

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEES ON LAND USE and HOUSING AND BUILDINGS

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May 2, 2012  
Start: 10:17 a.m.  
Recess: 2:35 p.m.

HELD AT: 250 Broadway  
Committee Room, 16th Floor

B E F O R E:

LEROY G. COMRIE, JR.,  
ERIK MARTIN DILAN  
Chairpersons

COUNCIL MEMBERS:

Gale Brewer  
Elizabeth Crowley  
Lewis A. Fidler  
James F. Gennaro  
Robert Jackson  
Letitia James  
Brad S. Lander  
Melissa Mark-Viverito  
Rosie Mendez  
Joel Rivera  
Jumaane D. Williams  
Eric A. Ulrich  
James S. Oddo

## A P P E A R A N C E S

## COUNCIL MEMBERS:

Charles Barron  
Inez E. Dickens  
Daniel R. Garodnick  
Sara M. Gonzalez  
Jessica S. Lappin  
Annabel Palma  
Diana Reyna  
James Sanders, Jr.  
Larry B. Seabrook  
Albert Vann  
Brad S. Lander  
Stephen T. Levin  
Mark S. Weprin  
Daniel J. Halloran III  
Vincent M. Ignizio  
Peter A. Koo  
Ruben Wills

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

Jenny Fernandez  
Director of Intergovernmental Affairs  
Landmarks Preservation Commission

Bill de Blasio  
New York City Public Advocate

Mona Sehgal  
General Counsel  
Department of Buildings

Donald Ranshte  
Director of Community Affairs  
Department of Buildings

Mark Silberman  
Counsel  
Landmarks Preservation Commission

Andrea Goldwyn  
New York Landmarks Conservancy

Christabel Gough  
The Society for the Architecture of the City

Michael Adams  
State Senator Bill Perkins

Ronda Wist  
Senior Vice President for Policy and Advocacy  
Municipal Art Society

Bessie Schachter  
Senator Tony Avella

Michael Slattery  
Real Estate Board of New York

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

Jonathan Piel  
Self

Margot Wellington  
Self

Tara Kelly  
Executive Director  
Friends of the Upper East Side Historic District

Jacqueline Peu-Duvallon  
Friends of the Upper East Side Historic District

Suzanne Spellen  
Crown Heights North Association

Claudette Brady  
Bedford-Stuyvesant Society for Historical Preservation

Perri DeFino  
Bedford-Stuyvesant Historic District

Brook Stanton  
Secretary  
Vinegar Hill Neighborhood Association

Doreen Gallo  
DUMBO Neighborhood Alliance

Simeon Bankoff  
Director  
Historic Districts Council

Lo van der Valk  
President  
Carnegie Hill Neighbors

Howard Yourow  
Board Member  
Historic Districts Council

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

Daniel McCalla  
Four Borough Neighborhood Preservation Alliance  
Corporation

Jeffrey Kroessler  
Citizens Emergency Committee to Preserve Preservation

Patti Hagan  
Prospect Heights Action Coalition

Linda Eskenas  
Vice President  
Preservation League of Staten Island

Henry Euler  
First Vice President  
Auburndale Improvement Association

Mitchell Grubler  
Chair  
Queens Preservation Council

Leo Blackman  
Self

Jean Standish  
Bowery Alliance

Hilda Regier  
Save Chelsea

Edward Kirkland  
Self

Josette Amato  
West End Preservation Society

Cristiana Peña  
Landmark West

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

Batya Lewton  
Coalition for a Livable West Side

Hal Bromm  
Tribeca Community Association

Paul Graziano  
Self

Theodore Grunewald  
Self

Michele Birnbaum  
Historic Park Avenue

Raul Rothblatt  
Self

Paul Rubenfarb  
Historic Preservation Society

Michael Simeon  
Self

Gale Harris  
Chapter 41, Local 375

1  
2 CHAIRPERSON DILAN: Okay. Good  
3 morning, everybody. We'll begin in a minute. I'm  
4 pretty sure that you've been informed by the  
5 Sergeant-At-Arms at this juncture, but just for  
6 the purpose of making it clear, if there are any  
7 cell phones, we would like the cell phones to be  
8 either put on silent mode or shut off, and if  
9 there's a need for conversations during the  
10 hearings, if those conversations could happen  
11 outside of the Committee Hearing Room.  
12 Additionally, if anybody wants to testify either  
13 in favor or against any of the agenda items today,  
14 please see the Sergeant-At-Arms, fill out an  
15 appearance card and mark your support or  
16 opposition to any of the items on today's agenda.  
17 Okay? Good morning, everyone. My name is Erik  
18 Martin Dilan, and I am the Chairperson of the City  
19 Council's Housing and Buildings Committee. Today  
20 the Committee will conduct a joint hearing with  
21 the Committee on Land Use, Chaired by my  
22 colleague, Leroy Comrie, on a package of  
23 legislative items in relation to landmarks and the  
24 landmark designation process. As everyone here  
25 probably knows, the Landmarks Preservation

1  
2 Commission is the City agency responsible for  
3 designating and regulating landmarks, portions of  
4 landmarks, landmark sites, interior landmarks,  
5 scenic landmarks, and historic districts. The two  
6 legislative items before the Committee today are  
7 assigned to the Housing and Buildings Committee,  
8 the first of which is Intro 80, which is a local  
9 law to amend the administrative code in relation  
10 to regulating construction operations occurring  
11 near landmarks. The second item is Intro 537-A,  
12 which is a local law that also would amend the  
13 administrative code in relation to the use of  
14 green technology in landmarked buildings. Intro  
15 80 would require the Department of Buildings to  
16 approve a protection plan for each historic  
17 structure adjoining a lot, where owner seeks a DOB  
18 permit. In the cases where there are no historic  
19 structures adjoining the lot, property owners  
20 would be required to provide the Department of  
21 Buildings with certification to that effect in  
22 order to receive a construction or a demolition  
23 permit. In cases where construction or demolition  
24 is occurring within 150 feet from a historic  
25 structure, the property owner must hire a



1 registered architect or a professional engineer to  
2 serve as a preservation manager, and would be  
3 required to do the following: conduct a pre-  
4 construction survey of all adjoining structures;  
5 draft a protection plan for each adjoining  
6 historic structure to be submitted to the  
7 Department of Buildings, as well as monitor the  
8 construction or demolition operations to ensure  
9 compliance. The protection plan will be subject  
10 to review by the Department of Buildings and the  
11 Landmarks Preservation Commission. The Department  
12 of Buildings would then be required to submit an  
13 approved protection plan to the property owner of  
14 the adjoining historic structure and the local  
15 community board. Lastly, DOB would also be  
16 required to issue a stop work order if the  
17 historic preservation manager or the owner of the  
18 historic structure, or the community board reports  
19 a violation of the protection plan or a worsening  
20 of conditions. In a different vein, Intro 357,  
21 which is also on the agenda, would allow green  
22 technology to be installed in landmarked  
23 buildings. Today the Committee expects to hear  
24 testimony from representatives of the Department  
25

1  
2 of Buildings and the Landmarks Preservation  
3 Commission, as well as landmark advocates,  
4 property owners, tenants, and other persons  
5 interested on the matters before the two  
6 committees. At this time I'd like to turn it over  
7 to my colleague Leroy Comrie, my co-Chair, for a  
8 brief opening statement.

9 CHAIRPERSON COMRIE: Thank you,  
10 Chairman Dilan. Good morning. I'd like to start  
11 of actually first by introducing the members of  
12 the Committee, Council that are here. We have  
13 Council Member Melissa Mark-Viverito, Diana Reyna,  
14 Brad Lander, Mark Weprin, Peter Koo, that are  
15 joining us so far. We expect other members to  
16 join us. We are hearing a few bills today that  
17 are coming through, dealing with issues regarding  
18 landmarking. Intro 220, which is a local law,  
19 which would amend the administrative code in  
20 relation to establishing a Survey Division within  
21 Landmarks Preservation Commission. It's asking  
22 that the Commission establish and maintain a  
23 Survey Division with staff who would have the  
24 responsibility to conduct periodic and ongoing  
25 assessments of improvements, architectural

1 features, interior, and architectural features and  
2 landscape features or other features or  
3 improvements which have a special character or  
4 special historic and aesthetic interest. We're  
5 also looking at Intro 846, which is to amend the  
6 Administrative Code of the City of New York in  
7 relation to additional guidelines and procedures  
8 to the designation of the process for a landmark,  
9 interior landmark, scenic landmark, and historic  
10 district. We're also looking at Proposed Intro  
11 845-A, which would amend the Administrative Code  
12 of the City of New York in relation to allowing  
13 owners of landmarked properties to use the same or  
14 similar materials regarding the maintenance of  
15 their property. We're also looking to add  
16 Proposed Intro 222-A, which would amend the  
17 Administrative Code of the City of New York in  
18 relation to timely consideration of requests for  
19 evaluation by the Landmarks Preservation  
20 Commission; Intro 849, which would create an  
21 appeals process by amending the Administrative  
22 Code of the City of New York, requiring the  
23 Landmarks Preservation Commission to allow denied  
24 request for evaluation to be nominated to the  
25

1  
2 Landmarks Commission's entire body for a vote;  
3 Intro 850, which would also amend the  
4 Administrative Code, requiring the Landmarks  
5 Commission to create a timeline for the designated  
6 process, which would create a ULURP clock, so to  
7 speak. We also have Proposed Intro 532-A, which  
8 would amend the Administrative Code in requiring  
9 the Landmarks Preservation Commission to maintain  
10 a publicly available database for requests for  
11 evaluation. We have many items before us today.  
12 I just want to remind folks that you should turn  
13 off your cell phones. If you want to testify,  
14 please indicate so by filling out the form. I'll  
15 ask the Sergeant-of-Arms to pull out the form.  
16 I'll acknowledge for the record that we have  
17 testimony from The Catholic Community Relations  
18 Council. We've been joined by Council Members  
19 Robert Jackson and Council Member Dan Garodnick.  
20 We also have the Chair of the Subcommittee on  
21 Landmarks, Brad Lander, that would like to make an  
22 opening statement. Brad? You can take my mic. I  
23 want to remind members that these new mics are  
24 very sensitive, so even if you think the mic is  
25 not near you, it is picking up your voice. So, I

1  
2 just want to remind folks and also the audience,  
3 we found out that the new mics now--because we're  
4 webcasting, are very sensitive. So, even if  
5 you're not near an open mic, be very aware of what  
6 you're saying.

