

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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January 25, 2011
Start: 11:18 am
Recess: 11:58 am

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]

Brad S. Lander
Opening Statement
Chairperson
Subcommittee on Landmarks, Public Sitings and
Maritime Uses

Jenny Fernandez
Director of Intergovernmental and Community Affairs
Landmarks Preservation Commission

Kate Daley
Executive Director
Landmarks Preservation Commission

Carol Shine
Committee Counsel
Subcommittee on Landmarks, Public Sitings and
Maritime Uses

2 MR. JERRY STAFFIERI: Hey. January
3 25th, 2011, Land Use Subcommittee on Landmarks,
4 recorded by Jerry Staffieri and Nick Economou.

5 CHAIRPERSON LANDER: We're good?
6 All right, great. This meeting of the Land Use
7 Subcommittee on Landmarks, Public Sitings and
8 Maritime Uses is called to order. I'm Council
9 Member Brad Lander. We're joined this morning by
10 Council Member Jumaane Williams from Brooklyn,
11 Council Member Rosie Mendez of Manhattan, Council
12 Member Maria del Carmen Arroyo of the Bronx and
13 Council Member Annabel Palms of the Bronx. Good
14 morning.

15 We have four items on the calendar
16 today. And we'll take them in order starting with
17 Land Use Number 291 which is the 190 Grand Street
18 House. And I invite Jenny Fernandez from the
19 Landmarks Preservation Commission to come forward
20 to present this to us.

21 [Pause]

22 CHAIRPERSON LANDER: Thank you.

23 MS. JENNY FERNANDEZ: Thank you
24 Chair Lander, members of the Subcommittee. My
25 name is Jenny Fernandez, Director of

2 Intergovernmental and Community Relations for the
3 Landmarks Preservation Commission. I'm here today
4 to testify on the Commission's designation of the
5 190 Grand Street house in Manhattan.

6 On June 22nd, 2010 the Landmarks
7 Preservation Commission held a public hearing on
8 the proposed designation as a landmark of the 190
9 Grand Street House. The hearing was duly
10 advertised according to provisions of law. One
11 witness spoke in favor of the designation, a
12 representative of the historic district's council.
13 There were no speakers in opposition to the
14 proposed designation. In addition the Commission
15 has received letters in support of the
16 designation.

17 On November 16th, 2010 the
18 Commission voted to designate the building a New
19 York City Individual Landmark. Built circa 1833
20 the row house at 190 Grand Street was built as a
21 grand late Federal style residence at a time when
22 this neighborhood known know as Little Italy was
23 an affluent residential corridor. It is part of a
24 larger row of five house that Steven Van
25 Rensselaer built of which it and the neighboring

2 house at 192 Grand Street are the two best
3 remaining examples.

4 Located from the battery as far
5 north as 23rd street and constructed between the
6 1780's and 1830's, Federal era houses are among
7 the oldest and relatively rarest buildings in
8 Manhattan. This house retains a significant
9 amount of its original architectural fabric
10 including Flemish bond brick, molded brownstone
11 lintels at the third story, a pitched roof and
12 prominent segmental dormers which retain their
13 original decorative wood trim included molded
14 segmental arched windows surrounding keystones.
15 Francesco R. Stabile, an Italian immigrant and
16 founder of the nearby Banca Stabile, purchased the
17 building as an investment in 1901 at a time when
18 the neighborhood was transitioning from a
19 community of Germans and German Americans to
20 Little Italy. Stabile's descendents still own the
21 building which remains at the core of Little
22 Italy. Despite some alterations 190 Grand Street
23 notable singly and as part of a pair along with
24 192 is among the relatively rare surviving and
25 significantly intact Manhattan buildings of the

2 Federal period. The Commission urges you to
3 affirm this designation.

4 CHAIRPERSON LANDER: Thank you very
5 much. We don't have any speakers signed up to
6 testify on this matter. Council Member Chin has
7 informed me that she is supportive of the
8 designation. I always like when you bring us kind
9 of a small mom and pop Little Italy type use. And
10 the building as well, I know we can't preserve the
11 ravioli necessarily by law but still nice to see
12 in the picture. Any questions from colleagues for
13 Ms. Fernandez? Okay.

14 COUNCIL MEMBER MENDEZ: Are the
15 owners listed as known?

16 CHAIRPERSON LANDER: Oh yeah,
17 unknown.

18 COUNCIL MEMBER MENDEZ: Unknown.
19 In--is it unknown in terms of? Okay. So we don't
20 know if they're in favor. They haven't come
21 forward. We're not going to, you know, be
22 presented with a surprise I'm not in favor of this
23 and then, you know.

