

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

LAND USE SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING and  
MARITIME USES

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January 24, 2012  
Start: 11:42 a.m.  
Recess: 12:45 p.m.

HELD AT: 250 Broadway  
Committee Room, 16th Fl.

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

COUNCIL MEMBERS:  
Maria del Carmen Arroyo  
Annabel Palma  
James Sanders, Jr.  
Jumaane D. Williams  
Daniel J. Halloran III  
Stephen T. Levin  
Letitia James

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

Jenny Fernandez  
Director, Intergovernmental and Community Relations  
Landmarks Preservation Commission

Sheryl Woodruff  
Senior Director of Operations  
Greenwich Village Society for Historic Preservation

Daniel Donovan  
Office of Bronx Borough President Ruben Diaz

Simeon Bankoff  
Executive Director  
Historic Districts Council

John Foxell  
Owner  
29 Cottage Place

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CHAIRPERSON LANDER: Good morning.  
I'm glad it is still morning--

[off mic]

CHAIRPERSON LANDER: Do I need to do all of that all over again? Even the joke about it still being morning? Good morning. I am New York City Council Member Brand Lander, and I'm pleased to call this meeting of the City Council's Land Use Subcommittee on Landmarks, Public Siting and Maritime Uses to order. We have with us this morning Council Member Annabel Palma from the Bronx, Council Member Maria del Carmen Arroyo from the Bronx, Council Member Dan Halloran from Queens. We expect to be joined shortly by at least one and possibly a couple other members of the Subcommittee. We are, a little later in the hearing, going to pick back up the Borough Hall Historic District, which we already closed the public hearing on, but I think we're going to wait to see if we can get a couple more colleagues here for that. And so what we're going to do first is proceed with the public hearings on--we have quite a few items on today's calendar, some really nice landmarks. And so what we're going to do--we're

1  
2 doing that first? All right, great. So we're  
3 going to first do the Union League Club. That's  
4 Land Use number 547, application number 20125188  
5 HKM in Speaker Quinn's District in Community Board  
6 6 in Manhattan. And I'm pleased to ask Jenny  
7 Fernandez from the Landmarks Preservation  
8 Commission to come up and present to us.

9 JENNY FERNANDEZ: Thank you, Chair  
10 Lander, members of the Landmarks Subcommittee. My  
11 name is Jenny Fernandez, Director of  
12 Intergovernmental and Community Relations for the  
13 Landmarks Preservation Commission. I am here  
14 today to testify on the Commission's designation  
15 of the Union League Club in Manhattan. On  
16 November 17th, 2009, the Landmarks Preservation  
17 Commission, held a public hearing on the proposed  
18 designation of the Union League Club. Two people  
19 spoke in support of designation including  
20 representatives of New York State Assembly Member  
21 Richard Gottfried and the Historic Districts  
22 Council. There were no speakers in opposition to  
23 designation. The Commission has received a letter  
24 of supporting designation from a representative of  
25 the owner. On October 25th, 2011, the Commission

1  
2 voted to designate the building a New York City  
3 individual landmark. Built in 1929, 1931, the  
4 Union League is a fine example of a neoclassical  
5 style clubhouse, combining elements that recall  
6 the architecture of 18th century England and the  
7 American colonies. This style was especially  
8 popular with public institutions in the late  
9 1920s. Its continuous projecting cornice divides  
10 the nine-story structure into two distinct  
11 sections that reflect the interior program. The  
12 massive lower floors house the primary social  
13 spaces such as dining rooms, billiard room and  
14 library, and the U-shaped upper floors contain  
15 more than 60 bedrooms. Located at the southwest  
16 corner of Park Avenue and 37 Street in the Murray  
17 Hill section of Manhattan, the Park Avenue  
18 entrance was intended for members' wives and  
19 daughters who had their own dining facilities and  
20 lounge on the fourth floor. The Union League was  
21 one of the first clubs in New York City to welcome  
22 women, and this entrance is crowned by a  
23 decorative lintel displaying relief with four  
24 female faces. The Union League was founded in  
25 1863. Members promised absolute and unqualified

1  
2 loyalty to the United States and the Republican  
3 Party. During the Civil War, the club organized  
4 the first Black regiment in New York State, and  
5 later played a significant role in establishing  
6 the Metropolitan Museum of Art. In 1881, after  
7 occupying former residences on Union and then  
8 Madison Square, the club moved to 5th Avenue and  
9 39th Street, where a clubhouse was built on leased  
10 property. The current site was assembled by J.P.  
11 Jack Morgan and his brother-in-law, Herbert L.  
12 Satterlee, who later served as President of the  
13 Union League. These prominent families shared a  
14 strong interest in maintaining the neighborhood's  
15 residential character and sold the property with  
16 precise covenants, limiting the structures height  
17 and massing. Since opening in February 1931,  
18 there have been few significant changes to the  
19 exterior. The Union League continues to operate  
20 the building as a private club. The Commission  
21 urges you to affirm this designation.

22 CHAIRPERSON LANDER: Thank you, Ms.  
23 Fernandez. Always appreciate your bringing some  
24 of the history to us. I was talking to my  
25 colleague about undying fealty to the Republican

1  
2 Party that was on display at this building. It  
3 was good to see that they played some role in kind  
4 of bringing the City together after the draft  
5 riot. So, I don't know, since it's a Republican  
6 space, Council Member Halloran, do you have  
7 anything to add?

8 COUNCIL MEMBER HALLORAN: No, I  
9 just wanted to remark that the building itself and  
10 its placement in history is important for us to  
11 note, and I appreciate the Chair's indulgence of  
12 the building, given its Republican character. So,  
13 I appreciate that. And hi, Jenny. How are you?  
14 It's a new year. Anything new for me? No, of  
15 course not.

16 JENNY FERNANDEZ: Not at this  
17 moment.

18 COUNCIL MEMBER HALLORAN: Didn't  
19 think so.

20 CHAIRPERSON LANDER: No one has  
21 signed up to testify on the matter of the Union  
22 League beyond the testimony we have from folks who  
23 were at the LPC hearing, so unless anyone jumps up  
24 and down now, I'm going to close the public  
25 hearing on this item. We have one other item in

1  
2 Speaker Quinn's District, and we have staff of her  
3 office here, so we're going to move forward to  
4 that one. That's Land Use number 551, the Bell  
5 Laboratory Complex, best known to most of us as  
6 Westbeth, a wonderful repurposed space in the  
7 City, and we do have a couple of people signed up  
8 to testify on that item. It's Land Use 551,  
9 application number 20125192 HKM, and N 120098 HKM,  
10 the Bell Laboratory Complex in the Speaker's  
11 District and in Community Board 2 in Manhattan.  
12 Ms. Fernandez, if you'd begin by presenting it to  
13 us? Thank you.

14 JENNY FERNANDEZ: Thank you Chair  
15 Lander.

16 CHAIRPERSON LANDER: Oh, I'm sorry.  
17 Before you begin, let me recognize we've been  
18 joined by Council Member James Sanders from  
19 Queens.

20 JENNY FERNANDEZ: Thank you. My  
21 name is Jenny Fernandez, Director of  
22 Intergovernmental and Community Relations for the  
23 Landmarks Preservation Commission. I'm here today  
24 to testify on the Commission's designation of the  
25 Bell Telephone Laboratories Complex, now Westbeth

1  
2 Artist Housing in Manhattan. On January 12th,  
3 2010, the Landmarks Preservation Commission held a  
4 public hearing on the proposed designation as a  
5 landmark of the Bell Telephone Laboratories  
6 Complex, including the former Western Electric  
7 Company and Hook Steam Power Factory buildings,  
8 now Westbeth Artist Housing. 13 people spoke in  
9 favor of designation including representatives of  
10 State Senator Thomas Duane, State Assembly Member  
11 Deborah Glick, City Council Speaker Christine  
12 Quinn, Manhattan Borough President Scott Stringer,  
13 Manhattan Community Board 2, Westbeth Center for  
14 the Arts, Westbeth Board of Directors, Westbeth  
15 Artist Residents Council, Greenwich Village  
16 Society for Historic Preservation, and the  
17 Historic Districts Council. In addition, the  
18 Commission received numerous communications in  
19 support of designation. On October 25th, 2011,  
20 the Commission voted to designate the complex a  
21 New York City individual landmark. The Bell  
22 Telephone Laboratories complex of buildings,  
23 occupying an entire city block in Manhattan's far  
24 West Village is highly significant as the site of  
25 one of the world's most prestigious