7 COUNCIL MEMBER LANDER: The anti-  
8 chit chat and gossiping movement has reached the  
9 City Council. Thank you to both Chairs for your  
10 leadership on this issue and for a hearing at this  
11 early stage, a package of bills on how to think  
12 about where we are on the Landmarks Law. I've had  
13 the honor of serving as the Landmarks Subcommittee  
14 Chair for the last two years, and in that time am  
15 very proud that the Council has affirmed the  
16 designation of over 2,000 buildings in many, many  
17 districts, and individual landmarks. During this  
18 time, many preservation advocates, civic group  
19 members and property owners have reached out to me  
20 to discuss the need for more transparency and  
21 timeliness in the landmark designation process.  
22 At present there is no requirement that the  
23 Landmarks Preservation Commission respond to  
24 request for evaluation, no timeline for  
25 consideration of those RFEs, no timeline for

1  
2 review and decision-making once the LPC has  
3 calendared a property. And indeed, some  
4 properties that were calendared in previous  
5 administrations have been left in limbo for  
6 decades, and no information provided to the public  
7 on the timeline or status of properties under  
8 review. Let me be clear. The proposals that I'm  
9 going to speak to here are not in any way an  
10 expression of concern or dissatisfaction with  
11 Chair Tierney or with the staff or the current  
12 members of the Landmarks Preservation Commission.  
13 I have greatly enjoyed working with them and have  
14 respect for their hard work and dedication. And  
15 they've worked diligently to clean up the past  
16 docket of properties that were calendared in prior  
17 administrations, and have worked hard to respond  
18 thoughtfully to RFEs on many, many thousands of  
19 properties. At the same time, public processes  
20 inherently require transparency. Almost any  
21 application review process is better when the  
22 status of an item and the time to a decision is  
23 clear, both to those directly affected and to the  
24 public, and I believe that the landmarks  
25 designation process, while unique in many ways and

1  
2 extraordinarily valuable to the preservation of  
3 our city's unique cultural and architectural  
4 history, would work better with more transparency,  
5 clarity and certainty. And in that vein I want to  
6 speak briefly just to three bills on the agenda  
7 today. Council Members Dan Garodnick and Jessica  
8 Lappin have put forward bills, Intros 532-A and  
9 222-A, that together would provide a timeline for  
10 providing responses to requests for evaluation,  
11 within four to six months, and make transparent to  
12 the requester and to the public the status of  
13 those RFEs. The LPC would retain the ability to  
14 decide whether to accept the RFE and move it  
15 forward to calendaring, to reject it, or to  
16 reserve it for further study when they believe  
17 their resources allow. And then a bill that I've  
18 introduced, Intro 850, would provide a timeline  
19 for the study and review process, just on those  
20 items that the LPC has accepted and chosen to move  
21 forward. That review process would be 14 to 18  
22 months for individual landmarks, and 24 to 30  
23 months for historic districts. By the end of that  
24 time, the LPC would vote on whether or not to  
25 designate the property a landmark, and it would go

1 forward, as it does now, to the City Planning  
2 Commission and the Council, processes which are  
3 already governed by timelines. I believe taken  
4 together those three bills would provide a clear  
5 and accessible process, provide certainty to  
6 advocates, to the public, and to the owners and  
7 provide full flexibility to the LPC to continue to  
8 set their priorities, since it doesn't require any  
9 new work of them, and allows them to start the  
10 clock still on the study and review periods. And  
11 for this reason I believe the argument that some  
12 have made that the LPC might choose to vote down  
13 dozens of districts rather than move forward at  
14 their own initiation and discretion simply doesn't  
15 make sense. So, I'm grateful to have the  
16 opportunity to have those--to get a chance to talk  
17 about those three amongst the dozen that we're  
18 considering. And while I recognize that it's a  
19 lot of information and that it's come on in a way  
20 that some people have found not as much time as  
21 they had hoped to review the bills, that I'm  
22 really grateful that we're at the beginning of a  
23 process of consideration, that there's no vote on  
24 for today's hearing, and that we're starting the  
25



1  
2 process of listening to what many, many New  
3 Yorkers think about where we are in the Landmarks  
4 Law in general, and I thank you very much for this  
5 opportunity.

6 CHAIRPERSON COMRIE: Thank you.

7 We've been joined by Council Members Rosie Mendez,  
8 Majority Leader Joel Rivera, and Minority Leader  
9 Jimmy Oddo. Did I get all the members that are  
10 here? I want to remind people that this is the  
11 first hearing, as Council Member Lander has said.  
12 So, the opportunities for input and discussion  
13 are--will be varied and open and profound. I just  
14 want to note that we also have testimony that has  
15 been submitted online, and that has already been  
16 noted into the record, and members all have that  
17 available for their review. It's a good thing we  
18 have online opportunities for testimony. Today's  
19 meeting is being webcast also, so we can watch it  
20 live. We also have an overflow room, because the  
21 landmarked building across the street is not ready  
22 for committee meetings yet. So, I would remind  
23 you that if you're leaving your seat, please let  
24 the Sergeant-of-Arms know, so that we can have  
25 someone from the overflow room fill the seat. So,

1  
2 if you're leaving, please let the Sergeant-of-Arms  
3 know. Stephen Gottlieb also submitted testimony  
4 for the record. At this time we have the  
5 Administration that is up to testify. We have  
6 Jenny Fernandez from LPC, Mona Sehgal, General  
7 Counsel for the Department of Buildings, and  
8 Donald Ranshte, from Community Affairs, and Mark  
9 Silberman from LPC. I know Mark's name, so I  
10 didn't... So at this time I think we'll turn it  
11 over to you to present your testimony in whichever  
12 order.

13 JENNY FERNANDEZ: Thank you. Good  
14 morning, Chair Comrie and Chair Dilan, and Council  
15 Members. My name is Jenny Fernandez, Director of  
16 Intergovernmental and Community Relations for the  
17 Landmarks Preservation Commission. On behalf of  
18 the Commission we would like to thank you for  
19 giving us the opportunity to testify on the ten  
20 bills before you today. Since six of the bills  
21 deal solely or primarily with the landmark  
22 designation and pre-designation process, I think  
23 it's important to put these bills into context by  
24 reviewing the Commission's recent designation  
25 efforts. Under this administration, the

1  
2 Commission has designated more historic districts  
3 than any other administration. In the last ten  
4 years, LPC has created 35 new historic districts  
5 and district extensions and designated 227  
6 individual landmarks in all five boroughs,  
7 protecting a total of 5,962 historic buildings.  
8 And as a result of LPC's five-borough approach, 20  
9 of the 25 districts and district extensions  
10 approved since 2003 are outside of Manhattan. In  
11 2009, we designated the largest historic district  
12 in almost two decades, and in Fiscal Year 2011, we  
13 designated the most buildings since 1990.  
14 Landmark designations are only one aspect of the  
15 Commission's work. In addition, we currently  
16 review more than 10,000 permit applications each  
17 year, and investigate approximately 1,000  
18 violation complaints. We believe the Commission  
19 ably manages this large volume of designations,  
20 permit applications, and investigations in its  
21 current practices. Landmark designation are the  
22 culmination of an extensive process of careful  
23 review and outreach. All are preceded by an  
24 exacting internal research and review process.  
25 There are also public hearings and outreach to

1  
2 property owners, the community and the Council.  
3 All this follows internal agency surveys, reviews  
4 of publicly submitted Requests for Evaluation, and  
5 other requests to the LPC. The Commission  
6 currently receives approximate 150 to 200 RFEs  
7 each year. A staff RFE Committee meets every  
8 month, and the Chair personally reviews every RFE  
9 sent to the Commission. The Committee consists of  
10 the Chair, the Executive Director, the Director of  
11 Research, and other senior staff. Each RFE is  
12 reviewed to determine its eligibility to be  
13 designated under the standards in the Landmarks  
14 Law. Packets of RFEs are sent to the  
15 Commissioners for their review and comments.  
16 Ultimately, the Chair determines which RFEs will  
17 be brought forward for a calendaring discussion,  
18 taking into consideration significance, the level  
19 of threat, policies such as ensuring the  
20 designations in boroughs other than Manhattan, and  
21 Community and Council support among other factors.  
22 In the past two years alone, the Commission has  
23 received 38 RFEs for historic districts. District  
24 proposals in particular require extensive review  
25 and study, and surveys are usually necessary in

1  
2 order to determine the appropriate boundaries for  
3 a study area. In reviewing such a large volume of  
4 requests for historic districts, the Commission  
5 must consider eligibility and community support  
6 when setting priorities for future study. Once a  
7 determination of eligibility is made, the  
8 Commission decides what action will follow,  
9 depending on the Commission's priorities in all  
10 five boroughs. All of these processes, surveys,  
11 reviews of RFEs, research, report writing and  
12 designation, require judgment, time and expertise.  
13 In addition, the Chair and executive staff must  
14 set priorities based on significance, potential  
15 threats to the resource, location, staff and other  
16 agency resources, and the need to make efficient  
17 use of the unpaid Commissioners' time. The fact  
18 is that our resources are limited and setting  
19 priorities is crucial. We believe the existing  
20 law works reasonably well at enabling the  
21 Commissioners and staff to navigate complex facts  
22 and situations, and is flexible enough to allow  
23 the Commission to adapt to changing circumstances.  
24 But these bills, taken together, would  
25 significantly alter the discretionary, flexible,

1  
2 and nuanced process that the Charter and the  
3 Landmarks Law left in the hands of a capable and  
4 expert agency. Establishing rigid timelines and  
5 processes with respect to RFEs would make it  
6 extremely difficult for the Commission to address  
7 changing conditions, set and adjust priorities,  
8 and respond to true emergency situations. Passage  
9 of all these bills would adversely affect the  
10 Commission's ability to set and achieve rational  
11 priorities based on the factors just discussed.  
12 It should also be noted that some of the  
13 provisions in these bills with dramatically impact  
14 other city agencies. Like many regulatory  
15 systems, to be effective, the landmark process  
16 interfaces with and depends on other city  
17 agencies. Intros 20, 80, and 850, would require  
18 the Department of Buildings to audit all  
19 outstanding permits already issued when a building  
20 or district is calendar, to revoke all outstanding  
21 permits at the time of a landmark designation, to  
22 determine the qualifications of a new type of  
23 preservation professional, to stop properly  
24 permitted work without an inspection, and perhaps  
25 to stop processing permits during the designation

1  
2 process. The workload of the BSA would be  
3 dramatically increased by Intro 20, which would  
4 require building owners to apply for a  
5 determination that their pre-designation approved  
6 work should be deemed grandfathered. Intro 846  
7 would require the City Planning Commission to  
8 greatly expand the analysis it currently  
9 undertakes when reviewing landmark designations.  
10 We will not presume to speak for these agencies,  
11 but it's fair to say that the proposed changes  
12 will have a significant impact on their processes  
13 and workload. The Charter makes it clear that the  
14 Commission is charged with a critical but delicate  
15 task: to decide which of the almost one million  
16 buildings in the city should be forever preserved.  
17 Community support is important, but it's not  
18 determinative. The buildings must merit  
19 designation. Unlike the Zoning Resolution or the  
20 Building Code, landmark designation applies to a  
21 small fraction, less than 4%, of the buildings in  
22 the city. Work on these buildings is carefully  
23 regulated in order to preserve or enhance  
24 architectural character for which they were  
25 designated. These standards cannot, and should

1 not, be applied to every building in the City. To  
2 decide which buildings should be considered for  
3 landmark designation requires careful research,  
4 outreach to property owners, the community and  
5 their representatives, as well as flexibility and  
6 the discretion necessary to deal with the complex  
7 realities each designation faces. Inflexibility  
8 will make the process unwieldy and less effective.  
9 The Commission is constantly exploring ways to  
10 improve processes, efficiency and customer  
11 services, and has already implemented or will soon  
12 be implementing initiatives that address some of  
13 the issues contained in these bills. For example,  
14 we have promulgated rules to make it easier and  
15 faster to install various types of alternative  
16 energy technologies on historic buildings, as  
17 envisioned by Intro 357. Similarly, making RFEs  
18 available on our website, such as outlined in  
19 Intro 532-A is already underway. Now, let me  
20 articulate some specific thoughts on several of  
21 these bills. Although we haven't had sufficient  
22 time to consider all of the implications of each  
23 of the bills and how they might interact with each  
24 other, we do have some comments that I'd like to  
25



