 MR. MORRIS: Thank you, Eric. I just
 22 want to touch base about that Madison Chamber of
 23 Commerce for those that are uninitiated at this
 24 point. We were founded in 1843 and we're an
 25 independent business league and it's run by the

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1 members and we have about 185 dues-paying members,
 2 most of those are businesses, we have a few sole
 3 proprietorships. What we're about essentially is
 4 increasing the level of prosperity and progress in
 5 the downtown for the benefit, obviously, of our
 6 members, for Madison itself, residents, visitors,
 7 students, the whole litany. We're a community-based
 8 organization and that's why I thought it was
 9 important for me to be here to represent the DDC and
 10 also represent my business. My family owns a
 11 business in town, we have for four generations, it's
 12 located on Kings Road, and to get back to the
 13 ergonomic study, which I think is very important, if
 14 you folks haven't all had a chance to look at it,
 15 it's a hundred and five-odd pages, it includes
 16 surveys, it includes polling results, it's very
 17 comprehensive. The takeaways that I take from it
 18 that are applicable to what we're talking about here
 19 are in the matrix of recommendations and I'll just
 20 touch on those real briefly. The first one that's
 21 important here is just zoning as needed to remove
 22 barriers to infill development. Of course, infill
 23 development is very important because what it does
 24 is it uses existing commercial property as opposed
 25 to getting into a sprawly type of a situation where

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1 the downtown grows and it encroaches into
 2 residential areas.

3 The next point in the ergonomic study
 4 is balancing new development and historic
 5 preservation. That calls for a balance and, of
 6 course, there's what HPC does, but the Chamber and
 7 also the DDC are very sensitive to that. Madison's
 8 bones were made on history and will continue to be
 9 made on history.

10 The third one I'd like to mention is to
 11 increase population density in the downtown. So
 12 people think that "density" is a bad word, but in
 13 this situation, what it means is that there are
 14 people invested personally by living downtown,
 15 whether it's in apartments or if they're renting or
 16 even owning. To retailers like me and my
 17 colleagues, what that does is it increases foot
 18 traffic and that can lead to increase in economic
 19 rewards, but the best thing about it is it breathes
 20 new life into the downtown. We live in a very
 21 competitive area with the towns close by and Madison
 22 always has to work hard and work harder to stay in
 23 the same league with these other towns. That was
 24 another goal of the ergonomic study.
 25 And then if I can just skip over to

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1 another page real quick, it goes to foot traffic.
 2 The goal of the ergonomic study was to encourage
 3 park and walk. I park and walk a lot for my
 4 business and I walk to the train station to go to
 5 the City and also go to the post office and I've
 6 been there various hours. Yes, there's lots of
 7 traffic on Lincoln Place when people are hurried at
 8 lunchtime doing this and that, but in the morning
 9 and in the evening, it's not necessarily a busy
 10 place at all. I see it daily, I've seen it
 11 different times and I have seen it for decades, so I
 12 think Lincoln Place will definitely be able to
 13 absorb the minimal amount of residential traffic
 14 that's been described in the traffic studies.
 15 What else should we add here, Eric,
 16 that's important?
 17 CHAIRMAN SANTORO: Well, you've done a
 18 pretty good job so far. What I should do is just
 19 open up for any questions from either the applicant
 20 or the Board members.
 21 MR. WOLFSON: Mr. Chairman, I have no
 22 questions. I know that they refer to the other
 23 report from the Sign and Facade Committee so I
 24 assume that they're going to get to that as well.
 25 CHAIRMAN SANTORO: Okay. Anybody have

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1 any questions? If not, we'll move on to the sign
 2 and facade.
 3 (No response)
 4 CHAIRMAN SANTORO: Okay, so it's clear
 5 you're supportive of the application.
 6 MR. RANGE: Yeah.
 7 CHAIRMAN SANTORO: Why don't we go to
 8 the other memo just briefly.
 9 MR. RANGE: Sure. Yeah, and this is a
 10 quick one; obviously, there's not a whole lot more
 11 to say beyond what's on the paper there. You know,
 12 ultimately, the sign and facade package, we felt
 13 that it was -- the master sign plan was clean and
 14 simple and we appreciated, sort of, the mix of
 15 materials, we appreciated the inclusion of blade
 16 signs, which are the more pedestrian-friendly, which
 17 is something the DDC has been pushing now for more
 18 than a decade, so we certainly appreciate that, and
 19 we like the concept of the historic plaque and where
 20 that's located and just the overall sign package and
 21 its cohesive look.
 22 There was one concern and I think I'll
 23 just couch the concern by saying, which was about
 24 the backlit nature of the signs. You know, the DDC
 25 just wants to make sure that any of that back