1  
2 telecommunications research organizations, and  
3 later as the first and largest publicly and  
4 privately funded artists housing project in the  
5 United States, as well as a pioneering large scale  
6 industrial rehabilitation project. The oldest  
7 structure is the Vernacular Italian in style Hook  
8 Steam-powered Factory Building, 1816, at 445-453  
9 West Street, one of the few extant 19th century  
10 industrial buildings along the Hudson River  
11 waterfront, which housed a number of significant  
12 manufacturers over the decades. The Western  
13 Electric Company built an office and factory  
14 building for telephone related equipment. After  
15 1913, the building ceased as a manufacturing plant  
16 and was largely the headquarters of Western  
17 Electric's engineering department. In 1925 it  
18 became Bell Telephone Laboratories for Research  
19 and Development, for both the American Telegraph  
20 and Telephone company and Western Electric  
21 Company. Research work that resulted in many  
22 significant innovations and inventions was  
23 conducted here. After Bell Labs vacated the  
24 property in 1966, Roger Stevens, first Chairman of  
25 the National Endowment for the Arts, conceived of

1  
2 the complex as a pilot project of subsidized  
3 affordable studio living quarters for artists,  
4 which was substantially supported and inaugurated  
5 by the JM Kaplan Fund. It was converted in 1968-  
6 70 into Westbeth Artists Housing, the first major  
7 work by architect Richard Meier, with 383  
8 residential and work studio units, as well as a  
9 gallery, performance and commercial spaces, and a  
10 park. Westbeth Artists Housing continues to  
11 occupy the site. The Commission urges you to  
12 affirm this designation.

13 CHAIRPERSON LANDER: Thanks very  
14 much, Ms. Fernandez. Again, on this one I think a  
15 great story for us, a building constructed in a  
16 kind of different economic moment, but then  
17 preserved and put to great use and reused, and  
18 then we always love to see when the owners, as in  
19 this case in Westbeth Coop and organization, are  
20 working hard in support of designation, have  
21 worked hard to be stewards of the building. So  
22 let's hope that the new Applied Sciences Campus  
23 kicks off a new round of building buildings that  
24 100 years from now will be landmarked or  
25 repurposed or put to good use in the City. Any

1  
2 questions or comments from my colleagues? We do  
3 have one person signed up to testify.

4 COUNCIL MEMBER HALLORAN: One  
5 comment.

6 CHAIRPERSON LANDER: Okay. Council  
7 Member Halloran?

8 COUNCIL MEMBER HALLORAN: I just,  
9 Mr. Chair, I just wanted to point out and I showed  
10 it to you, there's an incredible picture of this  
11 building with the then elevated line running  
12 through it that is just absolutely incredible.  
13 And I'm thrilled to see that in the Speaker's  
14 District we are not only designating a Republican  
15 building, but a corporate building. This is just  
16 like a Twilight Zone episode, a fantasy of mine.  
17 I'm so thrilled to see it happen.

18 CHAIRPERSON LANDER: We have  
19 submitted testimony from Community Board 2, Brad  
20 Hoylman had signed up, but he left, but the  
21 supportive testimony of Community Board 2 has been  
22 entered into the record and voted unanimously in  
23 favor of the application. And we do have Sheryl  
24 Woodruff signed up to testify from the Greenwich  
25 Village Society for Historic Preservation.

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2                   SHERYL WOODRUFF: I'd like to thank  
3 the Committee for giving us the opportunity to  
4 testify before you today.

5                   CHAIRPERSON LANDER: I'm sorry.  
6 Please just state your name.

7                   SHERYL WOODRUFF: Sure. My name is  
8 Sheryl Woodruff. I am a staff member of the  
9 Greenwich Village Society for Historic  
10 Preservation. The Greenwich Village Society  
11 strongly supports upholding the designation of  
12 Westbeth as a New York City landmark. For 75  
13 years, Westbeth was home to the Bell Telephone  
14 Laboratories, a world center for groundbreaking  
15 sound communication innovations. The significance  
16 of the conversion of the Bell Laboratories to  
17 artist residences on both the local and national  
18 levels cannot be underestimated. As the first  
19 large scale conversion of an industrial building  
20 for residential use, the first subsidized housing  
21 for artists in the United States, and the largest  
22 government subsidized artists' colony in the  
23 world, the Westbeth Project was award-winning in  
24 its day, and served as a model for similar  
25 conversions all across the country, when the

1  
2 notion of adaptive reuse was still in its infancy.  
3 In New York City the conversion of Westbeth made  
4 legitimate the residing of artists in post-  
5 industrial spaces, and prompted the establishment  
6 of new laws that legalized live-work conversions  
7 as had thus far been only occurring illegally in  
8 neighborhoods such as SoHo. This would have a  
9 major and lasting effect on post-industrial  
10 neighborhoods all over the City, especially in the  
11 far West Village. In December of 2009 the  
12 National Park Service accepted the Greenwich  
13 Village Society's nomination to designate the  
14 entire Westbeth Complex a national historic  
15 landmark. Since the conversion project is less  
16 than 50 years old, it was necessary for the  
17 complex to have been found extraordinarily  
18 significant in order for it to achieve this  
19 listing. We were pleased when the Landmarks  
20 Preservation Commission officially designated  
21 Westbeth a New York City landmark last fall, a  
22 decision that was also supported by the City  
23 Planning Commission. We strongly urge the  
24 Committee today to vote in support of the  
25 designation of Westbeth. Thank you.

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2 CHAIRPERSON LANDER: Thanks very  
3 much. Any questions from the members of the  
4 Committee? Thanks very much for taking the time  
5 to testify. Seeing no one else signed up to  
6 testify on this item, we'll close the public  
7 hearing and we'll return to the agenda as it was  
8 printed, to Land Use number application 548,  
9 application number 20125189 HKK, that's St.  
10 Casimir's Roman Catholic Church Housing, also  
11 known as the Paul Robeson Theater at 40 Greene  
12 Avenue, that's in Council Member James' District  
13 and in Community Board 2 in Brooklyn. Take it  
14 away, Ms. Fernandez.

15 JENNY FERNANDEZ: Thank you, Chair  
16 Lander, Members of the Subcommittee. My name is  
17 Jenny Fernandez, Director of Intergovernmental and  
18 Community Relations for the Landmarks Preservation  
19 Commission. I'm here today to testify on the  
20 Commission's designation of St. Casimir's Roman  
21 Catholic Church, later the Paul Robeson Theater in  
22 Brooklyn. On June 28th, 2011, the Landmarks  
23 Preservation Commission held a public hearing on  
24 the proposed designation as a landmark of St.  
25 Casimir's Roman Catholic Church, later the Paul

1  
2 Robeson Theater, in Brooklyn. Three people spoke  
3 in favor of the designation, including  
4 representatives of the Historic Districts Council,  
5 New York Landmarks Conservancy, and the Victorian  
6 Society of New York. A motion was approved to  
7 leave the record open for 30 days. No further  
8 comments were received. The Commission received a  
9 letter of support from Council Member Letitia  
10 James. On October 25th, 2011, the Commission  
11 voted to designate the building a New York City  
12 individual landmark. The Rundbogenstil building  
13 at 40 Green Avenue, originally named the Church of  
14 the Redeemer, was erected circa 1864, for the  
15 Fourth Universalist Society. In 1870, Temple  
16 Israel, one of Brooklyn's first Reform  
17 congregations, purchased the structure and  
18 converted it into a synagogue. Having outgrown  
19 the building after 20 years, Temple Israel sold it  
20 to the Roman Catholic Diocese of Brooklyn in 1890.  
21 The brownstone-fronted building, described in 1870  
22 as being modest as to size, ornaments and  
23 decoration, was enlarged with the addition of an  
24 apse and steeple before its dedication as the new  
25 home of St. Casimir's Roman Catholic Church, a

1  
2 parish founded in 1875 to tend to the spiritual  
3 needs of Brooklyn's Polish population. St.  
4 Casimir's occupied the church on Greene Avenue  
5 until 1980, when it was merged with our Lady of--  
6 and forgive me if I don't pronounce this  
7 correctly--Czestochowa, another Polish parish.  
8 That year, Dr. Josephine English, an African  
9 American physician and community activist,  
10 purchased the building and converted it into the  
11 Paul Robeson Theater, to provide the community  
12 with greater access to the arts. This early  
13 Brooklyn church building is a significant example  
14 of the Rundbogenstil, an important reflection of  
15 the borough's rich religious and cultural history.  
16 The Commission urges you to affirm this  
17 designation.

