

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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September 13, 2010

Start: 11:44am

Recess: 12:35pm

HELD AT: Council Chambers
City Hall

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

COUNCIL MEMBERS:

- Council Member Maria Del Carmen Arroyo
- Council Member Daniel J. Halloran III
- Council Member Rosie Mendez
- Council Member Annabel Palma
- Council Member James Sanders, Jr.
- Council Member Jumaane D. Williams

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

Jennie Fernandez
Director of Intergovernmental and Community Relations
Landmarks Preservation Commission

Elizabeth Finkelstein
Director of Preservation and Research
Greenwich Village Society for Historic Preservation

Bertram Donnelly
Property Manager
Sands Properties

2 CHAIRPERSON LANDER: All right

3 [gavel] Good morning, this hearing of the
4 Subcommittee on Landmarks, Public Siting and
5 Maritime Uses, is called to order. I'm Brad
6 Lander, Chairman of the Subcommittee. Joined
7 today by Council Member Rosie Mendez, Council
8 Member Maria Del Carmen Arroyo, Council Member
9 Annabel Palma, Council Member Jumaane Williams,
10 Council Member James Sanders, and Council Member
11 Dan Halloran. We've got three items on the
12 calendar for this morning, all Landmarks. So,
13 we'd like to invite Jenny Fernandez from Landmarks
14 Preservation Commission up and we'll begin with
15 Land Use number 200, application 20105798, which
16 is the Noonan Plaza Apartments, in Council Member
17 Foster's district.

18 JENNIFER FERNANDEZ: Thank you,

19 Chair Lander, Members of the Committee, my name is
20 Jennie Fernandez, Director of Intergovernmental
21 and Community Relations for the Landmarks
22 Preservation Commission. I'm here today to testify
23 on the Commission's designation of Noonan Plaza in
24 The Bronx. On December 15, 2009 the Landmarks
25 Preservation Commission held a public hearing on

2 the proposed designation as a landmark of the
3 Noonan Plaza Apartments. Four people spoke in
4 favor of designation, including Representatives of
5 Bronx Borough President Ruben Diaz, Jr., the
6 Historic Districts Council, and New York Landmarks
7 Conservancy. On June 22, 2010, the Commission
8 voted to designate the building a New York City
9 individual landmark. Noonan Plaza Apartments in
10 the High Bridge Section of The Bronx is one of the
11 most impressive art deco style apartment complexes
12 in the borough. Built in 1931 for Irish-born
13 developer Bernard J. Noonan, it was designed by
14 the firm of Horace Ginsberg, with the exterior
15 credited to Marvin Fine. The prolific Ginsberg
16 and Fine helped to provide The Bronx with its one
17 of architectural signatures, the urban modernist
18 apartment building, including Park Plaza
19 Apartments on Jerome Avenue. Noonan and Ginsberg
20 had previously collaborated on a number of
21 speculative 1920s apartment buildings in High
22 Bridge prior to Noonan Plaza. Situated on a large
23 sloping site, with frontages along Ogden and
24 Nelson Avenues, and West 168th Street, the complex
25 is a six-to-eight stories with a sophisticated

2 site plan. The main entrance at the corner of
3 Nelson Avenue and West 168th Street has an angled
4 portico leading into the garden court and flanked
5 by towers with corner windows. The Commission
6 urges you to affirm this designation.

7 CHAIRPERSON LANDER: Thanks very
8 much. Before I got to questions, I think this is
9 the first sort of large scale, multifamily
10 building that's been proposed for designation in
11 my, in my tenure as Chair, so I wonder if you
12 could just walk us through a little bit. I
13 assume, but I'm not sure, is this a, this is a
14 rent stabilized development?

15 JENNIFER FERNANDEZ: Yes, yes, yes.

16 CHAIRPERSON LANDER: And I mean,
17 how do you, do you guys, I mean, obviously there's
18 implications for cost and how the tenants bear
19 those that are not substantially different from
20 other owners, but I wonder if you approach them
21 with any--

22 JENNIFER FERNANDEZ: We don't
23 directly address those issues, but there are
24 certain, you know, you would assume that the
25 higher costs of improvements to a building under

2 rent stabilization law, a, an owner can put in
3 capital improvements on rent stabilized tenants,
4 but those would have to be large scale and would
5 have to affect all the tenants in the building.
6 So, on a one-to-one, it shouldn't affect tenants
7 directly, unless of course there's a complete
8 overhaul of all windows, etc. We've found,
9 though, that in asking owners to put in better
10 materials or use, you know, improvements that are
11 longer lasting, those costs would, over time, be
12 more beneficial, instead of having to redo the
13 work, or those tenants be assessed with additional
14 capital improvements in a short period of time.

15 CHAIRPERSON LANDER: And is there,
16 do you require that notice be provided to the, all
17 the tenants of the building, or the tenants
18 association, or--?

19 JENNIFER FERNANDEZ: We, we do
20 owner outreach directly to property owners,
21 although for, for example when we were doing the,
22 we were doing the Grand Concourse Historic
23 District, when we did our public hearing for that,
24 we've done more extensive outreach, because we do
25 understand that along, you know, the Grand

2 Concourse and other buildings in The Bronx where
3 it's highly tenant, and we can't really get to,
4 excuse me, we can't get to them because we don't
5 have their information, we ask that the owners or
6 the boards of those buildings disseminate that
7 information. We ourselves go out and have put up
8 notices to let people know that we were having
9 public hearings on some of them. And The Bronx
10 Borough President's Office have been very helpful,
11 as well, in helping to disseminate some
12 information in the area.

