

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & MARITIME
USE

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August 23, 2010
Start: 11:37am
Recess: 12:50pm

HELD AT: Council Chambers
City Hall

B E F O R E:
BRAD S. LANDER
Chairperson

COUNCIL MEMBERS:
Maria Del Carmen Arroyo
Margaret Chin
Daniel J. Halloran, III
Rosie Mendez
James Sanders, Jr.
Jumaane D. Williams

A P P E A R A N C E S

Gregory Shaw
Principal attorney for real estate
New York City School Construction Authority

Kenrick Ou
Director of Real Estate
New York City School Construction Authority

Anna Czyczeska
Managing Environmental Industrial Hygienist
New York City School Construction Authority

Jenny Fernandez
Director of Intergovernmental & Community Relations
Landmarks Preservation Commission

Mary Beth Betts
Director of Research
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Stephen Gottlieb
Board member
Victorian Society in America

Hilda Regier
Member
New York Metro Chapter of Victorian Society in America

Joyce Mendelsohn
President
New York Metro Chapter of Victorian Society in America

Ralph Lewis
Representative
Bowery Alliance of Neighbors

Michael Slattery
Representative
Real Estate Board of New York

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2 CHAIRPERSON LANDER: Good morning,
3 my name is Brad Lander, I am pleased to call this
4 meeting of the Land Use Subcommittee on Landmarks,
5 Public Siting and Maritime Uses to order. We've
6 been joined this morning by Committee members
7 Council Member Rosie Mendez of Manhattan, Maria
8 Del Carmen Arroyo of the Bronx, and Jumaane
9 Williams of Brooklyn, and we're also very happy to
10 be joined by Council Member Margaret Chin, who has
11 one of the items on the calendar. Now, we've got
12 three items before us today, one public siting, a
13 school siting, and two landmarks. We'll do them
14 in that order, as was posted. The school first,
15 and then the two landmarks issues. So we will
16 begin with Application #20085696, the Queens West
17 primary and intermediate school in Council Member
18 Van Bramer's district, and I would like to invite
19 up the three representatives of the school
20 construction authority, Gregory Shaw, Kenrick Ou
21 and Anna Czyczeska (phonetic), who was correcting
22 my Polish pronunciation earlier. If you'll go
23 ahead and state your own names for the record, you
24 can begin when you're ready, thank you.

25 MR. SHAW: Thank you. I believe

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2 you always do that, Council Member. Good morning,
3 Chairman Lander and Council Members, my name is
4 Gregory Shaw, I'm principal attorney for real
5 estate for the New York City School Construction
6 Authority. To my immediate left is Kenrick Ou,
7 Director for Real Estate for the New York City
8 School Construction Authority, and Anna Czyczeska,
9 who is the managing environmental industrial
10 hygienist for the project, also with the School
11 Construction Authority. The New York City School
12 Construction Authority has undertaken the site
13 selection process for the proposed 578 seat
14 primary and intermediate public school facility
15 that will be located in tax block 21, lot 30,
16 located on the southwest corner of 5th Street and
17 46th Avenue in the Long Island City section of
18 Queens. The proposed school site is also located
19 in Community School District #30 and Queens
20 Community Board #2. The project site contains a
21 total of approximately 25,000 square feet of
22 vacant land. The site is currently owned by the
23 Queens West Development Corporation, a subsidiary
24 of the New York State ... Empire State Development
25 Corporation. The general project plan for the

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2 Queens Development site has been amended to divide
3 site four into separate portions that would allow
4 the proposed school to be built as a standalone
5 school facility. Under the proposed plan, the SCA
6 would acquire the site from Empire State
7 Development Corporation, and construct an
8 approximately 93,000 square foot public school
9 facility. The notice of filing for this site plan
10 was published in the New York Post and the City
11 Record on May 23rd, 2008. The Queens Community
12 Board #2 was also notified of the site plan on
13 that date, and was asked to hold a public hearing
14 on the proposed site plan. Community Board #2
15 held its public hearing on the site plan on June
16 23rd, 2008, but did not submit written comments
17 regarding the site plan. The City Planning
18 Commission was also notified of the site plan on
19 May 23rd, 2008, and it recommended in favor of the
20 site. The SCA has considered all comments
21 received on the proposed site plan and affirms it,
22 pursuant to section 1731 of the Public Authorities
23 law, and in accordance with section 72 Public
24 Authorities law, the SCA has submitted the
25 proposed site plan to the Mayor and to the Council

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2 on August 19th, 2010. We look forward to your
3 Subcommittee's favorable consideration of the
4 proposed site plan and are here to answer any
5 questions you might have. Thank you.

6 CHAIRPERSON LANDER: Thank you very
7 much for your testimony. I spoke with Council
8 Member Van Bramer, who is enthusiastic about this
9 school and how it fits into the broader Queens
10 West Development project. Do my colleagues have
11 any questions?

12 COUNCIL MEMBER ARROYO: Since Mr.
13 Shaw opened the door, the acquisition price for
14 this property, and the total cost of the project?

15 MR. SHAW: I believe it's going to
16 be given to us for a dollar, there's no
17 acquisition cost for this.

18 COUNCIL MEMBER ARROYO: So it, was
19 it government land, yes?

20 MR. SHAW: Yes it is, it's part of
21 ... it's a subsidiary of Empire State Development
22 Corporation, Queens West Development.

23 COUNCIL MEMBER ARROYO: And that
24 renders it government?

25 MR. SHAW: Yes it is.

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2 COUNCIL MEMBER ARROYO: And I just
3 want to take a moment to thank you both, Mr. Shaw
4 and Mr. Ou, for your ongoing work in the
5 Authority. And, you know, whether I keep you on
6 your toes or not, I do appreciate the effort that
7 you put into the work that goes into siting a
8 school. And just so that you know, the middle
9 school in Highbridge that we voted out, I think it
10 was maybe two months ago. It feels like a long
11 time ago. But we had a conversation with the
12 design team, and it looks like that green roof is
13 going to be something incredible. So, thank you
14 always. Although it feels like we're keeping you
15 on your toes, not really.

16 MR. SHAW: Thank you.

17 CHAIRPERSON LANDER: I would just
18 like to have at least one question I can come up
19 with, I can't come up with too much today on this
20 one. How do you pick the numbers? How does this
21 PSIS 312?

22 MR. OU: The numbering is actually
23 just a bureaucratic artifact, unique building ID
24 numbers are assigned to all of the existing school
25 buildings. So we have about 1,400 buildings

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across the city. A lot of numbers have been taken, so it's really what's left.

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CHAIRPERSON LANDER: So we already had 311 somewhere, we don't have 312 yet.

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MR. OU: That's right.

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CHAIRPERSON LANDER: In Queens. All right, very good. Council Member Mendez?

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COUNCIL MEMBER MENDEZ: Thank you. It says here primary and intermediate, can you tell me exactly what grades? Will it be K through, or one through, what?

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MR. OU: The building, as with all of our larger buildings, is being designed to serve and provide instructional spaces to support construction for grades K through eight. Now what that means is there will be a larger gymnasium to serve the older students. There also will be certain classrooms that are proximate or have toilets attached, in the case of younger children. In terms of what organization will be moving into or occupying that building, that I think we've mentioned in some of the other sitings, is a process the Department of Education goes through, through its Division of Portfolio Planning. My

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2 understanding is that, given the unique geographic
3 issues with this area, that that building will
4 likely open with an organization that will serve
5 the full range of grades K through eight, because
6 there is no middle school right there in the
7 vicinity.

8 COUNCIL MEMBER MENDEZ: Thank you
9 very much.

10 CHAIRPERSON LANDER: And I would
11 say, for my colleagues, I took a little time to
12 kind of look at this in relationship to the Queens
13 West Development site plan, which obviously the
14 city has been working on a long time, and it fits
15 in nicely, it's right adjacent to a park
16 immediately to the south of the school, there's a
17 park site. Anyway, so I think we can, you know,
18 this seems like a nice example of both a growing
19 neighborhood with growing school population, but
20 also fitting into a broader development plan. Any
21 other questions? Thank you very much for your
22 testimony, for being here this morning. We'll
23 close the public hearing on that matter and move
24 to our landmarks items. The one we have on first
25 is Land Use #164-20105715 HKK, the William Ulmer

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2 Brewery, in Council Member Diana Reyna's district.
3 And I would like to ask Ms. Jenny Fernandez from
4 the Landmarks Preservation Commission to present
5 this.