24 MS. FERNANDEZ: The owner for this
25 particular building has not...

2 COUNCIL MEMBER MENDEZ: Come
3 forward.

4 MS. FERNANDEZ: No. And expressed
5 opposition or otherwise for this building
6 designation.

7 COUNCIL MEMBER MENDEZ: Thank you.

8 CHAIRPERSON LANDER: Seeing no one
9 else signed up to testify on this item we'll close
10 the public hearing and move onto the next item,
11 Land Use Number 292, the 192 Grand Street House
12 next door, also in Council Member Chin's District.

13 MS. FERNANDEZ: Thank you Chair
14 Lander. Again for the record my name is Jenny
15 Fernandez, Director of Intergovernmental and
16 Community Relations for the Landmarks Preservation
17 Commission. I'm here today to testify on the
18 Commission's designation of the 192 Grand Street
19 House in Manhattan.

20 On June 22nd, 2010 the Landmarks
21 Preservation Commission held a public hearing on
22 the proposed designation as a landmark of the 192
23 Grand Street House. One witness spoke in favor of
24 the designation, a representative of the historic
25 district's council. A repetitive of the owner

2 spoke in opposition. In addition the Commission
3 has received letters in support of the
4 designation.

5 On November 16th, 2010 the
6 Commission voted to designate the building a New
7 York City Individual Landmark. Built circa 1833
8 the row house at 190 (sic) Grand Street was built
9 as a grand late Federal style residence at a time
10 when this neighborhood known know as Little Italy
11 was an affluent residential corridor. It is part
12 of a larger row of five house that Steven Van
13 Rensselaer built of which it and the neighboring
14 house at 192 (sic) Grand Street are the two best
15 remaining examples.

16 Located from the Battery as far
17 north as 23rd street and constructed between the
18 1780's and 1830's, Federal era houses are among
19 the oldest and relatively rarest buildings in
20 Manhattan. This house retains a significant
21 amount of its original architectural fabric
22 including Flemish bond brick, molded brownstone
23 lintels at the third story, a pitched roof and
24 prominent segmental dormers. Despite some
25 alterations 190 Grand Street notable singly and as

2 part of a pair along with 192 is among the
3 relatively rare surviving and significantly intact
4 Manhattan buildings of the Federal period. The
5 Commission urges you to affirm this designation.

6 CHAIRPERSON LANDER: Thanks very
7 much. In this case the owner of the building has
8 expressed--did express opposition at the LPC
9 hearing but Council Member Chin is in support of
10 designation. I'm not as enthusiastic about the
11 ground floor use of this building as the one next
12 door but I guess we're preserving something here
13 as well. Are there questions from the
14 Subcommittee? Council Member Williams.

15 COUNCIL MEMBER WILLIAMS: I'm on?
16 Are the owners allowed to testify today as well?

17 MS. FERNANDEZ: Yes.

18 CHAIRPERSON LANDER: Yes.

19 COUNCIL MEMBER WILLIAMS: But they
20 didn't show up. They just showed up--how many
21 hearings did we have on it?

22 CHAIRPERSON LANDER: Well the LPC
23 has one hearing. The City Planning Commission has
24 a hearing. And we have a hearing.

25 COUNCIL MEMBER WILLIAMS: Which is

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2 this one now?

3 CHAIRPERSON LANDER: Which is this
4 one now.

5 COUNCIL MEMBER WILLIAMS: And what-
6 -

7 CHAIRPERSON LANDER: [Interposing]
8 They came to the Landmarks Preservation Commission
9 hearing--

10 COUNCIL MEMBER WILLIAMS:
11 [Interposing] Just to the one?

12 CHAIRPERSON LANDER: --I don't know
13 if they came to the second--

14 MS. FERNANDEZ: [Interposing] Yes.

15 COUNCIL MEMBER WILLIAMS: Thank
16 you.

17 CHAIRPERSON LANDER: And there's
18 also been a number of letters that were sent to the
19 Commission and also letters that were sent to us.

20 [Off mic conversation]

21 CHAIRPERSON LANDER: As a reminder,
22 in addition to the public notice that they
23 received from the LPC about the LPC's hearing, the
24 Council sends a letter to owners letting them know
25 about our hearing. So they did receive notice of

2 today's hearing. Unless there's a representative
3 of the owner here or not, or not here to explain
4 to us.

5 Seeing no other questions and no
6 one signed up to testify on this matter, we'll
7 close the hearing on Land Use 292 and move on to
8 Land Use 293. This is the Paul Rudolph Penthouse
9 and Apartments at 23 Beekman Place in Council
10 Member Lappin's office.