1  
2 share. Intro 845 would significantly change the  
3 way Commission regulates designated properties.  
4 In all cases it would permit an owner to use  
5 inappropriate material to repair or replace an  
6 existing feature if that material is currently  
7 being used. One of the things that historic  
8 designation achieves is the improvement of the  
9 condition of the building or district over time,  
10 by ameliorating many inappropriate conditions when  
11 they need to be replaced. For example, if a house  
12 as aluminum siding at the time of designation,  
13 when that siding wears out and needs replacing,  
14 the Commission would require that the owner use a  
15 material that was used originally or historically  
16 on the property, or the owner could seek approval  
17 to use a better, more appropriate, substitute  
18 material. Under Intro 845, this would no longer  
19 be the case and would perpetually grandfather  
20 inappropriate or unsightly conditions on historic  
21 buildings. It is important to note that the  
22 Commission regularly approves the use of  
23 substitute materials that match the important  
24 details of the historic material. For example,  
25 cornices that were originally wood or metal can be

1 replaced with new materials like glass reinforced  
2 concrete or fiberglass. The Commission's rules  
3 also allow for the replacement of wood windows  
4 with aluminum windows if the details of operation  
5 are right. There are some situations where the  
6 Commission does not approve substitute materials  
7 because the features are too important to the  
8 architectural integrity of the building. That  
9 determination is and should be made on a case-by-  
10 case basis by the full Commission. The Commission  
11 believes the existing rules are fair, rational and  
12 effective way to protect and enhance the City's  
13 designated historic resources. Intro 846 would  
14 fundamentally change the way buildings are  
15 landmarked and would change the standards by which  
16 the Council may review a landmark designation. It  
17 would significantly delay formal public  
18 consideration of a building or district, because  
19 it requires that a detailed draft designation  
20 report be created prior to calendaring. The time  
21 and effort necessary to create a draft report that  
22 sets for the style, details, alternations and  
23 significance of a building is substantial. Doing  
24 this for every building in a proposed 800-building  
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1 district is an enormous undertaking. Requiring a  
2 draft report prior to calendaring will  
3 unnecessarily slow down the Commission's process  
4 and might make it difficult to save a threatened  
5 building. For example, currently, if a building  
6 under consideration is threatened with demolition  
7 or serious alternation, we can calendar  
8 immediately and use the time between calendaring  
9 and the hearing date, a minimum of ten days, to do  
10 the research and write a report. Requiring that  
11 this be done before calendaring will significantly  
12 hamper our ability to move quickly. This  
13 provision might also conflict with other bills  
14 that seek to make the Commission calendar and hold  
15 a hearing within specified timeframes. Intro 846  
16 would also extend the time for designating  
17 historic districts by its requirement that the  
18 Commission be prepared to promulgate special rules  
19 for each district within 90 days of designation.  
20 We seriously question the assumption that each  
21 historic district needs special rules. We  
22 currently have special rules for only certain  
23 types of work in a few districts, otherwise  
24 citywide rules apply and are appropriate to the  
25

1 building types in most districts. There should be  
2 a demonstrable need for special rules before the  
3 agency is tasked with the time consuming and labor  
4 intensive effort of creating them. We also  
5 question, given that the Charter grants the City  
6 Planning Commission only 60 days to compile a  
7 report, whether there is adequate time for the CPC  
8 to do extensive analysis set forth in section (g)  
9 1 of this bill. IF the Council decides to explore  
10 expanding and specifying the scope of CPC's  
11 analysis, we would request that the benefits of  
12 landmark designation, including heritage tourism,  
13 increased property values and taxes, and the use  
14 of historic areas for film and the arts, be  
15 analyzed as well. As currently drafted, the  
16 inquiry is too focused on available floor area and  
17 development. And finally, section (g) 2 would  
18 overturn existing judicial case law interpreting  
19 the scope of the City Council's power to rescind  
20 or modify a designation and greatly expand such  
21 power. Given the checks and balances already in  
22 place, we question the need for such a dramatic  
23 amendment to the Landmarks Law. Intro 220  
24 requires the Commission to have and staff a survey  
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1 department, notwithstanding that we already do  
2 surveys as part of our regular research  
3 activities. In fact, we've surveyed more than  
4 20,000 buildings since 2006. Intro 220 mandates  
5 that this new Survey Department report directly to  
6 the Commission instead of to the Director of  
7 Research, the Chair and Executive Staff, who  
8 currently set priorities for surveys in light of  
9 demands from all five boroughs. We believe the  
10 agency needs the utmost flexibility to deploy its  
11 staff and resources to accomplish agency  
12 priorities. Given the current number of surveyed  
13 properties, for example, we question the need to  
14 use staff for more surveying instead of processing  
15 permit applications or doing research on items  
16 slated for public hearing. Intro 532-A mandates  
17 that the Commission employ certain categories in  
18 its analysis of RFEs. These categories aren't  
19 currently used and don't reflect existing  
20 standards, procedures, or policies. It is unclear  
21 what benefit results from using these new  
22 categories in the Commission's RFE process.  
23 Finally, the Commission opposes the requirement to  
24 post online the name of the person submitting an  
25

1 RFE. The Commission's website will not post the  
2 names of permit applicants, persons filing  
3 complaints of illegal work on landmarked  
4 buildings, or other public constituents  
5 interacting with the agency, and does not see the  
6 valuing in publicizing the names of RFE senders.  
7 This requirement could chill the RFE process or  
8 result in less information coming to the  
9 Commission. Intro 850 sets forth timeframes for  
10 determining the eligibility of resources submitted  
11 as RFEs, and mandates a public hearing within  
12 eight months of the agency determining a resources  
13 is eligible. We don't see the need for  
14 statutorily mandated timeframes. Each designation  
15 is different and involves unique situations.  
16 Moreover, the bill conflates determining  
17 eligibility with being a priority, which are not  
18 the same. Determining eligibility is a function  
19 of applying the standards set forth in the  
20 Landmarks Law to determine whether something is  
21 worth for consideration as a landmark or historic  
22 district. Eligibility does not automatically mean  
23 it needs to be considered within any particular  
24 timeframe, in light of the Commission's efforts  
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1  
2 pursuing other landmark designations resulting  
3 from other Fes and the 30,000 buildings surveyed  
4 by the Commission staff. Conflating the two will  
5 make it difficult for the Commission to set and  
6 achieve its goals and priorities for historic  
7 designations throughout the city. For example,  
8 the Commission has made it a priority to do  
9 designations in boroughs other than Manhattan.  
10 During the past ten years, we've achieved that.  
11 However, it is unclear whether we would have been  
12 able to do so if we had been required to hold  
13 hearings, do outreach and research on other RFEs  
14 simply because they had previously been determined  
15 to be eligible. With respect to section (c) of  
16 the bill, it is unclear what is intended by this  
17 provision. It contains an assumption that the  
18 Department of Buildings is not processing permits  
19 on buildings under consideration during the six to  
20 eight months that the Commission has to calendar  
21 and hold a public hearing. This is not the case  
22 under current law. Finally, the Law Department  
23 has advised us that the establishment of  
24 timeframes will limit the Commissions' ability to  
25 set its own agenda and thereby may constitute a

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2 curtailment of the Commission's authority. Intro  
3 849 would create a new appeal process when the  
4 Chair has decided not to proceed with an RFE. It  
5 would allow a single Landmarks Commissioner to  
6 force the full Commission to consider an RFE for  
7 calendaring, even if more Commissioners were  
8 opposed to such an action. It would allow the  
9 Community Boards and Borough Boards to mandate the  
10 full Commission to consider specific RFEs for  
11 calendaring. The volunteer Commissioners attend  
12 full day public hearings and meetings  
13 approximately once a week, in addition to site  
14 visits, so the Chair must ensure that their time  
15 is as productive as possible. At these public  
16 hearing hearings and meetings, the Commissioners  
17 hear approximately 500 Certificate of  
18 Appropriateness applications per year, and  
19 consider dozens of designation calendarings,  
20 hearings, and votes. Hearings on high profile  
21 permit applications and large historic districts  
22 take hours, and sometimes span multiple hearings  
23 and meetings. Allowing an unknown number of RFEs  
24 to be brought forward regardless of the merits  
25 would undermine our efforts to productively use



1  
2 our volunteer Commissioners' time, and adding this  
3 process to the requirements in Intro 850 for  
4 calendaring and holding hearings on eligible  
5 resources, it will make it difficult for the  
6 Commission to control its agenda and efficiently  
7 and effectively achieve its priorities. Finally,  
8 the Law Department has expressed concerns that  
9 authorizing a Community or Borough Board to  
10 mandate that the Commissioners vote on a specific  
11 RFE would impermissibly restrict the authority of  
12 the Landmarks Commission. Intro 80 concerns  
13 construction protection plans for historic  
14 buildings within 150 feet of construction or  
15 demolition activities. Currently the Department  
16 of Buildings has a protocol, TPPN 10/88, which  
17 establishes when a protection plan is required.  
18 This protocol applies to structures within 90 feet  
19 of the worksite. We will let the Department of  
20 Buildings address the merits of this proposal, but  
21 we note that the current system is effective and  
22 has been in place for many years. We also think  
23 that the need for a protection plan in any  
24 particular instance should be more calibrated with  
25 the type of work being undertaken. We question

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2 whether a homeowner should have to hire a separate  
3 professional and incur an additional expense to  
4 draft a protection plan. The impact of this  
5 requirement on owners of buildings in historic  
6 districts, which will be surrounded by historic  
7 structures, should be studied. We are concerned  
8 that unless the scope of the bill is narrowed, it  
9 could significantly and unnecessarily increase the  
10 cost of working in a landmarked area. Finally,  
11 Intro 20 amends the Landmarks Law by changing the  
12 definition of which DOB work permits issued prior  
13 to designation are grandfathered and remain valid  
14 after designation without LPC review. Let me say  
15 that we work very well with DOB and they send us  
16 weekly reports on new work applications on  
17 calendared buildings. As previously mentioned,  
18 this bill will significantly impact the DOB and  
19 BSA. It would mandate that the DOB audit every  
20 permit already issued for a calendared building or  
21 district, and at the time of designation to revoke  
22 all permits issued prior to designation,  
23 regardless of the type of work. We have  
24 previously testified on earlier versions of the  
25 bill, and we believe that testimony in general is

1  
2 still valid. We would add one additional comment,  
3 the bill should not apply to all DOB permits, but  
4 only to those that significantly affect a  
5 building's exterior. As written, all work permits  
6 would be revoked. That would mean, for example,  
7 that a homeowner in the middle of a bathroom or  
8 kitchen renovation with contractors on site would  
9 have to stop work until they had applied to the  
10 BSA and demonstrated that substantial performance  
11 and substantial expenditures had been made in  
12 furtherance of the permit. It could easily take  
13 months for a final determination. We are very  
14 concerned that this process will result in  
15 significant delays and will cause a significant  
16 increase in the cost of work; this will be the  
17 first experience owners will have with the  
18 Landmarks Law, and it will be a positive one.  
19 Thank you for the opportunity to testify on these  
20 bills. We are happy to respond to any questions  
21 you have.