6 MS. FERNANDEZ: Thank you, Chair
7 Landers and members of the Committee. My name is
8 Jenny Fernandez, Director of Intergovernmental and
9 Community Relations for the Landmarks Preservation
10 Commission. I'm here today to testify on the
11 Commission's designation of the William Ulmer
12 Brewery complex in Brooklyn. On March 24th, 2009,
13 the Landmarks Preservation Commission held a
14 public hearing of the proposed designation of the
15 William Ulmer Brewery. Seven people spoke in
16 favor of designation, including one of the
17 building's owners, and representatives of Council
18 Member Diana Reyna, the Municipal Arts Society,
19 the Society for the Architecture of the City, the
20 Waterfront Preservation Alliance, and the Historic
21 Districts Council. In addition, one letter was
22 received in support of designation. There were no
23 speakers or letters in opposition to designation.
24 On May 11th, 2010, the Commission voted to
25 designate this complex as a New York City

1 individual landmark. The Romanesque revival style
2 office building at 31 Belvidere Street is the
3 focal point of the William Ulmer Brewery complex,
4 a reminder of one of Bushwick's and Brooklyn's
5 most prominent 19th and 20th century industries.
6 The entire complex remains a largely-intact
7 example of a late 19th century brewery, designed in
8 the American round-arch style, and includes in
9 addition to the office building, the main
10 brewhouse, 1872 and additions circa 1881, engine
11 and machine houses, Theobald Engelhardt, 1885, and
12 stable and storage building, Frederick Wunder,
13 1890. A German immigrant, William Ulmer began
14 working in a New York City brewery owned by his
15 uncles in the 1850's and later became a partner in
16 the Vigelius & Ulmer Continental Lagerbier Brewery
17 - I probably didn't say that right - founded in
18 1871. Within seven years, Ulmer became the sole
19 proprietor of the brewery, and under its new name,
20 the William Ulmer Brewery, the business was
21 expanded in the 1880's and 1890's. Designed by
22 prominent Brooklyn architect, Theobald Engelhardt,
23 and constructed in 1885, the two-story red brick
24 office building was the architectural highlight of
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2 the complex, featuring arched and dormered
3 windows, a squat mansard roof, clad in slate, as
4 well as a terra-cotta ornament. The other
5 buildings of the Ulmer Brewery complex feature
6 details commonly found on other 19th century
7 breweries. Prior to Prohibition, there were at
8 least 24 breweries in Brooklyn, many of which were
9 located in Williamsburg and Bushwick. Ulmer's was
10 one of the most successful, and in 1896 the
11 Brooklyn Eagle described him as a millionaire.
12 Like many other breweries, the enactment of
13 Prohibition closed the Ulmer Brewery. The factory
14 buildings were sold and converted for light
15 manufacturing use, but the family retained
16 ownership of the office building until 1952, using
17 it as an office for the real estate business. The
18 buildings remain largely intact and retain the
19 detailing that defines their history and use. The
20 Commission urges you to affirm this designation.

21 CHAIRPERSON LANDER: Thanks very
22 much for the testimony. I do think in the future
23 when you come before us designating breweries that
24 you should bring some samples. Well. Do you know
25 what the buildings are being used for today?

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2 They're not being used to brew, what's there? It
3 says they're extant and in good condition, I'm
4 curious if you know what, how they're owned or
5 what uses are there.

6 MS. FERNANDEZ: I think it just has
7 a residential use, they're being used as a loft,
8 and possible office space, artist studios.

9 CHAIRPERSON LANDER: Thank you.

10 MS. FERNANDEZ: Mary Beth Betts is
11 here from ... the Director of Research from
12 Landmarks.

13 CHAIRPERSON LANDER: That's great,
14 thank you. Council Member Arroyo?

15 COUNCIL MEMBER ARROYO: I'm looking
16 at a picture of the property, which is on the last
17 page of the document that is provided. Does it
18 still look like this today? It's got a lot of
19 graffiti on it, it looks like just any other
20 warehouse, we're landmarking this thing like this?

21 MS. FERNANDEZ: Sometimes these
22 buildings do go through quite a number of changes,
23 sympathetic or unsympathetic, over the years. But
24 whatever the pictures are in the designation
25 report, there should be current photos and some

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2 older historic photos. The hope is, of course,
3 that over time they do get sympathetic alterations
4 or restoration to those buildings. But if they
5 remain largely intact, in terms of their
6 architectural features and such, then they can be
7 brought back. But these are in pretty good
8 condition.

9 COUNCIL MEMBER ARROYO: So the
10 graffiti does not take away from its landmark
11 worthiness?

12 MS. FERNANDEZ: No. I mean,
13 graffiti can be removed. The Commission has
14 standards for the removal of graffiti, so a lot of
15 times power washing and things like that are used
16 to remove graffiti, and we have guidelines. So if
17 an owner would like to remove that from their
18 building façade, we have guidelines we can provide
19 them with, and they can use that to remove.

20 COUNCIL MEMBER ARROYO: So if they
21 would like to remove it. Are they not required to
22 remove it, given the designation, assuming we
23 approve it?

24 MS. FERNANDEZ: No, the Commission
25 does not compel building owners to do any work.

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2 So unless they come forward with a proposal to do
3 work, we don't compel them to do so. Any
4 condition that a building is in, including that
5 graffiti, would be a grandfathered condition.

6 CHAIRPERSON LANDER: I would like
7 to- -

8 COUNCIL MEMBER ARROYO:

9 (Interposing) Just, Mr. Chair, I ... you know, this
10 has become almost a norm, the properties that come
11 before us inevitably are very rundown, not very
12 well kept along the years. Recently there was a
13 church in my district, well, it used to be a bank,
14 now it's a church. And it's really rundown and
15 it's an eyesore. So I think as a committee, we
16 need to really think about and have a conversation
17 with the Commission about the applications they
18 bring before us. Because I differ in the opinion
19 about whether they're worthy to be landmarked or
20 not.

21 CHAIRPERSON LANDER: Thank you,
22 Council Member Arroyo, and this, I did speak with
23 Council Member Reyna, who is, you know, as was
24 noted, who is upstairs and I think would be here
25 if her committee weren't meeting. And I think in

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2 this case she is supportive of the designation of
3 this building and testified on the record on that
4 matter. But on the broader issue I hear you and
5 appreciate the comment. I would also like to
6 recognize that we've been joined by Council
7 Members Dan Halloran and James Sanders from
8 Queens, welcome, and recognize Council Member
9 Mendez.

10 COUNCIL MEMBER MENDEZ: Thank you,
11 Mr. Chair. Ms. Fernandez, is there any assistance
12 that would be given to an owner who has hardship,
13 who would want to remove the graffiti, but
14 wouldn't be able to financially do it him or
15 herself?

16 MS. FERNANDEZ: Absolutely. We
17 have a - it's small but a very popular - historic
18 preservation grant program. Whereas an owner who
19 meets income eligibility requirements may qualify
20 for a grant, usually they're in the range between
21 20 to 50 thousand dollars for restorative work on
22 their buildings. And some things such as graffiti
23 removal, you know, window replacement, stoop
24 restoration, which these particular buildings
25 don't have stoops, but these sorts of projects

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2 would qualify for. And those are conducted under
3 the careful guidance of one of our
4 preservationists who run the program. And you
5 know, it's a very successful program. We have a
6 lot more demand for it than we even have funding,
7 but there are instances where people can get full
8 restorations of the facades of their building if
9 they meet those requirements.

10 COUNCIL MEMBER MENDEZ: Thank you.
11 Also, a lot of the local precincts have graffiti
12 removal programs that we get involved with the
13 community. Have you looked into whether the
14 programs that are run by the NYPD would be in
15 compliance with LPC's standards for graffiti
16 removal?

17 MS. FERNANDEZ: Yes, some of the
18 local precincts do graffiti removal. The city has
19 actually undertaken, and for some time they have
20 had graffiti removal service, where you can call
21 in to 311 and either as the owner of the building,
22 and request that graffiti be removed from your
23 building. Or someone can just report graffiti
24 that they have sighted, and the building owners
25 are contacted and they're informed that they have

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2 this graffiti and they have the option of having
3 the city address it. And what we've done, we
4 recently met with the officers taking on this with
5 the Department of Sanitation, and we've provided
6 them with guidelines. So again, it's either they
7 usually paint over existing painted facades, they
8 have computer matching technology, to paint over
9 those facades that are already painted. Or they
10 will use power washing where there is no painting,
11 which is what we would ... we support not painting
12 over surfaces that haven't been painted before.
13 But we provide them with the guidelines as to what
14 the pressure per pound guidelines would be for
15 that use. And that's how we address that.