11 MS. JENNY FERNANDEZ: Thank you
12 Chair Lander. My name is Jenny Fernandez,
13 Director of Intergovernmental and Community
14 Relations for the Landmarks Preservation
15 Commission. I'm here today to testify on the
16 Commission's designation of the Paul Rudolph
17 Penthouse and Apartments in Manhattan.

18 On November 17th, 2009 the
19 Landmarks Preservation Commission held a hearing
20 on the proposed designation of the Paul Rudolph
21 Penthouse and Apartments. Three people spoke in
22 favor of the designation including representatives
23 of the Docomomo, New York Tri-State, the Historic
24 Districts Council and the Paul Rudolph Foundation.
25 Community Board 6 took no position at the time and

2 planned to submit a resolution at a later date.

3 An attorney for the owner of the property stated
4 that they did not necessarily oppose a designation
5 of their building but requested that the public
6 record remain open for a period of 30 days because
7 they were not yet prepared to testify. On
8 November 16th, 2010 the Commission voted to
9 designate the building a New York City Individual
10 Landmark.

11 Paul Rudolph, one of the most
12 celebrated and innovative American architects of
13 the 20th Century was associated with 23 Beekman
14 Place for more than 35 years from 1961 until his
15 death in 1997. Trained at the Harvard Graduate
16 School of Design in the 1940's, Rudolph was a
17 second generation modernist who grew dissatisfied
18 with function esthetics but remained committed to
19 using industrial materials to create structures of
20 great formal complexity.

21 Rudolph began leasing an apartment
22 on the 4th floor of 23 Beekman Place in 1961,
23 purchased the entire building in 1976 and
24 converted it into 5 apartments in 1977 through
25 '82. At that time he added a remarkable multi-

2 story modernist penthouse that suggest a work of
3 architectectonic sculpture. New York Times
4 architectural critic Paul Goldberger praised the
5 steel and concrete design calling it a handsome
6 composition, a neat arrangement of geometric forms
7 that is visually pleasing in itself and a welcome
8 addition to Beekman Place's already long list of
9 architectural styles.

10 Although the elaborate multi-level
11 interiors have been modified by subsequent owners,
12 the exterior is virtually unchanged. Rudolph
13 completed only 6 buildings in New York City. 23
14 Beekman Place stands out as one of the celebrated
15 architect's most personal and experimental designs
16 drawing on themes that he explored throughout his
17 prolific career. The Commission urges you to
18 affirm this designation.

19 CHAIRPERSON LANDER: Thanks very
20 much. Council Member Lappin reached out to me and
21 informed me that she is supportive of this
22 designation. I guess a question I'd like to ask
23 since we have Executive Director Daley here, we've
24 done, I know we've done, you've brought us quite a
25 few Federal buildings in my tenure as Chair of the

2 Committee over the past year. We've not done many
3 modernist buildings over the last year. Obviously
4 there are more, you know, modern buildings anyway,
5 not necessarily modernist ones. And I know
6 there's been some debate within the, you know,
7 preservations community about how to approach the
8 Landmarking of modernist buildings.

9 And I wonder if you could just give
10 us a minute on sort of how you think about
11 preserving the modernist architectural tradition
12 and which buildings you decide to--and explain too
13 for the Committee, you know, a little bit about
14 what is modernist architecture, why it's worthy of
15 preservation and how you decide from amongst--
16 obviously it seems like with the Federal buildings
17 we're trying to preserve every remaining Federal
18 building that we've got in New York City. My
19 sense is we're not doing that with the modernist
20 buildings. How do you pick?

21 MS. FERNANDEZ: Sure.

22 [Pause]

23 MS. KATE DALY: Hi. Kate Daly,
24 Executive Director of the Landmarks Commission.
25 Chair Lander that's a very interesting question

2 and one that we have been dealing with really over
3 the past ten years. The Landmarks Law only allows
4 the Commission to designate buildings that are at
5 least 30 years old. So in terms of the early 20th
6 Century and mid-20th Century modernist buildings
7 those are the buildings that we've been primarily
8 looking at. More recent modernists buildings,
9 each year they become available, so to speak, in
10 terms of the law allowing us to look at them. So
11 we have been looking at more recent buildings.
12 And we have designated quite a few modernist
13 buildings within the past five years.
14 Commissioner Tierney has made that one of the
15 things that he's asked the staff to look at very
16 carefully.