18 CHAIRPERSON LANDER: Thanks very  
19 much. I spoke with Council Member James. I know  
20 that she is supportive and, you know, is a  
21 longtime supporter of the Paul Robeson District  
22 and working hard with them in general, and urges  
23 the rest of us to be supportive, come see events  
24 there. So, any questions about this item? No?  
25 No one has signed up to testify, so we'll close

1  
2 the public hearing on this item and move to the  
3 next one on our list, which I am especially  
4 excited about. Land Use number 549 is the Grand  
5 Concourse Historic District, it's application  
6 number 20125190 HKX. It spans the districts of  
7 Council Member Arroyo, a member of our Committee,  
8 and Council Member Foster. And I suspect we'll  
9 talk and hear a little bit more about it after  
10 it's presented to us, so please go ahead.

11 JENNY FERNANDEZ: Thank you, Chair  
12 Lander. My name is Jenny Fernandez, Director of  
13 Intergovernmental and Community Relations for the  
14 Landmarks Preservation Commission. I'm here today  
15 to testify on the Commission's designation of the  
16 Grand Concourse Historic District in the Bronx.  
17 On June 22nd, 2010, the Landmarks Preservation  
18 Commission held a public hearing on the proposed  
19 designation of the Grand Concourse Historic  
20 District. Ten people spoke in favor of  
21 designation, including a representative from Bronx  
22 Borough President Ruben Diaz, Bronx Borough  
23 Historian Lloyd Ultan, representatives of the New  
24 York Landmarks Conservancy, the Four Borough  
25 Neighborhood Preservation Alliance, and the

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2 Municipal Arts Society, two representatives of the  
3 Historic Districts Council, and three other  
4 speakers. There were two speakers in opposition  
5 to the proposed designation, including an owner of  
6 several buildings. The record was kept open  
7 following the hearing. Letters in support of  
8 designation were received from the Executive  
9 Director of the Bronx Museum of the Arts,  
10 President of the Friends of Terracotta New York  
11 State, and a Partner with the firm Dadras  
12 Architects. Emails in support of designation were  
13 received from a representative of the Four Borough  
14 Neighborhood Preservation Alliance, two residents,  
15 and ten other persons, including some former  
16 neighborhood residents. On October 25th, 2011,  
17 the Grand Concourse was designated a New York City  
18 Historic District. The Grand Concourse Historic  
19 District consists of 78 properties located along  
20 or on the streets adjacent to a one-mile stretch  
21 of the Grand Concourse between E. 153rd and 167th  
22 Streets. In addition to 61 apartment houses  
23 constructed between 1917 and 1959, the Historic  
24 District also contains two parks and several  
25 public institutions, including the Bronx County

1 Courthouse and Andrew Freedman Home, both  
2 designated New York City individual landmarks.  
3 Grand Boulevard and Concourse, later shortened to  
4 Grand Concourse was conceived in 1891 as a means  
5 of supplying a link between the parks systems of  
6 Manhattan and the sparsely settled region of the  
7 Bronx. At the time of its completion in 1909 the  
8 Boulevard featured bicycle paths and pedestrian  
9 sidewalks, in addition to a central vehicular  
10 speedway. In 1924 the Boulevard was extended  
11 south from E. 161st St. to E. 138th St., and the  
12 roadway soon became the major north-south artery  
13 of the West Bronx. Prompted by the tenement house  
14 law of 1901, which mandated more fire protection,  
15 light and air, thereby making it unprofitable to  
16 build multi-family dwellings on small lots, the  
17 five and six-story apartment house became the  
18 dominant building type along the Grand Concourse  
19 and within the borough as a whole. Nearly half of  
20 the apartment houses within the Historic District  
21 were built during the first period of development,  
22 between 1921, 1922, and 1931. The buildings of  
23 this era typically reflected the fashions of  
24 Manhattan, characterized by revivalist  
25

1 architectural styles, such as Tudor, Renaissance  
2 and Colonial Revival. The largely brick and  
3 terracotta buildings were evocative of faraway  
4 places and featured decorative elements such as  
5 corner towers, faux half timbering, and elaborate  
6 brickwork and classically decorated main entry  
7 porticos. A second wave of development was  
8 precipitated by the 1933 opening of the northern  
9 leg of the IND subway, which provided much-  
10 improved access to the Garment District and other  
11 parts of Manhattan's West Side. Once again  
12 influenced by Manhattan's taste, Art Deco and  
13 Moderne became the residential styles of choice  
14 for the Bronx, as evidenced in the 27 apartments  
15 within the Historic District constructed between  
16 1935 and 1945. The Art Deco and Moderne style  
17 buildings of the Historic District, which utilize  
18 materials including terracotta, cast stone, beige  
19 brick, and mosaic tile, are typically found in  
20 small clusters interspersed among the apartment  
21 houses of the earlier boom. Emery Roth, one of  
22 New York City's most renown apartment house  
23 architects is credited with the design of the  
24 striking art deco apartment house at 888 Grand  
25

1  
2 Concourse. Several of the apartment houses within  
3 the Historic District are representative of the  
4 Garden Apartment, an innovative housing form that  
5 took shape in the late 1910s and 1920s. This type  
6 was characterized by low-rise apartment buildings  
7 on large lots organized around an interior and or  
8 exterior courtyard. The Thomas Garden Apartments,  
9 840 Grand Concourse, was designed in 1826-28 by  
10 Andrew Jackson Thomas, credited as the innovator  
11 of the Garden Apartment. Thomas had already made  
12 a name for himself designing Garden Apartments in  
13 Jackson Heights, Queens, when John D. Rockefeller  
14 hired him to design Thomas Garden. For nearly  
15 half a century, having residential address on or  
16 in proximity to the Grand Concourse was a strong  
17 indicator of success. By the late 1950s, early  
18 1960s, however, the Bronx had entered into a  
19 period of profound transformation and economic  
20 downturn. In the late 1980s, the Bronx began to  
21 resurge, and by the end of the 20th Century, the  
22 Grand Concourse had become home to a vibrant mix  
23 of working and middle class residents, including  
24 immigrants from the Americans, the Caribbean and  
25 Africa. Due to the solid construction of the

1  
2 buildings within the Historic District, they  
3 survived largely unscathed through decades of  
4 neglect, retaining the architectural details and  
5 distinctive character that first attracted  
6 residents to them in the 1920s and '30s. The  
7 Boulevard remains the backbone of the great  
8 apartment houses, grand civic structures and  
9 bucolic parks of the Historic District, and an  
10 important visual element that contributes to the  
11 district's powerful sense of place. The  
12 Commission urges you to affirm this designation.

13 CHAIRPERSON LANDER: Thank you very  
14 much, Ms. Fernandes. Council Member Arroyo, would  
15 you like to make a statement or ask some  
16 questions?

17 COUNCIL MEMBER ARROYO: It's  
18 bottom-heavy. Good morning, Ms. Fernandez and  
19 thank you for your testimony. I generally support  
20 the designation of this Historic District, and you  
21 know that my bone of contention is that it does  
22 not go south enough. There are some properties  
23 further down south on Grand Concourse that I think  
24 warrant examination by the Commission, and our  
25 beloved Hostos Community College kind of separates

1  
2 some of it, and I think we need to continue with  
3 that conversation. I'm a little confused about  
4 some of the pictures that are contained in this  
5 report. There is a Sheraton Avenue address and a  
6 Gerard Avenue address included. Is that a  
7 mistake, or...?

8 JENNY FERNANDEZ: I'm not sure.  
9 I'll have to take a look at that--

10 COUNCIL MEMBER ARROYO:  
11 [Interposing] Okay. So there are no addresses on  
12 Gerard or Sheraton.

13 JENNY FERNANDEZ: I'd have to  
14 confirm that for you.

15 COUNCIL MEMBER ARROYO: In the  
16 District.

17 JENNY FERNANDEZ: In the District.  
18 It's on the Grand Concourse and there are some--it  
19 does wrap around a couple of side streets.

