

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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June 2, 2011  
Start: 11:54 am  
Recess: 12:17 pm

HELD AT: Committee Room  
250 Broadway - 14<sup>th</sup> Fl.

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

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

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

Richard Friedman  
Assistant Commissioner  
The Department of Citywide Administrative Services

Jenny Fernandez  
Director of Intergovernmental and Community Relations  
Landmarks Preservation Commission

CHAIRPERSON LANDER: Thank you.

Good morning. This meeting of the City Council Land Use Subcommittee on Landmarks, Public Siting and Maritime Uses is called to order. I'm Council Member Brad Lander, Chair of the Subcommittee. I'm joined today by Council Member James Sanders from Queens, Council Member Maria del Carmen Arroyo from the Bronx and Council Member Jumaane Williams from Brooklyn.

We've got a few items on the docket this morning—a couple of landmarks, but we're going to begin an atypical action for our Committee. We've also been joined by Council Member Dan Halloran of Queens. The transfer or the disposition of a cemetery—the Carnarsie Cemetery in Brooklyn. It's my pleasure to ask DCAS, Richard Friedman, the Assistant Commissioner at DCAS to come and present this to the Subcommittee. Thank you.

[background conversation]

RICHARD FRIEDMAN: Okay. Good morning, Chair Lander and members of the Landmarks, Public Siting and Maritime Uses Committee, I am Richard Friedman, Assistant

1  
2 Commissioner of Financial Services and Asset  
3 Management for The Department of Citywide  
4 Administrative Services. On behalf of  
5 Commissioner Edna Wells Handy, I would like to  
6 thank you for this opportunity to discuss the  
7 transfer and conveyance of Carnarsie Cemetery to  
8 Cypress Hills Cemetery of Brooklyn, a licensed New  
9 York State cemetery operator. Carnarsie Cemetery  
10 is currently owned and operated by the City of New  
11 York under the jurisdiction of DCAS. Prior to  
12 City ownership, Carnarsie Cemetery was owned by  
13 the borough of Brooklyn, the City of Brooklyn, and  
14 the town of Flatlands. In 1969, ownership of the  
15 cemetery was transferred to the Department of  
16 General Services (DGS), which is now DCAS. DCAS  
17 has operated this Carnarsie Cemetery since 1969.  
18 The cemetery is comprised of 13 acres, 4.5 acres  
19 of which are undeveloped and without gravesites.  
20 The conveyance will enable the development of the  
21 undeveloped site providing much needed burial  
22 grounds to the community. Chapter 485 of the laws  
23 of New York of 1998 authorizes the conveyance of  
24 Carnarsie Cemetery pursuant to an RFP. The  
25 legislation requires the consent of the City

1 Council and Mayor prior to the conveyance. The  
2 legislation further provides that the cemetery  
3 must be continued to be maintained as a non-  
4 sectarian burial ground for persons of all races,  
5 faiths and ethnic origins and this restriction  
6 shall run with the land. Moreover, the deed will  
7 contain a 20 foot height restriction on all new  
8 structures, enabling the cemetery to maintain the  
9 historic character of the community and of the  
10 cemetery and the low-rise residential nature of  
11 the community.  
12

13 In May of 2009, DCAS released a  
14 request for proposals for the acquisition and  
15 operation of the cemetery by New York State non-  
16 for-profit cemetery operator under jurisdiction of  
17 the New York State Division of Cemeteries. The  
18 objectives of the City are in relation to the sale  
19 of the cemetery are 1) to ensure this cemetery is  
20 properly maintained in perpetuity as a non-  
21 sectarian cemetery; 2) to provide an essential  
22 community resource through the long-term operation  
23 of the burial ground; 3) to enable private  
24 operation of the cemetery; and 4) to reduce the  
25 City costs through divestiture of this non-core

1  
2 function. From the initial planning stages of the  
3 process, DCAS has worked with Council Member  
4 Fidler and other elected officials representing  
5 the Carnarsie Community, representatives of  
6 Brooklyn Board 18 and members of a community  
7 advisory committee as required by the authorizing  
8 state legislation.