17 We've met with groups like MOAG
18 [phonetic] and Docomomo to get their lists and
19 recommendations of what modernist buildings they
20 consider to be eligible. And we often agree and
21 sometimes disagree on their nominations. But it
22 is something that's important to the Commission.
23 And right now we do have a few buildings that
24 we're looking at. We feel that because some
25 modernist buildings are of a style and design that

2 the general public doesn't necessarily think of
3 them as landmarks, they might think of more high
4 style traditional Beaux Arts style or a Colonial
5 or Revival style building as what they perceive as
6 landmarks.

7 And so when we do outreach to some
8 of the owners and the communities, I think there's
9 still a lot of education that we need to do so
10 that people understand the significance of these
11 modernist buildings that very much are about
12 abstracted forms and simple materials. Some of
13 the buildings that are just concrete buildings
14 that might be considered ugly by some people,
15 these are things where I feel like we need to do,
16 working with the community and with organizations
17 that care about modernist buildings, we need to
18 continue to do more outreach so that the general
19 public understands that there is a nexus between
20 historic preservation and these more recent
21 buildings that do reflect an important part of the
22 architecture of this city and the nation and
23 reflect that period in our history.

24 CHAIRPERSON LANDER: Thank you. We
25 have questions from Council Member Halloran and

2 Williams.

3 COUNCIL MEMBER HALLORAN: Just
4 looking at the history of this building, this was
5 not a complete construction. This was a series of
6 renovations of existing structures that go back to
7 1860 is that correct?

8 MS. DALEY: That's correct. It was
9 a 19th Century townhouse style building. And so
10 the significance of the building came when the 20th
11 century architect Paul Rudolph started imposing
12 his creations on the older building. And so
13 that's really why the building is being
14 designated, because this prominent architect
15 turned the building into his own work of art.

16 COUNCIL MEMBER HALLORAN: And in
17 the course of the renovations and changes, they
18 apparently occurred in different phases, even
19 predating him in terms of extension of the height
20 of the building which occurred long before he took
21 to his drawing boards and then he had several
22 phases of construction. When did the last phase
23 of construction of this building take place?

24 MS. DALEY: The final phase, if I
25 can just pull the notes in front of me... By 1982 he

2 had completed the penthouse addition that you can
3 see from the photo--

4 COUNCIL MEMBER HALLORAN:

5 [Interposing] Right.

6 MS. DALEY: --is the very
7 distinctive modernist intrusion on the building
8 that imposed sort of a screen or grid over the
9 historic fabric.

10 COUNCIL MEMBER HALLORAN: So then
11 isn't this building not eligible for designation
12 until next year?

13 MS. DALEY: The Landmarks Law
14 allows that some part or all of a building needs
15 to be 30 years old in order for it to be eligible
16 for designation. So in the case of other
17 modernist buildings where they were built from
18 scratch in 1985, they wouldn't yet be eligible,
19 but for a building that has some or part was built
20 prior to the 30-year cutoff line, the Landmarks
21 Law allows for those to be designated.

22 COUNCIL MEMBER HALLORAN: It just
23 seems to me that we're sort of playing a game with
24 the building's status. I mean while I understand
25 that there have been facades created and

2 extensions made on the building and changes right
3 through 1982 as you've indicated, the underlying
4 structure doesn't appear to in and of itself have
5 been worthy of designation. It's not unique in
6 any way, shape or form.

7 What is the status of the owners of
8 the building and the Community Board? According
9 to your testimony Community Board took no
10 position, positive or negative with regards to its
11 Landmarking. And you're ambiguous as to what
12 happened with the owner of the property. You said
13 they asked for a public record to remain open and
14 then nothing happened after that. Did you receive
15 any further contact from them? Did they drop off
16 the face of the earth? What happened?

17 MS. FERNANDEZ: We met with the
18 owner in person and spoke to him at great length
19 about what designation would mean. We also had
20 phone conversations with him. He, right prior to
21 the public hearing which he had been notified of
22 many weeks in advance, he hired a new attorney to
23 represent him. And so at the time of the hearing
24 the attorney said although we are not necessarily
25 opposed to designation because I was just retained

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2 by the owner I need more time to gather
3 information so that I can submit a statement. He
4 subsequently never submitted a statement.

5 We've been in touch with them and
6 they, for whatever reason, decided not to submit a
7 statement. So we held the record open for them.
8 They didn't submit a statement. In our subsequent
9 communications with them they did not submit a
10 written statement or ask for a second hearing to
11 be held so that they could make their position
12 known.

13 COUNCIL MEMBER HALLORAN: Did they
14 ever make their position known?

15 MS. FERNANDEZ: No. Not--other
16 than just in informal conversations with the owner
17 where he asked questions about what it would mean
18 in terms of regulation of the different aspects of
19 the building and we gave him all that information.
20 But the only statement that we have as to their
21 position is the attorney saying that they are not
22 necessarily opposed to the designation.

