

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON HOUSING AND BUILDINGS

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April 7, 2010
Start: 1:09pm
Recess: 1:50pm

HELD AT: Council Chambers
City Hall

B E F O R E:
ERIC MARTIN DILAN
Chairperson

COUNCIL MEMBERS:
Council Member Leroy G. Comrie, Jr.
Council Member Elizabeth Crowley
Council Member Lewis A. Fidler
Council Member Robert Jackson
Council Member Letitia James
Council Member Rosie Mendez
Council Member James S. Oddo
Council Member Joel Rivera
Council Member Eric A. Ulrich
Council Member Thomas White, Jr.
Council Member Jumaane D. Williams

A P P E A R A N C E S (CONTINUED)

Joseph Rosenberg
Deputy Commissioner of Intergovernmental Relations
Department of Housing Preservation and Development

Kenneth Fisher
Attorney
Cozen O'Connor

Nick Palufo
Representative
1078 Fulton Street Project

Robert Altman
Representative
Vernon Jackson Development, LLC

Michael Gutterman
Representative
Vernon Jackson Development, LLC

Martin Weber
Representative
40 Gold Street Project

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[background noise]

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CHAIRPERSON DILAN: Okay. [gavel]

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Good morning, and I'd like to convene this

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Committee Hearing on the New York City Council's

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Housing and Buildings Committee. Good afternoon,

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actually. My name is Eric Martin Dilan, and I'm

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the Chairperson of the City Council's Housing and

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Buildings Committee, and I'd like to thank you all

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for attending today's initial hearing on Intro 66,

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which is a local law to amend the Administrative

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Code of the City in relation to benefits pursuing

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Section 421-A of the Real Property Tax Law. I

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view this bill as a technical correction to the

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421-A law. This bill would remove the requirement

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that plumbing plans for the construction of a new

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building on alteration permit for multiple

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dwelling must be approved by the Department of

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Buildings in order for a project's eligibility

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into the tax benefit program. Projects that

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include new residential construction and

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concurrent conversion, alteration or improvement

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of a preexisting building or structure, would also

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be eliminated if architectural and structural

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plans are approved by DOB and the actual

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2 construction begins in good faith as certified by
3 an architect or a professional engineer licensed
4 by the State of New York, provided that that
5 construction is completed without undue delay.
6 So, at this point, we would be willing to begin,
7 and if anyone wishes to testify on the item before
8 the Committee's agenda today, please see the
9 Sergeant-at-Arms, and fill out an appearance card,
10 and please indicate whether you're in favor or in
11 opposition of the bill. Again, we'd like to ask
12 all members of the audience to please put their
13 cell phone on vibrate, or shut off. And if there
14 is a need for private conversation, if it could
15 happen outside of the chamber. At this point, I'd
16 like to turn it over to HPD. We have with us
17 Deputy Commissioner Joseph Rosenberg, and even
18 though I acknowledged you by name, you have to do
19 so in your own voice for the record, and you can
20 acknowledge the young lady next to you.

21 JOSEPH ROSENBERG: Thank you. Good
22 afternoon, Chairman Dilan, I'm Joseph Rosenberg,
23 Deputy Commissioner of Intergovernmental Relations
24 at the Department of Housing Preservation and
25 Development. Sitting to my left Miriam Colon, our

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2 Assistant Commissioner of our Housing Incentives
3 Division. I am pleased to be here to discuss
4 Intro 66, which clarifies the definition of
5 commencement of construction when applying to
6 receive 421-A benefits. This bill rectifies an
7 inequity in existing law. When the language was
8 drafted, it was assumed that the building or
9 alteration permit issued from the Department of
10 Buildings, which is needed for commencement of
11 construction under the 421-A tax incentive
12 program, would be based upon architectural,
13 structural and plumbing plans approved by the
14 Department of Buildings. Although well
15 intentioned, linking commencement of construction
16 to the approval of three sets of plans has proven
17 to be an inaccurate measure of constituting when
18 construction starts. The architectural and
19 structural plans are approved before the building
20 or alteration permits are issued, but the plumbing
21 plans are not approved until much later. As a
22 result, although physical construction of the
23 development has occurred due to the issuance of
24 the building or alteration permit, based upon
25 approved architectural and structural plans, the