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1 lighting is done appropriately and doesn't overwhelm
 2 the space, but there are certainly lots of examples
 3 of good backlit signs in Madison, you know,
 4 something like Waverly TV on Waverly Place or,
 5 frankly, even the DDC and Borough's own alleyway
 6 signage is, you know, a piece of Plexiglass with the
 7 letters in front, so while that was expressed as a
 8 concern, I think if done, you know, tastefully,
 9 we're in favor of that as well.
 10 CHAIRMAN SANTORO: Okay, so there's
 11 going to be some more discussion later on about
 12 signage and if you guys are available, you can
 13 always weigh in at the next meeting.
 14 MR. RANGE: Sure.
 15 MR. MORRIS: Thank you.
 16 CHAIRMAN SANTORO: Okay, thank you
 17 very much for appearing tonight. It's very
 18 important that when somebody sends a memo, that if
 19 they'd like to make comments, you know, that we give
 20 them a chance to do that, so we appreciate it.
 21 MR. RANGE: Appreciate it, Mr.
 22 Chairman.
 23 MR. MORRIS: Thank you, sir.
 24 CHAIRMAN SANTORO: Okay, let's move to
 25 the Historic Preservation Commission, HPC. There

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1 was some memos there and is Ms. Foster here, Janet?
 2 You're muted, I can't hear you.
 3 MS. BOARDMAN: I don't see Janet, but
 4 I did promote --
 5 CHAIRMAN SANTORO: I see Mary Ellen.
 6 MS. BOARDMAN: -- Mary Ellen Lenahan
 7 and I also promoted --
 8 MS. RHODES: You promoted me --
 9 MS. BOARDMAN: -- Jill Rhodes.
 10 MS. RHODES: -- Jill Rhodes --
 11 MS. BOARDMAN: Yeah.
 12 MS. RHODES: -- but I believe Janet
 13 may be signed in under James Foster. She said she
 14 was just going to sit beside him and take over, so
 15 she might be signed in there.
 16 CHAIRMAN SANTORO: Who's going to
 17 speak for HPC?
 18 MS. RHODES: Janet Foster.
 19 CHAIRMAN SANTORO: Okay. She'll do
 20 the talking, all right, so...
 21 MS. BOARDMAN: Okay.
 22 CHAIRMAN SANTORO: There you go.
 23 Hello, Ms. Foster, how are you?
 24 MS. FOSTER: Fine. Thank you for
 25 having me join you tonight, thank you for that

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1 technical wizardry.
2 I swear to tell the truth, if Gary
3 needs that.
4 CHAIRMAN SANTORO: Gary, you're muted,
5 Gary.
6 MR. HALL: There we go.
7
8 J A N E T F O S T E R, Historic Preservation
9 Commission, is sworn by the Board attorney.
10
11 MR. HALL: Okay. Thank you, you're
12 sworn in.
13 MS. FOSTER: Thank you.
14 MR. HALL: And then before you talk,
15 let me just jump in real quickly. There were some
16 e-mails, I guess, actually yesterday, that I
17 authored to just clarify and confirm the role of the
18 HPC in this format. The Land Use Law specifically
19 provides for advisory comments from the historic
20 preservation to the Land Use Board, in this case,
21 the Board of Adjustment, and provides that the HPC
22 sends a written report and then produces an
23 individual to explain and answer questions and
24 that's why Janet's here.
25 MS. FOSTER: Indeed. Thank you, Gary.
You should have in your packet a memo