22 CHAIRPERSON DILAN: Okay. We've  
23 been joined by some members, Council Member James  
24 Sanders, Jr., Council Member Lappin, Council  
25 Member Crowley, Council Member Vann, Council

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2 Member Dickens, Council Member Seabrook, Council  
3 Member Fidler, Council Member Ignizio, and also  
4 we've been joined by the Public Advocate of the  
5 City of New York, who I will recognize for a brief  
6 statement. Council Member Barron, yeah, and I'm  
7 Council Member Dilan. We're strictly governmental  
8 today, guys

9 PUBLIC ADVOCATE de BLASIO: Thank  
10 you, Chair Dilan, and thank you Chair Comrie very  
11 much. And I wanted to say warm greetings to all  
12 my Council colleagues. It feels like old home  
13 week here. It's good to see everyone. I'm here  
14 just to ask support for my legislation, Intro 357.  
15 The purpose of this bill is to expand the use of  
16 green technology, create green collar jobs, and  
17 give flexibility to owners of historic buildings.  
18 And as of last year, New York City had 792 LEED  
19 certified buildings, and that's a good thing,  
20 except it's much, much less than we should have in  
21 a city with such a large building stock. There  
22 are literally hundreds of thousands of buildings  
23 in this city, many more than 100 years old. Put  
24 it in perspective, the recent expansion of the  
25 Park Slope Historic District in my neighborhood,

1  
2 for example, was 600 buildings, just for that one  
3 district. So, in a city where only 792 are at the  
4 highest environmental standards right now, this  
5 gives an indication of just how far we have to go.  
6 The truth is, the current law allows those  
7 historic buildings that are in a landmarked area  
8 to have a central air conditioning unit on the  
9 rooftop, but forbids green technologies like solar  
10 panels or green roofs. And that doesn't make  
11 sense. It doesn't make economic sense and it  
12 doesn't make environmental sense. So, Intro 357  
13 would allow the 29,000 buildings now in landmarked  
14 districts, in the 105 landmarked districts, to  
15 become eligible for green technologies. Again,  
16 solar panels, green roofs, energy efficiency  
17 upgrades, things that do not have to affect the  
18 buildings' aesthetics, but could mean great cost  
19 savings for homeowners, energy efficiency, a  
20 greener city. The Landmarks Commission, I would  
21 like to emphasize, would retain the right to deny  
22 any alteration that they deem specifically  
23 inappropriate. Finally, there's a big jobs  
24 impact. We all know that the construction  
25 industry and folks involved in building rehab, the

1  
2 jobs have gone down recently in that industry  
3 because of the economy. This is an opportunity to  
4 create more of those jobs. We all know that we  
5 need a massive increase in solar energy. This is  
6 an opportunity to do that. I think Intro 357  
7 really gives us a chance to address the jobs  
8 crisis. And I know the members of this Council  
9 here have focused on this so much. This is  
10 another way to really put jobs in the hands of New  
11 Yorkers while doing something great for our  
12 environment as well, and a thank you to both the  
13 Chairs for the opportunity to speak on this.

14 CHAIRPERSON COMRIE: Thank you, Mr.  
15 Public Advocate for your words and statement. I  
16 just want to thank all of my Council Colleagues  
17 for coming this morning, the Landmarks  
18 Preservation Commission and community activists  
19 for attending this hearing. The designation of  
20 landmarks and historic districts is a critical  
21 process to our City. It's important not only  
22 because it considers the preservation of timeless  
23 architectural history of New York, but because it  
24 creates a wide reaching impact on residents,  
25 homeowners and property owners whose buildings are

1  
2 designated a landmark or part of a historic  
3 district. That is why we're here today, hearing  
4 ten bills, all with the goal of enabling the  
5 Landmarks Preservation Commission and the City  
6 Council to better serve residents, homeowners,  
7 property owners, and communities throughout the  
8 City. I hope that everything that we hear today  
9 will lead us to a place that we can get to where  
10 we can figure out how to streamline the  
11 designation process, mitigate any undue burden on  
12 the community, and determine process and  
13 methodology that balances both historical  
14 preservation and the need for development. We are  
15 going to be starting the questions. We have many  
16 members that have questions. We have many people  
17 that want to speak. We'll try to move through  
18 this as quickly as possible. We'll keep members'  
19 questions to five minutes, because we have it--do  
20 you have an opening statement from the Department  
21 of Buildings as well? I'm sorry. I did not see  
22 your testimony. So, please. I'm sorry. You can.  
23 You submitted it? Okay, you can. Please, go  
24 ahead and start your testimony. If it's here,  
25 we'll find it. Thank you.

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2 MONA SEHGAL: Good morning Chairmen  
3 Dilan and Comrie and members of the committees.  
4 My name is Mona Sehgal, and I'm here today with  
5 Donald Ranshte, Director of Community Affairs, and  
6 other members of the Department. I am General  
7 Counsel at the Department of Buildings. I want to  
8 thank you for this opportunity to hear our  
9 comments on bills concerning sites designated or  
10 calendared for landmark status. The Department of  
11 Buildings and the Landmarks Preservation  
12 Commission have existing protocols and processes  
13 in connection with calendared and landmarked  
14 properties, and we work together with the LPC  
15 staff on a regular basis. Specifically, the  
16 Department has operating and Technical Policy and  
17 Procedure Notices in place that in practice allow  
18 LPC access to our Buildings Information System,  
19 called BIS for short, so that calendared  
20 properties can be and indeed are entered directly  
21 into BIS by LPC staff as soon as calendaring has  
22 taken place. This is also true with respect to  
23 designated landmarked properties and properties  
24 within landmarked districts. We believe the goals  
25 that the proposed legislation in Intro 20 would



1  
2 seek to accomplish are addressed by these  
3 protocols and processes that exist. For example,  
4 the proposed amendment to New York City  
5 Administrative Code section 25-313 is already in  
6 place, as is the proposed changed to Admin Code  
7 section 28-104.9. As stated, Landmarks directly  
8 updates BIS when a property is calendared or  
9 designated. And moreover, we send regular reports  
10 to LPC's staff indicating construction document  
11 filings on calendared properties. The Department  
12 of Buildings has staff, including personnel within  
13 our Operations Unit and IT, that manage this  
14 information on a daily basis and communicate it to  
15 LPC. Other aspects of Intro 20 are also satisfied  
16 by our existing practices and protocols. For  
17 example, this bill would require that the  
18 Department undertake a full examination of the  
19 construction documents relating to calendared  
20 properties. At this time, when the Department  
21 receives an application for approval of  
22 construction documents for a property that has  
23 been calendared, no action is taken for 40 days to  
24 give Landmarks time to act. This is in keeping  
25 with our code provision that allows DOB to take up

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2 to 40 days to approve or disapprove construction  
3 documents. We believe this is sufficient to give  
4 Landmarks time to consider designation, and is  
5 also at the same time consistent with our  
6 statutory requirements. In addition, Intro 20  
7 proposes to create Admin Code section 28-  
8 207.2.4.2, which would require a revocation of  
9 existing permits that were properly issued to  
10 properties that had complied with all existing  
11 laws at the time the permit was issued. This  
12 would not prevent a "rush to permit" on proposed  
13 calendared or proposed designation sites, but  
14 rather, we believe, could create an atmosphere of  
15 rushed, shoddy and haphazard construction work,  
16 and perhaps even create more dangerous situation,  
17 where for example, necessary maintenance work has  
18 to be done, or emergency work, or other needed  
19 work is being performed on a building. Turning to  
20 Intro 80, this proposed legislation would regulate  
21 construction operations occurring around  
22 landmarked buildings or buildings within a  
23 landmarked district. The bill creates a  
24 definition of an adjoining property to be within a  
25 lateral distance of 150 feet of the landmarked

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2 property or historic district. Currently, under  
3 the Department's Technical Policy and Procedure  
4 Notice 10 of '88, the Department uses the distance  
5 of 90 feet. This was originally conceived so that  
6 it could cover the street width, which is normally  
7 around 60 feet, and a neighboring property lot  
8 depth averaging 30 feet. It effectively has  
9 created adjoining properties, as defined in the  
10 proposed legislation that basically includes  
11 adjacent historic structures that are on either  
12 side of the property that's being developed, at  
13 the rear, and across the street. The addition of  
14 the 60 feet in Intro 80 pushes the perimeter  
15 further out than our engineering experts in the  
16 Department feel is necessary. TPPN 10 of 88 also  
17 provides that the architect or engineer for the  
18 site institute a monitoring program for the  
19 buildings within this 90-foot perimeter, and  
20 create support for adjacent historic structures.  
21 Intro 80 also creates a new position of Historic  
22 Preservation Manager. The bill states that the  
23 position would be a registered design  
24 professional, which we would interpret to mean a  
25 New York State licensed and registered architect

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2 or engineer; however, that is unclear in the bill.  
3 Moreover, the bill proposes that such Historic  
4 Preservation Manager have a minimum of two years  
5 experience supervising work on major buildings.  
6 It is unclear to the Department if that means  
7 whether there would be another licensing or  
8 certification designation for this position. And  
9 by including the experience clause in the proposed  
10 legislation, whether there would need to be some  
11 level of an experience check involved in the  
12 licensing or certification of this professional as  
13 an Historic Preservation Manager. If this is the  
14 case, it would create a category of licensing or  
15 certification that would impose a heavy burden on  
16 the Department to implement. It is also unclear  
17 how we would even go about doing this. In  
18 closing, I want to emphasize that the Department  
19 of Buildings believes that preserving historic  
20 landmark sites is an important goal, and we strive  
21 to work with LPC staff on a routine basis in  
22 ensuring that the processes are in place to  
23 support Landmarks in meeting its goals. We have  
24 and continue to abide by our protocols and  
25 procedures that were put in place since the 1980s

1  
2 to protect those structures, and we feel they have  
3 served the City well. Thank you for this  
4 opportunity to discuss these bills, and I would be  
5 happy to answer any questions you may have.

6 CHAIRPERSON COMRIE: Okay. Again,  
7 we're going to ask members to stay to a five-  
8 minute window for questions. We have a lot of  
9 people that are interested in testifying today.  
10 We want to hear everyone, so we're going to start.  
11 Council Member--Chair Dilan, Garodnick, Jackson,  
12 Lander, and Lappin.

13 CHAIRPERSON DILAN: And I'll be  
14 brief. And I guess the question, the first  
15 question is more pertinent for the Landmarks and  
16 Preservation Commission. Just for the record, if  
17 you could walk me through what currently happens  
18 if a structure is calendared for consideration by  
19 the Commission? Because of its architectural  
20 features and the structure, the owner gets a  
21 permit to remove these features. If the  
22 designation goes through, can an owner freely  
23 remove these features, and what prevents the owner  
24 from just perpetually renewing permits for later  
25 use, even if he or she isn't actually doing any

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permitted work?

MARK SILBERMAN: My name is Mark Silberman. I'm Counsel to Landmarks, and I'll try to answer your question. So, currently, if as Ms. Sehgal from the Department of Buildings mentioned, there is a protocol in place whereby if someone applies--if a building is calendared and let's talk about an individual landmark for a minute. If something is calendared for potential status as an individual landmark and they apply for a permit from the Department of Buildings, we're notified of that by the Department of Buildings. We receive weekly reports from the Department of Buildings about work applications on calendared properties. So, we monitor those and we see what they are. Some of that is interior work we don't care about, but when there's something that comes up that we're concerned about, we are confronted with a decision. And as Ms. Sehgal described, under the Building Code, the Department of Building has 40 days to act. During that 40 days, the Landmarks Commission has to make a decision about whether the proposed work is something that will significantly and adversely affect the

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2 character of the building for which we're  
3 interested in designating. If it is, we can  
4 calendar and designate in that 40 days. The  
5 Commission has the ability to move that quickly.  
6 We can designate something on ten days notice. If  
7 we're talking now about a historic district with  
8 600 buildings and someone comes in and wants to do  
9 something, the Commission doesn't move to  
10 designate those as individual landmarks, because  
11 they're not worthy for individual landmark status,  
12 they're instead a district level building. And  
13 that happens on occasion where someone pulls a  
14 permit to do something that we wouldn't approve  
15 of. Under current law, that permit is valid  
16 after--they can do that work after designation for  
17 as long as the permit is valid. And currently if  
18 they do not do the work within that first year of  
19 the permit being valid, the Landmarks Commission  
20 can reach out to the Department of Buildings, and  
21 does, and ask that they audit the permit, and the  
22 permit can be revoked if no work has been done.  
23 And DOB can talk about those standards if you're  
24 interested. If no work or anything has been done.  
25 So, they can't extend these permits indefinitely.

