

It is expected that a Quorum of the Board of Public Works, Park Board, Administration Committee, and/or Common Council may attend this meeting: (although it is not expected that any official action of any of those bodies will be taken)

**CITY OF MENASHA  
LANDMARKS COMMISSION  
Council Chambers, 3<sup>rd</sup> Floor, City Hall  
140 Main Street, Menasha**

**\*\*\*July 14, 2015\*\*\***

**4:30 PM**

**AGENDA**

- A. CALL TO ORDER
- B. ROLL CALL/EXCUSED ABSENCES
- C. MINUTES TO APPROVE
  - 1. [Minutes of the June 15, 2015 Landmarks Commission Meeting](#)
- D. PUBLIC COMMENT ON ANY ITEM OF CONCERN ON THIS AGENDA OR ANY ITEM RELATED TO THE LANDMARKS RESPONSIBILITIES OF THE LANDMARKS COMMISSION  
Five (5) minute time limit for each person
- E. COMMUNICATIONS
  - 1. [Conducting Open Meetings](#)
  - 2. [New York Times Article](#)
- F. ACTION ITEMS
  - 1. None
- G. DISCUSSION
  - 1. Historical Magazine Article Submission Follow-Up
  - 2. Pillar Committee Follow-Up
  - 3. Lion's Head and Hotel Plaque Follow-Up
  - 4. Historical Society Caboose – National/State/Community Landmark
  - 5. Historical Landmarks and Opportunity to Save and/or Potential to Lose
  - 6. Appropriateness of Residence to Serve on Landmarks Commission
- H. PUBLIC COMMENT ON ANY ITEM OF CONCERN ON THIS AGENDA  
Five (5) minute time limit for each person
- I. ADJOURNMENT

**\*\*\*Please Note Change in Date**

*If you are not able to attend this meeting, please contact the  
Community Development Department no later than 24 hours prior to the meeting.*

Menasha is committed to its diverse population. Our Non-English speaking population or those with disabilities are invited to contact the Community Development Department at 967-3650 at least 24-hours in advance of the meeting so special accommodations can be made.

**CITY OF MENASHA**  
**Landmarks Commission**  
**Council Chambers, 3<sup>rd</sup> Floor, City Hall – 140 Main Street**  
June 15, 2015  
**DRAFT MINUTES**

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**A. CALL TO ORDER**

Meeting called to order by Chairman Grade at 5:45 PM.

**B. ROLL CALL/EXCUSED ABSENCES**

LANDMARKS MEMBERS PRESENT: Ald. Mark Langdon and Commissioners Tom Grade, Paul Brunette, and Dean Wydeven.

LANDMARKS MEMBERS EXCUSED: Commissioner Alison Mayer.

OTHERS PRESENT: CDD Keil

**C. MINUTES TO APPROVE**

1. **Minutes of the June 10, 2015, 2015 Landmarks Commission Meeting**

Motion by Comm. Wydeven, seconded by Comm. Brunette to approve the May 12, 2015 Landmarks Commission meeting minutes with spelling corrections to Comm. Wydeven and Mr. Jevne's names. The motion carried.

**D. PUBLIC COMMENT ON ANY ITEM OF CONCERN ON THIS AGENDA OR ANY ITEM RELATED TO THE RESPONSIBILITIES OF THE LANDMARKS COMMISSION**

No one spoke.

**E. COMMUNICATIONS**

1. None.

**F. ACTION ITEMS**

1. **Façade Improvements – 234 Main Street – Club Liquor**

Commissioners discussed the application and rendering of work being done. It was stated that the lighting will be reapplied. The improvements on the remainder of the Main Street façade will replicate the alterations previously approved.

Motion by Comm. Brunette, seconded by Comm. Wydeven to approve the façade improvements as presented and approve a Certificate of Appropriateness for the work being done.

**G. DISCUSSION ITEMS**

1. None.

**H. PUBLIC COMMENT ON ANY ITEM OF CONCERN ON THIS AGENDA**

None one spoke.

**I. ADJOURNMENT**

Motion by Ald. Langdon, seconded by Comm. Brunette to adjourn at 5:49 PM. The motion carried.

*Respectfully submitted by CDD Keil.*

## Conducting an Open Meeting

Chair/Vice-Chair conducts meeting in accordance to Open Meeting Law.