16 COUNCIL MEMBER MENDEZ: Thank you.
17 Now, my last question is, in my community we have,
18 which I share lots of with Margaret Chin, a very
19 famous graffiti artist named Chico. Now, if Chico
20 had one of his murals or graffiti-esque signs on a
21 building, could we actually get that landmarked
22 with the building, or is that a different concept,
23 and wouldn't go through you?

24 MS. FERNANDEZ: That's a good
25 question. I would probably say that if it's

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2 existing on the building, I guess it's kind of the
3 grandfathered condition, and if it's something
4 that's monumental and very important to either the
5 history of that building or such, you know, then
6 it would be included as part of the designation of
7 that building. Now, any changes to it, if someone
8 wished to remove it or something like that, it
9 would still go through a review process at the
10 Commission.

11 COUNCIL MEMBER MENDEZ: Okay, and
12 just lastly, bringing it back to beer, in my very
13 diverse neighborhood today we have the tenth
14 anniversary of Zum Schneider's, a very wonderful
15 German beer restaurant that reopened, and anyone
16 is available tonight, really great beer can be
17 gotten there.

18 MALE VOICE: Off duty or on duty?

19 CHAIRPERSON LANDER: Right. I love
20 when the diversity of New York City is well
21 represented in our hearing, those neighborhoods
22 that are concerned with their graffiti, those
23 neighborhoods that recognize them as landmarks,
24 those neighborhoods that are- -

25 COUNCIL MEMBER MENDEZ:

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2 (Interposing) I'm sorry, Alphonzo Kerr wanted six
3 packs, but no, this is like graft, they don't do
4 the six pack at this place.

5 CHAIRPERSON LANDER: All right.
6 Moving along, the Chair recognizes Council Member
7 Williams.

8 COUNCIL MEMBER WILLIAMS: Thank
9 you, Mr. Chair. Thank you, Ms. Fernandez. I had
10 a couple of questions. How much does it cost for
11 graffiti removal? Do you have an estimate of how
12 much that will cost?

13 MS. FERNANDEZ: I don't have those
14 numbers, but I'd be happy to get that information
15 to you. We don't do it ourselves, so it's not
16 information that I necessarily have myself. But
17 it's easily obtainable.

18 COUNCIL MEMBER WILLIAMS: And how
19 much money is in that grant program? Aggregate,
20 how much is available?

21 MS. FERNANDEZ: I can't recall now
22 what the total amount, it's on a yearly basis we
23 get, you know, refunded. We have a certain amount
24 of money that's allocated. It's in the hundreds
25 of thousands of dollars, so we can do, you know, a

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2 handful of projects if they're pretty large, or up
3 to ten projects. It depends on the nature of what
4 they're doing, but I can also get you that
5 information.

6 COUNCIL MEMBER WILLIAMS: And it
7 gets used every year?

8 MS. FERNANDEZ: Yes.

9 COUNCIL MEMBER WILLIAMS: The
10 entire thing?

11 MS. FERNANDEZ: There are instances
12 where there's a rollover. So sometimes funds are
13 allocated to a particular project, and we have to
14 send out RFP's, it goes through an RFP process.
15 And when we get bids for those projects, and if
16 it's awarded and the work can begin, then they'll
17 use up, you know, the funds. Sometimes people
18 take quite some time to actually get the work
19 done, and it will roll over into the next year.
20 But we try to keep that to a minimum.

21 COUNCIL MEMBER WILLIAMS: And
22 what's the guidelines for who can apply?

23 MS. FERNANDEZ: Again, it's income-
24 based eligibility. So of course you're either ...
25 and you can even, even if you're not fully

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2 designated yet, if you're eligible, or you're on
3 the national historic register, you can apply for
4 one of these grants. And it's basically if you
5 can meet the income eligibility requirements, you
6 would qualify, so.

7 COUNCIL MEMBER WILLIAMS: What are
8 they?

9 MS. FERNANDEZ: Again, those
10 numbers I don't have off the top of my head, but I
11 can get you that information.

12 COUNCIL MEMBER WILLIAMS: And where
13 do the moneys come from?

14 MS. FERNANDEZ: It's a federally
15 funded program, and it's managed through OMB, the
16 Office of Management and Budget, they, you know,
17 provide that funding to the LPC.

18 COUNCIL MEMBER WILLIAMS: So you
19 don't get any Council funds?

20 MS. FERNANDEZ: Not for that
21 particular project, or program.

22 COUNCIL MEMBER WILLIAMS: And you
23 said there's not enough money in there for the
24 need?

25 MS. FERNANDEZ: It's ... again, you

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2 know, if there was more funding we'd be able to do
3 more projects. There is a high demand, we do get
4 a lot of applications every year, we're very
5 selective of those that we can actually do. But
6 of course if there was more funding available,
7 that would allow for more projects, but it's a
8 pretty active program. So, and we encourage those
9 who may not have received funding in one year to
10 apply again the following year, and they may be
11 awarded a grant at that time.

12 COUNCIL MEMBER WILLIAMS: Mr.
13 Chair, maybe we could look to what City Council
14 could do to help us pay some of the burden here.
15 Thank you.

16 MS. FERNANDEZ: Thank you.

17 CHAIRPERSON LANDER: Thanks very
18 much. I thought it was great that they were
19 tapping into the available resources the NYPD
20 deploys and given them good guidelines and
21 standards for graffiti removal on the existing
22 program. Okay, that is all the ... no one has
23 signed up to speak either in favor or against the
24 Ulmer Brewery designation, so seeing none, we'll
25 close the public hearing on that matter and move

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2 to the one that I think most of you are here for.
3 I appreciate your patience. So we turn now to
4 Land Use #165, Application #20105716 HKM, the SoHo
5 Cast-Iron Historic District extension, in Council
6 Member Margaret Chin's district, we're pleased to
7 have her here. We will begin, again, with
8 testimony from Jenny Fernandez, from the Landmarks
9 Preservation Commission, and then move to the
10 public testimony that has signed up as well.

11 MS. FERNANDEZ: Thank you, Chair
12 Lander. For the record, my name is Jenny
13 Fernandez, Director of Intergovernmental and
14 Community Relations for the Landmarks Preservation
15 Commission. I'm here today to testify in the
16 Commission's designation of the SoHo Cast-Iron
17 District extension in Manhattan. On October 27th,
18 2009, the Landmarks Preservation Commission held a
19 public hearing on the proposed designation of the
20 SoHo Cast-Iron Historic District extension.
21 Twenty four witnesses spoke in favor of
22 designation, including Council Member Allen
23 Gerson, as well as representatives of Manhattan
24 Borough President Scott Stringer, State Senator
25 Daniel Squadron, Manhattan Community Board #2,

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2 Society for the Architecture of the City, the New
3 York Landmarks Conservancy, the Municipal Arts
4 Society, and the Historic Districts Council.

5 Fourteen speakers testified in opposition to the
6 proposed designation, including the owners of
7 several buildings and their representatives, as
8 well as a representative of the Real Estate Board
9 of New York. In addition, the Commission received
10 numerous letters, emails and postcards in support
11 of designation. The Commission also received a
12 number of communications opposed to the
13 designation. On May 11th, 2010, the Commission
14 voted to designate the SoHo Cast-Iron Historic
15 District extension. The SoHo Cast-Iron Historic
16 District Extension consists of approximately 135
17 properties located on the block immediately
18 adjacent to the east and west sides of the SoHo
19 Cast-Iron Historic District. Many of the
20 buildings date from the same period of development
21 as those in the previously designated historic
22 district, and exhibit similar architectural
23 characteristics. There are several cast-iron-
24 fronted buildings within the extension, as well as
25 a large number of similarly-styled masonry

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2 buildings. The boundaries of the extension were
3 drawn so as to protect cohesive streetscapes along
4 narrow Crosby Street and Howard Street, as well as
5 a number of notable cast-iron buildings on West
6 Broadway. Like their counterparts in the
7 designated district, many of the structures within
8 the SoHo Cast-Iron Historic District Extension
9 were erected in the post-Civil War era as store
10 and loft buildings for the wholesale dry goods
11 merchants and the manufacturing businesses that
12 transformed the once comfortable residential
13 neighborhood into a bustling commercial zone in
14 the mid and late 19th century. The extension
15 displays a variety of architectural styles also
16 present in the SoHo Cast-Iron Historic District,
17 including Italianate, Second Empire and Queen Ann,
18 as well as Romanesque and Renaissance Revival
19 styles. Today the SoHo Cast-Iron Historic
20 District Extension still maintains the essence of
21 its early industrial history, even as it continues
22 to evolve into one of the city's most attractive
23 and popular residential neighborhoods and shopping
24 destinations. The Commission urges you to affirm
25 this designation.