13 CHAIRPERSON LANDER: And did, I
14 mean, do you know that if that happened at Noonan
15 Plaza? Were any of the tenant, did we hear from
16 any of the tenants at any of the hearings? I'm
17 being, I've been informed at the request of
18 Council Member Foster, the, at least the tenants
19 association was notified, so that's--

20 JENNIFER FERNANDEZ: Right.

21 CHAIRPERSON LANDER: That's great,
22 I'm glad that the Council made sure that happened.
23 Did any of them testify? Did we--

24 JENNIFER FERNANDEZ: Not to my
25 knowledge.

2 CHAIRPERSON LANDER: --hear from
3 them? No. Okay. Okay. We'll follow up, it
4 would be obviously, great, I think, you know, we
5 can talk about this as a policy matter in the
6 future, but obviously if there is a potential
7 impact on tenants, through the, you know, the
8 major capital improvements being passed onto them,
9 then that's an implication from us that we would,
10 that we want to at least make sure people knew
11 about before we acted, in general. So, other
12 questions from Members of the Committee on Noonan
13 Plaza? Council Member Arroyo.

14 COUNCIL MEMBER ARROYO: Thank you,
15 Mr. Chair. I was just wondering how old the, the
16 photo is of the, in the documentation we have
17 before us.

18 JENNIFER FERNANDEZ: I don't know
19 the exact date of the photograph, I know there's
20 some historic photographs, and there should be a
21 current photo at the very, right, right in the
22 beginning, in the summary area.

23 COUNCIL MEMBER ARROYO: Yes, okay.
24 That's a current photo?

25 JENNIFER FERNANDEZ: If I'm not

2 mistaken.

3 COUNCIL MEMBER ARROYO: Maybe we
4 should know how old the photos are. It's hard to
5 tell. It looks kind of dated. Either that or--

6 JENNIFER FERNANDEZ: There are some
7 historical photos in there, as well, to show what
8 the original configuration was, of Noonan Plaza,
9 but it's remained fairly intact except for at the
10 towers of the entrance portico, there are some
11 lanterns that, that are no longer there. And
12 some, some elements at the top of the, of the
13 towers. But for the--

14 CHAIRPERSON LANDER: But from the
15 back there's a whole series of 2010 photos on the
16 last couple of pages of our report.

17 COUNCIL MEMBER ARROYO: Yeah, okay,
18 it looks kind of dated. Hm, okay. Thank you.

19 CHAIRPERSON LANDER: Or they're at
20 least credited as 2010.

21 COUNCIL MEMBER ARROYO: Thank you.

22 CHAIRPERSON LANDER: I guess, and
23 this may be a better question for the Landmarks
24 Conservancy or somebody like Community
25 Preservation Corporation, but I guess just

2 following on these--most of the products that I'm
3 familiar with that are available for owners for
4 rehab, you know, are, are oriented toward the
5 kinds of buildings that we typically consider
6 here, and I guess I haven't looked to see what
7 resources are available to owners of rent
8 stabilized, multi-families, and whether someone
9 like Community Preservation Corporation, you know,
10 offers a product in sync with somebody like the
11 Conservancy that might help owners have an
12 incentive to do whatever work they're going to do
13 in a way where the impa--you know, the, the impact
14 or the costs were not passed onto tenants, either
15 as a result of some subsidized financing or
16 connection to J51.

17 JENNIFER FERNANDEZ: Those are
18 certainly things that, of course, the Commission
19 is always interested in either helping to, to get
20 that information to owners. There are, I mean,
21 our historic preservation grants program is very
22 small scale, so, you know, it doesn't necessarily
23 apply the, in the same way to a large apartment
24 building, unless of course all the owners, you
25 know, if it's like a co-op, and you know, 'cause

2 it's income based, so it's a little bit different,
3 but there are programs through the Conservancy
4 that, that may help, but we're certainly happy to
5 continue to explore that sort of, of additional
6 help to buildings like this.

7 CHAIRPERSON LANDER: So I'm going
8 to ask these questions when the Grand Concourse
9 comes around--

10 JENNIFER FERNANDEZ: Yes.

11 CHAIRPERSON LANDER: --on a
12 substantially large scale--

13 JENNIFER FERNANDEZ: And a--yes.

14 CHAIRPERSON LANDER: So if you
15 could take a look and either talk to CPC or the
16 Conservancy or HPD so that when somebody's going
17 to have to do large scale work in rent stabilized
18 properties, where we've designated, what the
19 opportunities are for them to seek J51 relief and,
20 and how it might be possible to limit the impact
21 to tenants as much as possible, I'd be, I'd be
22 very grateful. This is the first one I've seen,
23 and that one's going to be a lot larger, so it'd
24 be great if--

25 JENNIFER FERNANDEZ: And just as a

2 preview, that is certainly something that we've
3 flagged as a unique situation for the Grand
4 Concourse, because most of the buildings are not
5 owner occupied, and so again, and I mention, The
6 Bronx Borough President has been, his office has
7 been reaching out to us to ask us for some help
8 and some guidance, and they've begun a program
9 that they wanted to also roll out to help some of
10 the owners in these buildings to mitigate some of
11 those costs, and so that they don't become, you
12 know, MCIs or anything like that. And that they
13 do the work appropriately to the buildings, so
14 that they meet our guidelines. But, you know, we
15 anticipate that more of that will be forthcoming,
16 and as we do go forward with the Grand Concourse,
17 and by the time it gets to you we should have a
18 lot more information on that sort of thing.