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2 development for the purpose of receiving 421-A
3 benefits is not considered to have started
4 construction since the plumbing plans have not yet
5 been approved. The problem that this bill
6 addresses is that since a number of developers do
7 not have all three sets of their plans approved--
8 i.e., structural, architectural and plumbing,
9 before they began their construction, both HPD and
10 the New York City Law Department have concluded
11 that they did not commence construction before the
12 new restrictions imposed on 421-A tax exemption
13 benefits took effect. There are approximately
14 four projects that applied for 421-A benefits, and
15 when deemed not to have commenced before the new
16 421-A restrictions took effect, because their
17 plumbing plans were not yet approved. If Intro 66
18 is passed, these projects will be considered to
19 have fallen into the pre-July 1, 2008 category and
20 would get an as of right benefit, ten or 15 years,
21 depending on location, or a longer benefit period
22 if they decide to provide affordable housing.
23 This bill corrects a well intended but factually
24 inaccurate requirement and it provides some much
25 needed clarity to the definition of commencement

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2 of construction. For this reason, we are in
3 strong support of Intro 66. Thank you, and I'll
4 be happy to answer any questions you might have.

5 CHAIRPERSON DILAN: Okay, thank
6 you, Commissioner, and just for the benefit of
7 Members, this is an initial hearing on this bill,
8 at the conclusion of what I perceive to be a brief
9 hearing. This item will be later signed and
10 hopefully be before the Committee for disposition
11 at a future date. We've been joined by Council
12 Member Leroy Comrie of Queens, Council Member Joel
13 Rivera of The Bronx, as well as Council Member
14 Jumaane Williams of Brooklyn. So, Commissioner, I
15 just want to start by something that you stated in
16 your testimony, and I believe it's, you know, I
17 believe it's the second page of your testimony.
18 You say generally that the architectural and
19 structural plans for a building are approved well
20 in advance of a plumbing permit. Do you have a
21 general idea of the time gap between when the
22 architectural and structural plans are filed, as
23 to when the plumbing permit is filed?

24 JOSEPH ROSENBERG: Yes, there's
25 quite a discrepancy here. The, the plans for

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2 architectural and structural can be approved
3 within several weeks of the submission; plumbing
4 can be as often as eight months after the initial
5 submission. We strongly support the bill because
6 we feel that although plumbing is one of the
7 requirements for commencement of construction, to
8 get the benefit of 421-A, many buildings proceed,
9 an should proceed, without getting a plumbing
10 permit. As soon as structural and architectural
11 is issued, they can go into the ground.

12 CHAIRPERSON DILAN: Okay, we
13 perceive, at least here in the Council, and maybe
14 this could be, I would imagine this will be
15 addressed before disposition of the bill, if we
16 get to that point, but you stated approximately
17 four projects--

18 JOSEPH ROSENBERG: That's right.

19 CHAIRPERSON DILAN: --are eligible,
20 and I guess what would be the revenue impact to
21 the City if this bill was enacted?

22 JOSEPH ROSENBERG: We're looking at
23 it, it'd be relatively minor. Currently, they
24 would not receive a 421-A benefit, if the law is
25 not passed. If the law is passed, the benefit

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2 would be of the shorter variety. One of them
3 would get a ten year benefit, which is a two year
4 full benefit and an eight year phase out, and the
5 other three would get a 15 year tax exemption
6 benefit, which is eleven year full and a four year
7 phase out. It's not the deep 25 year benefit that
8 many owners attempt to get.

9 CHAIRPERSON DILAN: Okay, and in
10 general, at what stage of construction do
11 developers generally apply for the 421-A benefit?
12 And what impact, if any, would this legislation
13 have on such a practice?