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2 CHAIRPERSON LANDER: So I'm going
3 to recognize Council Member Chin, if she has any
4 comments to make, and then I'll welcome questions
5 from the Committee. I'll let folks know we have
6 four people signed up to testify in favor and one
7 to testify in opposition, and then we'll of course
8 ask the LPC to stick around and answer questions
9 if anything is raised that comes up there.

10 Council Member Chin.

11 COUNCIL MEMBER CHIN: Yes, thank
12 you, Chairman. It's really great to see the
13 Commission finally doing the designation, I mean,
14 after what, almost 30 years since the first cast-
15 iron district was designated back then. And I
16 guess maybe just a little bit about in this long
17 history, because there was a designated district,
18 that we were able to protect, you know, 500
19 buildings in that district. And I think that has
20 to have helped to maintain the character of the
21 neighborhood. And then with this extension,
22 there'll be an additional 139 ... 35, properties.
23 So and I just want to take this opportunity to
24 thank the community residents and all the
25 activists who kind of kept it going all these

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2 years. And I strongly support this designation.
3 Thank you.

4 CHAIRPERSON LANDER: Thanks,
5 Council Member Chin, Council Member Halloran?

6 COUNCIL MEMBER HALLORAN: Just some
7 questions about the scope of the designated area.
8 I understand that previously 25 city blocks,
9 comprising 500 buildings, was the 1978
10 designation. Can you tell me, how many blocks are
11 now included in this expansion?

12 MS. FERNANDEZ: I'm going to ask
13 Mary Beth Betts, our Director of Research, to come
14 up and help answer some of those questions.

15 CHAIRPERSON LANDER: And I'll also
16 point out to Council Member Halloran the map here,
17 which is prior to page two in our packet.

18 MS. BETTS: Yes, I will do a quick
19 count here.

20 COUNCIL MEMBER HALLORAN: If you're
21 actually just going to manually count, I guess I
22 could do that myself. I just thought maybe- -

23 MS. BETTS: (Interposing) Well,
24 it's twelve.

25 COUNCIL MEMBER HALLORAN: Twelve

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additional blocks?

MS. BETTS: Yes.

COUNCIL MEMBER HALLORAN: Twelve blocks. And is it the Landmarks Commission's opinion that that is the totality of the area necessary to maintain the district?

MS. BETTS: Yes.

COUNCIL MEMBER HALLORAN: In other words, there's no further extensions envisioned?

MS. BETTS: Not to my ... we did a thorough survey ... we did a thorough survey where we looked, we had proposals ... let me back up. We had proposals from several different organizations with a variety of boundaries. And so we did a survey of all of those proposals, and of all the kind of immediate blocks, and this does comprise our best judgment as to what an appropriate extension should be. And then of course it was reviewed by our commissioners who also agree that this was an appropriate extension.

COUNCIL MEMBER HALLORAN: And just in relation to other designated areas, would you say that the 500 buildings in a ... 635 buildings in a 37 block area is one of the larger designation

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areas?

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MS. BETTS: It's actually a medium-

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COUNCIL MEMBER HALLORAN:

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(Interposing) Medium.

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MS. BETTS: ... designation area.

8

Greenwich Village and the upper West Side are over

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2,000 buildings each. So I would put it in the

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middle range. We did the Prospect Heights

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District, which was about 800 buildings, recently

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Crown Heights North was 472, so it's not our

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largest, it's certainly not our smallest, so I'd

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put it in the medium range.

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COUNCIL MEMBER HALLORAN: The

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Greenwich Village one, do you know how many blocks

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around, no?

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MS. BETTS: I couldn't begin to

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tell you. I'd have to look at the map and do a

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count, or have one of my GIS people take care of

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that.

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COUNCIL MEMBER HALLORAN: Well, I

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hope you make your way over to the Broadway

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Flushing designation, because we were told that

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5,000 buildings was too big. But thank you very

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much, I appreciate it. Nothing further.

CHAIRPERSON LANDER: Thanks,
Council Member. Any other Council Members with
questions of the Commission? All right, seeing
none, thank you. Please stick around in case some
questions arise as we hear from the public. We'll
do all four of the folks who have signed up to
testify in favor on a panel together, and then
hear from the one person who signed up in
opposition. So I'd now like to call Stephen
Gottlieb from the Victorian Society, Hilda Regier,
I apologize, Regier, excuse me, Joyce Mendelsohn
from the Metropolitan Chapter of the Victorian
Society of America, and Ralph Lewis from the
Bowery Alliance of Neighbors.

MR. GOTTLIEB: Council members, Mr.
Chairman.

CHAIRPERSON LANDER: State your
name for the record.

MR. GOTTLIEB: Oh, Stephen
Gottlieb.

CHAIRPERSON LANDER: And your
affiliation.

MR. GOTTLIEB: I'm a board member

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2 of the Victorian Society and a registered
3 architect, and I live just outside the district, I
4 live on Bleeker Street. But I can see this whole
5 district from my window, I'm in a ten story atrium
6 building there, I look down south. And I just
7 wanted to, if I could quickly make a comment to
8 Mr. Halloran's comment, Council Member Halloran.
9 When the original designation was made, it was
10 sort of a Cartesian thing. That is, it was laid
11 out very geometrically down the middle of the
12 streets. And I think at that point they weren't
13 thinking about the person's experience as they
14 walk down the street, because your experience as
15 you walk down through SoHo is not just to look at
16 the left side of the street, it's both sides of
17 the street. And the opposite side of the street
18 is where we saw the need in both the east side of
19 the district and the west side, so that when you
20 walk down, you wouldn't have all new buildings on
21 the right side and old buildings on the left. So
22 I think that's what led the Landmarks Commission
23 to propose designating this area. But what I
24 wanted to speak about was, there may be an
25 objection later today from the person who's

1 speaking in opposition, about the gas station
2 site, which is on the corner of Lafayette and
3 Houston Street. And that whole strip, there was
4 an entire strip that ran along Houston Street on
5 the south side that was undeveloped when SoHo was
6 landmarked. And what has happened there has been
7 a most wonderful development, and that is the
8 buildings that were built there were built in a
9 very sympathetic way to the SoHo buildings. They
10 maintain the height, the rhythm of the floor
11 heights, the size of the windows. And it's a
12 funny thing, when I look out my apartment window,
13 I'm on the atrium on the tenth floor on the south
14 side, I can see all those buildings. And they
15 turn the corner very nicely and blend into the
16 SoHo Historic District. So what I wanted to say
17 was, if this district gets extended in the way
18 that completes it, including the gas station, it's
19 not that we want to preserve the gas station. We
20 want to ... we'd like to try to assure that whatever
21 development is done there, is done in sympathy
22 with the rest of the buildings in the district.
23 And I think the strip to the west of there, all
24 those buildings that were developed, the apartment
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1
2 buildings and so forth, do fit in very well with
3 the adjoining district, and we would hope the same
4 thing for the gas station site. So that's the
5 only part that I wanted to comment about today.
6 Thank you.

7 CHAIRPERSON LANDER: Thanks so
8 much.

9 MS. MENDELSON: Good morning,
10 Chair Lander and Council Members. I'm Joyce
11 Mendelson, I'm president of the New York
12 Metropolitan Chapter of the Victorian Society in
13 America. We were founded in 1966, our
14 organization is dedicated to fostering the
15 appreciation and preservation of mid-19th century
16 heritage, as well as that of the early 20th
17 century. In 2006, our chapter submitted a
18 proposal to the Landmarks Commission for an
19 extension of the SoHo Cast-Iron Historic District.
20 The proposed extension received wide support from
21 City Council member Margaret Chin, thank you very
22 much, former Council member, Allen Gerson, State
23 Senator Daniel Squadron, Manhattan Borough
24 President Scott Stringer, Community Board #2, SoHo
25 residents, owners and businesses, and preservation

1
2 organizations citywide. We are here to urge the
3 City Council to approve the extension designated
4 by the Landmarks Commission on May 11th, 2010. In
5 the Commission's designation, the boundaries are
6 carefully crafted to include commercial building
7 types prevalent in the original historic district.
8 The outstanding masonry and cast-iron structures
9 in the extension share with those in the existing
10 historic district the same general commercial
11 history, building types, architectural styles,
12 architects and owners. Landmark designation will
13 not prevent development of those buildings deemed
14 non-contributing. However, the design of their
15 replacements would be subject to approval by the
16 Landmarks Commission to protect the essential
17 character of SoHo. There is no doubt that the
18 streetscapes located within the proposed extension
19 are integral parts of the historic Soho
20 neighborhood. Thank you for your consideration.