20 COUNCIL MEMBER ARROYO: Okay.

21 JENNY FERNANDEZ: So those may be  
22 the addresses that you're referring to.

23 COUNCIL MEMBER ARROYO: All right.  
24 Thank you. And again, I wish to continue the  
25 conversation about the 152nd through 138th portion

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of the Grand Concourse as well.

JENNY FERNANDEZ: Absolutely.

COUNCIL MEMBER ARROYO: Because I think it warrants further examination. Thank you, Mr. Chair.

CHAIRPERSON LANDER: Thanks very much, Council Member. I just really want to, you know, I'm very excited about the District. I've been reading the Boulevard of Dreams, which I know the staff also have been giving as gifts, and you know, as we'll talk about when we get to Downtown Brooklyn, where you know, I think when concerns, questions, challenges are raised, it forces us to think a little, you know, what are we doing? What's the point of landmarking? What are we--and I think this is a designation that I find really, you know, to help us kind of remember what we're doing and why. The buildings have this great architectural character, you know, the living rooms downstairs and the wraparound windows. The place was built at a time, you know, relatively recently--the beginning part of this century rather than decades ago, and represents both an architectural innovation, but also is an important

1  
2 part of the history of the City, when Jews and  
3 Irish and Italians from the Lower East Side saw  
4 that as making it. The decline of the Boulevard  
5 and its resurgence as a result of the fact that  
6 folks in the South Bronx in recent decades  
7 wouldn't give up on it and fought to make sure  
8 that it could thrive and come back and continue to  
9 provide that space. And it also reminds us that,  
10 you know, we want space in the City for building  
11 new things. There was a time when this was modern  
12 and brand new, but also things to treasure and  
13 preserve. So, I'm enthusiastic about the Grand  
14 Concourse Historic District and grateful for you  
15 to bringing it to us. We do have two people  
16 signed up to testify and I'll just call them up  
17 together as a panel. Daniel Donovan--oh, I'm  
18 sorry. Actually, he's from the Borough  
19 President's office, so we'll do that first and  
20 then we'll do Historic Districts Council  
21 afterwards. So, Daniel Donovan from the Bronx  
22 Borough President's Office, representing Bronx  
23 Borough President Ruben Diaz. Thanks very much  
24 for being here. No, this is not the Staten Island  
25 District Attorney. He's always welcome.

1 DANIEL DONOVAN: Good morning,  
2 Chairman Lander, Committee Members. I'm very  
3 happy to be here this morning to be able to read  
4 the testimony of Borough President Ruben Diaz on  
5 the Grand Concourse Historic District. I'm an  
6 urban planning in the Planning and Development  
7 Unit in the Borough President's Office. My name  
8 is Daniel Donovan. I'll read the testimony now.  
9 Last year I applauded the designation of a Grand  
10 Concourse Historic District by the New York City  
11 Landmarks Preservation Commission, and now I urge  
12 its approval by the New York City Council.  
13 Designation as a New York City Historic District  
14 will compliment the Grand Concourse's already  
15 established listing on the National Register of  
16 Historic Places. In the future I hope to see this  
17 Historic District extended to match the more  
18 extensive national register boundaries. The Grand  
19 Concourse Historic District is significantly  
20 intact and contains many notable examples of Art  
21 Deco and other classic apartment houses. As I  
22 mentioned in my testimony to the Landmark  
23 Preservation Commission, the threats to buildings  
24 on the Grand Concourse are in the details--poorly

1  
2 done renovations and building management with  
3 short vision are carving away at the inherent  
4 value of this illustrious built environment. As a  
5 historic district, the New York City Landmarks  
6 Preservation Commission can guard against ill-  
7 conceived and undesirable solutions that threaten  
8 proper maintenance of these buildings. The area  
9 of the new district has been richly added to with  
10 the new Yankee Stadium and Gateway Center. The  
11 City itself has invested greatly in the area with  
12 infrastructure improvements, including  
13 improvements to both the Concourse, roadway, and  
14 park system. The Lower Grand Concourse has also  
15 been rezoned to created a vibrant mixed-use, mixed  
16 income community with new housing, waterfront open  
17 space, and an array of retail services. Its  
18 status as a historic district is the finishing  
19 touch to the revival of the entire area, and I  
20 urge its support. Thank you for your  
21 consideration.

22 CHAIRPERSON LANDER: Thank you very  
23 much for your testimony. We've been joined by  
24 Council Member Jumaane Williams from Brooklyn, and  
25 we were briefly joined and will be rejoined by

1  
2 Council Member Steve Levin as well. Any questions  
3 for the Borough President's Office? No? Thank  
4 you very much for taking the time. We appreciate  
5 the Borough President's--

6 DANIEL DONOVAN: [Interposing]  
7 You're welcome. Thank you.

8 CHAIRPERSON LANDER: --sending  
9 testimony this morning. And let me invite Simeon  
10 Bankoff from the Historic Districts Council to  
11 come up.

12 SIMEON BANKOFF: Good afternoon,  
13 Council Members. Simeon Bankoff, Historic  
14 Districts Council. It is with great pleasure that  
15 we are here today to testify in favor of the Grand  
16 Concourse Historic District. HDC has been  
17 thrilled to be working with the Bronx Borough  
18 President's Office since 1997 on the notion of a  
19 Grand Concourse Historic District, and we look at  
20 this as only the first phase of a historic  
21 district. It should go both south and north.  
22 It's a particularly wonderful district just in  
23 terms of the rich history, the rich architecture  
24 and the rich social history of it really being a  
25 middle class district, of a district of, you know,

1  
2 the people of New York. So often we are not  
3 accused, but preservation is looked at as an  
4 elitist thing, that we're just preserving the  
5 houses of the rich. Here were houses that, as  
6 Council Member Lander referenced, they were new  
7 houses, they were speculative houses, they were  
8 houses where people were joining the middle class.  
9 My own great-grand aunt, Leah Rosenthal, lived up  
10 here in the '50s during her disastrous first  
11 marriage. So--yeah, sorry. And--we can strike  
12 that from the record. And so it is with great  
13 pleasure that we support this. Thank you.

14 CHAIRPERSON LANDER: Thanks very  
15 much. We don't have anyone else signed up to  
16 testify on this item, so, seeing no others, we  
17 will close the hearing and we'll move to the last  
18 item we're doing a public hearing on today, which  
19 is 29 Cottage Place, on Staten Island. That's  
20 Land Use number 550, application number 20125191  
21 HKR in Council Member Rose's district in Community  
22 Board 1 on Staten Island.

23 JENNY FERNANDEZ: This one is much  
24 shorter. Thank you, Chair Lander, members of the  
25 Subcommittee. My name is Jenny Fernandez,

1  
2 director of Intergovernmental and Community  
3 Relations for the Landmarks Preservation  
4 Commission. I'm here today to testify on the  
5 Commission's designation of 29 Cottage Place on  
6 Staten Island. On August 10th, 2010, the  
7 Landmarks Preservation Commission held a public  
8 hearing on the proposed designation as a landmark  
9 of 29 Cottage Place House. A total of six  
10 speakers, including the owner and two  
11 representatives of the Preservation League of  
12 Staten Island, spoke in favor of the designation.  
13 Former City Council Member Kenneth Mitchell and  
14 State Senator Diane Savino sent letters in support  
15 of the designation. There were no speakers or  
16 letters in opposition to designation. On October  
17 25th, 2011, the Commission voted to designate the  
18 building a New York City individual landmark. One  
19 of the few surviving salt box houses on Staten  
20 Island's North Shore, this modest two-story Greek  
21 revival frame cottage, with later Craftsman  
22 details, is a significant reminder of Staten  
23 Island's vernacular architectural traditions.  
24 Build around 1848 for farmer Abraham Merrell, the  
25 house was leased to tenants until 1918. Its

1  
2 occupants included carpenters and boatmen who were  
3 likely employed in port in Richmond's driving  
4 maritime industries. Three bays wide, two bays  
5 deep, 29 Cottage Place is capped by an  
6 asymmetrical gabled roof with a short pitch in  
7 front and longer slope in the rear. Known as a  
8 salt box roof in New England and Cat Slide roof in  
9 the south, such roofs are a fairly common feature  
10 of early and colonial 19th century houses, but do  
11 not survive in great numbers on Staten Island and  
12 are becoming increasingly rare. Despite some  
13 recent changes, 29 Cottage Place is a significant  
14 reminder of Port Richmond's and Staten Island's  
15 vernacular heritage and a visible link to the rich  
16 history of the Port Richmond community. The  
17 Commission urges you to affirm this designation.