19 CHAIRPERSON LANDER: Thank you.

20 Other questions on this matter? Council Member
21 Williams.

22 COUNCIL MEMBER WILLIAMS: Just
23 really quick on a follow up. Do you have any
24 knowledge of landlords applying for MCIs in
25 general, to do some of the repairs that are

2 needed, after it's been landmarked?

3 JENNIFER FERNANDEZ: I don't have
4 any firsthand knowledge. I do, and you know, this
5 is all theoretical in the sense that it may
6 happen. I mean, for the most part, if a landlord
7 is already going to do necessary repairs, in order
8 to assess those MCIs they have to be for the
9 entire building, and it would affect each and
10 every one of, of the tenants. Potentially, the,
11 the implication of landmarking would be asking for
12 better work, and not so much asking for additional
13 work, 'cause of course we don't, we don't ask the
14 owners to do anything, we don't make them change
15 things or upgrade things. It's only when they
16 would choose to do work that they may find they
17 have to do anyway, if they go through our review,
18 that we would ask for potentially higher quality
19 materials or better quality of work, higher level
20 of work. That's when the impact would be, that's
21 when we would affect the impact of that. So.

22 CHAIRPERSON LANDER: Okay, any
23 other questions from any members of the Committee?
24 All right, thank you, I don't think we have anyone
25 signed up to testify on, on this matter. So

2 unless someone's here to do so, we'll close the
3 public hearing on this item and move along to the
4 next one. Which is Land Use Number 201,
5 application number 20105799 HKX, the Haffen
6 Building, in Council Member Arroyo's district.

7 JENNIFER FERNANDEZ: Thank you,
8 Chair Lander and Members of the Committee, my name
9 is Jennie Fernandez, Director of Intergovernmental
10 and Community Relations for the Landmarks
11 Preservation Commission. I'm here today to
12 testify on the Commission's designation of the
13 Haffen Building in The Bronx. On December 15,
14 2009 the Landmarks Preservation Commission held a
15 public hearing on the proposed designation as a
16 landmark of the Haffen Building in The Bronx.
17 Three people spoke in favor of designation,
18 including representatives of the Historic
19 Districts Council and the New York Landmarks
20 Conservancy. On June 22, 2010 the Commission
21 voted to designate the building a New York City
22 individual landmark. The Haffen Building is a
23 seven story, Beaux-Arts style office building
24 designed by architect Michael Garvin, and erected
25 in 1901 through 1902 by brewery owner Mathias

2 Haffen. The building is located in the western
3 Bronx neighborhood of Melrose, and area
4 predominately populated by German-Americans during
5 the 19th and early 20th Centuries. The Haffen
6 Building was part of the rapid development of the
7 Hub, the commercial center of Melrose, which
8 centered on the intersection of East 149th Street,
9 Melrose, Willis and 3rd Avenues. By the turn of
10 the 20th Century, the Haffen family was one of the
11 main families of The Bronx, having made essential
12 contributions to the physical and social
13 infrastructure of The Bronx, including surveying
14 and laying out of parks and streets, developing
15 real estate, and organizing of a number of civic,
16 social and financial institutions. Mathias Haffen
17 was active in real estate development in Melrose
18 and in 1901 chose a prominent, thru-block site
19 between Third and Willis Avenues in the Hub to
20 erect a first class office building for banking
21 and professional tenants. Haffen hired architect
22 Michael Garvin to design the building, who served
23 as the Borough's first Commissioner of Buildings,
24 and is best known as the architect of the Beaux-
25 Arts style Bronx County Courthouse, located at the

2 intersection of East 161st Street and 3rd Avenue,
3 also an individually designated New York City
4 landmark. When the Haffen Building opened in
5 1902, the ground floor was occupied by a branch of
6 the 23rd Ward Bank. The 23rd Ward Bank, which
7 changed its name to The Bronx County Trust Company
8 in 1925 was a tenant at the Haffen Building as
9 late as 1935. The Haffen Building remains a
10 distinctive structure in the Hub and is an
11 outstanding and remarkably intact example of the
12 Beaux-Arts aesthetic. It is an important reminder
13 of the prominence of the German-American community
14 in the western, in western Bronx, during the 19th
15 and early 20th Century, and of the Borough's rapid
16 urbanization at the turn of the 20th Century. The
17 Commission urges you to affirm this designation.

18 CHAIRPERSON LANDER: Okay, thank
19 you, Ms. Fernandez. This is in Council Member
20 Arroyo's district, who's certainly known as a
21 champion of the Hub, if not necessarily always as
22 a champion of The Bronx Beaux-Arts style. So,
23 Council Member Arroyo, do you want to say anything
24 or have any questions on the matter? Thank you.
25 Any other Committee Members have any questions on

2 the Haffen building? I first heard it as the
3 Geffen Building. [laughter] I don't know if that
4 was something--Okay, all right. Thank you for the
5 testimony, and we didn't have anyone signed up to
6 testify on this matter, either, so unless someone
7 speaks up we will close the public hearing on this
8 item and move to our third and final. We do have
9 a couple of people signed up to testify. And
10 we'll move onto Land Use Number 202, application
11 number 20105800 HKM, the Greenwich Village
12 Historic District Extension Two in Speaker Quinn's
13 district.