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2 CHAIRPERSON DILAN: Okay. And for  
3 the Buildings Department, you mentioned that the  
4 Historic Preservation Manager would be a position  
5 that you would have to create as a new position or  
6 a new line item in your agency. Do you have any  
7 estimate as to how much it might cost builders to  
8 hire these historic preservation managers, as the  
9 bill requires?

10 MONA SEHGAL: The applicants are  
11 already registered, licensed architects or  
12 engineers that file with the Department of  
13 Buildings, so it seemed to us from what we could  
14 tell from the bill, from the face of the bill,  
15 that on top of that owners would now have to hire  
16 yet another architect or engineer.

17 CHAIRPERSON DILAN: An additional  
18 person, right.

19 MONA SEHGAL: That would be  
20 considered this historic manager, who would  
21 separately have to have certain minimum  
22 experience. And we just don't know that area, you  
23 know, we don't know how we would assess whether an  
24 architect or engineer licensed by the State of New  
25 York would in addition have to have some sort of



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2 minimum two-year experience on certain kinds of  
3 building work. It's just, we just didn't know.

4 CHAIRPERSON DILAN: And the cost?  
5 You wouldn't have an answer? Would you expect any  
6 need for new personnel by your agency if the bills  
7 were enacted?

8 MONA SEHGAL: Potentially. I mean,  
9 this is a brand new idea. So, we really don't  
10 know.

11 CHAIRPERSON DILAN: Okay, thank  
12 you. Thank you, Council Member Comrie. I  
13 understand and I'll give prerogative to the Public  
14 Advocate as a Citywide Elected Official to take  
15 prerogative and ask questions.

16 PUBLIC ADVOCATE de BLASIO: Mr.  
17 Chair, having served in this body I will be really  
18 quick, because I know there's a lot of people with  
19 questions. Ms. Fernandez, just a quick question.  
20 You say in your testimony, on my legislation, 357,  
21 that the Landmarks Preservation Commission has  
22 been working in a similar vein. Can I interpret  
23 that benevolently to mean that you think the  
24 legislation is complementary to your efforts, and  
25 therefore something you would be supportive of?

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2 JENNY FERNANDEZ: Thank you, Public  
3 Advocate de Blasio. We believe, the Commission  
4 believes, we've already promulgated a rule and  
5 have made these changes whereby now we have  
6 expanded the definition of mechanical equipment to  
7 include these greener technologies, and so the  
8 Commission's position is one that describes the  
9 work that you would be expanding in your bill, is  
10 already done at the Commission. That's our  
11 position at this time. So, you could say that the  
12 bill would be complementary, or as such. But from  
13 our position it is something that the Commission  
14 is already doing.

15 PUBLIC ADVOCATE de BLASIO: Thank  
16 you very much. I'll conclude by saying that I  
17 think this is something we often have grappled  
18 with in the legislative process, codifying through  
19 law is stronger of course than a rule that is  
20 subject to change. I think a lot of homeowners  
21 and businesses in this City feel that they would  
22 like to see wherever appropriate some flexibility.  
23 And obviously in the case of alternative energy  
24 it's flexibility that comes with the other values  
25 of the job creation and the environmental impact.

1  
2 So, I think codifying is a powerful step and a  
3 necessary step to ensure consistency across  
4 administrations going forward, and I'll simply  
5 find common ground with you that we're both trying  
6 to go in the same place with this.

7 JENNY FERNANDEZ: Thank you.

8 PUBLIC ADVOCATE de BLASIO: Thank  
9 you.

10 CHAIRPERSON COMRIE: We've been  
11 joined by Council Members Brewer and Halloran. I  
12 had two follow up questions to both. The Council  
13 just passed a Zoning green text amendment, and  
14 that has implications on all buildings in the  
15 city. Has Landmarks reviewed that and seen how  
16 that would impact your purview or anything that  
17 would impact your authority or autonomy? And  
18 wouldn't it also speak to the flexibilities  
19 allowed in Public Advocate de Blasio's bill?

20 MARK SILBERMAN: We have not  
21 analyzed that bill, Chairman.

22 CHAIRPERSON COMRIE: Okay, all  
23 right. And then also too on the Buildings  
24 Department, when the Council does a zoning text  
25 change, isn't it true that there are stop work

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2 orders issued to all buildings within that area,  
3 all construction that's being done during that  
4 particular time? So wouldn't that also work to  
5 Intro 20 as well?

6 MONA SEHGAL: With respect to that,  
7 I mean, the bulk of the construction that's  
8 affected are new buildings, and if the foundations  
9 are already in, you don't have to go to--there's  
10 no stop, and the applicant owner doesn't have to  
11 go to BSA. But where the foundation isn't in,  
12 they do have to go to BSA then to get the ability  
13 to move ahead under the old zoning.

14 CHAIRPERSON COMRIE: Right. But  
15 Buildings does have the autonomy to issue stop  
16 work orders in a general area depending on a  
17 condition, correct?

18 MONA SEHGAL: Correct. Here though  
19 it would be much broader, the kind of work, façade  
20 work, here the area, the universe of work is just  
21 so broad within the work that might affect  
22 Landmarks. It wasn't clear to us.

23 CHAIRPERSON COMRIE: I had promised  
24 I would ask my question at the end, so I'm going  
25 to try and behave myself and not drill down into

1  
2 that. I'll come back to that. We've been joined  
3 by Council Member Halloran and Gonzales, Sarah  
4 Gonzalez. Brooklyn is very much in the house.  
5 And now we will go to the order that I stated.  
6 Council Member Garodnick, Jackson, Lander, Lappin,  
7 Mendez, and Tish James. And then I'll follow up  
8 with some questions.

9 COUNCIL MEMBER GARODNICK: Thank--

10 CHAIRPERSON COMRIE: [Interposing]  
11 Try to keep it to five minutes each.

12 COUNCIL MEMBER GARODNICK: Thank  
13 you, Mr. Chairman. I certainly will. I will be  
14 sensitive to the fact that there's a long list. I  
15 just wanted to draw the panel's attention to 532-A  
16 for a moment, and for those of you who are  
17 following along, this is the bill which would  
18 require that LPC keep a list on its website of all  
19 requests from the public for evaluation of  
20 properties, districts, including the person who is  
21 requesting, the address of the property and the  
22 current status of the evaluation. And recognizing  
23 Ms. Fernandez, that there is a whole process that  
24 you all undertake to evaluate those questions, my  
25 first question for you is, putting RFEs online,

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2 that itself is not in any way objectionable to the  
3 Landmarks Commission. Is that correct?

4 JENNY FERNANDEZ: That is correct,  
5 Council Member.

6 COUNCIL MEMBER GARODNICK: And so,  
7 you even noted that some of that was underway,  
8 perhaps not in the complete format that we are  
9 seeking, but that is something that you all do not  
10 object to.

11 JENNY FERNANDEZ: That is correct.

12 COUNCIL MEMBER GARODNICK: Okay.  
13 To the extent that you took issue with anything,  
14 it is the fact that we have created certain  
15 categories in the analysis of the RFEs. And I  
16 think what you may be referring to is the fact  
17 that we would be requiring here that the  
18 commission respond with one of four responses,  
19 either we've accepted this for further study; this  
20 is not recommended for further study at this time;  
21 that we need more information from the applicant;  
22 or that we need 60 more days to respond to this  
23 request. Obviously if you're considering that  
24 from the outside, and certainly from my  
25 perspective, the idea that the Landmarks

1  
2 Commission would be saying something to somebody  
3 who is asking them a question and giving one of  
4 several possible responses does not seem  
5 unreasonable. Can you help us understand your  
6 more complete explanation of your view on that?

7 MARK SILBERMAN: Hi. This is Mark  
8 Silberman, Counsel. The Commission--you're  
9 absolutely correct. The Commission gives  
10 responses, and what we are concerned about is  
11 detailing the four possible responses in the  
12 statute, and that in fact there are lots of--maybe  
13 shades of gray here that we could use or come up--  
14 for example, there may be issues that, buildings  
15 that we think are eligible, that they've come in,  
16 or buildings that are simply not eligible, not  
17 even at this time. I mean, we get things--I mean,  
18 you can only imagine the kinds of things people  
19 send us on occasion, you know, some house where  
20 the only thing they're saying is that their mother  
21 who came over from, you know, some place, grew up  
22 and lived and is really important and they're  
23 worried it's threatened to be demolished. And in  
24 those cases, we say it's not eligible, we're not  
25 going to do further research, we're just not

1  
2 doing--you know, it's just not eligible. And I  
3 think that--so, your concern is simply that we  
4 don't see the need to specify in the law how the  
5 Agency analyses what by their very nature are  
6 complicated and complex fact patterns and issues.  
7 And so we don't see the necessity of it.

8 COUNCIL MEMBER GARODNICK: Is it  
9 the existence of categories or is it the way that  
10 we have defined those categories specifically?

11 MARK SILBERMAN: I think as a  
12 general matter, we don't see the necessity for  
13 defining the category, having categories, any  
14 specified number of categories for our response to  
15 these requests. By the very nature, we're  
16 responding, we're communicating with senders of  
17 RFEs, we're making decisions, we're moving these  
18 things through. We don't--it just seems an overly  
19 rigid view to try to codify in the law the certain  
20 number of ways we can respond to a request.

21 COUNCIL MEMBER GARODNICK: So, with  
22 my 53 seconds I'll just take a couple of them to  
23 say that what it is aimed at doing, and we  
24 certainly will talk to you further about this, is  
25 to try to give some sort of formal response to the



1  
2 public, people who are asking. Maybe it's for  
3 their mother's house who is about to be  
4 demolished, or maybe it's for any other  
5 potentially even meritorious reason, we want the  
6 Landmarks Commission to have a process for  
7 publicly saying where things stand, and that's  
8 what that's after. And we certainly will talk to  
9 you further and think about ways we can do that,  
10 but the reason why we're looking for a little more  
11 formality here is I think that people frequently  
12 feel like they put in requests and they don't  
13 necessarily know where they stand, and we want  
14 them to have that extra level of transparency.

15 JENNY FERNANDEZ: Certainly,  
16 Council Member Garodnick. I just wanted to point  
17 out, as it stands now, the Commission responds to  
18 every single RFE in writing. And as Mark just  
19 mentioned, yes, those categories can vary and  
20 there are shades of gray, and it could be we need  
21 more information, but it can also be, you know, it  
22 is eligible at this time, or the Commission found  
23 this to be eligible, but we're not necessarily  
24 putting in that particular document what the next  
25 action will be. RFEs are a determination of

1 eligibility, as we outlined in our testimony.  
2  
3 Once that's done, you know, it's a very complex  
4 process for us to determine what Commission action  
5 will follow. As it stands now, anyone can  
6 request, you know, what the Commission's response  
7 was to a particular RFE. It is a public document.  
8 It's something we've sent out to the public, and  
9 so therefore under a records access or a FOIL  
10 request, you could get that information. As such,  
11 we understand that that's not something that's  
12 necessarily readily available to the general  
13 public, and the Commission has taken steps to get  
14 this information online. And so as we mentioned  
15 in our testimony, it being underway, it's not  
16 something that's there currently, but the  
17 Commission, as we've mentioned in other venues  
18 when we've talked about our technology upgrade, is  
19 working right now to create information online  
20 that would be able to give these sorts of feedback  
21 pieces of information to the public. And so, we  
22 just wanted to reiterate and clarify that yes, we  
23 are underway with a project that will bring all of  
24 this information forward. We still do have  
25 concerns with the rigidity of how we respond to

1  
2 these things, but this information is available  
3 now if someone requests it. But we certainly see  
4 the benefit of putting it in an organized way  
5 online where someone can actually look at it, and  
6 it's something we're working on doing right now.