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1 dated January 26, you also have a memo from the HPC
2 for September 18, 2020, which was the last time as a
3 full Board, we had seen and commented on the Saxum
4 Real Estate development. There does appear to be a
5 little bit of catch-up, you know, we're two years
6 ahead of you or behind you, I'm not sure how to
7 describe it, so there's some minor inconsistencies
8 that I think just need to be worked out with the
9 passage of time.
10 Generally, I think we're going in the
11 right direction. The HPC did decide at our
12 September 2020 meeting, and it's in your memo, that
13 the last drawings that we saw showed a reconstructed
14 ticket booth on the exterior of the building, on the
15 post office side of the building, and we had
16 concluded that was actually unnecessary, a
17 reconstruction when there was no longer any theater
18 use in the building seemed, frankly, odd. I know
19 Mr. Wolfson heard that discussion, said that would
20 be great. I'm not sure that was communicated to the
21 architect, maybe there was a reason why he prefers
22 to keep this reproduction ticket-booth shape in the
23 back end of the building. I'd love to talk to Mr.
24 Gertler about that at some point, but overall, you
25 know, we're getting to the right direction here.

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1 One of the questions you raised last
2 week when this was discussed, Mr. Santoro, was that
3 there are a number of checkpoints that came through
4 the HPC resolution that could be and probably should
5 be worked into a Zoning Board resolution since you
6 seem to have more capacity and authority to signify
7 these things, about the preservation and reuse of
8 the cast stone plaque, for instance, about a clear
9 process for removing and preserving the original
10 ticket booth. I know there was conversation last
11 week about the chandelier and the architect said
12 "Oh, yes, yes, we'll try to reuse that," but ways to
13 sort of make that happen, I -- I am heartened to
14 hear you say it should be incorporated into
15 resolutions through the Zoning Board and would
16 certainly encourage you to do that.
17 CHAIRMAN SANTORO: Well, let me just
18 interrupt. Yes, so I mean, the process that the HPC
19 completed resulted in mandatory conditions and three
20 were appealed but all the others were accepted.
21 MS. FOSTER: Right.
22 CHAIRMAN SANTORO: And so that
23 language, you know, we intend to incorporate that
24 into -- into the resolution, the solution for this,
25 and then also in looking at it, the conditions, a

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1 number of those conditions, there were Conditions 5,
2 6, 7, 8, which all -- mandatory conditions, this is
3 from your -- the HPC's resolution --
4 MS. FOSTER: Right.
5 CHAIRMAN SANTORO: -- all talk about
6 preservation of all of these things, these objects,
7 standalone --
8 MS. FOSTER: Right.
9 CHAIRMAN SANTORO: -- booth, et
10 cetera, et cetera, and then the HPC has essentially
11 review and approval authority.
12 MS. FOSTER: Right.
13 CHAIRMAN SANTORO: So I talked with
14 Mr. Hall about it and at least my feeling is that
15 you still have that and you should continue to work
16 with the applicant and their historic expert to get
17 -- to get these things preserved.
18 So, yeah, I know you're asking for
19 certain things here in this memo, but I think these
20 are things that, really -- Gary, what did you think?
21 MR. HALL: Yeah, I think what we
22 talked about is that, certainly, the Historic
23 Preservation Commission, to the extent their
24 conditions weren't appealed, they were presumably
25 accepted by the applicant and remain in effect.

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1 Now, as far as working out the fine points of that,
2 that's not the Zoning Board's job. The Zoning Board
3 certainly, if they approve this new development, can
4 cross-reference, acknowledge and refer to what the
5 HPC did, but I don't think it's their job to get
6 down into refining, clarifying and negotiating
7 further on those items, because the Zoning Board's
8 looking at the new development, not the --

9 MS. FOSTER: Um-hum.

10 MR. HALL: -- demolition process. So
11 we're acknowledging what happened and the HPC's
12 actions in that regard and we're not undoing them,
13 but I'm not sure there's --

14 MS. FOSTER: Well, I appreciate your
15 support in moving forward with this because there
16 just is a lot of detail on some of those things in
17 the salvage and reusing of certain items --

18 MR. HALL: Sure.

19 MS. FOSTER: -- so I thank you for
20 your continued support on that.

21 CHAIRMAN SANTORO: I would say
22 continue to have dialogue with the applicant about
23 that. I think they've been working in good faith,
24 correct?