14 JENNIFER FERNANDEZ: Thank you. In
15 the interest of time, do you want me to summarize,
16 just say several block associations? There's
17 quite a number of them that testified. Or do you
18 want me to enumerate each one of them?

19 CHAIRPERSON LANDER: You can hit
20 the highlights.

21 JENNIFER FERNANDEZ: Okay.
22 [laughs] Once again, my name is Jennie Fernandez,
23 Director of Intergovernmental and Community
24 Relations for the Landmarks Preservation
25 Commission. I'm here today to testify on the

2 Commission's designation of the Greenwich Village
3 Historic District Extension Two in Manhattan. On
4 October 27, 2009, the Landmarks Preservation
5 Commission held a public hearing on the proposed
6 designation of the Greenwich Village Historic
7 District Extension Two. 44 people spoke in favor
8 of designation, including representatives for City
9 Council Speaker Christine Quinn, State Senator
10 Thomas K. Duane, State Assembly Member Deborah
11 Glick, Manhattan Borough President Scott Stringer,
12 Community Board Two, the Society for the
13 Architecture of the City, Greenwich Village
14 Society for Historic Preservation, Landmarks
15 Conservancy, and several block associations. The
16 Real Estate Board of New York spoke in opposition
17 to the proposed designation, and one owner of
18 commercial properties on Bleeker Street and 7th
19 Avenue South testified that his properties were
20 noncontributing. In addition, the Commission also
21 received many letters and emails regarding this
22 designation. The majority have been in favor of
23 designation. On June 22, 2010, the Commission
24 voted to designate the Greenwich Village Historic
25 District Extension Two. The Greenwich Village

2 Historic District Extension Two includes row
3 houses, tenements, stables and public and
4 institutional structures that illustrate the
5 growth of the southern section of Greenwich
6 Village, from its origins as an affluent,
7 residential neighborhood in the early 19th Century,
8 to a vibrant community of working class immigrants
9 and artists in the 20th Century. The extension
10 comprises two sections encompassing approximately
11 235 buildings. The largest section includes all
12 of, all or part of eleven blocks between West 4th
13 Street to the north, West Houston Street to the
14 south, 7th Avenue South to the west and 6th Avenue
15 to the east. The smaller section includes the
16 buildings on the west side of 7th Avenue South
17 between Leroy and Clarkson Streets. The early
18 developments of the Historic District Extension
19 was, was shaped by Dutch land grants to a small
20 group of freed African slaves who established
21 farms on the land and thus the beginnings of a
22 community that persisted until well after the
23 Civil War. In 1863, the City was rocked by draft
24 riots and racial violence that affected Greenwich
25 Village in particular, as this episode marked the

2 beginning of the demise of the historic African-
3 American community that had come to be known as
4 Little Africa. From the Civil War period to the
5 turn of the 20th Century, thousands of European
6 immigrants settled in Greenwich Village's southern
7 section. The dominant Irish, German and later
8 Italian immigration groups created working class
9 communities centered around social institutions
10 like the Mutual Aid Organization and the church.
11 Greenwich Village gained new cultural prominence
12 in the years before and after the First World War,
13 as artists and political radicals began to move to
14 the neighborhood, attracted by cheap rents, the
15 diversity of ethnic, of the ethnic neighborhood,
16 and an atmosphere of old world charm created by
17 the narrow streets and old buildings. The allure
18 of bohemian Greenwich Village attracted middle
19 class professionals which catalyzed the
20 neighborhood's transformation from a working
21 class, ethnic community to a sought after
22 neighborhood of rehabilitated row houses and
23 tenements, and stylish new apartment buildings.
24 After World War II, Greenwich Village again became
25 the site of intense cultural exchange and

2 creativity with the experimental theater and
3 lesbian and gay movements. The oldest buildings
4 within the extension are modest examples of two-
5 and-a-halves and three story federal and Greek
6 revival style row houses dating from the 1810s
7 through the 1850s. The tenements with the, within
8 the extension include pre-law, old law and new law
9 examples designed in Italianate, neo-Grec, Queen
10 Anne, Romanesque or in renaissance revival styles.
11 The extension contains some remarkably intact
12 historic buildings and some significant early 20th
13 Century alterations, such as studio windows,
14 stucco cladding, tile work, etc., that evoked
15 Greenwich Village's image as an artistic enclave.
16 Like those other Greenwich Village Historic
17 Districts directly to the north and west, the
18 buildings and streetscape of the extension
19 illustrate over two centuries of urban
20 development, culminating in the social and
21 cultural movements that made the village famous in
22 the early and mid-20th Century as a community of
23 artists, writers, performers, recent immigrants
24 and others. The Commission urges you to affirm
25 this designation.