9 A DCAS RFP evaluation committee  
10 selected Cypress Hills Cemetery as the designated  
11 purchased. Since selection, Cypress Hills  
12 Cemetery has partnered with DCAS on outreach to  
13 elected officials and community stakeholders  
14 regarding the acquisition of the cemetery. DCAS  
15 also collaborated with Cypress Hills to obtain the  
16 required approval from the New York State Cemetery  
17 Board for the acquisition of the cemetery, which  
18 was received on August 19<sup>th</sup>, 2010; thereafter,  
19 Cypress Hills obtained the approval of the New  
20 York State Supreme Court on March 3<sup>rd</sup>, 2011 for the  
21 acquisition of the cemetery. We strongly urge the  
22 council to support this transaction and thank you  
23 again for the opportunity to testify about the  
24 transfer and conveyance of Carnarsie Cemetery. I  
25 am pleased to answer any questions you may have.

1  
2 CHAIRPERSON LANDER: Thank you very  
3 much for your testimony. I apologize for our—  
4 there was some questions that my colleagues were  
5 raising where the current residents of the  
6 property support or object to the thing and  
7 whether there was some move for larger new condo  
8 developments and other things of the like, but I  
9 guess the floor is open if any of my Council  
10 Members either have serious questions or want to  
11 compete for the most morbid joke. I don't think  
12 we should dig too deeply with this.

13 [laughter]

14 CHAIRPERSON LANDER: I hear that we  
15 could go underground too far, we hit both the  
16 water table and the remains. We're killing you  
17 with these jokes, huh? Alright. I think we  
18 appreciate your presentation of this to us. No  
19 one else living or dead has signed up to testify.

20 MALE VOICE: Just an issue. You  
21 will upkeep—for Carnarsie this means that you guys  
22 will take over and the opposition for the other—  
23 for the cemetery that you are acquiring?

24 RICHARD FRIEDMAN: We're not  
25 acquiring—

1  
2 MALE VOICE: They are not. The  
3 City is giving away. God Bless Us. Selling, even  
4 better. The new owners are now in charge of the  
5 upkeep of the old?

6 RICHARD FRIEDMAN: They will be,  
7 yes.

8 MALE VOICE: Alright.

9 CHAIRPERSON LANDER: DCAS currently  
10 has a cemetery operating department?

11 RICHARD FRIEDMAN: --Believe it or  
12 not, yes. It's part of our property management  
13 department.

14 CHAIRPERSON LANDER: I knew the  
15 city was involved in this - - . I knew. I knew.  
16 We have like an assistant commissioner of  
17 cemeteries over at DCAS?

18 RICHARD FRIEDMAN: Well, not  
19 exactly, but sort of.

20 CHAIRPERSON LANDER: Where do you  
21 think the mayor hides all this stuff? It's buried.

22 [background conversation]

23 CHAIRPERSON LANDER: It seems  
24 advisable to all of us to dispose of this to  
25 someone who operates cemeteries and having been to



1 Cypress Hills Cemetery quite a few times—

2 [background conversation]

3 CHAIRPERSON LANDER: How come there  
4 hasn't been more about getting out of the cemetery  
5 business? Moving right along. There's no one  
6 living or dead who is signed up to testify in this  
7 matter other than Mr. Friedman, and so we'll thank  
8 him for his time and appearance before us today.  
9 Thank you very much. I close the hearing on this  
10 item. Thank you.

11  
12 Alright, the remainder of our items  
13 on today's calendar are landmarks items—four  
14 landmarks items. We'll hear the item in Council  
15 Member Koppell's district whenever he joins us.  
16 In the meantime, I guess until he comes, we'll  
17 just start and take them as they come until he  
18 arrives, so let's start with Land Use No. 401,  
19 2011596 HKM, the Neighborhood Playhouse at 466  
20 Grand Street in Manhattan in Council Member Chin's  
21 district. I'm pleased to invite Jenny Fernandez  
22 from the Landmarks Preservation Commission to  
23 present it to us.

