

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING AND
MARITIME USES

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October 23, 2012
Start: 11:32 a.m.
Recess: 11:48 a.m.

HELD AT: Council Chambers
City Hall

B E F O R E:

BRAD S. LANDER
Chairperson

COUNCIL MEMBERS:
Maria del Carmen Arroyo
Rosie Mendez
Annabel Palma
James Sanders, Jr.
Jumaane D. Williams
Daniel J. Halloran III

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

Jenny Fernandez
Director of Intergovernmental and Community Relations
Landmarks Preservation Commission

Yolanda Delacruz Gallagher
Board Member
Fresh Meadows Homeowner Civic Association

James Gallagher, Jr.
President
Fresh Meadows Homeowner Civic Association

Simeon Bankoff
Executive Director
Historic Districts Council

CHAIRPERSON LANDER: Good morning.

We ready? Great. Good morning. I am New York City Council Member Brad Lander, chair of the City Council's Land Use Subcommittee on Landmarks, Public Siting and Maritime Used. I am very happy to be here this morning for the public hearing on the Brinckerhoff Cemetery, Land Use number 720, 20135041 HKQ located in Council Member Gennaro's district in Queens. Let me welcome Council Members Annabel Palma from the Bronx, Maria del Carmen Arroyo from the Bronx and Dan Halloran from Queens. Good morning. Maria, thank you for running across the street and getting here so we could start, and we at least briefly have been joined by the chair of the Land Use Committee, Council Member Leroy Comrie from Queens. As I said we just have one item on our calendar this morning, but an excellent one. It is the Brinckerhoff Cemetery, 69-65 to 69-73 182nd Street. I have a statement from Council Member Gennaro, which I'll read in a minute, but let me start by asking Jenny Fernandez from the Landmarks Preservation Commission to come on up and present it to us, and I will note that it is nice to be

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2 back here in the Committee Room in City Hall,
3 which feels somehow for a Landmarks Subcommittee
4 hearing better than the 16th Floor across the
5 street.

6 JENNY FERNANDEZ: It does feel
7 nice. Welcome back to your home, the Committee.
8 Thank you, Chair Landers and members of the
9 Committee. My name is Jenny Fernandez, director
10 of intergovernmental and community relations for
11 the Landmarks Preservation Commission. I am here
12 today to testify on the Commission's designation
13 of the Brinckerhoff Cemetery in Queens. On May
14 15th, 2012, the Landmarks Preservation Commission
15 held a public hearing on the proposed designation
16 as a landmark of the Brinckerhoff Cemetery. 31
17 people spoke in favor of designation including
18 representatives of New York City Council Members
19 James Gennaro, Mark Weprin, New York State Senator
20 Tony Avella, New York Assemblywoman Grace Meng,
21 New York Assemblyman Rory Lancman, Historic
22 Districts Council, New York Landmarks Conservancy,
23 Queens Community Board 11, Queens Historical
24 Society, Queens Preservation Council, Queens
25 County Farm Museum, Central Queens Historical

1 Association, Queens Civic Congress, Fresh Meadows
2 Homeowners' Civic Association, Parkway Village
3 Historical Society, - -Improvement Association,
4 Woodhaven Historical Society, Richmond Hill
5 Historical Society, Four Borough Neighborhood
6 Preservation Alliance, Hillcrest Estates, Richmond
7 Hill Historical Society--sorry, I just said that,
8 Civic Association, West Cunningham Park Civic
9 Association. I don't think we have had such a
10 long list of testimony for another designation.
11 The owner of the property spoke in opposition to
12 designation. In addition, the Commission received
13 numerous communications in support of designation,
14 including letters from New York City Council
15 Members Peter Vallone, Dan Halloran, New York
16 State Senator Toby Stavisky, New York Assemblyman
17 Michael Simanowitz, Queens Borough President Helen
18 Marshall, and Netherlands Acting Consul General
19 Yvette Daoud, Queens Community Board 8, Creedmoor
20 Civic Association, - - Historical Society,
21 Committee for the Preservation of Fresh Meadows,
22 Bell Rose Hillside Civic Association and the
23 Bayside Hills Civic Association, Hillcrest Jamaica
24 Hill Neighborhood Development Association, as well
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2 as a letter from New York City Council Speaker
3 Christine Quinn urging the Commission to consider
4 the matter. On August 14th, 2012, the Commission
5 voted to designate the building an individual
6 landmark.