21 CHAIRPERSON LANDER: Thanks very
22 much.

23 MS. REGIER: I'm Hilda Regier, a
24 member of the Metropolitan Chapter of the
25 Victorian Society in America, and I urge the

1 Council to adopt the designation of the extension.
2 I think what happened in 1978 was a bit of a
3 mistake ... he just said '78. The context of the
4 district, to have it just chopped off in the
5 middle of the street, doesn't make much sense,
6 because as Stephen said, you see both sides, and
7 without designation, there is the possibility that
8 the other side of the street would become glass
9 chambers, whatever, undulating aluminum. And it
10 would be discordant. So here we have a chance to
11 have a harmonious streetscape preserved. And I'd
12 like to talk about two buildings that really
13 illustrate why there should be this extension.
14 They're both on Howard Street. One, #29, is in
15 the portion that you're considering for
16 designation. The other is #34 Howard. 34 Howard
17 in the district has a ground floor that's been
18 converted rather badly with brick, aluminum, huge
19 glass windows. The plasters have been stripped of
20 their ornamental detail. 29 Howard looks very
21 much as it must have when it was built. They were
22 probably ... they are virtually identical in
23 original design, I believe, but here you have the
24 better example in the undesignated portion of the
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street, and the designated one in need of rehab.

MR. LEWIS: Okay, thank you, Mr. Chairman and members, my name is Ralph Lewis, and I'm actually here on behalf of the Bowery Alliance of Neighbors, which is a community organization just to the east of this proposed extension. And on behalf of the Alliance and our members and people who live in this neighborhood, we just wanted to wholeheartedly support the designation of the extension of this historic district. For myself, you know, I just would like to say, you know, I came here to New York over 30 years ago, to go to NYU where I learned the importance of downtown Manhattan, and was just moved to stay in this neighborhood. I lived on Broadway below Houston, above Prince, for over fifteen years. My arts company still holds office and storage space there, even though I do live a few blocks over on the Bowery now. And, you know, when I first learned of this neighborhood, it was at the end of its industrial period and it was becoming a gallery district and a home for artists. It has since evolved into a boutique and fashion neighborhood, and you can bet that in another ten

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2 or twenty years, it will be something else. I
3 think you guys have a terrific opportunity to
4 preserve something of this neighborhood by
5 creating a historic district, by expanding this
6 historic district. When I first lived on
7 Broadway, people would not say "I lived in SoHo",
8 it was more on West Broadway. And now as you have
9 seen, as SoHo has grown, it has come to
10 incorporate a larger neighborhood of some very
11 unique and fabulous buildings and architecture in
12 the neighborhood. And I think one of the things
13 that the community is concerned about is how we
14 maintain an economic engine in our neighborhood.
15 You know, we're not all about no change, or we're
16 not all about the Benjamins (phonetic) you know.
17 We participate not only ... you know, I work at
18 Chase, I pay taxes, I run an arts company, and I
19 also volunteer for a neighborhood service
20 organization. So the members who live in that
21 area are deeply involved in the city on several
22 different levels. And the idea of preserving this
23 neighborhood as a historic place where, when
24 people come to New York City, they'll spend money
25 at a hotel in midtown, but they have to make a

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2 trip to SoHo, they've got to see what's in SoHo,
3 they've got to walk around between the buildings
4 and spend money and pay taxes. And no matter what
5 the neighborhood changes into in the future, if we
6 can preserve this historic part of this
7 neighborhood, I think we will continue to be a
8 positive force for city income and city vitality.
9 And so I just personally would like to thank you
10 and hope that you will approve this extension.
11 Thanks.

12 CHAIRPERSON LANDER: Thanks very
13 much to all four of you. I have one question that
14 may be better for the LPC, but since you brought
15 up the parking lot, which I'm guessing we'll hear
16 about in a minute, I'm going to ask about next
17 door. The Puck Building is just outside of this
18 district, is it individually ... it's designated
19 individually, so it didn't need to be included
20 here, because it's protected as an individual
21 landmark. Thanks to all. Any other questions
22 from members of the Committee? Thank you very
23 much for your time. We will call up our final
24 member of the public to testify, Michael Slattery
25 from the Real Estate Board of New York.

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2 MR. SLATTERY: Before I begin, I
3 just wanted to answer a question that the Chair
4 asked earlier, about one of our ... one of his
5 constituencies asking about Shupak. Shupak is
6 Northern Pipe, by the way. So now you can go back
7 to the constituencies and tell them you know what
8 they're talking about.

9 CHAIRPERSON LANDER: Thank you.
10 You can go ahead when you're ready.

11 MR. SLATTERY: Okay.

12 CHAIRPERSON LANDER: State your
13 name first.

14 MR. SLATTERY: My name is Michael
15 Slattery, I'm with the Real Estate Board of New
16 York, and we're a broadly-based trade association
17 of owners, developers, brokers and real estate
18 professionals active in New York, and we oppose
19 the extension to SoHo Cast-Iron District.

20 Collectively these properties fail to meet the
21 standards of the Landmarks Law and do not merit a
22 designation. More importantly for this body, we
23 think that the record submitted is flawed, and
24 provides a basis for the City Council to
25 disapprove the designation. Based on the record,

1
2 a significant number of property owners spoke in
3 opposition to the Landmarks Commission at the
4 hearing. These individuals gave specific and
5 unrefuted testimony as to the lack of historic
6 interest in their property. They pointed out that
7 the buildings there were not built during the
8 cast-iron period, it was not a contributing
9 building type found in the existing district, and
10 that major alterations had taken place on
11 potentially noteworthy buildings. Your package
12 includes a number of photographs, some are
13 representative of the quality of the buildings
14 that are being included here. Furthermore, I
15 think the designation report which you submitted
16 as part of the record also confirms this public
17 testimony by noting that at least a quarter of the
18 buildings have undergone significant alterations,
19 almost a fifth have been described as no style,
20 and a dozen were built after 1970. Equally
21 significant, many of these properties around the
22 perimeter of the extension could easily have been
23 omitted. The inclusion of so many unworthy
24 buildings in the extension suggests that the
25 designation is about controlling development, not

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2 preserving history. This concern was echoed
3 during the Landmarks Commission vote, when a
4 commissioner stated that some of these buildings
5 were not what the Commission should be focusing
6 on, and feared that they were on a slippery slope
7 towards using designation as a zoning tool, and I
8 would also cite the testimony given today, which I
9 think went to questions of planning and scale and
10 building height, which are not issues for
11 designation. I would also point out that the
12 report submitted by the Victorian Society did not
13 include a number of the buildings that are part of
14 this designation as well, so they had a much
15 smaller area to include. As rightly you pointed
16 out, we are going to talk about one building, one
17 block, block 510, which is the one with the gas
18 station. The four properties there, one is a gas
19 station, a BP gas station built in 1939, certainly
20 none of the characteristics of SoHo. 135 is a
21 one-story building that was built before 1864, but
22 it was originally a six-story building, so that it
23 has been significantly altered. 133, on Crosby
24 Street, which is the Puck Fair Building, is also a
25 one-story structure, which had been at one point a

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2 five-story structure. And the other building on
3 that block, 131 Crosby Street, is a seven-story
4 building whose architect is unknown, but whose
5 record indicates there was significant fire damage
6 to that building in 1919 and 1924, and a number of
7 the significant features have been missing. This
8 block is on the perimeter of the district and
9 easily could have been omitted, and was omitted in
10 the Victorian Society report. This isn't the only
11 block that doesn't belong. The Canal Street
12 frontage from Howard Street almost to Lafayette
13 has several undistinguished tax payers and other
14 commercial buildings, and many of these buildings
15 are in your report. And again, these are
16 buildings that are on the perimeter that could
17 have been carved out of the district. Lastly,
18 when this district was established in 1973, the
19 boundaries were set by the city government after
20 thorough research by preservationists and input
21 given at public hearings. These boundaries
22 represent a consensus on what buildings belong in
23 the district. The existing district preserves
24 those buildings that best reflect the
25 architecturally and historically significant

1 features of the SoHo building environment. The
2 Landmark law calls for a historic district to
3 constitute a distinct section of the city, not
4 talking about streetscape or building height. The
5 relevant consistency of any of the buildings in
6 the original district in terms of time period and
7 style might lead one to see this as a distinct
8 section of the city. Nothing has changed in the
9 last 37 years to suggest that these additional
10 blocks need to be added. Based on the record, we
11 think the Council has compelling reasons to reject
12 this designation. Thank you.