24 [background conversation]

25 JENNY FERNANDEZ: Do I was advised

1  
2 that you're going to have this room back soon, so  
3 I'm going to keep it very short and sweet. Okay?  
4 Good morning, Council Members. My name is Jenny  
5 Fernandez, director of intergovernmental and  
6 community relations for the Landmarks Preservation  
7 Commission.

8 I'm here today to testify on the  
9 Commission's designation of the Neighborhood  
10 Playhouse, later the Henry Street Playhouse and  
11 now the Harry De Jur Playhouse in Manhattan. On  
12 October 26, 2010, the Landmarks Preservation  
13 Commission held a public hearing on the proposed  
14 designation as a landmark of the Neighborhood  
15 Playhouse. There were four speakers in favor of  
16 designation, including the owners, architect and  
17 representatives of the owner, The Victorian  
18 Society of New York and the Historic Districts  
19 Council. There were no speakers in opposition to  
20 designation. On March 22<sup>nd</sup>, 2011, the Commission  
21 votes to designate the building a New York City  
22 Individual Landmark.

23 The red brick, neo Georgian style  
24 façade was designed by the architectural firm of  
25 Ingalls and Hoffman and was a departure from the

1  
2 more formal classical revival or Bose art  
3 [phonetic] style design of Broadway Theaters. The  
4 playhouse is remarkably intact and is one of the  
5 leading cultural institutions on the Lower East  
6 Side. The Commission urges you to affirm this  
7 designation.

8 CHAIRPERSON LANDER: Thank you very  
9 much. As you know, we're very enthusiastic when  
10 all the testimony is in support and when the owner  
11 sends a representative in support as well. Are  
12 there any questions on this item for Ms.  
13 Fernandez? No, and no one has signed up to testify  
14 on this issue, so we'll close the hearing on Land  
15 Use No. 401.

16 We're going to jump slightly out of  
17 sequence now as we've been joined by Council  
18 Member Oliver Koppell and we will therefore, move  
19 to Land Use No. 404, Application 20115598 HKX, the  
20 Greyston Gatehouse at 4695 Independence Avenue in  
21 the Bronx. Council Member Koppell, would you like  
22 to-

23 COUNCIL MEMBER KOPPELL:  
24 [Interposing] Thank you. Thank you for taking it  
25 out of order. I'm next door at the Finance

1 hearing. This particular proposed landmark is a  
2 very lovely small building. It's really a small,  
3 single-family residence. I'm aware that the Dodge  
4 estate is not happy about the landmarking;  
5 however, the reason for them being unhappy I think  
6 is the mistaken impression that by landmarking  
7 this house, we will be diminishing its value. I  
8 think the opposite is true. I also might point  
9 out that in terms of the value of the gatehouse—  
10 the gatehouse sits in front of Greyston, which is  
11 a large mansion, which has been landmarked, and  
12 it's a particularly attractive small area of the  
13 city and of the Riverdale community, on the  
14 river's slope and to allow this small portion of  
15 what has been a historic and important property to  
16 perhaps be demolished or substantially altered I  
17 think diminish the value of the area. I'm  
18 disappointed that the Dodge estate opposes  
19 landmarking and I just might mention that  
20 Cleveland Dodge, who was the last Dodge family  
21 owner of this estate, was a wonderful gentleman  
22 and a great contributor and the estate itself is a  
23 great contributor. They still contribute money to  
24 several Riverdale non-profit organizations, and I  
25

1  
2 hate to not do what they would like, but I think  
3 in this instance they're not only--would injure the  
4 community if we did what they want, but would even  
5 injure their own interests, so I strongly  
6 recommend that the Subcommittee and the Committee  
7 approve the landmarking.

8 CHAIRPERSON LANDER: Great. Thank  
9 you. Ms. Fernandez?

10 JENNY FERNANDEZ: Thank you, Chair  
11 Lander and thank you to Council Member Koppell,  
12 who has been amazingly supportive and a great  
13 partner in landmark designations. Again, for the  
14 record my name is Jenny Fernandez, director of  
15 intergovernmental and community relations for the  
16 Landmarks Preservation Commission. I'm here today  
17 to testify on the Commission's designation of the  
18 Greyston William E. and Sarah T. Hoadley Dodge Jr.  
19 Estate Gatehouse in the Bronx.