23 And as for the Community Board, the
24 Community Board did not--the timing of their
25 meetings was such that they were not able to issue

2 a resolution prior to the date of the Commission's
3 public hearing. This is something that on
4 somewhat rare occasions happens. And so to
5 accommodate them we held the record open. They
6 subsequently never submitted a resolution to us
7 for whatever reason relating to their own
8 scheduling.

9 COUNCIL MEMBER HALLORAN:

10 Something--

11 CHAIRPERSON LANDER: And they did
12 not submit anything to--

13 COUNCIL MEMBER HALLORAN:

14 [Interposing] Follow up, right. Okay. And just
15 one other, one more follow-up. One of the
16 comments interestingly enough was some people feel
17 these buildings are ugly in regards to this style.
18 I guess, you know, beauty is in the eye of the
19 beholder but with regards to these modernist
20 buildings, I mean do you really feel that a
21 building whose completion really didn't occur
22 until 1982 and we sit here in less than 30 years
23 from there, do you really think that that's
24 something that this body should be designating a
25 landmark?

2 Regardless--it seems more to me
3 based on what's in the testimony and what's in the
4 paperwork, you're more interested in the artist
5 and glorifying him than this building. You go
6 through a great deal of his sort of, I guess, CV
7 for lack of a better word and talking about him
8 but in reality, as you've indicated, this building
9 was only finished in its form 29 years ago.

10 Should we really be designating buildings that are
11 barely 29 years old in terms of final construction
12 as City landmarks?

13 Is that really the standard we set
14 when we are looking at buildings, when there are,
15 in my district for example, buildings that have
16 been there since the turn of the century, since
17 before the turn of the century and they haven't
18 been designated yet. Yet we're rushing to
19 designate a 29-year old building. Do you really
20 think that's appropriate?

21 MS. DALEY: Shall I respond?

22 CHAIRPERSON LANDER: Please.

23 MS. DALEY: Yeah. Okay. Well the
24 Commissioners did make a determination that it was
25 appropriate in this case. That the Commissioners

2 don't just look at age in their determination.

3 They look at the architecture, the design
4 principles that go into it, the history connected
5 to the building. And because Paul Rudolph is a
6 very prominent modernist architect, there were
7 many groups, Docomomo, MOAG, as I mentioned
8 earlier and other individuals, other preservation
9 advocacy groups that were very supportive of the
10 designation of this building as representative of,
11 as Chairman Lander alluded to, that there are many
12 people who are interested that the Commission do
13 more designations of modernist buildings.

14 So it's our mandate that we look at
15 all period of the City's development and all
16 aspects of architectural design. Paul Rudolph is
17 such a prominent architect that this is a building
18 that we've been aware of for some time. Because
19 he started the addition in the 70's and completed
20 it in 1982 and had done a lot of other alterations
21 to the building over time in the 60's and 70's as
22 he owned the building, the Commissioners
23 determined that it was appropriate to designate it
24 at this time.

25 COUNCIL MEMBER HALLORAN: Mr.

2 Chairman I appreciate your indulgence in my asking
3 the questions. I just, again, I think there are
4 hundreds, especially in the outer Boroughs which
5 if we could bring a little pie chart and show you
6 guys the disparity in terms of in the City
7 designations versus outer Borough designations,
8 that there are many of them who are far closer to
9 peril and need designation and need protection.
10 Maybe we perhaps should not be worrying about a
11 building that's 29 years into construction.

12 CHAIRPERSON LANDER: So, you know,
13 I think this is a bit--it's important to have the
14 exchange and understand. I mean I think it is
15 certainly the common sense understanding people
16 have of landmarks is what you are doing is
17 preserving old buildings. It is true though that
18 the Landmarks Law seeks to preserve esthetic
19 character including, you know, artistic creations
20 of a more recent vintage, some of which are indeed
21 at risk.

22 I can't speak to whether this one
23 is and they're not really supposed to look
24 specifically at like are we going to rush and
25 hurry up because this one is at risk but to try

2 to--so you know, this is in my recollection one of
3 the first modernist buildings we've done in my
4 tenure. And we've done, you know, many hundreds
5 of buildings counting the District. So I also
6 agree with you that we still have work to do to
7 reach something more like parity with the outer
8 Boroughs but I will say that I'm fairly confident
9 again that in my time as Chair, not thanks to be
10 but thanks to what's been brought to us, we have
11 done many more buildings in the outer Boroughs
12 than we have in Manhattan in total when districts
13 are counted. So Council Member Williams, did you?