14 CHAIRPERSON LANDER: Thanks very
15 much, Mr. Slattery, for your testimony. Are there
16 questions? Council Member Halloran.

17 COUNCIL MEMBER HALLORAN: Can you
18 estimate for me the percentage of buildings now
19 included in this extension that do not fit?

20 MR. SLATTERY: I'd say probably
21 half of them.

22 COUNCIL MEMBER HALLORAN: And with
23 regards to some of the buildings that you
24 mentioned, you indicated that at least a dozen of
25 them were not constructed in the referant time

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2 frame.

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MR. SLATTERY: Correct.

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5 also indicated that many of these buildings don't
6 actually conform to stylistically the- -

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MR. SLATTERY: (Interposing)

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Correct.

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10 COUNCIL MEMBER HALLORAN: ... rest of
11 them. Do you know how many buildings don't
12 stylistically conform?

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MR. SLATTERY: They said a fifth.

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COUNCIL MEMBER HALLORAN: A fifth.

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15 MR. SLATTERY: And this is their ...
16 I'm referring to the designation report prepared
17 by the Landmarks Commission.

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18 COUNCIL MEMBER HALLORAN: So almost
19 20% of the buildings right off the bat don't
20 conform.

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MR. SLATTERY: Correct.

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22 COUNCIL MEMBER HALLORAN: And when
23 these individual homeowners testified, do you know
24 how many ... homeowners? Property owners testified,
25 how many property owners testified?

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MR. SLATTERY: I'd say there were

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somewhere between ten and fifteen.

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COUNCIL MEMBER HALLORAN: Okay, and did any of those property owners provide a potential impact, financial economic impact, in their testimony?

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MR. SLATTERY: They probably didn't, because it wasn't within the scope of Landmark jurisdiction. They continually say they're not looking at economic issues. We've had conversations with members of the Council saying that perhaps they should use ... the Council should be looking at those issues, but I've also been told that that's beyond their scope. But apparently what is within their scope is whether or not the administrative record is flawed or not, and we think this record is.

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COUNCIL MEMBER HALLORAN: All right, so it's roughly 20% of the buildings don't represent the stylistics, twelve, or a dozen, of the buildings weren't even constructed in the referant time frame.

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MR. SLATTERY: Correct.

COUNCIL MEMBER HALLORAN: And in terms of the state of the gas station, for

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2 example, had there ever been a building on that
3 site that conformed?

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MR. SLATTERY: Not that I'm aware
of.

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COUNCIL MEMBER HALLORAN: Okay.
Thank you. Mr. Chair, I would like to recall the
LPC and ask them some questions about this.

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CHAIRPERSON LANDER: Okay, let me
see if anyone else has questions for Mr. Slattery,
but we will then ask LPC to come back up and ...
you'll wait for LPC. Any other questions for Mr.
Slattery? Thank you very much for your testimony.
We'll ask Jenny and Mary Beth to come back. I'm
sorry ... well, why don't we have the LPC. You're
up here, if at the end of this time Council Member
Williams would still like to recall Mr. Slattery,
we can do so. All right, so we've asked Jenny
Fernandez and Mary Beth Betts to come back. Let
me recognize Council Member Mendez, followed by
Council Member Halloran and Council Member
Williams.

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COUNCIL MEMBER MENDEZ: Thank you,
Mr. Chair. If whoever, Mary Beth or Jenny, if you
can just please recall for the Committee what is

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2 the standard when we do, when we look to designate
3 a historic district, and if you could tell us you
4 opinion what the previous testimony stated that
5 that 50% of the buildings do not conform, you
6 could tell us a little bit about that. Thank you.

7 MS. BETTS: Okay, the Landmarks law
8 reads that a historic district should have a
9 special character and a special sense of place,
10 which we do interpret to have a strong sense of
11 streetscape. And I think I would disagree with
12 the number that 50% do not conform. We do have
13 the ability to call buildings no-style and to
14 include within historic ... we don't ... the National
15 Register has a period of significance and the New
16 York City Landmarks Commission does not adhere to
17 that rule. So we can include, if it protects a
18 streetscape, a more modern building in order to
19 get to the significant buildings on that site.
20 And the large number of buildings within the SoHo
21 extension are cast-iron and masonry store and loft
22 buildings which were built after the Civil War,
23 and are very much a part of what was already
24 designated.

25 COUNCIL MEMBER MENDEZ: Thank you.

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And in a historic district where there are buildings that have no style, is there a certain percentage where you hit no style that you then decide they should not be included, or this lot should not be included in the historic district?

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MS. BETTS: We don't confirm to a firm percentage, for instance, Douglaston in Queens has about 25% of its buildings that are no-style buildings, but it was felt that the sense of place of that residential historic district was so strong that they needed to include those buildings as well. So it's more ... so we don't, I would say if something was 50%, probably we would not include that, but this is not the case for this extension.

COUNCIL MEMBER MENDEZ: And can you tell me, of these buildings that have no style, about how much percentage would that be in this extension that we're considering today?

MS. BETTS: I think there are about twelve buildings that have no style. I can go through and do a more careful count.

COUNCIL MEMBER MENDEZ: So twelve out of how many?

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2 MS. BETTS: 139, that's like less
3 than 10%.

4 COUNCIL MEMBER MENDEZ: Okay.
5 Thank you.

6 CHAIRPERSON LANDER: Council Member
7 Halloran.

8 COUNCIL MEMBER HALLORAN: What
9 percentage of buildings would you say in this 135
10 either were not built in the referant time frame,
11 or are not artistically the same style, or have
12 substantially been altered?

13 MS. BETTS: I would say about
14 twelve, which would be about 10%. I mean, again,
15 it's the same answer as to Council Member Mendez's
16 question.

17 COUNCIL MEMBER HALLORAN: So, wait
18 a minute, so, let me just get this straight. So
19 the number 20%, or 1/5, that was given earlier,
20 that's not accurate?

21 MS. BETTS: I don't think so, but I
22 would want to go back and recount.

23 COUNCIL MEMBER HALLORAN: You'd
24 want to go back and recount?

25 MS. BETTS: Uh huh.

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COUNCIL MEMBER HALLORAN: Okay.

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And the specific buildings that were identified in

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the testimony that you previously heard, do you

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agree or disagree with the named sites that were

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given by the person who testified previously, that

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those were non-conforming, would you concur that

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they were non-conforming sites?

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MS. BETTS: The gas station we

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definitely called a no-style building. We ... what

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the commissioners did is they looked to the

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boundaries of the previously designated historic

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district along West Houston Street, and there were

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several sites along West Houston Street that were

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included in the 1973 district that had no

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buildings on them that had subsequently had

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structures built on them, with Landmarks

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Commission approval. And so it was felt that

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because the previous commission had treated West

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Houston Street as a gateway to SoHo, that they

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wanted to make sure that those, that narrow block

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along Houston Street matched up to the side

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streets running north to south, they had included

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those block fronts within the historic district.

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And that was ... that kind of was the precedent for

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our decision within this historic district extension.

COUNCIL MEMBER HALLORAN: Could you hold on a minute?

CHAIRPERSON LANDER: I'm sorry?

COUNCIL MEMBER HALLORAN: I still don't have the previous testimony because the guys ran out of copies. (inaudible).

CHAIRPERSON LANDER: Oh.
(crosstalk)

COUNCIL MEMBER HALLORAN: I'd like to at this time have the witnesses shown what has been submitted to this Commission as REBNY testimony photo attachments. I'd like you to both take a look at these photos and tell me if those buildings are conforming. They are apparently addresses within the historic district, and they number more than twelve. So just please take a look at them and let me know.