20 On December 15<sup>th</sup>, 2009, the  
21 Landmarks Preservation Commission held a public  
22 hearing on the proposed designation as a landmark  
23 of the Greyston Estate Gatehouse. The president  
24 of the Cleveland H. Dodge Foundation, the  
25 property's owner, opposed designation. Two people

1  
2 spoke in favor of designation, including a  
3 representative of the Historic Districts Council.  
4 Bronx Community Board 8 passed a resolution on  
5 February 9 to oppose designation. On March 22<sup>nd</sup>,  
6 2011, the Commission voted to designate the  
7 building a New York City individual landmark.

8 The Greyston Gatehouse is a  
9 significant surviving component of the William E.  
10 and Sarah T. Hoadley Dodge Jr. Estate, known as  
11 Greyston. Located in the Riverdale section of the  
12 Bronx, the Greyston Gatehouse built circa 1863-68  
13 is a premiere example in New York of the  
14 picturesque rural cottage style popularized by  
15 architectural theoreticians such as Andrew Jackson  
16 Downing and Kyle - - . The one and a half story  
17 frame building is irregularly massed and clad in  
18 clapboards on the first story in a rare example of  
19 19<sup>th</sup> century estate gatehouse in New York City.

20 The Commission urges you to affirm this  
21 designation.

22 CHAIRPERSON LANDER: Thank you very  
23 much for your testimony and to Council Member  
24 Koppell for his statement. Are there any  
25 questions for the LPC on this item? Alright,

1  
2 seeing no questions and no one else signed up to  
3 testify, we will close the public hearing on this  
4 item—thank you—and move on to our next item.

5 We'll go back to the calendar and  
6 do Land Use No. 402, which is Application No.  
7 20115597, the Engineers' Club Building at 32 West  
8 40<sup>th</sup> Street in Manhattan in Speaker Quinn's  
9 district.

10 JENNY FERNANDEZ: Thank you, Chair  
11 Lander, members of the Committee. My name is  
12 Jenny Fernandez, director of intergovernmental and  
13 community relations for the Landmarks Preservation  
14 Commission. I'm here today to testify in the  
15 Commission's designation of the Engineers' Club in  
16 Manhattan.

17 On November 16<sup>th</sup>, 2010, the  
18 Landmarks Preservation Commission held a public  
19 hearing on the proposed designation as a landmark  
20 the Engineers' Club Building. One speaker  
21 representative of the Historic Districts Council  
22 spoke in favor of the designation. There were no  
23 speakers in opposition to designation. Although  
24 the owner did not attend the public hearing and a  
25 meeting with the Commission staff, they did not

1  
2 express opposition to designation. On March 22<sup>nd</sup>,  
3 2011, the Commission voted to designate the  
4 building a New York City individual landmark.

5 The Engineers' Club occupied the  
6 West 40<sup>th</sup> Street Building until 1979, when it was  
7 converted into residential apartments. The  
8 building stands as an architectural reminder of  
9 the emergence of New York State as the engineering  
10 center of the country and of the United States as  
11 an industrial and economic power. As the last  
12 remaining club building on the block, it is also a  
13 visual reminder of the prominence of the social  
14 club and of the bachelor apartment at the turn of  
15 the 20<sup>th</sup> Century. The Commission urges you to  
16 affirm this designation.

17 CHAIRPERSON LANDER: thank you very  
18 much. I don't know if this was on the tour when  
19 EDC [phonetic] and the mayor took potential  
20 engineering schools around and considered  
21 locations, but they probably don't want to take it  
22 back from the residents who live there. It's a  
23 lovely building though, and supported by the  
24 Speaker and so, thank you bringing it to us. Any  
25 questions from the Committee on this item? Seeing



1  
2 none, and with no one signed up to testify. We'll  
3 close the hearing on this item, and move to our  
4 final one, which is Land Use No. 403, the Japan  
5 Society Headquarters at 333 East 47<sup>th</sup> Street in  
6 Manhattan. As I understand it, this will be our  
7 youngest building to be considered for  
8 landmarking, but I do think, Council Member  
9 Halloran, that it falls fully and squarely within  
10 the time horizon that is set up by law. We've  
11 been joined by Council Member Mendez from  
12 Manhattan. Good afternoon. This one I don't  
13 think it's an addition. I think they really fully  
14 built it at the right timeframe, so Ms.  
15 Fernandez?