Wisconsin Open Meetings Law was created to enable the public to have the fullest and most complete information regarding the affairs of government as is compatible with the conduct of government business. The law requires that all meetings of all state and local governmental bodies shall be publicly held in places with reasonable accessible to members of the public and shall be open to all citizens at all times unless otherwise expressly provided by law (Closed Session).

### What is considered governmental bodies

Governmental bodies are any local agency, board, commission, committee, council, department or public body corporate and politic created by constitution, statute, ordinance, rule or order.

A meeting is defined as a gathering of members of a governmental body for the purpose of exercising responsibilities and authority vested in the body.

Public notice is required for every meeting of a governmental body. The agenda is the public notice. The public notice must specify the time, date, place and subject matter of the meeting. The public notice must be posted at least 24 hours before the meeting. The law does allow shorter notice may be given for good cause, but not less than 2 hours. The public notice must be specific enough to let people interested in a matter know that it will be addressed. The Attorney General advises that subjects designated simply as "old business", "new business", "miscellaneous business" or "any matters that may come before the board" without further subject designation are inherently insufficient notice. Agenda heading is Action Items, then the topics to be discussed/acted on are listed.

If it is anticipated that a Closed Session will be needed, it must be notice on the agenda. Reasons for a Closed Session would be employee issues, negotiations, conferring with legal counsel on legal matters.

If the Commission would like to allow the public to speak at their meeting it must be noticed on the agenda. The public can make suggestions/recommendations, but the Commission cannot act on the suggestions/recommendation until it is properly noticed/listed on the agenda. You can add it to the next meeting's agenda.

### Penalties for not following Open Meeting Law

Forfeitures of \$25-300 can be levied against governmental body members who violate the Open Meetings Law. Or any action taken by the governmental body can be nullified if it is determined the action was taken in violation of the Open Meeting law.

When conducting a meeting, the Chair or Vice-Chair needs to stick to the agenda (a/k/a public notice). If the members start to get off track, it's the Chair's responsibility to get them back on track. If there is a topic that is not on the agenda but members would like to discuss, it should be put on the agenda of a future meeting.

# ROBERTS RULES OF ORDER

The Appleton Common Council operates under Roberts Rules of Order. When used properly, they will keep the agenda moving at a workable pace. The following is a brief description of the most common rules used in Council debates:

1. **INTRODUCING BUSINESS** - Most Council business is introduced by a motion to approve a committee report. Occasionally other items of business are introduced by the Mayor or motions are made under “Other Business” on the agenda.
2. **OBTAINING THE FLOOR** - To obtain the floor, you should press your “Call-In” Button on your desk console and wait until you are recognized by the Chair. You will be called in the same order in which your button was pressed. The Chair will call your name and open your microphone.
3. **MOVE TO AMEND** - A move to amend is usually in order whenever a motion is on the floor. If the move to amend receives a second, then discussion centers first on the amendment. A vote to approve or disapprove the amendment must take place before moving back to the debate and vote on the main motion. Long amendments are to be given to the City Clerk in writing.
4. **SEPARATING AN ITEM** - You may separate any item from a committee report by obtaining the floor and then requesting a separate vote on a particular item. After debate, a separate vote is taken before moving back to deal with the remaining report.
5. **DIVISION OF A QUESTION** - To further divide an item from a committee report, obtain the floor and make a motion to divide the question into separate votes in the fashion you desire. After receiving a second, the motion is debatable and must be voted on before proceeding.
6. **A POINT OF ORDER** - A point of order may be raised at any time for the purpose of clarifying a particular point or item. To raise a point of order, obtain the floor and clearly state your point. If you are not satisfied with the explanation, you may request additional information. If your point of order deals with procedure and you are not satisfied, you can appeal the decision of the Chair.
7. **APPEAL (A QUESTION OF ORDER)** - A question of order takes precedence over all business and must be decided by the presiding officer without aldermanic debate. If the Alderperson objects to the decision of the Chair, he/she says, “I appeal the decision of the Chair.” If the appeal is seconded, the Chair immediately states the question as follows; “Shall the decision of the chair stand as the judgment of the Council?” and a vote of the members present will be taken. If there is a “yes”



or “tie” vote, the decision of the Chair is sustained. If the Council votes “no,” debate moves back to the original question.