18 CHAIRPERSON LANDER: Thank you very  
19 much. We do have one member of the public signed  
20 up to testify on this matter. But first, are  
21 there any questions from members of the Committee?  
22 Thank you. Seeing none, I'll invite John Foxell  
23 to come and provide testimony. Mr. Foxell is the  
24 owner of 29 Cottage Place. So, thank you very  
25 much for being here. Go ahead and sit at any one

1  
2 of those three chairs that you like, and then just  
3 make sure the red light is on. I'm sorry, it's  
4 backwards. There you go.

5 JOHN FOXELL: Good morning. My  
6 name is John Foxell. I am the owner of 29 Cottage  
7 Place in Staten Island. It is rare in our lives  
8 that we get to do something that is a good deed.  
9 So much of our past, our shared history, has  
10 already been erased that it is a pleasure to sit  
11 before you and say that I fully approve the  
12 landmark designation of my home, which now has a  
13 name, the Abraham Merrell House, and which now has  
14 a history of the people who spent their lives  
15 working and living there among all of us, so that  
16 in the future we will have something to show to  
17 our people who come after us, and say, yes, there  
18 was a time when people lived differently, when  
19 people lived apart, and this is how they lived and  
20 this is what it looked like. And I thank the City  
21 Council for putting the Cottage back on Cottage  
22 Place. Thank you for hearing me.

23 CHAIRPERSON LANDER: Thank you very  
24 much, Mr. Foxell. We really appreciate as the  
25 Landmarks Subcommittee and part of the broader

1  
2 community of people trying to preserve some of the  
3 treasures of New York City, when owners come  
4 forward and are willing to act as good stewards of  
5 their building. So thank you very much for your  
6 testimony for being here today. No one else has  
7 signed up to testify on this item, so with that  
8 we'll close the public hearing on this item, which  
9 is the last public hearing on the calendar. And  
10 now Council Member Levin, if you want to rejoin  
11 us. I think I recognized Council Member Williams  
12 and Council Member Levin. We're going to turn  
13 back now to Land Use number 536, the Borough Hall  
14 Skyscraper Historic District 20125120 HKK. We had  
15 an extensive public hearing on this item a couple  
16 of weeks ago. Since that time we've continued to  
17 meet and talk with advocates, owners, residents,  
18 many different folks. I know there have been many  
19 meetings with Council Member Levin, with myself,  
20 with the speaker and her staff, with the Chair of  
21 the Land Use Committee, and I really want to thank  
22 and appreciate everyone who has been part of that  
23 effort. We're not reopening the public hearing  
24 today, but I know Council Member Levin wants to  
25 make a statement and I have some things to say.

1  
2 We'll ask the LPC a question or two that have come  
3 out of that dialogue. So let me at first--well,  
4 let me invite Ms. Fernandez to come up and join  
5 us. But let me first then turn it over to Council  
6 Member Levin for an opening statement.

7 COUNCIL MEMBER LEVIN: Okay. Thank  
8 you, Chairman Lander. First, I'd like to  
9 acknowledge your leadership throughout this entire  
10 process. In addition to holding a thorough  
11 hearing on the issue last month, you have been  
12 objective, knowledgeable, and fair the entire  
13 time, as well as a very good sounding board.

14 CHAIRPERSON LANDER: Thank you.

15 COUNCIL MEMBER LEVIN: I'd also  
16 like to thank Land Use Chair Leroy Comrie and of  
17 course Speaker Christine Quinn for their constant  
18 leadership. My colleagues, I'm asking you to  
19 today to vote in the affirmative on the Borough  
20 Hall Skyscraper Landmark District. This district,  
21 which includes 21 buildings along Court Street and  
22 including Borough Hall, represent the history of  
23 Downtown Brooklyn through its distinct  
24 architectural character. The fact is, the  
25 contributing buildings to this historic district

1  
2 are beautiful and significant architectural  
3 contributions to the City of New York. In recent  
4 years, as much of Downtown Brooklyn has gotten a  
5 major facelift due to the Downtown Brooklyn  
6 rezoning, with development continuing at a rapid  
7 pace, and the skyline changing with each  
8 successive year, this Committee today will be  
9 acting to preserve a significant piece of that  
10 skyline as it has existed for the past 80 years.  
11 That skyline is part of the DNA of Brooklyn and it  
12 ought to and will be preserved for future  
13 generations. I know that there are many who have  
14 expressed opposition to this designation,  
15 expressing the concern that landmarking will add  
16 significant burdens to owners, both commercial and  
17 residential, as well as perspective retail  
18 businesses who seek to invest in Court Street.  
19 First, after much deliberation and inquiry, and  
20 after hearing from many professionals in the  
21 field, I am convinced at this time that the  
22 additional cost that any owner would have to bear  
23 due to a landmark designation will be minimal in  
24 fact. I'm committed to working with all the  
25 owners in the district to advocate for them as

1  
2 they work with the Landmarks Commission, and I am  
3 confident that LPC will make every reasonable  
4 effort to ensure that there are no unwarranted  
5 delays or burdens which would befall the owners in  
6 this district. In addition, I am happy to report  
7 that as a result of the advocacy of Chairs Lander,  
8 Comrie, the Speaker, and myself, LPC has agreed to  
9 promptly put forth citywide retail guidelines in  
10 order to ensure that most businesses are able to  
11 obtain staff level approval for exterior work,  
12 much of which currently requires a commission  
13 level hearing. I would like to thank all of the  
14 advocates in support of this designation, notably  
15 Brooklyn Heights Association, represented by Judy  
16 Stanton here; and deserving mention, Otis Pearsall  
17 [phonetic], and Jay McRority [phonetic], and Tom  
18 Vandabout [phonetic], and Phil Magnusson  
19 [phonetic]; Historic Districts Council,  
20 represented here today by Simeon Bankoff;  
21 Municipal Arts Society; the Landmarks Conservancy;  
22 the New York Landmarks Conservancy; and all those  
23 who are opposed to this designation, the Real  
24 Estate Board of New York, SL Green, and  
25 particularly those cooperators of 75 Livingston

1  
2 Street that testified in opposition to this  
3 designation and with whom I met with numerous  
4 times over the last nine months or so. Not only  
5 have they been good and responsible stewards of  
6 their building, but their strong advocacy raised  
7 many important issues that we will be looking at  
8 here in the Council. And I know that Chairman  
9 Lander and this Committee will be looking at  
10 through oversight hearings, and I hope to work  
11 closely with them in the Landmarks Commission as  
12 we move forward. I'd also like to acknowledge the  
13 Landmarks Commission, Landmarks Preservation  
14 Commission Chair Robert Tierney, as well as Jenny  
15 Fernandez and Kate Daly and Council staff Gail  
16 Benjamin, Amy Levitan, Christian Hylton, Carol  
17 Shine, Ramon Martinez, Chuck Meara, Michael  
18 Freedman-Schnapp, and Ashley Thompson. Thank you  
19 very much, Mr. Chairman.