7 COUNCIL MEMBER GARODNICK: We'll  
8 certainly talk with you about that further. Thank  
9 you, gentlemen, for your opportunity to ask some  
10 questions.

11 CHAIRPERSON COMRIE: Thank you,  
12 Council Member. Council Member Jackson?

13 COUNCIL MEMBER JACKSON: Thank you,  
14 Co-Chairs. Good morning, everyone. So, I would  
15 like to ask questions of the Landmarks  
16 Preservation Commission regarding Intro 850. My  
17 understanding in reading 850 is to create a  
18 timeline for the designation process. So, I have  
19 a couple of questions on that. Can you please  
20 explain to me or tell us what is the average time,  
21 how long does it take to make a determination on a  
22 property that is under consideration? Is there an  
23 average timeframe?

24 MARK SILBERMAN: Just so we're  
25 clear, when you say make a determination you mean

1  
2 bring it to a vote to determine whether it's  
3 designated or are we even talking now about  
4 requests for evaluation and eligibility?

5 COUNCIL MEMBER JACKSON: I'm  
6 talking about to bring a determination on a  
7 property.

8 MARK SILBERMAN: A final vote on  
9 whether to designate or not?

10 COUNCIL MEMBER JACKSON: Yes.

11 MARK SILBERMAN: We don't have the  
12 numbers of how long it takes on average. It can  
13 vary depending on a variety of--

14 COUNCIL MEMBER JACKSON:  
15 [Interposing] What about 25 years?

16 MARK SILBERMAN: There are things  
17 on our calendar that the Commission has not acted  
18 on for that period of time.

19 COUNCIL MEMBER JACKSON: Okay. And  
20 25 years is considered a lifetime, you know. And  
21 so in essence you're telling me that you don't  
22 know what the average timeframe is, but 25 years,  
23 you're saying you still have items on there for 25  
24 years?

25 MARK SILBERMAN: We've had items

1  
2 that were calendared and the Commission still  
3 considers them eligible or potentially eligible  
4 and the Commission itself has decided it did not  
5 feel comfortable--

6 COUNCIL MEMBER JACKSON:

7 [Interposing] In acting one way or the other.

8 MARK SILBERMAN: --in deciding they  
9 were not eligible or they continued to consider  
10 it.

11 COUNCIL MEMBER JACKSON: Okay.

12 What about do you have anything on there 50 years  
13 old?

14 MARK SILBERMAN: No.

15 COUNCIL MEMBER JACKSON: Okay. So,  
16 in your opinion, as a Counsel to the Landmarks  
17 Preservation Commission, what is the oldest  
18 pending item within the Landmarks Preservation  
19 Commission? Is it the property in my district in  
20 West Harlem, in which the property owners want it  
21 to be denied, and which the Community Board had  
22 written a letter requesting that it be denied, and  
23 everyone involved in the process wants it to be  
24 denied because the community wants a mixed use,  
25 and that is holding it up? What is the oldest

1  
2 property that's existing--that's on the Landmarks  
3 Preservation Commission?

4 MARK SILBERMAN: I would have to  
5 get back to you on that, Council Member.

6 COUNCIL MEMBER JACKSON: Okay, I'd  
7 appreciate it if you do. Okay. With respect to  
8 can an outsider such as an elected public official  
9 like myself, request that the entire board  
10 consider something, or must all matters come from  
11 the Chair of the Landmarks Preservation  
12 Commission?

13 MARK SILBERMAN: Currently the  
14 practice is that the Chair of the Landmarks  
15 Commission determines what items are brought  
16 forward for consideration.

17 COUNCIL MEMBER JACKSON: Is there  
18 any other way?

19 MARK SILBERMAN: The Commissioners  
20 could by vote decide to calendar something and  
21 move forward.

22 COUNCIL MEMBER JACKSON: By vote of  
23 the Commission?

24 MARK SILBERMAN: Full Commission.

25 COUNCIL MEMBER JACKSON: Okay. So,

1  
2 and with respect to the property that's under  
3 consideration that has had a hearing twice within  
4 the past 25 years, maybe 22 years ago, what  
5 subdivision, committee, of the Landmarks  
6 Preservation, has that on this jurisdiction?

7 MARK SILBERMAN: I'm sorry. I  
8 don't understand the question.

9 COUNCIL MEMBER JACKSON: What  
10 subdivision of the Landmarks Preservation  
11 Committee--is it a subcommittee, is it a committee  
12 of that, that has that particular property under  
13 consideration, or no one has it under  
14 consideration, it's just on the calendar and it's  
15 been there for 25 years, and that's where it may  
16 stay forever?

17 MARK SILBERMAN: It's on the  
18 general calendar as something that is eligible,  
19 correct.

20 COUNCIL MEMBER JACKSON: So, it's  
21 on the general calendar.

22 MARK SILBERMAN: Yeah.

23 COUNCIL MEMBER JACKSON: Is there a  
24 list that I can go to online to see all of the  
25 matters pending on the general calendar?

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MARK SILBERMAN: No, there's not.

COUNCIL MEMBER JACKSON: Why not?

MARK SILBERMAN: It's something the Commission hasn't done to date. It's available, that information, we could generate that information for you, if you--

COUNCIL MEMBER JACKSON:

[Interposing] Well, I'm requesting that you generate that information on everything that's pending and how long it's been pending and submit that to both Co-Chairs, the Chair of the Housing and Buildings Committee, and the Chair of the Land Use Committee. I'm requesting that, Mr. Co-Chairs. But also--

CHAIRPERSON COMRIE: [Interposing]

So noted.

COUNCIL MEMBER JACKSON: --I'm looking at the response or with respects to Intro 850, and it says that the Law Department has advised us the establishment of timeframes will limit the Commission's ability to set its own agenda and thereby may constitute a curtailment of the Commission's authority. Let me just say to you, I know you're the Counsel and you're the



1  
2 Director of Government Affairs. 25 years is too  
3 long. Too long. And either you act or I'm going  
4 to act. One way or the other, as a member of this  
5 City Council. One way or the other. Because the  
6 bottom line is, a Decision of the Landmarks  
7 Preservation must be approved by this particular  
8 body, and I'm not happy with the way you're  
9 behaving in my particular district that's  
10 negatively impacting the development there. Thank  
11 you, Mr. Co-Chairs.

12 CHAIRPERSON COMRIE: Thank you.

13 Council Member Lander?

14 COUNCIL MEMBER LANDER: Thank you,  
15 Mr. Chairman. Thank you all for being here. And  
16 I do want to reiterate what I said, that I really  
17 appreciate the relationship that I've had with the  
18 LPC and the way that you have worked on many, many  
19 properties, and that many of the properties that  
20 have been calendared for decades, you guys have  
21 been looking to clean up. And I certainly  
22 understand why anyone would prefer not to have  
23 deadlines. I'd love to have no deadlines. So,  
24 but this is not the only expression of frustration  
25 that I've heard. And they've come on the one hand

1  
2 from advocates and civic groups who submit RFEs  
3 and either are waiting to get responses or get  
4 unclear responses, aren't really sure where things  
5 are, or have had their RFEs accepted, but then go  
6 into a process of study and review that they have  
7 no idea how long it's going to take, how hard they  
8 have to keep pushing, when it will be considered  
9 or even if it will be considered. And then at the  
10 other end, property owners whose buildings have  
11 been in a regulatory limbo for decades. So to me  
12 that adds up to enough reason to try to figure out  
13 how to get it right. Now, you've put some  
14 important information on the table. I think that  
15 it may be the responses in 532-A have to be  
16 adjusted to understand the difference between  
17 eligibility and priority, so that you'd have the  
18 ability to say this may be eligible, but we don't  
19 have the resources to move it forward at this  
20 time. So, I think we could easily work with you  
21 to figure out what the categories would be that  
22 enable you to keep flexibility, but enable the  
23 public to know what's going on, to have some sense  
24 of timeframe. And I guess with that in mind, I  
25 really want to understand better your argument

1  
2 that this would limit your ability to set your own  
3 agenda or set your own priorities. If you could  
4 decide how to respond to the RFEs, if that didn't  
5 commit you to moving forward to study and public  
6 review, and if you started the clock on the study  
7 and public review process only on those properties  
8 that you believed you had the resources to move  
9 forward on, it seems to me you would still have  
10 full ability to set your agenda to decide we can  
11 respond to this RFE, oh, here's an important  
12 matter that's just become urgent. So, help me  
13 understand why--other than that you'd be on a  
14 clock on a deadline--why you wouldn't still be  
15 fully setting your own agenda and have the full  
16 ability to set the priorities of the Commission?

17 JENNY FERNANDEZ: Thank you, Chair  
18 Lander. Just want to point out that the way it's  
19 being described sounds like it's a good idea. But  
20 the problem here is that parts of these bills set  
21 a timeline for the RFE process, and so we'll be  
22 forced to set and respond to things in a  
23 systematic way for something we have no control  
24 over. So, we don't have any control over the  
25 number of RFEs that the Commission receives. In

1  
2 addition to the internal surveys and priorities  
3 that the Commission has set, you know, to study  
4 things in our own identification of potential  
5 eligibility for different, you know, potential  
6 landmarks. With that said, setting a timeline  
7 then for the designation process really does  
8 result in an inability for the Commission to set  
9 its own agenda. Because we can be bombarded at  
10 any given time with many numbers of historic  
11 districts, and they can vary from, let's say  
12 historic districts which are the ones that take up  
13 the most time, and some can vary from literally a  
14 ten-building district to an 800-building district.  
15 And so, if the Commission was forced to act within  
16 certain timeframes, we're going to have to be  
17 scrambling in order to meet certain deadlines, and  
18 the clock is ticking on things, then the  
19 Commission is going to be very strapped trying to  
20 figure out how they're going to meet all of these  
21 timelines and deadlines and still trying to set  
22 these priorities that the Commission has been  
23 doing now for years.

24 MARK SILBERMAN: And so I think  
25 what's also important to think about when we're

1  
2 talking about timelines is that--I mean, I think  
3 it's important that we're talking about this first  
4 of all in this context, in the situation where  
5 this administration has been designating things  
6 right and left, and then maybe there's frustration  
7 on someone's part that they haven't gotten to my  
8 thing yet, but the Commission has been extremely  
9 active and extremely involved in designation, so  
10 we're very busy. And the other thing I think I  
11 want to talk about is that even--as you've stated  
12 it, yes, we could so limit what we define. We  
13 could define away everyone else's things and just  
14 look at a couple of things and move forward with  
15 those. I don't know whether that would satisfy  
16 people's concerns that things aren't moving fast  
17 enough, by the way. So you haven't really  
18 satisfied people who are complaining that their  
19 thing isn't moving fast enough. And more  
20 importantly, I think even when we've made the  
21 decision to move forward, things can take, you  
22 know, a lot of time, especially when you're  
23 talking about districts, especially when you're  
24 talking about things that are complicated. And  
25 I'll give you an example. Sunnyside Gardens.