2 CHAIRPERSON LANDER: Thanks very
3 much. We have a couple of people signed up to
4 testify, and I suspect that we'll hear from the
5 Greenwich Village Society for Historic
6 Preservation that, while they're very enthusiastic
7 about this designation, they have some questions
8 about the remaining what they call "south village"
9 historic district, and I suspect we'll hear from
10 the owners of 13 Cornelius Street, some questions
11 about whether their property is contributing and
12 should be included. So, if it's okay, unless
13 other members have questions first, and maybe
14 we'll hear their testimony and ask you back up to,
15 to, so we can ask questions a little more informed
16 by their testimony. Are there questions on other
17 items from the Committee before we go ahead and
18 hear the, hear the public testimony on those two
19 items? Okay, great, so we'll move first to
20 Elizabeth Finkelstein from the Greenwich Village
21 Society for Historic Preservation. [pause,
22 laughter, pause] All right, if you can just make
23 sure your mic is on, state your name for the
24 record. [background voice] Yeah. No, we, we
25 follow the rules here [laughter] and you see why.

2 All right, so go ahead, make sure your mic is on,
3 and state your name for the record.

4 ELIZABETH FINKELSTEIN: Sure. Good
5 morning, Council Members, my name is Elizabeth
6 Finkelstein and I'm here today to express support
7 for the Greenwich Village Historic District
8 Extension Two, on behalf of the Greenwich Village
9 Society for Historic Preservation. GVSHP is the
10 largest membership organization in Greenwich
11 Village, NoHo and the East Village, and we first
12 approached the Landmarks Preservation Commission
13 to consider a historic district designation for
14 this area in 2002. In 2006, we submitted a formal
15 proposal with boundaries and detailed research to
16 the LPC for a South Village Historic District of
17 which this designation covers the western one-
18 third, as you can see in the attached map in your
19 packets. Designation of the entire proposed South
20 Village Historic District has strong support from
21 residents, businesses and property owners in the
22 affected area; local block associations and civic
23 groups; city, state and national preservation
24 organizations; scholars of immigrant and Italian-
25 American history; and local elected officials and

2 the local community board. I also have a list in
3 your packet of all of our supporters. We support
4 the Greenwich Village Historic District Extension
5 Two in the hopes and with the understanding that
6 this is just the first phase of a broader action
7 by the LPC to consider the entire proposed South
8 Village Historic District. We are, however,
9 extremely concerned about the pace of movement,
10 the lack of a commitment or timeframe for the
11 remainder of the proposed district, and the
12 substantial losses the district has already
13 suffered and continues to suffer without action by
14 the LPC. In the eight years since we first
15 requested that the Commission consider designation
16 of the South Village, iconic historic sites such
17 as the Provincetown Playhouse and Apartments, the
18 Circle in the Square Theater, the Sullivan Street
19 Playhouse, the Tunnel Garage and an 1861 row house
20 at 178 Bleeker Street have all been lost.

21 Countless other buildings in the district which
22 contribute to its unique architecture and capture
23 its extraordinary 19th Century immigrant history,
24 and groundbreaking 20th Century cultural history,
25 have also been lost or compromised. Therefore,

2 while we, while we appreciate that the LPC has
3 moved ahead with a segment of this proposed
4 district, and over the last eight years has
5 designated other areas of Greenwich Village, that
6 does not make the ongoing losses in the South
7 Village any less real, any less damaging to the
8 history and character of New York City, or
9 ultimately any less unnecessary. So while we urge
10 you to support the Greenwich Village Historic
11 District Extension Two, we also ask you to
12 encourage the LPC to move ahead as soon as
13 possible with considering the remaining two-thirds
14 of the proposed South Village Historic District.
15 Both Speaker Quinn and Council Member Chin, who
16 represent the remainder of the proposed district,
17 have expressed support for designation of the
18 entire district. Council Member Chin along with
19 Borough President Stringer, Congressman Nadler,
20 State Senator Duane and Assembly Member Glick have
21 all urged the LPC to consider the remaining two-
22 thirds of the proposed district as soon as
23 possible, as per the attached letters and
24 testimony. Thank you.

25 CHAIRPERSON LANDER: Thanks very

2 much for your testimony, we'll see if there's any
3 questions for you. I wanted to ask you to go
4 ahead and go first and then we'll ask Ms.

5 Fernandez to come back up and tell us what she can
6 about where the LPC is in, in considering your
7 request. Are there any questions from members of
8 the Committee for the Greenwich Village Society?

9 Thank you very much for your testimony.

10 ELIZABETH FINKELSTEIN: Thank you.

11 CHAIRPERSON LANDER: All right, and
12 then I would also like to call up Mr. Bertram
13 Donnelly, from 13 Cornelius Street, and the Sands
14 or Sand 2 Properties. Do you have testim--you
15 don't have copies of your testimony to give to
16 the--

17 BERTRAM DONNELLY: I have--

18 CHAIRPERSON LANDER: We can read
19 it, if you have copies.

20 BERTRAM DONNELLY: I have a couple
21 of copies. But it's just very short.

22 CHAIRPERSON LANDER: All right.
23 Okay, go ahead and state your name and you can
24 give us your testimony.

25 BERTRAM DONNELLY: My name is

2 Bertram Donnelly. I'm the property, property
3 manager for Sands Properties. I'm here as the
4 manager of the following properties. We, we have
5 a, we have two five-story residential apartment
6 buildings on Cornelius Street; one two-story, two-
7 unit house on Cornelius Street; two five-story
8 mixed-use buildings on West 4th between Cornelius
9 and Jones Streets, with three restaurants operated
10 by the owner of the buildings; and a one-family
11 house on Leroy Street between Bleeker and Bedford
12 Streets. Further, we have seven other properties
13 in existing [pause] we have seven other properties
14 in existing landmark districts, and as such have
15 significant experience in dealing with said
16 designations. I'm here today because it, to raise
17 more of a macro concern about the use of
18 landmarking to achieve land use zoning policy
19 objectives. Under the guise of preserving our
20 history, you are actually avoiding enacting
21 effective zoning and approval laws and processes
22 that would make for positive change. For example,
23 the elephant in the room on these issues, in this
24 proposed district, are the smut and human
25 mutilation shops that pollute the streetscape of