8. **WITHDRAWAL OF A MOTION** - If a motion came through a committee, and the mover wishes to withdraw his/her motion, and no one objects, the presiding officer grants the permission. If any objection is made, a motion to withdraw is in order; this motion cannot be debated or amended.
9. **SUSPENSION OF THE RULES** - This motion is not debatable and cannot be amended, nor can any other motion be applied to it. The rules of the council must be suspended by a two-thirds vote of the members of the council. This rule is most commonly used on the Council to change the order of the agenda. It is customary to express a valid reason for suspending the rules.
10. **MOTION TO TABLE** - This motion takes precedence over another motion, is not debatable, and cannot be amended. It removes the subject from consideration until the Council or Committee votes to take it from the table.
11. **MOTION TO POSTPONE TO A CERTAIN DAY** - The effect of this motion is to postpone the entire question to a time specified. Until that time it cannot be taken up except by a two-thirds vote of those present. When that time arrives, it is entitled to be taken up in preference to other motions.
12. **MOTION TO CLOSE DEBATE** - In order to close debate on a subject say, “I call the question,” “I move to close debate,” or “I call the previous question.” If the call is seconded, the presiding officer must immediately call for a vote on the motion. A two-thirds vote is required.
13. **MOTION TO REFER BACK** - The Council Rules allow for an automatic refer back on an item at the request of an Alderperson. If you desire to refer an item back for a second time, it must be by a regular motion and requires a majority vote of the Council. A second request for a refer back is debatable.
14. **MOTION TO RECONSIDER** - This motion is in order at any time but must be made by an alderperson who voted with the prevailing side at the present or immediately succeeding meeting or by one who was excused from the preceding meeting. A move to reconsider requires a majority vote of the total members of the council. No item can be reconsidered twice unless a suspension of the rules is called for.
15. **COMMITTEE OF THE WHOLE** - When the Council has to consider a subject which it does not wish to refer to a committee or when, for any reason, it is desirable for the Council to consider a subject with all the freedom of an ordinary committee, it is the practice to refer the matter to the “Committee of the Whole.” If it is desired to consider the question at once, the motion is made

that “the Council resolve itself into a Committee of the Whole to take under consideration...the subject.” If the motion is seconded, a two-thirds majority of the members present is required. When the Council is through with the consideration of the referred subject, a motion is made that “the Committee rise and report.” The council president or committee chair reports to the Mayor the decision of the group. An Alderperson can then move to adopt the Report of the Committee of the Whole.

16. **NOTWITHSTANDING VOTE** - The effect of this vote is to reverse the recommendation of the committee of jurisdiction. The Chair may be asked to state what an “aye” or “nay” vote will mean.
17. **A TIE VOTE** is when members present vote equally aye or nay. An abstention does not count as a no for the purpose of a tie vote. The Mayor only votes to break an 8 - 8 tie.
18. **MOTION TO ADJOURN** is always in order. It always requires a second and a majority vote.



# Real Estate

## Going, Going — Wait!

Preservationists often decry the loss of Midtown Manhattan's historic architecture. Sometimes, a developer heeds their protests.

By RONDA KAYSER

The Rizzoli bookstore on West 57th Street. An automobile showroom designed by Frank Lloyd Wright on Park Avenue. And the Bancroft Building, a 19th-century red-and-white-striped limestone office building on West 29th Street. All three of these structures were gutted or leveled within the past two years, despite attempts to preserve them.

None of these sites were designated New York landmarks, but for many people, they were nevertheless among the treasures that define the city's neighborhoods — the mix of terra cotta and stone amid the glass and steel that makes the city unique.

Nowhere is this loss of historic architecture felt more acutely than in Midtown Manhattan, where billions of dollars are driving development in an area with virtually no vacant land left. From Hudson Yards to the rising Billionaires' Row along 57th Street to the hotels going up north of Madison Square Park, construction is seemingly everywhere in Midtown.

But once in a while, development halts in its tracks for an old building. Last week, the developer Sam Chang heeded requests to preserve the facade of Christ Church, a 1905 relic in the garment district, unveiling a rendering that incorporated part of the historic structure in the design of a 28-story hotel. "Everybody was pleased, there was not one negative word about what we proposed," said Patrick Jones, special counsel to Mr. Chang's McSam Hotel Group.