20 CHAIRPERSON LANDER: Thank you very  
21 much, Council Member Levin. I'll just add a  
22 couple of words, you know, and I want to recognize  
23 the hard work that you did. I saw a lot of the  
24 meetings that you did, of the seriousness of which  
25 you took this, of the ways in which you worked to

1  
2 listen to everyone and really weigh the  
3 substantive questions here in a very thorough way,  
4 and I want to give you credit for that. This was,  
5 you know, certainly one of the most considered  
6 landmarks applications and items that this  
7 Committee has considered in my tenure, the only  
8 one I've gotten mailing in my District on, but  
9 more than that, it's an appropriate part of the  
10 process. Many people felt strongly, many people  
11 reached out to us. We worked hard to have a  
12 hearing where we really listened to people. We  
13 worked hard to open up our offices to follow up  
14 and to make sure we were really able to listen to  
15 people, to consider all sides. That's not going  
16 to make everybody happy here today or everybody in  
17 the district, and I think we entirely understand  
18 that, from all points of view. But I just want to  
19 make clear we worked real hard to listen. We  
20 worked real hard to weigh the evidence. We were  
21 mindful of the fact that we're judging the two  
22 dozen buildings in this historic district, but we  
23 also in my tenure on the Committee have extended  
24 landmarks protections to about 2,000 buildings and  
25 will have many more applications, and it's really

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2 important to us and to the Committee and to the  
3 full Council to make sure that we're fair in that  
4 we provide the same standards to every citizen and  
5 to every resident of New York City when things  
6 come before us. It's not always easy. Some of  
7 these judgments around landmarks and historic  
8 districts are subjective questions; what is sense  
9 of place, what are buildings worthy of  
10 preservation, how do we weigh that against the  
11 additional burden that we are asking owners to  
12 take on--not asking, requiring owners to take on  
13 when we do this. And we try to be mindful and  
14 thoughtful of that because it's a significant  
15 thing to do. As Council Member Levin mentioned,  
16 quite a few of the issues that were raised in this  
17 process are really issues more broadly about  
18 landmarking and its relationship to commercial and  
19 retail spaces, its relationship to co-op and condo  
20 buildings, the cost, the implications, the  
21 ramifications, how the hardship process really  
22 works. And it led us to recognize that we would  
23 be well-served by doing some additional oversight,  
24 because there are broader policy questions which  
25 it's not appropriate to apply differently to these

1  
2 buildings than to other buildings that we've  
3 considered, but which it is important for the  
4 Council and the LPC and the City as a whole to  
5 take real seriously. And so we're going to do  
6 that. The Committee and staff have been talking  
7 about the appropriate way to think about some of  
8 these issues in the broader context, invite people  
9 to testify. You know, as an example, we heard  
10 everything on cost from it will add no cost, it  
11 will add 5%, it will at 10%, it will add 55%.  
12 It's appropriate for us to do more and cast a  
13 little wider net to listen to people to understand  
14 the implications, and to act responsibly. So  
15 that's part of what we're going to be doing  
16 looking forward. I do believe in this instance  
17 I'm fully supportive of what Council Member Levin  
18 just said, and I know the Speaker is as well, that  
19 after close consideration, we do believe that the  
20 new historic district and all the buildings will  
21 strengthen the character of Downtown Brooklyn,  
22 continuing to allow for room for new development  
23 and growth. I'm very excited about the new retail  
24 space that's planned for the Municipal Building,  
25 which will significantly change that building, but

1  
2 still preserve it. And I believe that we can add  
3 space for new development and vibrant new activity  
4 while preserving the graceful, historic, early  
5 generation skyscrapers that do make this  
6 Brooklyn's civic center and one of its commercial  
7 centers. So, I will be urging my colleagues as  
8 well to support the designation of the Borough  
9 Hall Skyscraper Historic District in its entirety.  
10 I just want to add my voice to Council Member  
11 Levin's strong appeal request to the LPC that as  
12 it exercises its discretion in the future going  
13 forward and receives applications from owners of  
14 all the buildings to work with them as flexibly  
15 and as appropriately as possible to help them meet  
16 their goals. I want to extend my thanks. You  
17 know, I make it a policy when owners step up and  
18 act as stewards, as we just saw, and come before  
19 our Committee to appreciate and recognize and  
20 thank them for their stewardship, and the same  
21 holds for the cooperators on the board of 75  
22 Livingston. I'm sorry that we're not on the same  
23 place on the action that we're taking today, but  
24 the work that you've done over the last decade to  
25 bring that building back and restore it to its

1  
2 former glory is something that the Council  
3 appreciates, and we appreciate your past and  
4 future stewardship of that building. And then I'm  
5 also very grateful that we are making a step  
6 forward today. One of the things we heard in the  
7 public hearing was the challenging that commercial  
8 building owners, tenants and potential tenants  
9 face in getting storefront--their retail  
10 storefronts approved in historic buildings, that  
11 that has taken in many cases going to the full LPC  
12 to the full Commission to get a vote, that that  
13 adds time, and that adds uncertainty so it makes  
14 it less likely a tenant might want to be in a  
15 historic building, knowing that they'll have to go  
16 to the LPC. And I'm pleased that the LPC has  
17 agreed to accelerate the process of promulgating  
18 or bringing to the Commission for promulgation new  
19 rules that will make many more storefront  
20 applications able to be approved on a staff level  
21 and not require approval of the full commission.  
22 So, I guess I'd like to start there, Ms.  
23 Fernandez, and wonder if you can just--Council  
24 Member Levin referenced it before, but just  
25 explain to us where we stand in moving forward on

1  
2 the application for changes for new guidelines  
3 that will allow that with retail storefronts?

4 JENNY FERNANDEZ: Thank you Chair  
5 Lander and Council Member Levin, and I thank you  
6 for your support of this historic district and for  
7 your tireless efforts to really weigh the issues  
8 at hand, and certainly for working with everyone  
9 involved to move this forward. In terms of the  
10 specific question you had about the storefront  
11 rules, yes, Chair Tierney is committed to  
12 considering storefront rule changes in order to  
13 streamline the process for storefront retail  
14 tenants and the building owners. So, that is  
15 something that the Commission is going to be  
16 considering. He is putting that forward to the  
17 Commissioners very shortly. Those rules are  
18 drafted and so we're very pleased to be announcing  
19 that and confirming that here today.

20 CHAIRPERSON LANDER: Now, one  
21 question I have is in terms of sort of the  
22 feedback process. You know, we've heard from some  
23 commercial building owners, tenants, architects,  
24 who I think would be interested in giving feedback  
25 on those, and so it might be good to do that

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2 before it's formally presented to the Commission  
3 or it goes through the CAPA process, so if there  
4 are ideas or amendments that they have, I don't  
5 want to--we want to move this forward quickly, so  
6 don't I want to make it take a long time, but I  
7 think making sure that the key stakeholders who  
8 are the owners and tenants of these buildings  
9 might have the opportunity to give some feedback.  
10 Can we find a way to build that into the process?

11 JENNY FERNANDEZ: Okay. I will  
12 certainly take that back to Chair Tierney and  
13 we'll have to have, obviously, a conversation with  
14 our General Counsel for those draft rules and how  
15 they would be presenting. The idea would be to  
16 calendar those very soon so that we can begin the  
17 CAPA process, which then affords a forum for a  
18 public hearing, but certainly prior to that I'll  
19 take your request back and we can certainly  
20 explore that.

21 CHAIRPERSON LANDER: I mean, you  
22 know, we want it to be presented as quickly as  
23 possible. At the same time, we want to make sure  
24 stakeholders are included, so we come up with a  
25 real good product.

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JENNY FERNANDEZ: Okay.

CHAIRPERSON LANDER: I didn't give Council Member Levin a chance to ask questions yet if he has them. So I'm going to let him do that.

COUNCIL MEMBER LEVIN: So, sorry, the timeline for when the rules will be promulgated, do we have a sense of when that's going to happen?

JENNY FERNANDEZ: The idea would be right now. As I said, the rules have been drafted and will be presented to the Commissioners very shortly, and so hopefully what we're trying to do is have those calendared by February 7th.

COUNCIL MEMBER LEVIN: Okay.

JENNY FERNANDEZ: So, that's not set in stone, because we have to figure out timing and notice issues, but that's our goal right now.

COUNCIL MEMBER LEVIN: Okay.

JENNY FERNANDEZ: So that's fairly quickly.

COUNCIL MEMBER LEVIN: And I'd like to kind of back up what Council Member Lander said, that it would be very, I think, appropriate and helpful to have input from building owners or

1  
2 the Real Estate Board of New York, retail owners  
3 or real estate owners to have some input at the  
4 early stages, so that they can actually help kind  
5 of craft and define what we're looking at. I  
6 think that would probably be a good thing and  
7 would build consensus.

8 JENNY FERNANDEZ: Okay. I'll take  
9 that back to the Chair.

10 COUNCIL MEMBER LEVIN: Thank you  
11 very much.

12 JENNY FERNANDEZ: You're welcome.

13 CHAIRPERSON LANDER: And I guess,  
14 you know, this is a simple yes or no question.  
15 But you hear Council Member Levin and my request,  
16 and will convey it back to the Chairman and the  
17 Commission to work with the owners in this  
18 district as I know you do in all of them, but in  
19 this one especially, to try to work with them to  
20 help achieve their goals in a way that fits within  
21 the designation, but also enables them to achieve  
22 the goals and needs they have in their building.