7 What has been known since the 1930s
8 as the Brinckerhoff Cemetery in Queens, it was
9 once the burial grounds of the rural Flushing
10 township crossroads community of Black Stump,
11 later Union Place, which developed around the
12 intersection of Black Stump Road leading eastwards
13 towards Hempstead and Fresh Meadows Road, which
14 connected the villages of Flushing and Jamaica.
15 The burial ground in use by 1730 based on the
16 earliest dates on grave markers was located on the
17 border between two farms, The Brinckerhoff-
18 Skidmore-Schleider Farm and the Noorstrandt-
19 Hendrickson-Purdy-Eiseman Farm. The first listing
20 of visible gravestones inscriptions compiled in
21 1900 by Josephine Frost as part of her manuscript,
22 Long Island Cemetery Inscriptions, included the
23 names of interrelated Dutch families of many of
24 the surrounding farms, including Adrians
25 [phonetic], Alan, Anthony, Bloodgood [phonetic],

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2 Brinckerhoff, Hopelan [phonetic], Montfort
3 [phonetic], Raplay [phonetic], Rider, Ryerson
4 [phonetic], and Snedeker [phonetic]. The cemetery
5 was professionally surveyed in 1919 by the Queens
6 Topographical Bureau, which created a map of the
7 location of the gravestones with an accompanying
8 listing of gravestone descriptions and their
9 inscriptions based in part on Frost's list. The
10 survey identified 77 gravestones and markers, the
11 earliest of those with legible inscriptions dated
12 to 1730 and the last from 1872. The burial
13 grounds remained within an agricultural community
14 until the late 1930s when it became surrounded by
15 the suburban development known as Fresh Meadows.
16 Despite virtually a century of neglect all
17 evidence indicates that the original gravestones,
18 markers and graves remain concealed by dirt and
19 debris. The Brinckerhoff Cemetery survives as a
20 rare and one of the oldest colonial era burial
21 grounds in the borough of Queens, as well as one
22 of the few tangible links to the early 18th century
23 and rural history of the borough. The Commission
24 urges you to affirm this designation.

25 CHAIRPERSON LANDER: Thank you very

1
2 much. I always enjoy hearing you attempt to
3 pronounce the various historic and foreign
4 language. I don't know if they do a course in
5 Dutch up at the LPC. We appreciate your good
6 efforts. Obviously an overwhelming amount of
7 support for this application. Let me quickly
8 read—and then my colleagues if they have
9 questions—but Council Member Gennaro who
10 represents the district asked me to share some of
11 his thoughts, and so let me just quickly do that
12 for the record.

13 Dear Council Member Lander, I wish
14 to express my full support for the land marking of
15 the Brinckerhoff Cemetery in my council district.
16 The cemetery site was founded in the 18th century.
17 It was the final resting place of the Brinckerhoff
18 family, who were among the first European families
19 to settle in Queens arriving in New York—I'm going
20 to show that I can't pronounce Dutch-Joris
21 Dircksen Brinckerhoff in 1642. There were at
22 least 77 burials at this location dating from 1736
23 to 1872. Unfortunately, this property has been
24 the subject of legal wrangling over the years. In
25 the 1950s, the city incorrectly sold the property

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2 to the neighboring property owner Mr. Ralph Dell
3 [phonetic] di Domenico after the property was
4 foreclosed due to back property taxes; however the
5 sale should not have occurred because the property
6 was a cemetery and cemeteries are exempt from
7 paying property taxes. The di Domenicos did not
8 take proper care of the property, which became
9 dilapidated and overrun with vegetation. Back in
10 2008, my office worked with other city agencies to
11 have the perimeter of the property cleaned up and
12 have a fence installed by the property owner. In
13 July 2010, the property was sold to a new property
14 owner, and he talks about concerns that the
15 preservation of the site would not be continued by
16 the new owner, which would dishonor the memory of
17 those were interred there and be disrespectful to
18 the families of the deceased, some of which are
19 alive today. Supported by a wide range of groups
20 as you have heard. Queens Community Board 8 who
21 unanimously passed a resolution designated on
22 April 14th and he urges us to vote on this property
23 and preserve this valuable piece of Queens
24 history.

25 Do my colleagues have any questions

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2 for LPC? So let me thank Ms. Fernandez for her
3 testimony. We have three people signed up to
4 testify at the public hearing. Not quite as many
5 as the 31 that testified at the LPC hearing, but
6 more than enough to make the case I am confident.
7 We have three chairs, so I'll invite you all up
8 together. Yolanda Delacruz Gallagher from the
9 Fresh Meadows Homeowner Civic Association, James
10 Gallagher, Jr. also from the Fresh Meadows
11 Homeowner Civic Association, and Simeon Bankoff
12 from the Historic Districts Council.

13 YOLANDA DELACRUZ GALLAGHER: Good
14 morning, ladies and gentlemen, honorable
15 councilmen and honorable councilwomen. We are
16 here from the Fresh Meadows Homeowners Civic
17 Association, and we are here to plead to you your
18 sentiments to have these landmarks. Primarily
19 this is the heirloom that has been - -
20 historically from the time our president—at the
21 time that President Washington, George Washington—
22 the 44th president now is Barack Obama, and that is
23 how long this property has been in question and
24 the community has guarded it on. For all of these
25 centuries we plead to you that this is part of our

