

September 10, 2025

Phil Murphy, Governor
Office of the Governor
P.O. Box 001
Trenton, New Jersey 08625

Re: CAFRA Permit No. 1303-03-0001.2
Asbury Park - Palace Amusement Artifacts

Dear Governor Murphy:

We represent Save Tillie, Inc., a nonprofit organization dedicated to the preservation of the historic artifacts previously located at the now-demolished Palace Amusement Building in Asbury Park. We write to request your assistance in compelling the Department of Environmental Protection (DEP) to take immediate enforcement action to ensure the preservation of these artifacts.

The Palace Artifacts are the surviving elements of an historic beachfront attraction with a vibrant history rooted not only in the great tradition of American amusements but also motion pictures, television series, and popular music, all of which combined to bring generations of tourists from here and abroad to Asbury Park. The surviving artifacts appeared in John Sayle's movie "Baby It's You" and Robert DiNiro's "City By The Sea," and on television episodes of The Sopranos, Hollywood Squares, and The Today Show. The Tillie mural, widely regarded as Asbury Park's most recognizable icon, was the backdrop for a famous early publicity photo of Bruce Springsteen and the E Street Band, and along with other Palace images, has been used by Springsteen on tour tee shirts, tour books, calendars, videos, and CD covers, and referenced in multiple songs, including "Born to Run" and "Tunnel of Love." To this day, images of the Palace appear on merchandise in stores throughout Asbury Park and surrounding communities. In 2024, New Jersey's leading preservation organization, PreservationNJ, listed the surviving artifacts as being among New Jersey's most endangered.

DEP permitted the Palace Amusement Building, which had been listed in both the New Jersey and National Registers of Historic Places, to be demolished pursuant to a March

26, 2004 Coastal Area Facilities Review Act permit issued to the City of Asbury Park and a developer, Asbury Partners, a copy of which is enclosed herewith. To satisfy its Historic and Archaeological Resources Rule, DEP required as an express condition of the permit's issuance that Asbury Partners must "identify certain parts of the existing Till[ie] mural and Palace Amusements building that will be relocated and preserved" and that those artifacts must be "incorporated into a new hotel development or retail development at this location as part of the lobby wall." The Palace Artifacts to be preserved include several murals, including the famous Tillie mural, as well as metal letters from the building.

But more than 20 years later, no structure has been developed on the location of the former Palace Amusement Building and no use has been made of the 31 surviving Palace Artifacts, which remain, deteriorating, in storage. DEP's permit expressly required Asbury Partners to preserve and reuse the Artifacts. To preserve must mean, if anything, to provide competent management and technically appropriate techniques to protect the artifacts from decay, damage, and destruction. It means ensuring the survivability of the artifacts for future generations. And yet, never once has Asbury Partners – now Madison Marquette -- provided evidence of ongoing preservation or treatments. When an independent third party, Paul Himmelstein, former president of the American Institute for Conservation, inspected the wall murals in 2014 and 2016, he found paint loss from the wall murals so severe that they were in danger of losing visual integrity. The metal letters were rusting in danger of complete loss. If action is not taken now, nearly a decade later, the Artifacts will be lost forever. Save Tillie's appeal to you is thus urgent.

Save Tillie has advocated for Palace preservation for decades, with its efforts supported multiple times by Bruce Springsteen and Springsteen fans from New Jersey and beyond. Save Tillie raised its concerns to DEP in the past and was advised of DEP's position that, because the 2004 CAFRA permit condition contained no specific timing requirements, Asbury Partners – now Madison Marquette – had not violated the permit condition. But 20 years without any action to take even minimal steps to "preserve" the Artifacts beyond letting them deteriorate in storage, let alone incorporate them into a new structure, is not reasonable under any interpretation of the condition. Thus, our firm wrote again on June 16, 2025, to the DEP Commissioner and the Assistant Commissioner of Watershed and Land Management, asking for a meeting to discuss actions that could be taken. That letter remains unanswered more than two months later.

We urge to you, in conjunction with DEP leadership, to act now to ensure these precious artifacts are not lost to time. DEP can, should, and must enforce its permit conditions and finally direct the developer to hold up its end of the bargain.

We would be happy to set up a time to discuss this important matter in more detail, and invite you to arrange an inspection of the Artifacts yourself accompanied by an independent, credentialed inspector with expertise in preservation of artifacts such as these, to see firsthand the urgency of taking affirmative steps to preserve them now.

Very truly yours,

/s/ Timothy P. Malone
Timothy P. Malone

cc: Assemblywoman Luanne M. Peterpaul, Esq.
Bob Crane, Save Tillie, Inc.
David Cinotti, Esq.
Bruce Rosen, Esq.