MS. BETTS: 63 and 236 Lafayette Street definitely conform to the historic district. I would consider that, and I think we had called that a contributing building, we had given it a style in the designation report. 137

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2 Crosby Street- -

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COUNCIL MEMBER HALLORAN:

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(Interposing) Hold on a second, you called it a ...

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what does that mean, when you say that you called

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a contributing style?

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MS. BETTS: I'm sorry- -

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COUNCIL MEMBER HALLORAN:

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(Interposing) Are you expanding the definition?

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MS. BETTS: No, I'm sorry, we

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called it a style ... just a minute. Okay. We gave

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that a style, I'm just looking, I can give you the

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exact reference to that.

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COUNCIL MEMBER HALLORAN: Sure.

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MS. BETTS: Yes, we called it a

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renaissance revival-style building, which is

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similar to many other buildings within the SoHo

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historic district in terms of its style. 137

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Crosby Street is the building that we did call no-

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style, and again, that was the building that I was

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referring to in looking at the precedent along

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West Houston Street of what the Commission had

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done previously.

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COUNCIL MEMBER HALLORAN: Okay, so

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for example the 137 Crosby Street, you'd agree

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there is no style there.

MS. BETTS: Yes.

COUNCIL MEMBER HALLORAN: You're simply using a prior territorial designation to bring it into your extension.

MS. BETTS: Right. I am looking at the boundaries of the 1973 historic district, which included similar sites within the boundaries.

COUNCIL MEMBER HALLORAN: But in 1973 they chose not to include this site.

MS. BETTS: Right, but they did ... they ... I do not know, because it's 1973, it was a while ago. So I was not privy to their exact decision-making terms in terms of the boundary. But I know that one person has said that the boundaries were dictated by the urban renewal site that was then in existence.

COUNCIL MEMBER HALLORAN: Could it just simply be that since they found there was no style that it wasn't included?

MS. BETTS: No, it was because they did not include the east side of Crosby Street as well, which has a lot of buildings that are very

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significant.

COUNCIL MEMBER HALLORAN: Okay,
what about the next- -

MS. BETTS: (Interposing) They
wouldn't have gotten to that. If that ... okay,
this building is in because of the rest of the
block. So it's a building because the rest of the
buildings surrounding it are of style and have a
lot of merit. And the same is true for the other
building as well.

COUNCIL MEMBER HALLORAN: For ... so
158 street and 188 street, Lafayette, you would
agree are not conforming, and you're doing it
simply because other buildings on the block meet
the definition?

MS. BETTS: Right.

COUNCIL MEMBER HALLORAN: Okay, how
about the next picture? The next two, three
pictures, I'm sorry, 135, 133 and 131 Crosby
Street.

MS. BETTS: Okay, those again are ...
this is the other side, I'll address the one at
the bottom, 135, the gas station site. And you
can see that the building adjacent to Puck Fair

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2 does, is a building that's very much of the type
3 and place of SoHo, the red brick building. So
4 that's why we included that building, and again,
5 this is the gas station site. The City Bright
6 Cleaners is again a mid-block site in the middle
7 of a stretch that has otherwise all contributing,
8 all buildings that have a style.

9 COUNCIL MEMBER HALLORAN: Continue
10 on?

11 MS. BETTS: Again, the top one is
12 again part of the gas station site.

13 COUNCIL MEMBER HALLORAN: Okay.

14 MS. BETTS: So it's the same site
15 that we've been talking about. SoHo Park, Prince
16 and Lafayette Streets. Again, this is a building
17 that is a recent building, but it is surrounded by
18 other buildings that have style. So it's a one
19 building on a stretch of buildings that have
20 style.

21 COUNCIL MEMBER HALLORAN: Okay,
22 could you just continue? Thanks.

23 MS. BETTS: And the same is true
24 for these structures as well, that the other
25 buildings on the block have style.

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COUNCIL MEMBER HALLORAN: Okay, so those three structures are not conforming? Well, just in my quick count, we're already at the twelve mark right now. So, and we still have some more pictures to go. Do you want to re-evaluate your statement to me that there are only twelve buildings out of context in this rezoning? In this historic districting? Do you want to modify that testimony now?

MS. FERNANDEZ: From what I can observe, part of that gas station complex has been identified as- -

COUNCIL MEMBER HALLORAN:
(Interposing) There's three parcels.

MS. FERNANDEZ: ... as three different, or different buildings. In consideration of what we're looking at here, it's considered for our purposes anyway, one site.

COUNCIL MEMBER HALLORAN: Let me ask you a question. Does it have several block and lot numbers? So then it's more than one lot, isn't it? So it would be more than one building as far as the city is concerned?

MS. BETTS: There are multiple

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buildings on the gas station site.

MS. FERNANDEZ: Okay.

COUNCIL MEMBER HALLORAN: All right. You know what, I'm finished. Thank you, I appreciate your indulgence and I'd like those pictures back, thanks you.

MS. FERNANDEZ: And I'd just like to say for the record as well that a lot of what Ms. Beths was describing are those buildings that are contained mid-block stretches. The Commission cannot carve out or create holes in a historic district. It needs to be contiguous, so in effect there are instances where a non-contributing building, which we would otherwise not include in a historic district or designate, has to be included in order for us to designate that stretch.

CHAIRPERSON LANDER: I see the other Council Members, I'll recognize you in just a minute. Let me just say a couple of things first, so folks know where we're headed here. First, I appreciate, I think this was actually a useful and enlightening exchange in general. It is typical that a district includes some percent

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2 of non-contributing buildings within the district
3 boundaries. That's true in my neighborhood in
4 Park Slope, and in many other places. It's also
5 true it is important for us as a Council to
6 scrutinize the designations made, and I think
7 especially at the boundaries where the rule that
8 you're discussing of need for contiguity doesn't
9 necessary apply, that for us to take a look at
10 what's contributing and non-contributing, and the
11 appropriateness of those boundaries is part of the
12 duty that we have when we consider a district.
13 And so I appreciate the exchange. What I propose
14 that we do, I think that there are going to be
15 some, you know, folks who want to kind of dig in a
16 little more, and kind of look at the testimony
17 that was submitted and kind of where it lies along
18 the boundaries. The Council deadline for action
19 on this matter is approaching, however, so what
20 I'm going to propose that we do, after a couple
21 more questions, if people still want to ask them,
22 is vote on the other two matters, the school and
23 the brewery, and that we lay this over and recess
24 until tomorrow morning at 9:45 a.m. We will vote
25 this out of Committee at the Land Use Committee

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2 meeting tomorrow, and as I stated, it's coming up
3 this week. So, but I think allowing that time for
4 a little more look, a little more conversation
5 with the local Council Member, with the LPC and
6 the others here may, you know, give us some
7 ability to approach tomorrow ... to approach this
8 vote more thoughtfully tomorrow morning than I
9 think we're going to be able to do in just the
10 next few minutes. So I'm going to propose that
11 we, after we close the public hearing on this one,
12 lay it over until tomorrow and recess and vote on
13 the other two matters, that we won't reopen the
14 public hearing in all likelihood tomorrow, so
15 members who have testified have testified. You
16 know, you're most welcome to come at 9:45 when we
17 will vote tomorrow, but at that point we won't be
18 taking additional public testimony, in all
19 likelihood. So with that, although other members
20 may ask additional questions, knowing that you
21 also have a few more hours to kind of dig in here
22 and follow up with LPC and with Council Member
23 Chin, are there other ... let me recognize Ms.
24 Fernandez, and then we'll open it to other
25 questions from Council Members.

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2 MS. FERNANDEZ: Thank you, Chair
3 Lander. I also just wanted to add that for those
4 buildings that are considered not contributing or
5 have been identified as non-contributing, the
6 Commission doesn't seek to protect those buildings
7 as they are. In our post-designation process, in
8 our regulatory review of these sorts of
9 properties, building owners have demolished those
10 non-contributing buildings and have proposed new
11 buildings on those sites. They just go through a
12 review at the Commission, just to make sure that
13 they are appropriate, you know, within the context
14 of the existing district. So I just, you know,
15 that may be helpful in your consideration as to
16 how these buildings are treated within historic
17 districts. So they're not treated the same way
18 the significant historic buildings are.