1  
2 Sunnyside Gardens is, you know, forever been  
3 incredibly eligible for designation as a landmark.  
4 I mean, it's nationally significant in what it is.  
5 The Commission never moved on it. Why? It didn't  
6 move on it because it was under a special zoning  
7 district. There wasn't a lot of support in the  
8 community--some a little bit--to move forward for  
9 a long time. Eventually people began to be  
10 concerned that that zoning designation wasn't  
11 adequately protecting it. So there started to be  
12 a movement for people wanting to designate it.  
13 All right? Even then, the Commission spent an  
14 incredibly long time working with the Community,  
15 working with the elected officials, because there  
16 was a lot of disagreement about what to do in this  
17 district. And so it took a long time and a lot of  
18 adjusting, and it's a slow process. And  
19 eventually it was designated. It was not  
20 designated with unanimous or even overwhelming  
21 consent or affirmation by property owners, but the  
22 majority of people wanted to move forward and we  
23 did. Things take time. Things are complicated.  
24 Deadlines that make you move forward lockstep,  
25 once you sort of pass a certain point, I think

1  
2 that's what we're concerned about. And I think  
3 that we feel that the law envisioned by the  
4 Charter, envisioned by the law as it exists now,  
5 recognizes that and really grants us the  
6 discretion and autonomy and flexibility that we  
7 really need to deal with these things in a real  
8 world on the ground basis.

9 COUNCIL MEMBER LANDER: Mr.  
10 Chairman, I'd like to continue this dialog. I'm  
11 happy to do it at the bottom of the list. There's  
12 a lot more to explore here. If I drop to the  
13 bottom, can I come back around and continue this  
14 conversation?

15 CHAIRPERSON COMRIE: I won't  
16 promise, but we'll try. I'll put you on there.  
17 But it depends on--we have a lot of speakers. And  
18 again, this is just to let everybody know, we're  
19 hearing, like, eight bills today. It's a lot of  
20 information to--11 bills, sorry. So, it's a lot  
21 of information that we have to go through. This  
22 is the first hearing, so this is an opportunity to  
23 have the bills on the floor, so we can have  
24 discussion and interaction between each other, not  
25 just today, but during the period that it will

1  
2 take between the hearing and the actual voting on  
3 the bills. We're going to hear, you know,  
4 Landmarks and Buildings be defensive and singular  
5 about their position--well, anyhow. We're here  
6 for discourse and for, you know, and to at least  
7 get all the facts out. I don't think we're going  
8 to resolve everything today, but at least we can  
9 get all sides aired. I think there needs to be,  
10 in my opinion, a general meeting or people meeting  
11 among themselves, people talking to Landmarks, but  
12 you know, this shades of gray stuff needs to be  
13 eliminated. And just from my opinion, if I have  
14 to meet deadlines and timelines and guidelines,  
15 everybody else should also. So, we need to work  
16 towards that. Anyhow. I keep saying I don't want  
17 to put my questions in, but Council Member Lappin  
18 has the next round of questions.

19 COUNCIL MEMBER LAPPIN: Thank you.  
20 So, I'm going to first address Intro 220, my bill  
21 that would create a Survey Department within the  
22 LPC. You know, I put that bill in before you had  
23 surveyed 30,000 buildings, and in fact as you  
24 recall I put extra money into the budget at that  
25 time so you could hire additional staff and do



1  
2 this work. And I'm, you know, happy that the  
3 budget negotiating committee and the Council  
4 agreed to do that, and you did hire staff, so I  
5 would agree, I actually don't think that this bill  
6 is so relevant anymore, because you really have  
7 done a lot of that work. But I then want to move  
8 quickly to Intro 222-A. And this is something  
9 that grew out of the advocate community, the  
10 Citizens Committee for Emergency Preservation  
11 brought a lawsuit against LPC. I think Whitney  
12 Seymour North was the Counsel on that suit. So,  
13 one, I would like an update on that. But, two,  
14 before you provide that, I just wanted to say I  
15 stand very committed to creating transparency and  
16 accountability at the Commission. And what I was  
17 hearing prior to and during the lawsuit from both  
18 owners and advocates was, you put in an RFE, it  
19 goes into a black hole, it's in the abyss. You  
20 don't get a response, you get an inconclusive  
21 response. The communities and the preservation  
22 groups and citizens were not happy about that, nor  
23 were the owners. So, I remain very committed to  
24 finding a way to bring greater transparency to  
25 this work. And as Ms. Fernandez said, by the way,

1  
2 this is just to determine eligibility, this is not  
3 to designate. So, the concept that you don't have  
4 enough time to respond to the RFE makes zero sense  
5 to me, because we're not asking you and the  
6 Commission to vote that day. We're asking you to  
7 tell us where the RFE stands and if this is a  
8 property that could be eligible. So, first, where  
9 does the lawsuit stand, which I understand the  
10 advocates won, at least the initial round?

11 MARK SILBERMAN: The advocates  
12 prevailed on the lower court, and the decision was  
13 reversed by the appellate division, and the  
14 Commission's discretion decision was upheld by the  
15 appellate.

16 COUNCIL MEMBER LAPPIN: And what  
17 were the grounds for that?

18 MARK SILBERMAN: The grounds for  
19 that was that the Landmarks Law grants the  
20 Commission the discretion to decide how to move  
21 these things forward in the manner it decides  
22 makes the most sense given staffing, priorities,  
23 and a whole host of other factors.

24 COUNCIL MEMBER LAPPIN: So is it  
25 your view that it would be illegal for the Council

1  
2 to pass this bill? That wasn't in your testimony,  
3 so I'm just curious.

4 MARK SILBERMAN: Would it be  
5 illegal? I think that the Law Department should  
6 opine on whether there's curtailment issues. I  
7 think--but, I think that's the best answer to your  
8 question. But I do think that Jenny would like to  
9 respond to the issue about responding to RFEs,  
10 because I think that there's--that the sort of  
11 experience and description of it isn't actually an  
12 accurate depiction of what actually happens at the  
13 Commission.

14 JENNY FERNANDEZ: For clarification  
15 purposes, so that is not correct at all. The  
16 Commission responds to every single RFE. And I  
17 think when--

18 COUNCIL MEMBER LAPPIN:  
19 [Interposing] I didn't say--okay, let me just be  
20 clear. Because I do believe it's correct. I hear  
21 it from people consistently. And do you have--  
22 since you seem so resistant to have any kind of,  
23 as you said systematic way to respond, do you have  
24 a systematic way? Do you have a timeframe under  
25 which you respond to an RFE now?

1  
2 JENNY FERNANDEZ: Yes. As I  
3 described in the testimony, the Commission has an  
4 RFE Committee. We meet on a monthly basis, and  
5 all RFEs are reviewed personally by the Chair.

6 COUNCIL MEMBER LAPPIN: Every  
7 month.

8 JENNY FERNANDEZ: Every month.

9 COUNCIL MEMBER LAPPIN: So why  
10 don't you then respond every single month?

11 JENNY FERNANDEZ: We respond to  
12 every single RFE in writing to the requester, and  
13 we give them a determination of eligibility at  
14 that time.

15 COUNCIL MEMBER LAPPIN: Great. So,  
16 I see no problem then with instituting a one-month  
17 timeframe for you to respond and put it online.  
18 If you're doing it already then how is it going to  
19 overwhelm you? I'm confused.

20 JENNY FERNANDEZ: Okay. With all  
21 due respect, Council Member Lappin, I think we  
22 need to make a distinction between determination  
23 of eligibility and this black hole that's being  
24 talked about, which we think is actually a concern  
25 about what the Commission's actions are after a

1  
2 determination of eligibility is made. We  
3 consistently and constantly respond to RFEs, as I  
4 just described, in writing, to the requester.  
5 Now, some of the frustration that may be expressed  
6 by these requesters may be that the determination  
7 that the Commission gives is not satisfactory, or  
8 it's not what they want to hear, or the Commission  
9 is--

10 COUNCIL MEMBER LAPPIN:

11 [Interposing] No, no. That's not my point and  
12 that's not what the bill says, and I've got 18  
13 seconds, so I'm going to cut you off. I'm not  
14 sure why you're opposing the bill if you already  
15 have a systematic process in place under which  
16 within 30 days you respond to every RFE. So, we  
17 can discuss that further, but certainly I wouldn't  
18 see why we wouldn't move forward with the bill. I  
19 did want to ask, and I called the Chair a couple  
20 weeks ago, but he hasn't been kind enough to  
21 return my phone call. This computer system you  
22 keep talking about today, I heard about when I was  
23 Chair, which I haven't been Chair for two and a  
24 half years. So, what is your timeframe for  
25 putting up this new computer system that's going

1  
2 to make everything available and better for  
3 everyone?

4 JENNY FERNANDEZ: We are currently  
5 in the final stages of this project, and of course  
6 it has taken a long time. It's a capitally funded  
7 project. The Commission expects to have all this  
8 information, a new database, and our interface  
9 online by the end of this fiscal year is our  
10 projected timeline.

11 COUNCIL MEMBER LAPPIN: So, before  
12 July 1st.

13 JENNY FERNANDEZ: That is our  
14 projected--that's our target date.

15 COUNCIL MEMBER LAPPIN: And how--  
16 was that always your projected target date?

17 JENNY FERNANDEZ: Well, as you can  
18 understand, when something of this nature, such a  
19 huge undertaking, you have an outline date where  
20 you try to comply by it, you know, where the  
21 project would end, but things come up during the  
22 processing and the workings of that project. And  
23 so, no, that timeline has moved several times, but  
24 that's just natural.

25 COUNCIL MEMBER LAPPIN: But you

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feel confident this time you're going to get it done by July 1st.

JENNY FERNANDEZ: I'm not sure what the purpose of that questioning is--

CHAIRPERSON COMRIE: [Interposing] Council Member, you are over time.

JENNY FERNANDEZ: --but we certainly do feel confident that the project will be available soon online. Everything is coming to a final completion and the Commission is very proud of the work it's done, and we've worked really hard over the last couple of years to get this done. And I'm sure that the Council Member and the rest of this body will be very happy with the information that will be provided online.

CHAIRPERSON COMRIE: I just want to note for the record, those are good questions, that's why I let it happen. It wasn't mentioned in your preliminary budget testimony, so I would hope that in the executive budget testimony give us a real timeline on the computer upgrades. I have a copy of your preliminary--the Chair's preliminary budget testimony. It wasn't mentioned. So, I would hope that we have a real

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2 timeline by the time you testify at the executive  
3 budget on that.

4 JENNY FERNANDEZ: We certainly can  
5 do that.

6 CHAIRPERSON COMRIE: I think that's  
7 a great question, Council Member. We've been  
8 joined by Council Member Steve Levin. And the  
9 next person is, the questioner is Council Member  
10 Rosie Mendez.