16 JENNY FERNANDEZ: Thank you, Chair  
17 Lander. My name is Jenny Fernandez, director of  
18 intergovernmental and community relations for  
19 Landmarks Preservation Commission. I'm here today  
20 to testify on the Commission's designation of the  
21 Japan Society Headquarters in Manhattan.

22 On June 22<sup>nd</sup>, 20120, the Landmarks  
23 Preservation Commission held a public hearing on  
24 the proposed designation of the Japan Society  
25 Headquarters. A letter from the vice president of

1  
2 Japan Society in support of designation was read  
3 into the record. Two people spoke in favor of  
4 designation including representatives of - -  
5 U.S./New York/Tri-State and the Historic Districts  
6 Council. On March 22<sup>nd</sup>, 2011 the Commission voted  
7 to designate the building a New York City  
8 individual landmark. The headquarters of Japan  
9 Society is located in the Turtle Bay section of  
10 Manhattan.

11                                   Founded in 1907, Japan Society  
12 functions as a cultural and educational  
13 institution, as well as a forum for dialogue  
14 between Japanese and American business leaders.  
15 The Japan Society building contains elements and  
16 such industrial materials as bronze and painted  
17 concrete. This elegant, yet restrained charcoal  
18 colored design was praised and received a  
19 certificate of merit from the New York Society of  
20 Architects in 1972. Japan Society is a  
21 conspicuously serene work of late modernism in a  
22 city where buildings often compete for attention,  
23 Yoshimura's muted design is remarkably timeless,  
24 reflecting Japan's unique architectural heritage  
25 and the Society's mission to serve as a venue for

1  
2 international exchange. The Commission urges you  
3 to affirm this designation.

4 CHAIRPERSON LANDER: Thank you very  
5 much. [off mic] trouble with the mic today. It  
6 was fully built within the time frame as opposed  
7 to the last modernist one we did, which was an  
8 addition, so I think nice and straightforward, and  
9 also nice that this one continues to be used for  
10 the purpose obviously that it was built for.

11 Seeing no questions and no one signed up to  
12 testify. With thanks, we'll close the hearing on  
13 the Japan Society Headquarters and that closed the  
14 public hearing on all items on today's calendar.  
15 And with hopes that Council Member Williams will  
16 be able to join us before we get thrown out of the  
17 room--yes, good? Okay. We will proceed to a vote.  
18 The Chair encourages a vote of aye on all five  
19 items on today's calendar and asks counsel to call  
20 the roll.

21 COUNSEL: Carol Shine, Counsel to  
22 the Committee. Chair Lander?

23 CHAIRPERSON LANDER: Aye on all.

24 COUNSEL: Council Member Sanders?

25 COUNCIL MEMBER SANDERS: Aye on

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all.

COUNSEL: Council Member Arroyo?

COUNCIL MEMBER ARROYO: Aye.

COUNSEL: Council Member Mendez?

COUNCIL MEMBER MENDEZ: Aye on all.

COUNSEL: Council Member Halloran?

COUNCIL MEMBER HALLORAN: Aye.

COUNSEL: The vote stands at five  
in the affirmative, none in the negative and no  
abstentions.

CHAIRPERSON LANDER: We will hold  
the vote open a few minutes for Council Member  
Williams and go into recess until 9:45 on June the  
7<sup>th</sup>. Thank you very much.

[gavel]

[background conversation]

COUNSEL: Council Member Williams?

COUNCIL MEMBER WILLIAMS: I vote  
aye on all.

COUNSEL: The final vote six in the  
affirmative, none in the negative and no  
abstentions.

CHAIRPERSON LANDER: The meeting of  
this Subcommittee is adjourned.

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 Kimberley Uhlig

Date June 15, 2011