25 MS. FOSTER: Yes, if -- and one of the

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1 questions is -- well, we'll talk about it later, but
2 we are -- we are in touch with them and would hope
3 to continue to be so.

4 I guess some of the other main points
5 in our memo resolve [sic] around comments on the
6 signage and appreciating that there was a full sign
7 plan for this, so we look forward to that next week,
8 and certainly supporting a variance that would allow
9 the plaque and the interpretive materials that were
10 Preservation Commission requests to be included in
11 the building without penalty to the developer
12 because of an overage on signage. If there's a
13 concern about overage on the signage, I would say
14 it's -- it's a new sign, not the interpretive
15 plaques that would get shaved.

16 So you have our material and I guess if
17 there are any questions from -- from your members
18 for the Historic Preservation Commission, now would
19 be a good time to ask me and we'll see if I can help
20 you.

21 CHAIRMAN SANTORO: I don't have any
22 questions other than I do appreciate all that you
23 guys did, that HPC did on this, because I think it
24 did a great job relative to preserving aspects of
25 the theater and was very thoughtfully done. I don't

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1 have any particular questions and that's why I said
2 -- I culled it out at the last meeting through
3 various mandatory conditions that are in place
4 because I think they're important, so if the Board
5 wants to ask questions or if one of our experts
6 wants to ask any questions, please do so now. Or
7 the applicant.

8 MR. HARRINGTON: No questions, Mr.
9 Chairman.

10 CHAIRMAN SANTORO: Okay. Okay, good,
11 so then I think what we'll do, then, is -- oh,
12 sorry, Russell. Mr. Stern?

13 MR. STERN: Mr. Chairman, I just have
14 a question for Mrs. Foster. I mean, the Historic
15 Commission, I mean, it was a good -- a very thorough
16 presentation at the last hearing by Mr. Gertler. I
17 guess you would be in agreement with that or I saw
18 some concerns about, you know, a side elevation. I
19 guess what I'm looking at is, is this is a new
20 building going up along Lincoln Place and, you know,
21 with a certain style to it and what is the opinion
22 of the HPC regarding that?

23 MS. FOSTER: I think that the issue --
24 the timing issue here is that the building the HPC
25 reviewed and -- and talked about in our resolution

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1 of July 2019 is not exactly this building. There
2 have been changes to the building subsequently
3 redesigned and I'm aware that there may be continued
4 redesign at this moment because of input through
5 this Board's hearing process, but certainly, the --
6 and I will be the last one to comment about three or
7 four stories and the mezzanine issue, which was sort
8 of touched on last time and is something for your
9 Board to consider. Jeff -- Mr. Gertler did make a
10 lot of points in discussing the traditional building
11 type of Madison and how he was respecting that with
12 the design of the new building. However, the
13 traditional building type of Madison will always
14 have windows in a hierarchy of largest on the first
15 floor and they tend to reduce in size -- stay the
16 same or reduce in size as you go up. This new
17 elevation, particularly on the sides, has extra-
18 large size windows, double-size windows for those
19 upper-level apartments on the upper floor, it flips
20 the hierarchy and I think does not respect the
21 traditional building form as -- despite what efforts
22 have been made with the storefront and the
23 materiality of the building. There is, however, an
24 opportunity, when the building is really finished
25 and designed, for a quick chat with the HPC. Again,

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1 because our ordinance does require that new
2 buildings in the historic district will have
3 aesthetic exterior oversight from the HPC, I am not
4 sure, maybe the applicant could tell me, is this
5 building finished, that this is not the reviewed --
6 this is not the building exactly that HPC reviewed a
7 year and a half ago? Our resolution talks about
8 dark brick and light brick, there's no more light
9 brick, and that's really fine, but it means we're
10 looking at something slightly different. So when
11 this is perfected, we may have further comments
12 about particular materials and I'd be interested in
13 knowing how the window situation resolves based on
14 your discussion about how the mezzanine works and
15 the upper level works.