23 JENNY FERNANDEZ: Absolutely. As  
24 you just said, that's certainly our goal and we  
25 try to achieve with every owner, but your request

1  
2 and suggestion will certainly be taken into  
3 consideration, and I'll take that back to the  
4 Chair as well.

5 CHAIRPERSON LANDER: Thank you very  
6 much. Council Member Halloran?

7 COUNCIL MEMBER LEVIN: Expect to  
8 hear from me frequently.

9 JENNY FERNANDEZ: Yes.

10 COUNCIL MEMBER HALLORAN: And Ms.  
11 Fernandez, I'm going to direct your attention to  
12 186 Remsen St. in Brooklyn.

13 JENNY FERNANDEZ: Yes.

14 COUNCIL MEMBER HALLORAN: And its  
15 designation. I have a report from a Joseph Day  
16 Realty Company in front of me which indicates that  
17 their estimations to rehabilitate the six-story  
18 building, given the damage to the walls, to the  
19 façade's non-uniform structure could be upwards of  
20 \$5 million, that given the configurations that  
21 would be required under the landmarks designation,  
22 the building would be valued at about \$20 per  
23 square foot, which is roughly half of what the  
24 market bears for the buildings adjacent to it,  
25 which are non-designated. And that this building,

1  
2 not being ADA compliant, would not meet any  
3 standards for office leasing by city, state, or  
4 federal government, because of such composition.  
5 Is that accurate?

6 JENNY FERNANDEZ: I don't know if  
7 that's accurate. I don't know where those numbers  
8 have come from or how they arrived at that  
9 conclusion. So I couldn't..

10 COUNCIL MEMBER HALLORAN: Okay.  
11 Would you concur with the conclusion that the  
12 building isn't and with designation could not  
13 become ADA compliant?

14 JENNY FERNANDEZ: I cannot concur  
15 with that. We certainly do adaptive reuse, and  
16 ADA compliant changes to building in order to meet  
17 those requirements in historic buildings all the  
18 time, so it's something that would certainly be  
19 considered by the Commission. There are different  
20 ways to address that, and you know, whatever  
21 creative ways an owner may come up with, and also  
22 any precedents that the Commission has done in the  
23 past to approve these sorts of things will be  
24 considered.

25 COUNCIL MEMBER HALLORAN: Okay.

1  
2 And their indication is that the floors do not  
3 align with the floors at 44 Court Street. Is that  
4 accurate?

5 JENNY FERNANDEZ: I do not know if  
6 that's accurate.

7 COUNCIL MEMBER HALLORAN: Okay.  
8 You don't know. This is one of the most  
9 troublesome buildings that was in this  
10 designation, but you're not familiar with any of  
11 these issues?

12 JENNY FERNANDEZ: I am familiar  
13 with the building and the issues in the building.  
14 I cannot confirm nor deny that the building floor  
15 levels align with the building next door. I  
16 wouldn't know that.

17 COUNCIL MEMBER HALLORAN: Cannot  
18 confirm or deny. You sound like someone  
19 testifying before a senate committee that doesn't  
20 want to answer a question.

21 JENNY FERNANDEZ: I think I--

22 COUNCIL MEMBER HALLORAN:  
23 [Interposing] Respectfully, respectfully.

24 JENNY FERNANDEZ: I think I  
25 answered the question, and certainly I can't

1  
2 confirm whether those building floor levels align  
3 with the building next door. I couldn't confirm  
4 that.

5 COUNCIL MEMBER HALLORAN: Okay.  
6 The placement of the elevator, are you familiar  
7 with that at all at the location?

8 JENNY FERNANDEZ: No.

9 COUNCIL MEMBER HALLORAN: No?  
10 Okay. Did the Commission study the relative  
11 square footage rental values of the buildings  
12 surrounding it currently and in the past?

13 JENNY FERNANDEZ: The Commission  
14 did not study that. That's not within the purview  
15 of the Landmarks Preservation Commission.

16 COUNCIL MEMBER HALLORAN: Did you  
17 receive any testimony or memorandum or any form of  
18 correspondence with regard to that from any of the  
19 owners of these designated buildings?

20 JENNY FERNANDEZ: To that specific  
21 statement you just made?

22 COUNCIL MEMBER HALLORAN: Yeah.

23 JENNY FERNANDEZ: Not that I'm  
24 aware of.

25 COUNCIL MEMBER HALLORAN: Not that

1  
2 you're aware of. Okay.

3 CHAIRPERSON LANDER: I will just  
4 say, you know, we asked some of these questions of  
5 the Chairman and of the LPC, and I will just add a  
6 couple of things that they informed us. One, we  
7 were informed that the Chief Forensic Engineer at  
8 the Department of Buildings, Tim Lynch, looked at  
9 this building and found it to be robust, that it's  
10 going to stand up. So, one relevant question  
11 obviously for us is, you know, is it structurally  
12 sound. And we were assured that it is  
13 structurally sound. We were also informed, and  
14 you know, I looked at and met with representatives  
15 of the building a couple of times, I know Council  
16 Member Levin was actually in the building, that  
17 you know, when an owner wants to bring a hardship  
18 application, there's a whole procedure for doing  
19 that. You can bring that application to the LPC.  
20 it involves the submission of substantially more  
21 information than was provided in the memo that was  
22 given to us. We're also not the hardship  
23 evaluators. I do think that there are a range of  
24 options that bear thinking about for this  
25 building, some of which may involve alterations or

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2 additions to the building to be considered by the  
3 LPC, some of which may involve their right to  
4 submit a hardship application, some of which may  
5 involve considering a shift to residential use,  
6 which might very profitable. So there's--we  
7 thought about it before choosing to support  
8 including this building in the designation, that  
9 there are--we understand the owner's preference,  
10 but we believe that the building is going to stand  
11 up, that there are a range of possible options for  
12 its adaptive reuse and that there remains a  
13 hardship application to the LPC.

14 COUNCIL MEMBER HALLORAN: I  
15 appreciate that, Mr. Chairman. But as you know,  
16 as we've conducted numerous hearings over time,  
17 and there are amorphous standards. They are not  
18 subject to our legislative authority. We have  
19 raised on several occasions issues of how the  
20 process goes forward from a legal perspective. I  
21 know we've discussed the tenability of the  
22 notification process, the hearing process itself.  
23 When you deal with a constitutional right, like  
24 someone's property rights, of course we're far  
25 more interested in nailing down the specifics, and

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2 I think there's just been a history of us not  
3 getting those kinds of answers and I know that you  
4 as the Chair even asked for a clarification,  
5 specifics. And before we take away the property  
6 rights of somebody who made a substantial  
7 financial investment, and it's Council Member  
8 Levin's district, I will follow custom of the  
9 Council in deferring to him and do something I  
10 don't normally do, which is not vote against a  
11 designation as a courtesy to a Council Member I  
12 have a great deal of respect for, which is  
13 breaking with my tradition of not supporting any  
14 designations because of the inattention given my  
15 district by the LPC. But that doesn't mean that I  
16 shouldn't at least make my piece be known and the  
17 fact that I'm incredibly disappointed that we wind  
18 up coming here time after time talking about what  
19 might happen after designation instead of getting  
20 concrete agreements, proposals and commitments  
21 prior to designation. This is a virtually  
22 undoable process, and I would just like for a  
23 change to have heard in advance that we've sat  
24 down with the non-agreeing owner and made  
25 commitments A, B, and C to them going forward, so

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2 that I don't have to sit here and wonder, jeez,  
3 did those rules get promulgated like we were told  
4 they were going to or did it get delayed? Did  
5 those accommodations get made? So that's the  
6 purpose of my questions. I appreciate the Chair's  
7 indulgence. And to Council Member Levin, I just  
8 want you to say that I am breaking with tradition  
9 out of respect for you, Sir.