14 COUNCIL MEMBER WILLIAMS: Thank
15 you. I just wanted to understand. I don't know
16 if it's you or staff or someone but the
17 differences between no position, a dash, N/A and
18 unknown. Does anybody?

19 MS. FERNANDEZ: That would be your
20 staff I think who makes those--

21 COUNCIL MEMBER WILLIAMS:
22 [Interposing] Okay.

23 MS. FERNANDEZ: --attributions.

24 [Off mic discussion]

25 [Pause]

2 CHAIRPERSON LANDER: I think the
3 one, the only unusual thing, it's like when we
4 have this situation here when the Board asked for
5 some additional time but then just by having asked
6 for additional time, didn't communicate anything.
7 So that's, I mean, but yes in all cases I mean if
8 we know that they're approved or opposed, we put
9 it down here. And if we don't know, I guess we
10 don't have a standard notation.

11 [Off mic discussion]

12 CHAIRPERSON LANDER: I will say
13 that Council--I'll just reiterate as I said
14 before, Council Member Lappin does support this
15 designation. Any other question or any public
16 comment on this one? Seeing one, we'll close the
17 public hearing on the Paul Rudolph Penthouse and
18 Apartments.

19 And move to Land Use Number 294,
20 Union Reform Church of Highbridge, now the
21 Highbridge Community Church at 1272 Ogden Avenue
22 in Council Member Foster's District.

23 MS. FERNANDEZ: Thank you Chair
24 Lander, members of the Committee. My name is
25 Jenny Fernandez, Director of Intergovernmental and

2 Community Relations for the Landmarks Preservation
3 Commission. I'm here today to testify on the
4 Commission's designation of the Union Reformed
5 Church of Highbridge. On December 15th, 2009 the
6 Landmarks Preservation Commission held a public
7 hearing on the proposed designation as a landmark
8 of the Union Reformed Church of Highbridge. Three
9 people spoke in favor of designation.

10 Representatives of Bronx Borough President Ruben
11 Diaz, Jr. who stated the importance of this
12 historic church to the community and the Bronx;
13 the Historic Districts Council; and New York
14 Landmarks Conservancy.

15 On November 16th, 2010 the
16 Commission voted to designate the building a New
17 York City Individual Landmark. The Union Reformed
18 Church of Highbridge in the South Bronx was
19 constructed in 1887-88 to the design of architect
20 Alfred E. Barlow. A Protestant Union Sunday
21 School of Highbridgeville was established in 1860
22 and later affiliated with the Reformed Church of
23 America to become known as the Union Reformed
24 Church of Highbridge. As the congregation grew, a
25 larger building was needed and the church

2 commissioned Alfred Barlow to construct this
3 handsome design in the Richardsonian Romanesque
4 style, a style named after one of the greatest
5 American architects, Henry Hobson Richardson, 1838
6 through 1886.

7 Built of random coursed, rock
8 faced, gneiss ashlar with red sandstone trim, the
9 church is one story with a taller square bell
10 tower at the southwest corner. The eastern altar
11 end contained a leaded stained glass rose window
12 manufactured by the Tiffany Glass Company. The
13 Union Reformed Church of Highbridge now Highbridge
14 Community Church, one of the Bronx' significant
15 19th Century religious structures is also one of
16 the finest surviving churches in New York City in
17 the Richardsonian Romanesque style. It is
18 particularly unusual within New York as a more
19 informal suburban example of this style. The
20 Commission urges you to affirm this designation.

21 CHAIRPERSON LANDER: All right now
22 this is I think what we would all agree is a more
23 typical landmark. You bring us Tiffany windows
24 and 19th Century--

25 COUNCIL MEMBER HALLORAN:

2 [Interposing] And it's pretty.

3 CHAIRPERSON LANDER: --

4 construction. Lovely.

5 [Laughter]

6 CHAIRPERSON LANDER: Council Member

7 Arroyo.

8 Council Member ARROYO: Thank you

9 Mr. Chair. At our last hearing there was an issue

10 and a real serious concern raised by the

11 congregation of the property that we were

12 considering. Do we know if this property has been

13 put in that same category? The opinion of the

14 leaders and the congregation of this church?

15 MS. FERNANDEZ: So when I met with

16 the congregation and my predecessor also met with

17 the congregation several years earlier, one

18 concern that they raised is that some of the

19 bricks in the building were loosened and were

20 falling. That's something that we give them our

21 technical expertise on ways to repair that

22 condition.