This was an unusual twist to an old, old story. As it is, many preservationists worry that Midtown could soon reach a tipping point in which the architectural mix of old and new is lost to a wash of sparkly glass. Of about 36 recently demolished sites that the Historic Districts Council deemed worthy of preservation, 12 were in Midtown.

"What we're seeing now is an enormous amount of real estate pressure and it's only been mounting as we continue to recover from the economic body blow" of the last recession, said Simeon Bankoff, the council's executive director. "There is such a hunger for space and so much money to be made."

Efforts to expand the Madison Square North Historic District failed late last week. The Landmarks Preservation Commission rejected the application, which would have protected many buildings in Midtown.

For many New Yorkers, preservation has taken a back seat to matters like the proliferation of supersize luxury towers casting shadows over Central Park and housing prices that are out of reach for many residents. And the city has been encouraging commercial development in Midtown, with the redevelopment of Hudson Yards and the rezoning of a swath of Midtown East allowing for substantially taller towers.

Opposite Grand Central Terminal, the developer SL Green plans to replace several early 20th-century buildings with One Vanderbilt, a 63-story office tower. (Warren & Wetmore, among Grand Central's architects, designed one of the condemned buildings, 51 East 42nd Street.)

"At the moment there does seem to be kind of a mindless exuberance for anything tall and shiny," said Anthony C. Wood, the author of "Preserving New York: Winning the Right to Protect a City's Landmarks" (Routledge, 2007). "There does seem to be a 'boys with their toys' mentality in Midtown."

Midtown does not generally top most lists of picturesque historic destinations, save for tourist attractions like Grand Central, the Chrysler Building and St. Patrick's Cathedral. But look around and there is plenty to see in a neighborhood rich with decorative molding, ornate latticework and handsome masonry facades.

One such building was the 10-story Bancroft Building at 3-7 West 29th Street, which met its end in February after a failed effort to save it. Completed in 1897, the building once housed Alfred Stieglitz's camera club. But in 2013, the Landmarks Preservation Commission rejected an application to preserve the building. HFZ Capital Group, the developer, is also demolishing several neighboring properties for a new project.

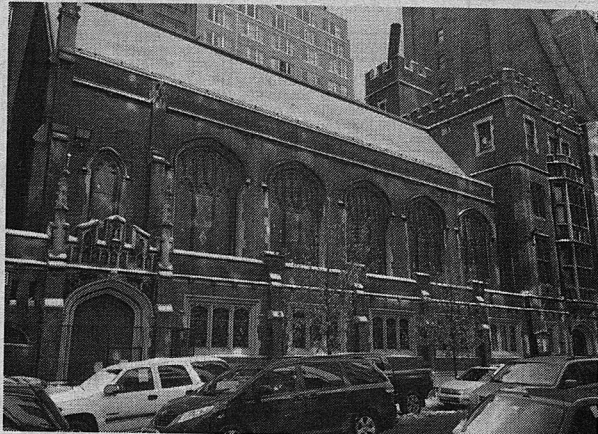
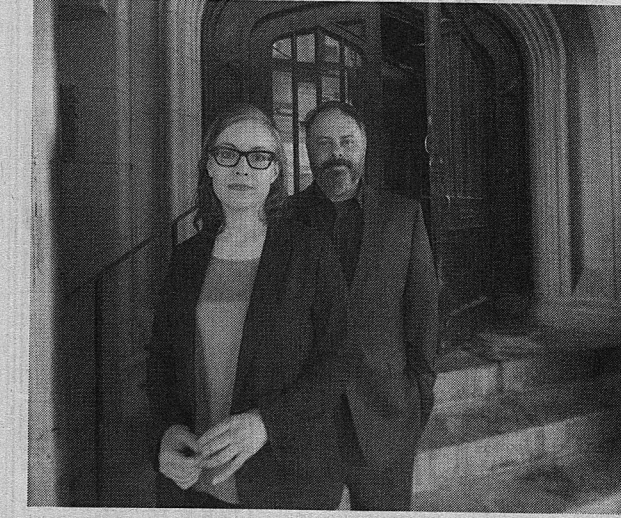
"We actually thought about taking a picture a week as kind of a deathwatch, but it was too depressing, none of us wanted to watch it," said Leslie Hendrix, the executive vice president of the 29th Street Neighborhood Association. "It was a universal, 'Oh, my God, if this goes then everything goes.'"