10 COUNCIL MEMBER LEVIN: So noted.

11 Thank you, Council Member.

12 CHAIRPERSON LANDER: Thank you,  
13 Council Member, and I think some of the questions  
14 that you raise again today that you have raised  
15 many times in the past about the broader system  
16 and process are indeed ones that we're going to  
17 look at and consider in this oversight hearing,  
18 and I do hope at that point we'll work with the  
19 LPC in advance to get a good deal more concrete  
20 and specific information on how things work and  
21 don't work at the points of the process especially  
22 that are past our approvals and ones that we don't  
23 often see. Thank you, Ms. Fernandez for spending  
24 that time with us. Thank you again, Council  
25 Member Levin. I think we are now concluded with

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2 this and we'll move directly into the vote. We'll  
3 be bundling and voting on all items on today's  
4 calendar. The Chair recommends a vote of Aye on  
5 all and asks Christian Hylton, Counsel for the  
6 Committee to call the roll. I do also want to add  
7 my voice of thanks to the staff of the Committee,  
8 to Gail Benjamin, and Christian, and the staff for  
9 working with us through this process.

10 CHRISTIAN HYLTON: Chair Lander.

11 CHAIRPERSON LANDER: Aye on all.

12 CHRISTIAN HYLTON: Council Member  
13 Palma.

14 COUNCIL MEMBER PALMA: Aye on all.

15 CHRISTIAN HYLTON: Council Member  
16 Arroyo.

17 COUNCIL MEMBER ARROYO: Aye on all.

18 CHRISTIAN HYLTON: Council Member  
19 Sanders.

20 COUNCIL MEMBER SANDERS: Permission  
21 to explain my vote?

22 CHAIRPERSON LANDER: Granted.

23 COUNCIL MEMBER SANDERS: I'm  
24 especially happy to vote in favor of the Paul  
25 Robeson Theater and of the Union League. I am a

1  
 2 little troubled with the vote in my friend Council  
 3 Member Levin's district, and I trust that he will  
 4 do his utmost to watch over this situation and  
 5 with his saying that he will, then that is all the  
 6 security that I need. I vote Aye on all.

7 CHRISTIAN HYLTON: Council Member  
 8 Williams.

9 COUNCIL MEMBER WILLIAMS: May I be  
 10 - -

11 CHAIRPERSON LANDER: Yes.

12 COUNCIL MEMBER WILLIAMS: Yes,  
 13 thank you. I vote Aye on all with the exception  
 14 of LU number 536, which I abstain. And the reason  
 15 is, well, I'm not voting no out of respect for my  
 16 colleague, Council Member Levin, who I respect a  
 17 great deal as well, but I do have concerns,  
 18 particularly with process when it comes to people  
 19 who do not want their property landmarked. I'm  
 20 concerned that there's not enough to help them  
 21 even after it is permanent. I'm more concerned  
 22 about owners who do not have the resources that  
 23 some of these people have to bring their case  
 24 before us. And I think we should explore more of  
 25 how we can carve some of these buildings out. It

1  
2 seems to be almost a religion to have to keep all  
3 of these things as wide and broad as humanly  
4 possible. I don't see why we can't have more  
5 discussions on how to get everybody's interests  
6 resolved here. So that's my vote, thank you.

7 CHRISTIAN HYLTON: Council Member  
8 Halloran.

9 COUNCIL MEMBER HALLORAN: May I be  
10 excused to explain my vote?

11 CHAIRPERSON LANDER: Of course.

12 COUNCIL MEMBER HALLORAN: The Chair  
13 is well aware that I have made it a process of  
14 voting no to all designations since September of  
15 this year. I was promised that the LPC would be  
16 at that time putting forth something from my  
17 district, which has been asking for a historic  
18 district that's recognized by the national and  
19 state historic districts registers for the last  
20 six or eight years. But in deference to the  
21 Council Members who are here, Arroyo, Levin, and  
22 to the Speaker who have items in their district, I  
23 will abstain from voting no and I share Council  
24 Member Williams' concerns with regard to process.  
25 And with all respect to my Chair, who I think has

1  
2 done an admirable job of trying to balance  
3 interests, whether he realizes it or not, we are  
4 now two years into our term. We are halfway home,  
5 and we have not had the kinds of oversights that  
6 we discussed in the first six months of our tenure  
7 here at Council. I know this body is oftentimes  
8 unable to do all the things that are before it  
9 because there are so many important things, but it  
10 would in my estimation be on track as Council  
11 Member Williams has indicated, for us to do this  
12 sooner rather than later, because we will be out  
13 of office in two years. Even if we're re-elected,  
14 it's a new term, everything starts fresh and we  
15 will not have succeeded in doing what I believe we  
16 all said we were going to do in the first six  
17 months in office. And so I would simply say it's  
18 January 2012, so I appreciate my colleagues who  
19 have historic district designations. They're  
20 beautiful. Every one of them deserves to be a  
21 historic district. Every one of them deserves to  
22 be designated. They're fantastic. I take nothing  
23 away from them, but I won't vote no, because I  
24 made a commitment, but I will abstain.

25 CHRISTIAN HYLTON: And on the other

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items?

COUNCIL MEMBER HALLORAN: I will  
vote yes on those.

CHRISTIAN HYLTON: So abstain on  
536.

COUNCIL MEMBER HALLORAN: That's  
correct.

CHRISTIAN HYLTON: And yes on all  
other items?

COUNCIL MEMBER HALLORAN: Yes. And  
this is the one time I'm doing it. I'm not going  
to do it again until Jenny comes visiting me in my  
District. Tish James is here and she will hurt me  
if I don't vote the right way.

CHRISTIAN HYLTON: On items LU--

COUNCIL MEMBER HALLORAN: And I'll  
be grateful for that too.

CHRISTIAN HYLTON: On items LU 547,  
548, 549, 550, and 551, the vote is six in the  
affirmative, none in the negative, no abstentions.  
And LU 536 the vote is four in the affirmative,  
none in the negative, two abstentions. All items  
are approved and referred to the full Land Use  
Committee.

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2 CHAIRPERSON LANDER: Before we  
3 adjourn, well, first I want to thank you to  
4 Council Member Halloran for your advocacy, and to  
5 Council Member Williams. We will add you to the  
6 chorus of those saying we really need to take  
7 oversight seriously on some of these questions,  
8 and I appreciate it and we will move forward to  
9 doing it. And after that, perhaps we can consider  
10 an oversight hearing on Broadway Flushing, and if  
11 that doesn't work, maybe we'll talk to the folks  
12 downstairs and look at Occupy the LPC. Before we  
13 adjourn though we have now been joined by Council  
14 Member James. We mentioned you before and your  
15 advocacy for the Paul Robeson Theater.

16 COUNCIL MEMBER JAMES: Yes.

17 CHAIRPERSON LANDER: And your  
18 expectation that we're all going to come and not  
19 only attend events there, but sing and dance as  
20 well. But if you'd like to make a statement  
21 that's great.

22 COUNCIL MEMBER JAMES: So I  
23 apologize. I was at the Dentist with Council  
24 Member Jumaane Williams' mother. And so I really  
25 thank you. As you know, St. Casimir Roman

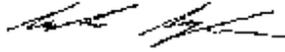
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2 Catholic Church, also known as Paul Robeson  
3 Theater, was, is owned by the first Black  
4 obstetrician in New York State, Dr. English, who  
5 unfortunately died over the holidays. And as most  
6 of you know, during the Martin Luther King  
7 celebration, 500 men came forward to remove debris  
8 from Paul Robeson Theater, which unfortunately has  
9 fallen on hard times. I've just been contacted by  
10 a number of individuals, including Carnegie Hall,  
11 and they're interested in renovating and bringing  
12 back to its glory Paul Robeson. I thank all of my  
13 colleagues for their vote of confidence. As you  
14 know, my district, almost 60% of my district is  
15 landmarked and I proudly support landmarks  
16 designations, but understand the challenges  
17 related thereto, and hope going forward in the  
18 budget we can set aside some funds for those  
19 buildings that have been designated landmarks--  
20 residential buildings where individuals are having  
21 a difficult time renovating and obviously need  
22 capital funds. Perhaps we can consider that as we  
23 go forward in this year's budget. And I  
24 congratulate everyone, and thank you, Mr. Chair,  
25 and thank all of my colleagues.

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CHAIRPERSON LANDER: Thank you very  
much. With that we adjourn today's meeting.

C E R T I F I C A T E

I, Erika Swyler, 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 2/9/2012