16 MR. WOLFSON: Mr. Chairman?
17 CHAIRMAN SANTORO: Yes.
18 MR. WOLFSON: If I can just speak to
19 that.
20 CHAIRMAN SANTORO: Sure.
21 MR. WOLFSON: Tomorrow represents the
22 second anniversary of our first appearance before
23 the HPC. We had a total of six appearances before
24 the HPC. Their input led to significant changes in
25 the design that were incorporated in the past design

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1 and which carried through into this. We do
2 acknowledge that this design, to the extent that
3 there are some differences to the facade and the
4 structure, are different. At this point, the HPC is
5 in a recommendation phase and they have submitted
6 their recommendation to your Board. So this is the
7 plan that we are proposing, it is the one to be
8 voted on. They have confirmed our compliance with
9 the conditions and I certainly hope, Ms. Foster,
10 that we have amply demonstrated, both by our
11 extensive and good-faith participation in your
12 procedures, our hiring of a historic architect, that
13 we will comply with what are binding conditions, so
14 we have satisfied them all, we have worked with the
15 Postal Service and New Jersey Transit to come up
16 with a protocol for both construction and
17 demolition, and I would just like Jeff Gertler to
18 speak very briefly as to the window issue and I
19 think he has one brief comment as to the
20 recommendations from the HPC as to this design.
21 Jeff?
22 MS. FOSTER: Thank you. And happy
23 anniversary, Peter.
24 CHAIRMAN SANTORO: Please, go ahead,
25 Mr. Gertler.

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1 MR. GERTLER: Thank you. A couple of
2 things, and I will keep it brief, Peter, don't
3 worry. You know, the windows that you look at
4 immediately adjacent to our building, the
5 neighboring buildings which are the post office and
6 the train station, because they are the building to
7 the left of us as you're facing the building, and
8 across the street to the right, there's an alleyway
9 and then there's a one-story building that has no
10 upper-story windows. So our windows are basically
11 comparable to our immediate neighbor's building's
12 windows. Those windows sometimes are longer and
13 sometimes they're wider, so collectively, we fit
14 into an overall pattern which we think is compatible
15 with our immediate adjacent neighbors, as well as an
16 overall downtown look of windows throughout the
17 larger, you know, Waverly Place and Main Street sets
18 of buildings and windows.
19 I don't -- and the other --
20 MS. FOSTER: And you're right that the
21 train station does have big windows on the top,
22 you're right.
23 MR. GERTLER: Right. But we're not
24 looking to -- and just looking at the ordinance of
25 our municipality, it says that we're not to look at

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1 other buildings and replicate them, that our
2 buildings are supposed to represent our own time
3 that we're building them. We are looking at this
4 building as something that is obviously being built
5 in 2021 or 2022, but it reflects the fabric of
6 downtown Madison. It doesn't replicate anything and
7 we're not trying to do that and the ordinance
8 doesn't ask us to replicate anything. We're only
9 trying to fit in as a good neighbor. So there will
10 be differences and we think the differences are
11 helping Madison move more to the future than get,
12 frankly, stuck in the past. We don't really have
13 good apartments downtown. We want to create good
14 apartments downtown and we want people to move here
15 and stay here, stay here during COVID and stay here
16 for a long time and become citizens in Madison, not
17 have an apartment with a lack of light, a lack of
18 windows, and want to leave at the first chance they
19 can. We want them to be good and effective Madison
20 citizens. We think having a building with a little
21 more space to it is going to be one of the drivers
22 that will attract people to Madison.
23 MR. WOLFSON: Jeff, does your design
24 respect the downtown design guidelines?
25 MR. GERTLER: It totally does.

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1 MR. WOLFSON: Thank you.
2 MR. GERTLER: We think it does a
3 hundred percent.
4 MR. WOLFSON: Thank you.
5 CHAIRMAN SANTORO: I just want to say
6 a couple of things here. Number one is, and I asked
7 this last time, was mandatory condition 11, I think
8 -- I think the applicant has conformed to that and
9 that is the design specifications, if you want to
10 call it, or design guidelines set forth by HPC. I'm
11 not going read it all but I think it describes the
12 building.
13 And then also, looking at the HPC
14 ordinance, in 112-7c(2), it says "It's not the
15 intent of this Chapter to discourage contemporary
16 architectural expression or to encourage new
17 construction which emulates existing buildings and
18 historic architectural style, but rather to preserve
19 the integrity and authenticity of a historic
20 preservation district and to ensure the
21 compatibility of new structures therein," and you
22 gotta look at this in a reasonable way, I think, and
23 say "Does this building rise to the level of being
24 incompatible?" I don't think it does and I think
25 that this passage alone gives a certain degree of