Even New York YIMBY, a website that champions new development, seemed rattled by the news, describing the Bancroft Building as "a definite gem" and calling for its facade to be integrated into the new development.

HFZ Capital declined to comment for this article.

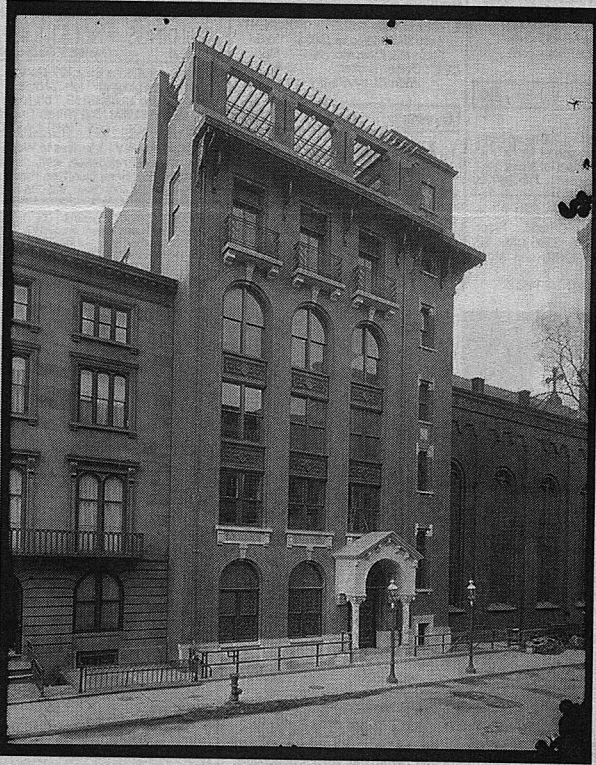
With more buildings facing the wrecking ball, including a 1907 parish house on East 31st Street, preservationists attempted a substantial expansion of the Madison Square North Historic District, which currently lies between 25th and 29th Streets and the Avenue of the Americas and Madison Avenue.

Under the proposal, the district would have extended north to 34th Street be-



BRIAN WEBER, ABOVE; TONY CENICOLA/THE NEW YORK TIMES, TOP AND BELOW RIGHT

Top, Lucy Lieberman and Brian Weber were among those who were dismayed that a hotel was to replace a 1905 church, above and right, on West 36th Street. Demolition had already begun when last week the hotel's developer, Sam Chang, presented plans to preserve the facade and some of its architectural details. Below left and right, a 1907 parish house on East 31st Street, under construction and now, on its way out.



tween Avenue of the Americas and Park Avenue, more than doubling its size. But the Landmarks Preservation Commission turned it down, saying that "the larger study area does not warrant designation due to the large number of buildings that make little contribution to a sense of place."

Mario G. Messina, the president of the 29th Street Neighborhood Association, was dismayed by the decision, which he said ignored the many beautiful buildings in the area deserving of preservation. "The more they deny this, the more that we won't have anything to preserve because the developers are butchering everything."

The NoMad proposal had been met with criticism from the real estate community, which balked at protecting the congested blocks surrounding Penn Station. A report commissioned by the Madison Square North Property Owners Coalition dismissed the area as a "Seinfeld Region" — a region that is largely about nothing.

"It can't be Lake Wobegon where every building is above average," said Kenneth K. Fisher, a land-use lawyer with the firm Cozen O'Connor and a former member of the City Council, referring to the fictitious town on the radio show "A Prairie Home Companion." If preservationists "want the public to continue to support the idea of designation at all, they not only need to be able to say what a landmark is, but what a landmark isn't."

Restricting development, particularly in the middle of Midtown, could stymie growth in a place of intense economic activity, according to developers and their advocates. "We should be careful about what we keep forever, because forever is a long time," said Michael Slattery, a senior vice president of the Real Estate Board of New York. "We need to build new and we need to build to the needs of our city."