14 JOSEPH ROSENBERG: Well, we think
15 this wouldn't really have much of--once the
16 architectural and, unless I'm, unless I'm missing
17 your question, once the architectural and
18 structural permits are issued, then the excavation
19 starts, and the foundation is laid. So it starts
20 quite quickly after those permits are issued.
21 These projects are all quite advanced at this
22 point.

23 CHAIRPERSON DILAN: Okay, we've
24 been joined by Council Member Rosie Mendez of
25 Manhattan, as well as Council Member Tom White of

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2 Queens. Do any of my colleagues have any
3 questions on the bill at this time? Okay, so then
4 it should be just one or two more, and then we
5 will take testimony from four individuals who
6 signed up to appear before the Committee. Okay,
7 so currently, we know, you've identified four
8 projects.

9 JOSEPH ROSENBERG: That's right.

10 CHAIRPERSON DILAN: Do we know, is
11 there a potential of other projects arising? And
12 do we know of any other projects that could
13 potentially benefit from this technical - - ?

14 JOSEPH ROSENBERG: It's something
15 we're looking. We haven't seen any at this point.
16 We expect it's four, there might be, if there are
17 any more, it would be very, very few.

18 CHAIRPERSON DILAN: Okay, so you
19 don't expect a major windfall of buildings coming
20 forward--?

21 JOSEPH ROSENBERG: No, not, not
22 whatsoever.

23 CHAIRPERSON DILAN: Okay. Council
24 Member Williams?

25 COUNCIL MEMBER WILLIAMS: [of mic]

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Thank you for, thank you for the testimony.

JOSEPH ROSENBERG: Thank you.

COUNCIL MEMBER WILLIAMS: [off mic]

Well, is this on.

JOSEPH ROSENBERG: Now it is, yeah.

COUNCIL MEMBER WILLIAMS: [off mic]

I wanted to know I there was a problem with the definition before the 421-A was enacted, the new restriction. Was there a problem with the definition of commencement authority, commencement of construction?

JOSEPH ROSENBERG: Well, it was always an awkward definition. I think that it particularly became noticed due to the changes that were in the 421-A law, both on the State and local level several years ago, where--it was always an important program, but it was basically as of right based on location. With all the substantive changes in 2006/7 and 2008 on the local and State law, it came to our attention as well as I think everyone else's, that this was not an accurate judge of when commencement of construction for the purposes of receiving the benefits, you know, should be used.

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COUNCIL MEMBER WILLIAMS: [off mic]
So, it was, it was a working definition until the
restriction, the new restriction was - -

JOSEPH ROSENBERG: I think it was
always difficult. The new definitions changed
things a great deal. I think what we did here,
well certainly what the Chairman did here, who's
the sponsor of the bill. The, the date that this
kicks in is December of '07. So, it evidences a
definite sign that the owners involved here
started the work long, long before the changes
that both the Council and the State did went into
effect.

COUNCIL MEMBER WILLIAMS: [off mic]
Okay.

CHAIRPERSON DILAN: Okay, any, any
of my other colleagues have anything they'd like
to add? Council Member Comrie?

COUNCIL MEMBER COMRIE: I just want
to be clear that this is, this is to ease
restrictions, so that people can get financing for
their projects once they're in the ground, or get
the--and so that they can include the 421-A
benefits as an incentive, correct?

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2 JOSEPH ROSENBERG: That's correct,
3 yes.

4 COUNCIL MEMBER COMRIE: So, because
5 it's a well-established procedure that the
6 plumbing is done well after construction's
7 underway because a lot of times there are change
8 orders in the plan, and, and there are
9 architectural changes that actually happen once a
10 building's under construction, correct?

11 JOSEPH ROSENBERG: That's right,
12 yes.

13 COUNCIL MEMBER COMRIE: But this is
14 just to clean up something and it's just a great
15 idea that our Chair of the Committee has presented
16 to us, correct?