2 6th Avenue and West 4th Street. Under the
3 strictures of the proposed law, in our buildings,
4 our restaurant businesses that exist in the
5 storefronts, which were long ago altered, will now
6 triple its cost of renovations, but you can't put
7 the genie back in the bottle and restore the
8 buildings to what they were 100 years ago, because
9 they were not commercial buildings, they were just
10 tenements. And the character of the street has
11 changed to the point that it's, it's all ground
12 floor commercial, and I assume the City wants
13 that. It's, it's good for the district. [pause]
14 But you can do this and nothing prevents
15 additional smut stores. So the question is use.
16 You have to learn what the most desirable and
17 valuable communities across this country have
18 learned about exclusive zoning codes in that they
19 don't work. The zoning codes of New York City
20 list what is excluded and everything else is
21 included. This leaves too many gray areas. Were
22 there to be an inclusive code, meaning this is
23 what's permitted, everything else is prohibited
24 without a special permit or variance. Smut
25 stores, for example, would not be permitted under

2 the same description of personal services
3 establishment that permit a beauty salon. I'm
4 sure almost no one is opposed to preserving
5 buildings that have something worth preserving
6 about them, but this process of blanket
7 landmarking leaves all the costs to the building
8 owners for a whole district, not just particular
9 buildings. It is easy and a popular decision for
10 elected representatives to make because the cost
11 to the City is secondary and hidden. It leaves
12 your constituents with a warm and fuzzy feeling.
13 It leaves the unelected, insulated and somewhat
14 self-interested Commission the role of approvals.
15 It's an unfortunate state of, of affairs that
16 people are afraid to make unpopular decisions on--
17 What is needed is a zoning law that establishes
18 what we want in our zones. We need apolitical,
19 architectural and design review boards composed of
20 volunteer professionals and paid professional
21 staff, to approve all exterior renovations on a
22 case-by-case basis. If there were such a
23 structure in the process, blanket landmarking
24 would be unnecessary, and cheap storefronts with
25 hideous signage a thing of the past. Thank you.

2 CHAIRPERSON LANDER: I want to
3 thank you for taking the time to come testify.
4 Hang on, I think there's at least one question for
5 you.

6 BERTRAM DONNELLY: Sure.

7 CHAIRPERSON LANDER: I think we'll
8 try to stick mostly to the--you raised a bunch of
9 broader macro issues that are--

10 BERTRAM DONNELLY: Yes.

11 CHAIRPERSON LANDER: --interesting,
12 not specifically what we're considering today,
13 obviously. But Council Member Arroyo has the
14 first question.

15 COUNCIL MEMBER ARROYO: Well, I, I
16 lost track of the number of times that used the
17 term "smut." What do you mean?

18 BERTRAM DONNELLY: Well, the, the,
19 the stores selling ... you know, sexual apparatus
20 and paraphernalia.

21 COUNCIL MEMBER ARROYO: So it's
22 your opinion--

23 BERTRAM DONNELLY: And--

24 COUNCIL MEMBER ARROYO: That's
25 your--and that's relevant to what we're discussing

2 here?

3 BERTRAM DONNELLY: Well, and, well,
4 it, what, if you, because you, unfortunately, the
5 only thing in the district that controls use is
6 this landmarking law. And it's not enough. You
7 need to have inclusive zoning, not exclusive
8 zoning. You need to be able to say, "This is
9 what's permitted, and everything else is
10 excluded." Right now, the law says, "This is
11 excluded," in certain cases, and everything else
12 is permitted, too many gray areas.

13 COUNCIL MEMBER ARROYO: Let--you
14 understand that landmark--our action here does not
15 deal with what kind of businesses can operate in
16 the City. This is merely an attempt at
17 preserving.

18 BERTRAM DONNELLY: I, I know, but
19 I, I--

20 COUNCIL MEMBER ARROYO: So, well,
21 I'm, we're not going to get into a debate. I just
22 lost track of how many times you used the term,
23 and, and I'm not sure that this is the time or the
24 place for that kind of conversation. It doesn't
25 help your argument.

2 CHAIRPERSON LANDER: All right,
3 Council Member Williams, and then we'll go back to
4 the LPC.

5 COUNCIL MEMBER WILLIAMS: And I
6 was, I'm assuming by mutilation shops, you meant
7 tattoos and piercings and stuff like that.

8 BERTRAM DONNELLY: Yes.

9 COUNCIL MEMBER WILLIAMS: But I,
10 too, was also confused about what that had to do
11 with the landmarking. So, it seems like you're
12 not able to explain--

13 BERTRAM DONNELLY: Well, it's just
14 that the land--the land--you're using blanket
15 zoning instead of individual, saying "This is a
16 historic building and should be done." And then a
17 lot of buildings--

18 COUNCIL MEMBER WILLIAMS: So are
19 you against the landmarking or in favor of the
20 landmark?

21 BERTRAM DONNELLY: I'm, I'm against
22 the district landmarking.

23 COUNCIL MEMBER WILLIAMS: Because
24 you want the smut there?

25 BERTRAM DONNELLY: No, because,

2 because I, I want real zoning.