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1 architectural license for an applicant to design
2 what they think they'd like to create, given the
3 other constraints, so I don't -- I don't agree that
4 this design needs to go back to HPC for sign-off and
5 approval, I think this is the -- this is the
6 application as it's designed and that's what we
7 would vote on, unless you disagree, Gary.
8 MR. HALL: No, and -- yeah, on that, I
9 mean, the current application was submitted in, I
10 don't know, August, September, whenever it was, and
11 apparently, it was looked at by the HPC in September
12 this year. Now, whatever they presented two years
13 ago is not before this Board, who's never filed with
14 this Board, and so I don't think -- I think you have
15 -- the Board is looking for comments on the current
16 plan. Now, what's before us currently is -- I guess
17 the plan hasn't changed at all, they agreed to some
18 sight revisions, but that design, the Board has seen
19 and thinks that they're looking for -- and we have
20 gotten comments from HPC on that but I don't think
21 it's going to be revisited and I don't think we're
22 -- the starting point for you is what you saw two,
23 three years ago. The starting point for this Board
24 is what we all looked at at the first meeting in
25 January of 2021. So I agree with Mr. Santoro, I

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1 think the Board certainly is looking for input and
2 it's gotten input from the HPC, but they're not
3 looking for future input, and I agree with Mr.
4 Wolfson that whatever this Board approves will be
5 approved by a Land Use Board, and under the Land Use
6 Law, it doesn't go back for design recommendations.
7 Whatever you did before flows through and applies, I
8 agree, but -- but I think you're either with the
9 Board or not, it's not a -- now is the time to give
10 your input and the Board is looking to consider it,
11 is considering it, but there's not going to be a
12 future step where you, in my mind, provide more
13 information.
14 MS. FOSTER: I don't -- I'm not --
15 that doesn't surprise me and I'm not upset. I have
16 one very specific question if I can ask.
17 MR. HALL: Sure.
18 MS. FOSTER: In September --
19 MR. HALL: Right.
20 MS. FOSTER: -- Mr. Wolfson, we had a
21 long discussion about the ticket booth and the metal
22 reproduction ticket booth and getting rid of the
23 ticket booth because it didn't seem to serve either
24 a historical purpose or contemporary purpose. I
25 still see the ticket booth in -- and we -- in the

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1 memo we exchanged in September, we agreed that that
2 didn't have to be there. Is that simply an
3 oversight that it didn't get to the -- the architect
4 to remove or was there a strong feeling on the part
5 of the developer or someone else that that -- that
6 ex -- that extension on the first floor would stay?
7 It's almost minor enough that I have to say "Well,
8 if you want to do it, go ahead and do it," but it
9 just points to what I understood from our
10 conversation in September that it would go away and
11 it hasn't --
12 MR. WOLFSON: I agree --
13 MS. FOSTER: -- so maybe you could
14 just answer that.
15 MR. WOLFSON: I agree a hundred
16 percent with you, Madam Chairwoman. I was surprised
17 to see the homage to the ticket booth still there.
18 It was originally implemented into the plans to try
19 to make the HPC happy. We had extensive
20 discussions, as you've just reported, so we're happy
21 to take the homage out or leave it in as the Board
22 determines.
23 MS. FOSTER: So which Board
24 determines?
25 CHAIRMAN SANTORO: Well, this Board --

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1 MR. WOLFSON: It's in the plans now.
 2 If the Board is in love with it, they can leave it
 3 in. If they want to, I guess on your
 4 recommendation, indicate that it be deleted, we have
 5 no objection to that at all, and I'm confirming the
 6 discussion I had with the HPC --
 7 MS. FOSTER: Okay.
 8 CHAIRMAN SANTORO: So anyway, let's
 9 just cut to the chase here. Ms. Foster, what's your
 10 recommendation? Do you want it removed or --
 11 MS. FOSTER: I do. I do. It's false
 12 history, it doesn't -- its location is, on that post
 13 office elevation, it's behind the famous LED sign
 14 with the cutout letters that last week was explained
 15 as helping to buffer the side view of the first-
 16 floor apartment, so if it's behind there, A, who's
 17 going to see it, and B, the question is why? I
 18 think the HPC has committed to seeing that the
 19 original ticket booth is preserved in some way,
 20 maybe not at that site, but I think the authenticity
 21 of the real thing is more important than creating an
 22 homage at the back door and we have worked together
 23 and said "That's not even necessary," so I think,
 24 yeah, there's just a little bit of a catch-up
 25 between conversations and maybe redoing drawings.