17 JOSEPH ROSENBERG: Absolutely.

18 COUNCIL MEMBER COMRIE: Oh, thank
19 you, not further questions.

20 CHAIRPERSON DILAN: Thank you,
21 Council Member Comrie. Any others? If not, we'd
22 like to thank, thank, thank you for coming in.
23 And thank you for the support of the bill.

24 JOSEPH ROSENBERG: Great, thank
25 you.

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2 CHAIRPERSON DILAN: Okay, I believe
3 there may be--Well, we, there'll be three panels,
4 it should be quick, I'll do 'em two at a time.
5 [pause] Should I do that, or--Okay, I'm going to
6 call up Ken, Ken Fisher and Robert Altman. Or,
7 no, well, you know what? I'll call up, yeah we'll
8 do it this way, I'll call up Ken Fisher and Nick,
9 forgive me if I pronounce this wrong, Nick Peltho.
10 Yeah, but yeah, just have, just have a seat at the
11 stand and you can give your testimony. [pause,
12 background noise] And we'll start with Mr.
13 Fisher.

14 KENNETH FISHER: Thank you, Mr.
15 Chairman. In the interest of time, I think I'll
16 just summarize my testimony and I hope you'll
17 take an opportunity to read it, it has more detail
18 in it. I'm a member of the law firm of Cozen
19 O'Connor. Some of you know a lot of my practice
20 involves land use and development work around the,
21 around the City, and also I publish on this, I'm
22 active in civic organizations and a number of
23 other, a number of other fronts. We don't prepare
24 421-A applications, but I've been consulted on a
25 number of cases, including three that are caught

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2 up in this. I think that the number is going to
3 be more than four, but probably less than a dozen.
4 There are some applicants who may not yet know
5 that they've hit this wall, or they may have not
6 come forward to testify, or they could still be
7 being processed by HPD, 'cause there's a little
8 bit of a backlog there. But I don't think it's a
9 very large number. And to speak to Council Member
10 Williams' question, the definition under State law
11 for commencement of construction was basically
12 that you had to have started your foundation, you
13 needed to have dug a hole and put a footing in.
14 And when the Council decided to restrict the
15 benefits, they felt that they didn't want somebody
16 just going through the motions, if they were going
17 to grandfather somebody, they wanted to make sure
18 that it was actually a building that was going to
19 be built. So they put in the requirement for a
20 building permit, but they didn't want it to be
21 just a bare bones building permit, they wanted it
22 to be based on approved architectural and
23 structural plans. And that wall would've been
24 fine. The problem was the plumbing permit
25 requirement because as Commissioner Rosenberg

1 testified, very often you don't apply to get your
2 plumbing plans approved until much later in the
3 process. It could be after your foundation is
4 done, steel's coming out of the ground, you're not
5 going to make any more changes to the building.
6 And very often it's not done by the architect,
7 it's done by an engineer or a plumber, 'cause it's
8 a specialized thing. You don't need to have your
9 plumbing plan approved in order to start your, to
10 pull your construction permit. And I think that's
11 where the, where the problem came up. In the
12 cases of the folks that have consulted with me and
13 you'll hear from a couple of them today, their
14 plumbing plans were approved shortly after they
15 pulled their permit. In one case, who's not
16 testifying today, they pull--their plumbing plans
17 were approved the day after they got their
18 building permit. Why? It just really wasn't
19 something that was discussed at the time, there
20 was a lot on the Council's plate, the State
21 Legislature in terms of encouraging affordable
22 housing, dealing with the sort of the development
23 wave that was going on in the City. I think
24 people wanted to, I think there was a fundamental