19 CHAIRPERSON LANDER: Thank you very
20 much. Council Member Arroyo.

21 COUNCIL MEMBER ARROYO: And maybe
22 you can meet with me after the meeting and I don't
23 want to belabor this discussion, why can't you
24 designate an area or district that has holes in
25 it? Is it law, that you're not able to? Or is it

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a policy of the Commission that you don't do it?
And I think this came up before in a previous
historic designation, and there was a question
about one property, whether it could be carved out
or not. It continues to come up, and I've not yet
gotten information, briefing or response that
satisfies me as an individual, things about what
I'm doing here, why we cannot carve out particular
properties of a larger district. And you don't
have to answer, I'm just, you know, it keeps
coming up. And I don't understand, is it law you
can't do it because something in the city charter
prohibits it? We voted something ten million
years ago that doesn't allow it? What?

MS. FERNANDEZ: I'll just say that,
you know, to our knowledge the policy obviously,
if something is on the edge of the district, many
times and we are able to carve it out, we will, at
the edge, if it's easily done. If it's in the
middle of something, we are not able to, but what
I can do is, I'll check with our counsel to make
sure that- -

COUNCIL MEMBER ARROYO:

(Interposing) Is your answer that it's policy?

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2 MS. FERNANDEZ: I can't answer that
3 right now, I'll have to double check with our
4 counsel, to make absolutely sure that it's not a
5 part of the law.

6 CHAIRPERSON LANDER: Thank you.
7 Council Member Williams.

8 COUNCIL MEMBER WILLIAMS: Thank
9 you. I have this exact same question that you
10 answered, and also I just wanted a clarification
11 of what "not treated the same" means. You said
12 they had to go through a review, is it stringent ...
13 or what, is it the same review as all the other
14 people? Or what does that mean exactly?

15 MS. FERNANDEZ: For a certificate
16 of appropriateness, so for example, if someone is
17 proposing a new building on a site where there's a
18 non-contributing building, first they would seek
19 to have the existing building demolished, which we
20 would, you know, put through a review, and most of
21 the time that's not an issue, of course. Then,
22 when a new building is proposed, the Commission
23 would review at a public hearing, it's basically a
24 design review of what they're proposing, just to
25 make sure that in the materials and, you know,

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2 that the building design is sympathetic and works
3 within the historic district. So that's basically
4 what that is, it's a design review for a new
5 building. And even if the existing building, if
6 it's a taxpayer or a one-story building, if the
7 rest of the surrounding buildings, as many of
8 these SoHo properties are, are of a much higher,
9 you know, height, they can meet that, those
10 heights, you know, they can match in proportion to
11 the existing buildings on either side of those
12 lots.

13 COUNCIL MEMBER WILLIAMS: Thank
14 you. And I think we should take a trip to see Dan
15 Halloran in court some time.

16 CHAIRPERSON LANDER: And just to
17 make this, I mean, kind of crystal clear as to
18 what we're talking about, I mean, you know, that
19 we'll just use the gas station site, since we all
20 know it well, and, you know, imagine fruit and
21 power station graffiti there. But I mean, you
22 know, a glass and steel structure there would
23 likely, you know, sort of a modernist, you know, a
24 modern glass and steel structure would likely not
25 be approved at that site under the rules that

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2 you're proposing. You would allow the demolition
3 and new construction, but you would require that
4 it conform to the cast-iron historic district
5 guidelines in some way, obviously they're not
6 building it a hundred years ago, but they would
7 need to build it under these guidelines.

8 MS. FERNANDEZ: That is correct,
9 Chair Lander, but just a point of reference is
10 that the Commission does approve modern buildings
11 in, you know, historic districts. So even if, you
12 know, there's been many references to the period
13 of significance, when these buildings were built,
14 a new building should represent itself as such,
15 and does not need to be a replica or, you know,
16 some sort of fake, you know, kind of copy of
17 what's around it. It can be a modern
18 interpretation, it just needs to be sympathetic
19 and fit in with the historic district. I'm not
20 sure what that is.

21 MS. BETTS: The contexture.

22 MS. FERNANDEZ: The contexture,
23 right, okay. So, you know, and we've seen this in
24 many, you know, lot of our historic districts
25 here, you see a lot of these modern interventions,

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2 and so the design review is just making sure that
3 it's a good design.

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CHAIRPERSON LANDER: Thank you.

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I'm going to recognize Council Member Mendez, and
I'm going to make a plea to my colleagues to make
this the last question so we can then vote before
we're going to lose quorum.

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COUNCIL MEMBER MENDEZ: Thank you,
Mr. Chair. So we're going to be voting on this
particular matter, the SoHo Cast-Iron District
Extension tomorrow, is that correct? Okay. I'd
like to ask, if you can for tomorrow's vote,
provide us ... it appears to me that a lot of those
smaller buildings near the gas station, at the
same block and lot, just looking from this, if you
could provide that information to the Committee
today or tomorrow before the vote, I think it
would be helpful to many of us. And if I could
just quote Jane Jacobs, because we should. I
think, and I'm paraphrasing, she said in her great
book, "The Life and Death of Great American
Cities", that consistent character adds to
diversity of the street scene and of the city. So
certainly I see a lot of merit of extending this

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2 district across the street. That's my own
3 personal opinion, and I look forward to voting on
4 this tomorrow. Thank you, Mr. Chair.

5 CHAIRPERSON LANDER: Thank you,
6 Council Member Mendez. I'm recognizing Council
7 Member Williams for a comment and not a question.
8 No, all right, 30 seconds.

9 COUNCIL MEMBER WILLIAMS: I just
10 want to make sure the gentleman from REBONY stays
11 around. It pains me to even agree with you for a
12 little bit, but I wanted to ask you a couple of
13 questions right after, so please stick around.
14 Thank you.

15 CHAIRPERSON LANDER: All right,
16 great. We're closing the public hearing on the
17 SoHo Cast-Iron Historic District Extension, with
18 thanks for everyone who was here, and thanks to
19 everybody who testified. I will now move to a
20 vote on the earlier two matters, hmm, I've lost
21 their numbers. Applications 20085696 SCQ, and
22 20105715 HKK, the Queens West Primary and
23 Intermediate School and the William Ulmer Brewery.
24 The Chair recommends a vote of aye on both of
25 these items.

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2 COMMITTEE COUNSEL: Carol Shine,
3 Counsel to the Committee. Chair Lander.

4 CHAIRPERSON LANDER: Aye.

5 COMMITTEE COUNSEL: Council Member
6 Sanders.

7 COUNCIL MEMBER SANDERS: Aye to the
8 first two issues, and we're laying over the third
9 till tomorrow?

10 CHAIRPERSON LANDER: That's
11 correct.

12 COUNCIL MEMBER SANDERS: Well, I'll
13 vote tomorrow.

14 COMMITTEE COUNSEL: Council Member
15 Arroyo.

16 COUNCIL MEMBER ARROYO: Yes.

17 COMMITTEE COUNSEL: Council Member
18 Mendez.

19 COUNCIL MEMBER MENDEZ: Permission
20 to explain my vote?

21 CHAIRPERSON LANDER: Granted.

22 COUNCIL MEMBER MENDEZ: I'd like to
23 vote aye on both matters, and in regards to the
24 German brewery with the graffiti, I think graffiti
25 in and of itself does not negate the architectural

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2 significance of a building. We can remove the
3 graffiti, but once a building has been destroyed,
4 new graffiti could be put on the new building, but
5 we can never gain the architectural history and
6 significance of the prior building that existed
7 there. So I just wanted to say that on the
8 record, thank you. Once again, aye on all.

9 COMMITTEE COUNSEL: Council Member
10 Williams.

11 COUNCIL MEMBER WILLIAMS: Aye.

12 COMMITTEE COUNSEL: Council Member
13 Halloran.

14 COUNCIL MEMBER HALLORAN: Aye.

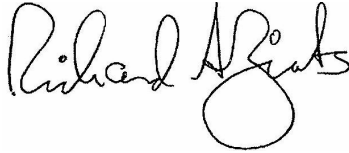
15 COMMITTEE COUNSEL: By a vote of
16 six in the affirmative, none in the negative and
17 no abstentions, item #200858696 and LU-164 are
18 approved and referred to the full Committee.

19 CHAIRPERSON LANDER: Thanks very
20 much, we stand in recess until 9:45 a.m. tomorrow.
21 I think we will meet on the 16th floor prior to
22 9:45.

23 COUNCIL MEMBER MENDEZ: Excellent.
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C E R T I F I C A T E

I, Richard A. Ziats, certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.



Signature _____

Date August 25, 2010