New York is a city that is constantly reimagining itself. The Empire State Building, for example, replaced the original Waldorf Astoria Hotel, which was considered a

**'I know a lot of preservationist stories are preservation versus developer, but I don't think that's the case here.'**

magnificent structure.

"New York is not finished. It's not over. The whole thing is not a landmark district," said James von Klemperer, the president of Kohn Pedersen Fox Associates, which is designing One Vanderbilt, the tower next to Grand Central Terminal.

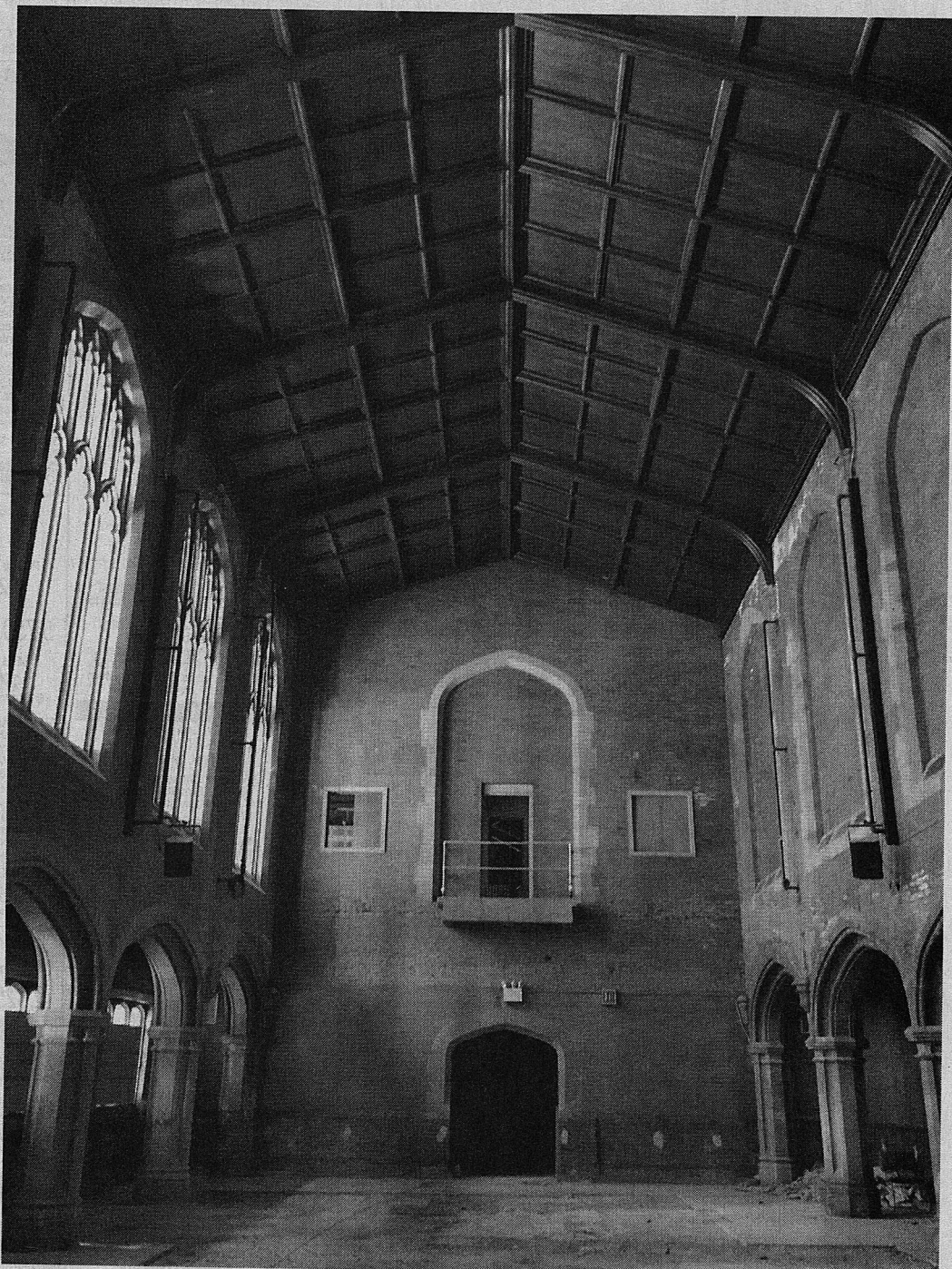
The Landmarks Preservation Commission, which has a meager \$5 million budget, oversees 114 historic districts and 33,000 landmark properties, 1,412 of which are between 14th and 59th Streets. While many developers view the list of protected properties as bloated, preservationists worry about undesignated sites languishing on the commission's calendar for months or years. If a property owner receives a demolition permit from the city's Department of Buildings before a property is designated, city rules prevent the commission from stepping in to preserve it.