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2 recognition that you needed to give people whose
3 jobs were in the pipeline a chance to, to get
4 caught up. They hadn't designed their buildings
5 or planned on financing them without the benefits
6 of 421-A. So that's why you put in a grandfather
7 clause and said, you know, basically, if you
8 started your building by July 1, 2008, you would
9 be okay. At the time, I don't remember any of the
10 industry groups, any of the newsletters that I saw
11 from any of the lawyers or consultants involved,
12 any of the newspaper coverage, any of the
13 testimony that I heard, talk specifically about
14 this plumbing requirement that basically caught
15 people by unawares. The consequences for folks
16 are, you know, would be dramatic. One that I want
17 to call out to you was, you know, Commissioner
18 Rosenberg indicated that in some of these cases,
19 people would get lesser benefits. But I believe
20 in, in the exclusionary zones, they might not be
21 eligible for any benefits whatsoever. And that
22 means there's three possible consequences. One is
23 they're going to pass the full taxes on to whoever
24 rents those apartments, or buy those apartments,
25 could be as much as \$1,000 a month, which means

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2 only wealthier people would be able to afford
3 them. Or the market won't bear it, in which case
4 it could be a financial disaster for the owner and
5 the buildings could be in trouble. We've
6 certainly got enough empty building sites around
7 the City without putting more buildings at risk.
8 And one other thing, which is new construction, a
9 new rental building, that's being built now, or
10 started to be built in 2008, unless it gets 421-A
11 benefits, it's not subject to rent stabilization.
12 It's not subject to any rent regulations at all.
13 So in other words, one consequence of this could
14 be that however many buildings are involved, four,
15 six, eight ten, that to the extent that these are
16 rental buildings, they wouldn't, the tenants in
17 those buildings wouldn't be subject to any rent
18 protections except housing code issues. So, we
19 don't think that that's what the Council intended.
20 We are very happy that HPD is supporting this
21 legislation. We think it's a matter of
22 fundamental fairness. I wanted to thank Chairman
23 Dilan for introducing the bill, and to thank him
24 and the Speaker for scheduling this hearing, and I
25 hope that you'll join with HPD in supporting it.

CHAIRPERSON DILAN: Okay, thank you, Mr. Peflo?

NICK PALUFO: Palufo.

CHAIRPERSON DILAN: Palufo, okay. Thanks for correcting me.

NICK PALUFO: Alright, I'm just going to read this.

CHAIRPERSON DILAN: Sure.

NICK PALUFO: 'Cause I'd prepared it. So, my name is Nick Palufo and I'm testifying in favor of Intro Number 66. We have a project at 1078 Fulton Street in Brooklyn, which clearly demonstrates why the Council should approve the change. The construction in our project began as soon as the building permits were issued, and that was in May of 2007. Three walls and the foundation were completed when the area was rezoned and we had to, and we had to rework the drawings. On October 31st, the Department of Buildings inspected the property and they noted that the, 75 percent of the foundations were already complete, which means all the, up to the ground. In February 2008, the previously approved architectural plans were amended to comply with

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2 the new zoning, and by March the stop work order
3 was rescinded and the construction resumed under
4 the original permit. Prior to the new 421-A rules
5 going into effect, but not until June of 2008, the
6 plumbing plans were already approved by the
7 Department of Buildings. On July 1, 2008 the
8 project had approved architectural, structural and
9 plumbing plans, and construction of the building's
10 foundation was complete. Construction had
11 obviously commenced at that time. Under the rules
12 as they exist today, though, construction wouldn't
13 have technically commenced until March 25, 2009,
14 when the first subsequent permit was pulled by our
15 plumber, and that would've been two years after we
16 began construction. And that would've also been
17 when most of the structural work for the building
18 was already completed. Our project's already
19 suffered through the prolonged construction, and
20 we can't afford any additional setbacks. Our
21 building is too small to qualify for any
22 affordable housing programs, and we would not be
23 able to get the 421 benefits unless this Intro 66
24 is adopted. Without the 421-A we would have to
25 set rents high enough to pay the full property

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2 taxes, it could costs hundreds of dollars a unit,
3 and that would mean either that we would have to
4 rent to wealthier tenants, if we could find them,
5 or charge rents that might not cover the costs of
6 operating the building; and in any event the
7 tenants would not be covered under rent
8 stabilization. And I don't think that's the
9 scenario that was intended when 421-A law was
10 changed and, you know, we hope you'll help.