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1 If there's a profound reason why somebody really
 2 wants it, talk to me, you know.
 3 MR. WOLFSON: Mr. Chairman,
 4 respectfully, if it pleases the Board, we'd like to
 5 amend our application; that will not be on the final
 6 plans.
 7 CHAIRMAN SANTORO: Very good.
 8 MR. WOLFSON: And Mr. Chairman, just
 9 one other thing. Ms. Foster indicated that it will
 10 -- the original ticket booth will not likely be in
 11 this building. It will not be in this building. We
 12 took great care to have a thorough discussion, the
 13 Borough has already confirmed that they will take
 14 stewardship of it and will find an appropriate
 15 location, in consultation with the HPC, for the
 16 original ticket booth.
 17 CHAIRMAN SANTORO: That's my
 18 understanding of it.
 19 MR. WOLFSON: Thank you.
 20 MS. FOSTER: Yeah, thank you, Mr.
 21 Wolfson, for clarifying that, and some of the other
 22 issues around brick color, um --
 23 CHAIRMAN SANTORO: Well, we're going
 24 to have to -- we're going to have to --
 25 MS. FOSTER: -- evolution.

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1 CHAIRMAN SANTORO: -- move on, so --
 2 MS. FOSTER: Okay. Well, thank you
 3 for letting me present this. The written documents
 4 are there and we wish you well in continuing to
 5 review this.
 6 CHAIRMAN SANTORO: Thank you very
 7 much. Appreciate it.
 8 So Gary, we need to move on, I think we
 9 need to have some other applications, so this might
 10 be a logical break point. What do you think?
 11 MR. HALL: Yeah, we had planned to
 12 hear the one residential, the one that we heard in
 13 January, and they went back to the drawing board as
 14 a replacement residence and then the goal was to
 15 hear the Angelica Properties application on Elm
 16 Street, continuation, they revised their plans, and
 17 potentially wrap that one up, that was the hope, so
 18 I agree, we're halfway through the meeting now,
 19 so...
 20 CHAIRMAN SANTORO: Yeah, I think we
 21 went about an hour and 15, Mr. Wolfson, so I think
 22 what we're going to do is we're going to adjourn
 23 this application at this point and you'll be carried
 24 to, I think the regular meeting, right, April?
 25 MR. WOLFSON: Yeah, I think --

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1 MR. HALL: April 8th; the special was
 2 too soon.
 3 CHAIRMAN SANTORO: Yeah, that's April
 4 8th.
 5 MR. HALL: So we'll carry it to the
 6 April -- April 8th, I believe is the date.
 7 MR. WOLFSON: And that meeting's at
 8 7:30?
 9 CHAIRMAN SANTORO: Yeah, that's
 10 correct.
 11 MS. BOARDMAN: Yeah.
 12 CHAIRMAN SANTORO: That's correct.
 13 MR. HALL: No further notice required,
 14 April 8th.
 15 CHAIRMAN SANTORO: And then --
 16 MR. HALL: Presumably, I guess,
 17 starting with this one and maybe the whole night;
 18 that remains to be seen.
 19 CHAIRMAN SANTORO: So what we could do
 20 is, Mr. Wolfson, stay in contact with Mr. Hall in
 21 terms of where we pick up exactly, what needs to
 22 occur, and we'll see where you are on your
 23 engineering and other solutions, all right?
 24 MR. WOLFSON: Thank you very much. We
 25 appreciate your time and we will see you soon, April

1 8th. Thank you.
2 CHAIRMAN SANTORO: All right, thank
3 you.
4 (Hearing adjourned at 8:58 p.m.)

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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 remote proceedings, to the best of my ability.

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