1 heritage. This is part of the heritage of the
2 American people. We would like to tell you and
3 advise to you that our heritage is never for sale.
4 It has no cost, and we as citizens, American
5 citizens, should treasure this because this is the
6 missing link, historical link, that was not taken
7 care of. We would like to restore the last burial
8 grounds of these people who have kept us what we
9 are today. These are the historical value of
10 this. These are the people, the early settlers of
11 Fresh Meadow, who have helped the first president
12 of the United States, George Washington, and the
13 revolution. You can trace the people burial here
14 up to Washington D.C. brigades, so we ask you.
15 Second, we would like to share this heritage
16 legacy to the children, to our children in Fresh
17 Meadows and to the world. The first Brinckerhoff
18 Cemetery is the sixth settlers of the United
19 States, the first general of Washington, George
20 Washington, is John Brinckerhoff. This - - names
21 that should be in our history and be shared to the
22 people. Second, the di Domenico for many years,
23 we had been advocating this for 12 years, never
24 gave us that kind of value, historical sense that
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2 it should be landmarked. Yes, there is a dollar
3 equation. We have to make you understand that
4 this property was sold after some tampering of the
5 classification of the land use to make it
6 marketable. The new owner of this, who are real
7 estate brokers, could have the letter C [phonetic]
8 caveat, that - - that this is a cemetery.
9 Federally this is illegal. We do not desecrate
10 any cemetery. We ask you to be with you and all
11 the land, the line of important people, community
12 leaders who have advocated for the landmark of
13 this property, we ask you to be with us in one
14 unison that we are citizens of America. I myself
15 is an immigrant, an immigrant from the
16 Philippines. As I come into this country, first -
17 - we asked everyone who come who pledge allegiance
18 to America, it's to respect the heritage and
19 history of this country. My first country of
20 origin, yes, that was the past, but I am here in
21 America to pledge my allegiance and all the rest
22 who comes on board has to respect the legacy
23 history of the United States of America.

24 CHAIRPERSON LANDER: Thank you very
25 much. Thank you. Thanks for being here.

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2 JAMES GALLAGHER: Thank you, Mr.
3 Chairman, council members. We would also like to
4 tell you that earlier this month in October, the
5 City Planning Commission also unanimously
6 approved-

7 CHAIRPERSON LANDER: I'm sorry,
8 sir. I apologize to interrupt. Will you please
9 identify yourself for the record?

10 JAMES GALLAGHER: Oh, I'm sorry. I
11 am James Gallagher, Jr. That was my wife, Yolanda
12 Delacruz Gallagher. The City Planning Commission
13 also unanimously approved designation for the
14 Brinckerhoff Cemetery in early October, so just
15 another process along the way of getting
16 designation for this. Thank you.

17 CHAIRPERSON LANDER: Great. Thank
18 you very much. Finally, Simeon Bankoff.

19 SIMEON BANKOFF: Good morning,
20 Council Members. A pleasure to be here. A
21 pleasure to be here in this beautifully restored
22 room. Once again, I am Simeon Bankoff, executive
23 director of the Historic Districts Council. HDC
24 is the citywide advocate for New York's designated
25 districts and neighborhoods meting preservation.

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2 New York City does not just designate sites for
3 what they are, but sees landmarks for what they
4 could be. Just as a building could be restored to
5 its former glory, so could the Brinckerhoff
6 Cemetery, the last link of this area of Queens has
7 to its colonial era past. I think that the
8 overwhelming public support shows the great
9 community interest in this. We are incredibly
10 thankful to our elected representatives on all
11 levels of government, but especially local council
12 member, Council Member Gennaro, for his strong
13 support of this. We have been working in
14 collaboration with a vast coalition of Queens
15 groups to figure out the next steps on how to best
16 preserve and reutilize this space, and we urge the
17 Committee to affirm this designation. Thank you.

18 CHAIRPERSON LANDER: Thank you very
19 much. Any questions from the Committee? Seeing
20 none, thank you very much. We will go ahead and—
21 since no one else is signed up to testify—close
22 the public hearing on the matter. I do want to
23 note that we did receive communication in
24 conversation with Councilman Gennaro and to our
25 staff from the owner of the property who asked for

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2 the opportunity to come and appear before the
3 Council, and we do even in situations like this,
4 where there is obviously overwhelming community
5 support, work hard to go out of our way to make
6 sure owners have the opportunity and appear before
7 us, so we are going to make that possible. We
8 close the public hearing. We are not going to
9 vote today. It's scheduled for our next meeting
10 or...?

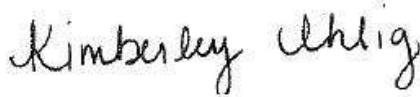
11 MALE VOICE: Yes.

12 CHAIRPERSON LANDER: So at our next
13 scheduled meeting we will go ahead and invite him
14 to communicate with us, and I think at that time
15 Council Member Gennaro may be able to be with us
16 as well, and then we will proceed to a vote at
17 that time. So thanks to you for coming out today
18 and advocating and to my colleagues, we will
19 adjourn this hearing.

C E R T I F I C A T E

I, Kimberley Uhlig 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

Handwritten signature of Kimberley Uhlig in cursive script, written over a horizontal line.Date 11/12/12