11 CHAIRPERSON DILAN: Thank you.

12 We've been joined by Council Member Elizabeth
13 Crowley of Queens, Council Member Robert Jackson
14 of Manhattan, the Republican leader, Jimmy Oddo of
15 Staten Island, as well as Eric Ulrich of Queens.
16 So, I do not have any questions for this panel,
17 but if my colleagues have anything that they'd
18 like to ask or follow up on, now is the time. If
19 not, like to thank you gentlemen both--

20 NICK PALUFO: Thank you.

21 CHAIRPERSON DILAN: --for coming
22 in. Okay, next, we have [background noise] Mr.
23 Robert Altman and Mr. Michael Gutterman. And the
24 final person to testify will be Martin Weber after
25 this panel. We've also been joined by Council

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2 Member Lewis Fidler of Brooklyn. Oh, you can give
3 that to the Sergeant-at-Arms, Mr. Altman, and
4 he'll distribute it for you. And then you can
5 begin your testimony.

6 [pause, background noise]

7 ROBERT ALTMAN: Good afternoon, my
8 name is Robert Altman. I am here representing,
9 with Mike Gutterman, Vernon Jackson Development,
10 LLC. We're here to testify in favor of Intro 66.
11 We believe that, as Council Member, former Council
12 Member Fisher said, it is a bill that corrects a
13 technicality that I think that was not
14 anticipated, and it is a bill which would create a
15 situation, correct a situation where in fairness
16 we could've done everything right, but in trying
17 to do the right thing some other way for another
18 purpose, we wound up doing something wrong. As a
19 result, a project that you're about to hear about
20 was not eligible for the program. So, I think
21 I'll now turn this over to Mike Gutterman and let
22 him explain the situation to you.

23 MICHAEL GUTTERMAN: Hi, my name is
24 Michael Gutterman, and I'm here today to testify
25 in favor of Intro 66.

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CHAIRPERSON DILAN: Okay, Mr.

Gutterman, if you could adjust the mic, so that we can hear you more--

MICHAEL GUTTERMAN: Closer? Is that better.

CHAIRPERSON DILAN: Yeah, a little bit better, yes.

MICHAEL GUTTERMAN: Okay. As you know, Intro 66 removes the plumbing approval requirement from the criteria for the start of construction. When beginning construction for a building, two main items are needed: structural plans for the superstructure, and architectural plans for the basic layout of the entire project. Architectural plans include a number of plumbing elements but not the plumbing, mechanical and HVAC components needed for the building to ultimately have such elements. It's rather common to begin without the element, without that element having approval, as plumbing permits are usually pulled, in our case, in any event, by the licensed plumber later in the process. In starting our project in the second quarter of 2008, we obtained a new building permit with the structural and

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2 architectural approval; but the plumbing component
3 was missing. Such plans were actually submitted
4 in May of 2008, but not approved until July of
5 2008. Theoretically, we could have self-certified
6 those plans, but we felt at the time that it was
7 better to have DOB approval, and it is understood
8 that I believe most Council Members prefer DOB
9 review to self-certification, as well. But in
10 trying to do the right thing, we unwittingly
11 placed ourselves on the wrong side of the June 30,
12 2008 deadline for such approvals, as we believed
13 in our new building permit would be sufficient.
14 But under current law it is not. Intro 66
15 corrects this issue. Our project is in Queens in
16 an exclusionary zone, and to meet the requirements
17 for 421-A in such zone would have disastrous
18 consequences. Like many projects planned in 2007,
19 our project will have its financial difficulties
20 and challenges with our without 421-A. But being
21 forced to forego the 421-A, or meet the
22 requirement of the exclusionary zone will have
23 awful repercussions. The project will lose its
24 viability, possibly not selling at all. This
25 would force the loss of jobs in our company and

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2 limit any other projects we might be thinking of
3 moving forward with. If we had known that our
4 application suffered such a technical error, we
5 most probably would have not moved so quickly
6 forward. HPD pointed this error out to us in
7 February of this year, and by then we were too far
8 along in construction to do anything. We would
9 like to think that our building would be an asset
10 to the Long Island City community, but we are
11 concerned that if it is not viable, it will become
12 a blight. We urge that the Council remove this
13 technicality from the law and move Intro 66
14 forward expeditiously. We again thank the Council
15 and the Committee for this opportunity to comment.