23 And we also referred them to the

24 Sacred Sites Program of the New York Landmarks

25 Conservancy which is a grant-making program but

2 also provides additional technical assistance and
3 really can even do a lot of handholding with that
4 congregation that needs help with the brick and
5 mortar issues around maintaining a historic
6 building such as this.

7 So we have had contact with them.
8 That was the one concern that they expressed very
9 specifically about a maintenance issue. And then
10 we provided them with a lot of other information
11 about more general regulation and maintenance
12 issues and as I said referred them to the Sacred
13 Sites Program. To my knowledge they did not
14 follow through and reach out to the Sacred Sites
15 program to see about applying for grants or other
16 assistance.

17 COUNCIL MEMBER ARROYO: So let me
18 ask a question differently, are they opposed or in
19 favor of the designation?

20 MS. FERNANDEZ: They have not
21 stated their opposition or support of the
22 designation. They chose not to attend the public
23 hearing that was held in 2009. We've sent them a
24 total of nine letters. We've had two meetings and
25 also phone conversations with them. And I think

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2 that they felt like they--they asked questions
3 about what designation would me. We answered
4 those questions and then they had no further
5 response to our inquiries and letters.

6 CHAIRPERSON LANDER: And as was
7 stated earlier the Council in advance of our
8 hearing also sends letters to owners inviting them
9 to come express and opinion or testify at our
10 hearing or let us submit testimony and we did not
11 hear from them.

12 [Off mic question]

13 CHAIRPERSON LANDER: She's
14 supportive of this.

15 COUNCIL MEMBER ARROYO: Thank you
16 Mr. Chair.

17 CHAIRPERSON LANDER: Thank you.

18 [Off mic question]

19 CHAIRPERSON LANDER: Our letters or
20 their letters?

21 COUNCIL MEMBER WILLIAMS: Both.

22 CHAIRPERSON LANDER: Okay. Your
23 letters, do you send your letters certified?

24 MS. DALEY: Always.

25 MS. FERNANDEZ: Yes we send the

1 Subcommittee Landmarks, Public Siting & Maritime Uses 32

2 letters concerning the public hearings certified.

3 CHAIRPERSON LANDER: I don't open
4 letter that people send to me certified
5 incidentally so I don't know if that helps or not.
6 But... just kidding. Sorry, go ahead. I don't
7 know, Delores do we send ours certified? No we
8 send ours regular mail. Any other questions or
9 comment from the public? Seeing none we'll close
10 the public hearing on Land Use 294. Thank you
11 very much Ms. Fernandez and Ms. Daley for your
12 time and testimony. And--

13 MS. FERNANDEZ: [Interposing] Thank
14 you.

15 CHAIRPERSON LANDER: -we'll proceed
16 to a vote unless there's any discussion. And
17 we'll vote on all four items on today's calendar:
18 Land Use 291, 292, 293 and 294. The Chair
19 recommends a vote of aye and I asks the Counsel to
20 call the roll.

21 MS. CAROL SHINE: Carol Shine,
22 Counsel to the Subcommittee. Chair Lander.

23 CHAIRPERSON LANDER: Aye.

24 MS. SHINE: Council Member Palma.

25 COUNCIL MEMBER PALMA: Aye.

2 MS. SHINE: Council Member Arroyo.

3 COUNCIL MEMBER ARROYO: Yes.

4 MS. SHINE: Council Member Mendez.

5 COUNCIL MEMBER MENDEZ: Aye.

6 MS. SHINE: Council Member

7 Williams.

8 COUNCIL MEMBER WILLIAMS: May I be
9 excused to explain my vote? Yes. I'm concerned
10 to put down the one about Lappin. I'm going to
11 vote aye on all but I think the Lappin one is such
12 a stretch what it is I think we should be doing
13 here. Also I think owners are under the notion
14 that most of these things are already decided and
15 they decide not to come. I would actually be more
16 inclined to support the owners if they showed up
17 so I do hope that we are taking every step to make
18 sure that we reach out to the owners so that they
19 know everything that's happening. Thank you.
20 Thank you Nick.

21 MS. SHINE: Council Member

22 Halloran.

23 COUNCIL MEMBER HALLORAN: May I be
24 excused to explain my vote?

25 CHAIRPERSON LANDER: Of course.

2 COUNCIL MEMBER HALLORAN: I'm going
3 to vote to 291, 292 and 294. I'm going to abstain
4 on Land Use Item Number 293. This is the second
5 time I felt that this process does not meet my
6 legal standards. As an attorney who has practiced
7 for over 11 years both in the criminal and civil
8 divisions and has been admitted to the US Supreme
9 Court and every appellate court in the Federal
10 jurisdictions that surround New York, there is
11 something that just doesn't feel right about the
12 process.