3 COUNCIL MEMBER WILLIAMS: Okay.

4 BERTRAM DONNELLY: I want better
5 zoning in the area.

6 COUNCIL MEMBER WILLIAMS: All
7 right, thanks.

8 CHAIRPERSON LANDER: Just to
9 clarify, I mean, you're, what you would like is to
10 not have your buildings landmarked and to have the
11 area rezoned to tighten the uses that would be
12 allowed and not to allow some of the uses that are
13 there currently.

14 BERTRAM DONNELLY: I'd like build--
15 yeah, do the buildings on a case-by-case basis.

16 CHAIRPERSON LANDER: And we
17 appreciate your come, taking the time to come--

18 BERTRAM DONNELLY: Right.

19 CHAIRPERSON LANDER: --and express
20 your opinions on what should happen in the, in the
21 neighborhood, it's why we have the public
22 hearings. And I think the alternative framework
23 you talk about is, is interesting. Obviously not
24 exactly what we can consider today, so--

25 BERTRAM DONNELLY: No, but I hope

2 it would be a dialogue with the preservationists
3 and everybody, and let's, in the chamber, and let,
4 let every, let's get everybody at the table.

5 CHAIRPERSON LANDER: Thank you for
6 taking the time to come out today.

7 BERTRAM DONNELLY: Right.

8 CHAIRPERSON LANDER: Okay, I'm
9 going to ask Ms. Fernandez to come back up. And
10 in particular, I wanted to, to ask her about the
11 testimony by the Greenwich Village Society for
12 Historic Preservation, which obviously is in favor
13 of today's action, but obviously also is asking
14 for forward motion on the broader South Village
15 Historic District. I wonder if there's anything
16 you're able to tell us on the, the timetable for
17 those actions to be surveyed or considered.

18 JENNIFER FERNANDEZ: I don't have
19 specific dates right now for that remaining
20 portion of that request. Just for the Committee's
21 benefit, the Greenwich Village Historic District
22 is the largest historic district in the City. The
23 Committee, the Commission has done numerous
24 extensions over the last, you know, few years, and
25 consistently working on the preservation, the

2 Greenwich Village Historic District. As you all
3 know, you know, we're a very small agency and we
4 work diligently throughout the five boroughs. And
5 so, in terms of prioritizing what we need to do
6 throughout the City, in order to preserve some
7 other worthy neighborhoods, I mean the demand is
8 very high for historic districts. We just did
9 this and so we will duly continue to do the work
10 that will go into designating the remaining
11 portions of this area. But I don't have a
12 timetable as of yet, with specific dates. We
13 certainly, our staff is working on the surveying
14 of the area, and will continue to do that research
15 work. And as soon as we have more concrete
16 information, of course, we'll share it with those
17 interested parties.

18 CHAIRPERSON LANDER: So, it's a,
19 it's a resource question and then the challenge of
20 meeting the, you know, the resources all around
21 the City, I know you have a lot of demand from my
22 neighborhood and Council Member Halloran's
23 neighborhood and many other outer borough
24 neighborhoods.

25 JENNIFER FERNANDEZ: Right.

2 CHAIRPERSON LANDER: It's not a
3 question of whether this, the rest of the South
4 Village is of interest, is worthy of surveying--

5 JENNIFER FERNANDEZ: Absolutely
6 not, right.

7 CHAIRPERSON LANDER: It's that--

8 JENNIFER FERNANDEZ: Right,
9 exactly.

10 CHAIRPERSON LANDER: --you've got a
11 lot on your plate and need to balance that out.
12 But you, you know that's coming, you're taking a
13 look at it and you will--

14 JENNIFER FERNANDEZ: Absolutely.

15 CHAIRPERSON LANDER: --get back to
16 the community on the request to consider the
17 remainder of the South Village Historic District.

18 JENNIFER FERNANDEZ: Absolutely.

19 CHAIRPERSON LANDER: Other
20 questions, thank you, other questions from the
21 Committee? Council Member Halloran?

22 COUNCIL MEMBER HALLORAN: Just a
23 question on the percentage of buildings' owners
24 who have expressed reservation about the
25 designation. Do you know what the percentage is?

2 And could you also tell us how many buildings that
3 encompasses versus the total number of buildings
4 who are being designated?

5 JENNIFER FERNANDEZ: I don't have
6 the percentage, but it's a very small minority.
7 There was overwhelming support and demand for the
8 designation of this district. The, the only thing
9 the, that is outstanding or that stood out to us
10 was a conversation of the building types, the
11 style, the architectural style that was assigned
12 to a couple of the buildings. And we, we had that
13 exchange with an owner in, in the district, but
14 other than that, the support is pretty far, far
15 spread.

16 COUNCIL MEMBER HALLORAN: So it's
17 your testimony then that other than one owner, no
18 one else has opposed this designation? Is that
19 your testimony? Just want to make sure I'm clear
20 about it.

21 JENNIFER FERNANDEZ: There were
22 people opposed to the designation, but there
23 wasn't, but like I said it was a minority. I
24 don't have the exact number. But I'm happy to
25 share that information with you.