16 CHAIRPERSON DILAN: Okay, and we
17 are being jointed by Council Member Letitia James
18 of Brooklyn. Do any of my colleagues have any
19 questions for the panel? If not, we'd like to
20 thank, thank you, Mr. Gutterman, Mr. Altman, for
21 coming in and providing testimony.

22 ROBERT ALTMAN: Thank you.

23 CHAIRPERSON DILAN: The final
24 person we'll hear testimony from is Mr. Martin
25 Weber. Okay, and I'm assuming at this point that

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2 there are no other people that are, that want to
3 testify; if you do want to testify, please see the
4 Sergeant-at-Arms; if not, this hearing will
5 conclude at the end of Mr. Weber's testimony. Mr.
6 Weber, even though I've, I guess formally
7 introduced you, you have to introduce yourself in
8 your own voice for the record.

9 MARTIN WEBER: Good afternoon, my
10 name is Martin Weber, and I'm here today to
11 testify in favor of Intro Number 66. My brother
12 and I manage a family real estate business. We
13 are not major developers. My parents were
14 Holocaust survivors who came here after World War
15 II to live the American Dream. My father bought
16 the first parcel of what is now known as 40 Gold
17 Street just about 30 years ago. It was always his
18 dream to build something there new, and to
19 contribute to the New York skyline, which he loved
20 so much. We began construction pursuant to the
21 architectural and structural plans approved on
22 June 4, 2008, and a building permit issued on June
23 12, 2008. Our first foundation pile was driven on
24 June 19, 2008, the plumbing plans for the job were
25 approved on June 20, 2008, the very next day.

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2 According to the standard that was in effect when
3 we drove our first plow, our building commenced
4 construction prior to July 1, 2008. We proceeded
5 based on the understanding that with properly
6 approved plans, a building permit and a foundation
7 that was nearly complete, we would qualify for
8 421-A benefits as the Council intended, when it
9 changed the law a year earlier. Unlike
10 architectural or structural permits, which the
11 developer or his architect will pull from DOB,
12 plumbers are a skilled trade that typically pull
13 their own permits for the jobs they are hired to
14 work on. As such, plumbing permits are rarely
15 pulled when a foundation's being built, and
16 plumbing plans are often submitted only after the
17 building permit is issued, to take into account
18 any last minute changes. We would not have
19 started construction without believing 420-A was
20 available. Without 421-A, the project will be
21 personally disastrous to our family and possibly
22 nonviable. Thank you for this opportunity to
23 speak in favor of Intro Number 66.

24 CHAIRPERSON DILAN: And I'd like to
25 thank you, Mr. Weber, for your testimony as well.

1
2 Do any of my colleagues have questions for Mr.
3 Weber? If not, we'd like to thank you for your
4 time.

5 MARTIN WEBER: Thank you.

6 CHAIRPERSON DILAN: And I guess
7 what we'll do is we'll have Mr. Fisher's testimony
8 entered in full for the record, and at this point,
9 Intro 66 will be laid over, and that will conclude
10 this hearing on Intro 66.

11 [gavel]

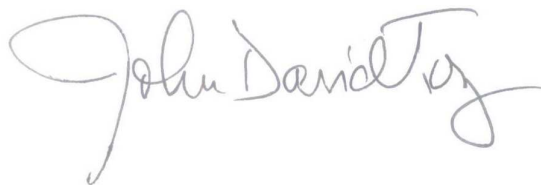
12 [background noise]

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14

C E R T I F I C A T E

I, JOHN DAVID TONG 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.

A handwritten signature in cursive script that reads "John David Tong". The signature is written in dark ink and is positioned above the printed signature line.

Signature _____

Date April 23, 2010