13 The fact that we can sit here with
14 a proposed landmark designation that doesn't
15 indicate a position of the owner on several
16 occasions, that doesn't indicate a Borough
17 President's designation or a position,
18 intrinsically bothers me. The last time we had
19 some issues with regards to another designation
20 where due process seemed to be wanting in some
21 way. It seems to me that we should perhaps
22 require the City to take on the expense if it's
23 going to interfere with a property owner's rights
24 to serve them formally, not rely on the mail
25 process, to actually take an affirmative step to

2 ensure that dialog is really forthcoming.

3 And I share Council Member
4 Williams' concern that many people believe this is
5 a fait accompli. That once LPC has made its
6 decision that we are more or less going to rubber
7 stamp that. I know that's not true. I know LPC
8 knows that's not true. I know the Chairman has
9 certainly taken great pains to point out when he
10 felt there were flaws to stop the process, even if
11 we were scheduled for a vote. I know he has a
12 done remarkably good job and so has our staff and
13 counsel in particular to really look at these
14 issues.

15 But it just seems to be that every
16 couple of months something like this happens and
17 we're left wondering why. So it's my
18 recommendation to the Chair that perhaps we look
19 at the LPC, the Landmarks Law, we seek to modify
20 it either by legislation or perhaps by agreement
21 so that we can all play nice in the sandbox
22 together. But we need to make a more formal
23 notification process to ensure that due process is
24 being afforded to these people. That they
25 understand that coming here for real gives them an

2 opportunity to vent their issues and to get a fair
3 hearing.

4 I'm not saying that the LPC in any
5 way, shape or form discourages them from that.
6 I'm not saying that they don't provide a fair
7 mechanism. What I'm saying is when we're dealing
8 with a constitutional right like property rights,
9 it seems to me anything that would interfere with
10 that, even by act of legislature, requires
11 something more of a due process nature. And I
12 don't understand why that's never been the case
13 before. As an attorney and as a Federalist, it
14 just doesn't seem right to me.

15 So I again will abstain on that
16 one. I don't particularly care of the style of
17 architecture. I don't know that it's ripe. Again
18 I understand that the law says as long as part of
19 it--yeah well part of it started in 1890. I mean
20 is that really how we're supposed to use this
21 legislation? It doesn't sound like that's how
22 we're supposed to use this legislation. The final
23 brick and mortar was laid in 1982. That makes
24 this building 29 years old. Is that really what
25 we're here for? Again I find myself wanting.

2 Thank you.

3 CHAIRPERSON LANDER: Thanks Council
4 Member and I think the process, you know,
5 questions build on some things that we talked
6 about at our last meeting. I think there is a
7 dialog to have to help us, you know, kind of
8 review and have some oversight and understand the
9 landmarks process. I'd also urge the advocates of
10 modernism to make appointments with Council Member
11 Williams and Council Member Halloran before we see
12 the next modernist building here.

13 [Chuckling]

14 MS. SHINE: LUs 291, 292 and 294
15 are approved by a vote of 6 in the affirmative,
16 none in the negative and no abstentions. LU 293
17 is approved by a vote of 5 in the affirmative,
18 none in the negative and 1 abstention.

19 CHAIRPERSON LANDER: Thank you very
20 much. This hearing's adjourned.

21 [Gavel banging]

22 COUNCIL MEMBER WILLIAMS: All
23 right.

24 MS. SHINE: Excellent.

25 [Off mic discussion]

2 [END Landmarks_1-25-
3 2011_part_2.mp3]

4 [START Landmarks_1-25-
5 2011_part_3.mp3]

6 MS. SHINE: Yes. Here's what's
7 going to happen. After you vote I will announce
8 the roll and then you will adjourn the meeting.

9 COUNCIL MEMBER SANDERS: Okay.

10 MS. SHINE: All right. Council
11 Member Sanders.

12 COUNCIL MEMBER SANDERS: I vote
13 aye.

14 MS. SHINE: LUs 291, 292 and 294
15 are approved by a vote of 7 in the affirmative,
16 none in the negative and no abstentions. And LU
17 293 is approved by a vote of 6 in the affirmative,
18 none in the negative and 1 abstention.

19 COUNCIL MEMBER SANDERS: This
20 meeting is formally ended, over, adjourned.

C E R T I F I C A T E

I, Laura L. Springate 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 "Laura L. Springate". The signature is written in black ink on a light-colored background.

Signature _____Laura L. Springate_____

Date _____January 30, 2011_____