2 COUNCIL MEMBER HALLORAN: Okay, and
3 could you estimate the number of people who, who
4 spoke in opposition? Could you estimate?

5 JENNIFER FERNANDEZ: It should be
6 contained in the testimony.

7 CHAIRPERSON LANDER: Your testimony
8 says it was just two, the revenue representative
9 and the, I assume the owner of the, on this, on
10 the owner of Bleeker and 7th, I don't know if
11 that's the same order as presented.

12 COUNCIL MEMBER HALLORAN: So is
13 that it?

14 JENNIFER FERNANDEZ: That's, that's
15 the testimony, at our public hearing, that doesn't
16 infer that those were the only people, or you
17 know, but that's who came out and actually
18 testified.

19 COUNCIL MEMBER HALLORAN: Did you
20 receive any other letters, follow ups, calls?

21 JENNIFER FERNANDEZ: We did receive
22 numerous letters, the overwhelming amount of which
23 were in favor of designation. Again, I'm happy to
24 double check to see--

25 COUNCIL MEMBER HALLORAN: Yeah, if

2 you could just get back to me, I'd love to
3 actually see the numbers, thanks.

4 JENNIFER FERNANDEZ: Sure, you're
5 welcome.

6 CHAIRPERSON LANDER: And I will
7 note that the, both the community board and the
8 borough president also did vote in favor of this
9 action, and that Speaker Quinn is, is supportive
10 of it, as well. Any other questions for the LPC?
11 Thank you very much for your time.

12 JENNIFER FERNANDEZ: Thank you.

13 CHAIRPERSON LANDER: With that we
14 will close the public hearing. Thanks very much.
15 And unless anyone makes a face of strenuous
16 objection, we'll move forward to a vote on these
17 three items. Hm? On this, yes, well, I think
18 the, actually the proposal for the sex trade
19 historic district is not coming to us until a
20 following, one of the following ones. But today
21 we'll consider the following three actions--

22 COUNCIL MEMBER HALLORAN: Is that a
23 specific zoning, by the way? Is there--

24 CHAIRPERSON LANDER: NO, I think
25 it's a historic designation.

2 COUNCIL MEMBER HALLORAN: I'm just
3 checking, I--oh, it's a historic designation, all
4 right.

5 CHAIRPERSON LANDER: It's a
6 historic district designation.

7 COUNCIL MEMBER HALLORAN: Just
8 making sure.

9 CHAIRPERSON LANDER: I apologize,
10 none of this, this is all stricken from the
11 record. [laughter, background noise]

12 COUNCIL MEMBER HALLORAN: You can't
13 do that in a public hearing.

14 CHAIRPERSON LANDER: It was the x-
15 rated, we don't have like an x-rated version,
16 someone's not simultaneously blacking out the x-
17 rated portions of our--[laughs]

18 MALE VOICE: We will after this
19 meeting.

20 CHAIRPERSON LANDER: That'd be
21 good. Okay, I'm sorry, we think it's like the
22 John Stewart Show or something where you can be
23 simultaneously bleeped. All right, moving back to
24 our, the business at hand, we're going to vote now
25 on the three items that we just had the public

2 hearing on: Land Use Numbers 200, 201 and 202,
3 20105798, the Noonan Plaza Apartments; 20105799,
4 the Haffen Building; and 20105800, the Greenwich
5 Village Historic District Extension Two. And the
6 Chair recommends a vote of aye.

7 COUNSEL: Christian Allen, Council
8 Committee. Chair Lander?

9 CHAIRPERSON LANDER: Aye on all.

10 COUNSEL: Council Member Sanders.

11 COUNCIL MEMBER SANDERS: Aye on
12 all.

13 COUNSEL: Council Member Palma.

14 COUNCIL MEMBER PALMA: Aye on all.

15 COUNSEL: Council Member Arroyo.

16 COUNCIL MEMBER ARROYO: Yes.

17 COUNSEL: Council Member Mendez.

18 COUNCIL MEMBER MENDEZ: Yes on--

19 COUNSEL: Council Member Williams.

20 COUNCIL MEMBER WILLIAMS: May I

21 please excuse my vote?

22 CHAIRPERSON LANDER: Of course.

23 COUNCIL MEMBER WILLIAMS: I vote

24 aye on all and just wanted to say I'm always happy

25 when the contributions of slaves and Africans are

2 taken into consideration. Thanks.

3 COUNSEL: Council Member Halloran.

4 COUNCIL MEMBER HALLORAN: I vote
5 aye on all.

6 COUNSEL: By a vote of seven in the
7 affirmative, none in the negative, no abstentions,
8 LU 200, LU 201 and LU 202 are approved and
9 referred to the, and referred to the full Land Use
10 Committee.

11 CHAIRPERSON LANDER: Thank you.

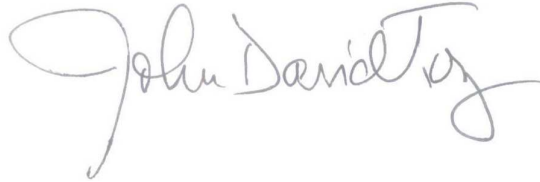
12 [background noise] [laughs] Oh, we'll note that
13 for the record. All right, thanks very much,
14 unless--this hearing is adjourned, this meeting is
15 adjourned.

16 [background noise]

17

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.



Signature _____

Date September 29, 2010