Nevertheless, the Landmarks Law, which is 50 years old this year, is among the strongest in the country. "The current system works remarkably well," said Meenakshi Srinivasan, the chairwoman of the Landmarks Preservation Commission, in an email. She noted that her office has made recent changes to expedite the designation process.

For some New Yorkers, tucked-away gems are part of the city's allure. When Brian Weber and Lucy Lieberman began apartment-hunting in the garment district last year, they were taken by 110-year-old Christ Church at 334-344 West 36th Street. Squeezed between tenements, the brick church with leaded-glass windows and ornate stone arches seemed to them to bestow charm on the industrial block.

"It's so cool that stuff like this exists in this neighborhood," said Ms. Lieberman, who works in advertising. "It feels like old gritty New York. It's not the slick, polished tourist scene that a lot of Manhattan has become."

Soon after the couple moved into an apartment near the church in January, they noticed construction workers demolishing the interior of the church, preparing



BRIAN WEBER, ABOVE; MUSEUM OF THE CITY OF NEW YORK/WURTS BROTHERS COLLECTION, BELOW LEFT



for the erection of a 28-story, 550-room hotel. At one point, Mr. Weber went into the building and snapped photographs of the interior, which had stone columns and a vaulted wooden ceiling.

"I just couldn't believe that this was happening," said Mr. Weber, who directs commercials, but studied architecture in college.

The building was not a designated landmark. But Mr. Weber and Ms. Lieberman, neither of whom had ever been involved in community advocacy before, set out to save the little church, which had over time been used as a theater and a mental health center. The couple contacted the local community board, which organized an April meeting with Mr. Chang, who agreed to halt demolition of the facade, a move that surprised some who attended the meeting.

"I know a lot of preservationist stories are preservation versus developer, but I don't think that's the case here," Mr. Weber said.

Last Tuesday, at a meeting in the Community Board 4 office, Mr. Chang presented a new rendering of the hotel that would preserve the facade and reincorporate parts of the original six-story parish house in the new design as well.

Mr. Jones, the special counsel to the McSam Hotel Group, credits the community board's overture for the developer's decision to respond to the outcry. "It's a dynamic that we don't see that often," he said, "but it's certainly refreshing."

Preserving Christ Church's facade will cost "north of \$1 million," said Mr. Jones, who doubts the historic features will influence the company's clientele, mostly tourists looking for budget accommodations. "Maybe we preserve enough that we get nice reviews at TripAdvisor," he said.

Few developers, however, have much interest in preservation, said Andrew Scott Dolkart, the director of the historic preservation program at the Graduate School of Architecture, Planning and Preservation at Columbia. "You need to want to do it," Mr. Dolkart said. "People want to do things in the most efficient way possible and from the developer's perspective, tearing the building down is the most efficient way."

On the corner of Fifth Avenue and 33rd Street stands the handsome five-story Demarest Building. It was designed in 1890 by Renwick, Aspinwall & Russell, whose founder, James Renwick Jr., designed St. Patrick's Cathedral. At the moment, it houses a Wendy's fast-food restaurant on its ground floor.

"That's one of those buildings that whenever I pass by, it makes me smile," Mr. Dolkart said.

The website of the building's owner, Pi Capital Partners, notes the site's development potential, pointing out how much buildable space is available. Pi Capital Partners declined to comment.

Tourists rushing across Fifth Avenue to the Empire State Building could easily miss the diminutive Demarest Building, but it is precisely that study in contrasts that makes the city interesting.

"One of the reasons that we are flooded with tourists is because we are a unique city," said Peg Breen, the president of the New York Landmarks Conservancy. "This is still New York. This is still a unique place to visit. It's because we have this incredible mix of architecture and layers of history that keep us as a unique center."