11 COUNCIL MEMBER MENDEZ: Thank you,  
12 Mr. Chair. I don't know why that noise is  
13 reverberating. Yeah? Okay. Okay. It's a little  
14 distracting for me. My intro, Intro 20, is  
15 actually going to be around for six years. This  
16 is actually the third hearing on this matter. It  
17 had a different Intro number in the last  
18 legislative session. I'm glad Department of  
19 Buildings is here today. You didn't show up for  
20 the two prior hearings. But I also think that the  
21 comments about the bill are incorrect, because we  
22 have made changes to this bill based on those two  
23 prior hearings, and I think we cure some of the  
24 issues that you guys are raising today, but we  
25 certainly raised the issues that were raised by



1  
2 the public. At those hearings, public testimony  
3 really showed that there were areas of gaps, as  
4 opposed to historic districts, which now this  
5 makes an exception for historic districts and it's  
6 treated differently. And instead of automatically  
7 revoking a permit so that interior work on a bath  
8 when we're looking for an exterior landmarking, or  
9 interior landmarking of a ceiling and you're doing  
10 roof work. So that would not happen. And I think  
11 section 28-207.2.4.2 gets to that when it says the  
12 Department shall revoke all building permits and  
13 shall issue a stop work order for blah, blah,  
14 blah, when the construction documents for such  
15 permits do not include a certificate of no effect  
16 on protected architectural features. So, out of  
17 those hearings we realized--and the Landmarks  
18 Preservation Commission told me it would not take  
19 an extraordinarily--a lot more work to go and to  
20 determine whether the work, whether the existing  
21 permit would have an effect on the landmark status  
22 and issue a certificate of appropriateness,  
23 thereby avoiding work having to stop in the  
24 middle, thereby avoiding a stop work order being  
25 issued immediately. And it would only happen in

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2 those cases where we have seen that after  
3 landmarking and where a permit has existed for  
4 months and years, they go in and they tear up the  
5 exact architectural features that are part of the  
6 landmarking, which we saw in my district back  
7 then. And we saw, I think, some buildings  
8 actually be completely demolished, if I'm not  
9 mistake, some years prior. So--City and Suburban,  
10 that's right. And Charas, the old PS 64 in my  
11 case. So, there is a loophole. This legislation  
12 tries to get to that loophole. I think we've  
13 amended it enough. If you think this legislation  
14 as written doesn't do that, I'd like to know how,  
15 but I think your comments are wrong, and I think  
16 these issues are taken care. In terms of DOB, you  
17 say you regularly update BIS. Yes, you do that  
18 now. I don't know that it was done back then.  
19 And back then, landmarked properties weren't  
20 showing up as landmark, and we had lots of  
21 problems with work being done in landmarked  
22 buildings because somehow the L or whatever you  
23 designate was being dropped off in your system.  
24 So, I thank you for correcting that. And I'd like  
25 to hear why your comments say this. And I would

1  
2 like to be corrected. And if not, if what I'm  
3 saying is correct, and I believe it is, what do  
4 you feel about my legislation then, since it  
5 doesn't cause what you're saying it causes?

6 MARK SILBERMAN: Council Member,  
7 you are correct. I've testified at both of your  
8 previous hearings, and this bill is different, and  
9 you have addressed some of the issues that were  
10 raised, and your new provision that talks about  
11 the ability to pull, to go to the Landmarks  
12 Commission as a calendared property, to get a  
13 certificate of no effect or a certificate of  
14 appropriateness, you know, and that would insulate  
15 that permit, is a significant improvement over the  
16 previous versions. I still think, and we are  
17 concerned that you're still going to have a  
18 situation where a lot of people aren't going to  
19 think that they have to do that, know they could  
20 do it, or think they're going to finish their work  
21 and the designation is going to happen, because  
22 you don't know. Again, a designation for a  
23 district can go on for some time. You may think  
24 you can pull a permit and everything is going to  
25 happen just nicely and all of a sudden your

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2 contractors don't show up and you're starting  
3 three or four months later, and all of a sudden  
4 you're caught by a designation. So, we think, as  
5 we said in our statement, we believe that the  
6 scope or the type of work--the bill should be  
7 improved by really narrowing down the kind of work  
8 that you're stopping, you're revoking. And that  
9 that would go a great distance to, you know,  
10 ameliorating any sort of adverse impact on people  
11 in the middle of construction on their bathroom  
12 having to stop because they forgot, you know,  
13 their expediter didn't come to the LPC to get  
14 their certificate of no effect or whatever. I  
15 mean, these are real world problems, real  
16 practical problems, right? So, I think that--we  
17 think that we need to figure out a way to narrow  
18 the reach of that overall statement that all  
19 building permits will to be revoked. You know.  
20 And figure out a way to do that based on type of  
21 work. And working with the Department of  
22 Buildings to make sure that's a workable system  
23 for them.

24 MONA SEHGAL: Council Member, if I  
25 may also add that these are again buildings that

1  
2 got their permits, as I understand, as we  
3 understood the way it was written, prior to the  
4 designation. So, and it would cover, again, a  
5 broad range. People that have emergency work,  
6 façade work that needs to be done under our local  
7 law requirements for making sure that façade work,  
8 repair and maintenance must be done on any sort of  
9 unsafe or other conditions that have to be  
10 repaired, sidewalk sheds go up as a result of the  
11 lack of those repairs, and then the repairs go  
12 forward and now we're going to say stop, even  
13 though your permit was issued prior to the  
14 designation, and delay those potentially  
15 maintenance work that must be done. That's just  
16 one example. So, you know, we're grappling with  
17 this issue and trying to--the way it was written,  
18 again, it's very broad and we thought it would be  
19 unimplementable.

20 COUNCIL MEMBER MENDEZ: Mr. Chair,  
21 if I could just have one second. I think we've  
22 tightened up the language. If there is any other  
23 recommendation, I'd like to hear it and I'd love  
24 to meet with you. However, particularly in the  
25 case in my district, where the permit had been in

1  
2 place for over two years, the owner did no work  
3 until several months after it was landmarked, and  
4 tore off the dormers of the building. That is a  
5 case where this legislation would have been  
6 helpful and there would have been no prejudicial  
7 effect to the owner. That was not emergency work,  
8 and that landmark stands now with tarp covering  
9 the exposed bricks of the dormers.

10 CHAIRPERSON COMRIE: Okay. We're  
11 going to move on. I appreciate the back and  
12 forth, but unfortunately we have a long day. But  
13 I think we'll need to address that in writing at  
14 some point, Councilwoman Mendez. So, we need to--  
15 the next person that's speaking is Council Member  
16 Tish James, and I think I've covered everyone  
17 that's arrived and left so far. Council Member  
18 James?

19 COUNCIL MEMBER JAMES: Thank you.  
20 So, first, let me thank LPC. 60% of my district  
21 has been landmarked. By the time I end my tenure  
22 here in the City Council, almost 70% of my  
23 district will be landmarked. My relationship with  
24 Landmarks has been a good one. The office has  
25 been responsive. The office has been timely, and

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2 the office has been professional in their  
3 response. But let me also say that some of the  
4 proposed bills that have been put forth today  
5 address some of the concerns about the Landmark  
6 process, but some of these bills would  
7 dramatically affect the way that neighborhoods are  
8 protected in the City of New York, and cause me  
9 great concern. And as someone who is a defender  
10 of the Commissioner of Landmarks as well as the  
11 Commission themselves, I would oppose any  
12 legislation that would have an adverse impact on  
13 the fine tradition of this Commission in  
14 protecting the historic nature and the  
15 architectural uniqueness of certain buildings and  
16 of certain communities in the great city. 11  
17 bills, and they can best be described as follows,  
18 in I guess one word or one sentence. 849 deals  
19 with due process. 357, environmental  
20 friendliness. 533 and 532, openness and  
21 transparency. 80 related to safety and the hiring  
22 of a historic manager. 220 is now irrelevant,  
23 thank you Council Member Lappin. 220 and 850 deal  
24 with timeliness. And 845 and 846 deal with  
25 procedures and similar material maintenance. And

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2 20, which goes to my question, relates to the  
3 coordination between DOB and LPC, particularly as  
4 it relates to permits to demolish and alter. My  
5 suggestion to the Chairs and to all the members  
6 who are here, is one, there really should be an  
7 omnibus bill which addresses some of the issues,  
8 but not all of the issues that are included in all  
9 of these bills. And I am on some of these bills,  
10 but now want to reconsider my position because of  
11 the testimony that has been provided today, and  
12 because I recognize the economic restraints that  
13 LPC is operating under, and because of the number  
14 of--the limited number of staff that they have  
15 currently. And if in fact everyone wants to talk  
16 about timeliness and making sure that applications  
17 are dealt with in an expeditious fashion, we need  
18 to step up to the plate as members of the City  
19 Council and provide them with money. So.

20 [applause]

21 CHAIRPERSON COMRIE: No clapping.  
22 We don't have time for clapping.

23 COUNCIL MEMBER JAMES: Yeah, that  
24 wasn't an applause line; but thank you. Thank  
25 you.



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2 CHAIRPERSON COMRIE: Your time is  
3 moving, Councilwoman.

4 COUNCIL MEMBER JAMES: Okay,  
5 question. Just one question. And that goes to  
6 something that is happening in my district now,  
7 particularly on Lefferts Avenue, where there is an  
8 individual who has submitted a permit to demolish  
9 what I consider an historic building. And the  
10 neighborhood, the Avenue, we have submitted an  
11 application for consideration. And the question  
12 is, and my suggestion is, is whenever there is an  
13 application to demolish a building in a  
14 neighborhood or on a block which is under  
15 consideration, the question is, can DOB flag that  
16 permit and put that permit under greater scrutiny,  
17 particularly if it's a permit to demolish or  
18 significantly alter a building that's under  
19 consideration for landmarking? That's my  
20 question.

21 DONALD RANSHTTE: Councilwoman, what  
22 we would do when someone comes into the Department  
23 for a permit, we would check the application for  
24 its compliance with all the laws at the time. If  
25 the building has been calendared, of course

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2 there's the interchange between the two agencies  
3 that would cause us to wait 40 days before an  
4 approval of that permit. That's the process  
5 that's currently in place.

6 COUNCIL MEMBER JAMES: So, my  
7 suggestion, particularly as it relates to Intro 20  
8 is that, again, given the fact that it's really a  
9 race to build, there is a time factor involved,  
10 and I'm really concerned because a number of  
11 individuals have rushed into DOB, recognizing that  
12 a building or a neighborhood is about to be  
13 landmarked, and it's just a rush to demolish. And  
14 there needs to be better coordination between DOB  
15 and LPC, and there needs to be some sort of system  
16 in place when you see that a number of individuals  
17 have rushed into your office to get things done  
18 because they recognize that a neighborhood is  
19 about to be landmarked. So, 20 I'm very much  
20 interested in. But again, to the Chairs, 11 bills  
21 is a lot. Some of them are in conflict with one  
22 another. I would hope that we would do an omnibus  
23 bill--

24 CHAIRPERSON COMRIE: [Interposing]  
25 We can't--I wanted to--

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COUNCIL MEMBER JAMES: --and  
lastly, I would hope that you would move  
expeditiously Lefferts Avenue application along to  
Landmarking, and I thank you for all that you do.  
Thank you.

CHAIRPERSON COMRIE: Again, as I  
said earlier, this is a hearing on everything.  
It's a technical hearing. You're not next,  
Council Member. We have some Council Members  
ahead of you. This is--the omnibus idea will  
hopefully be considered. I just want to remind  
the Council Member that we have tried to fund  
these agencies. It's the administration that has  
been consistently cutting their budget, not the  
members. I know Council Member Lappin, when she  
was chair, tried hard to put more money into LPC,  
and we did \$1 million one year. Since then, I  
remember Council Member Avella was trying hard to  
put more money into LPC, but it's the  
administration that has been cutting their budget,  
not the members. If it were up to members, both  
the Buildings Department and LPC would have more  
personnel and more access, and definitely a little  
more leverage, because Buildings Department we

1  
2 know needs more personnel. But again, it's the  
3 administration that consistently cuts their budget  
4 with the more with less theory. Just to--no, I'm  
5 not going to let you respond; we're going to move  
6 forward. We're going to move forward, because  
7 that's the facts. We've been trying to put more  
8 money into both agencies. Next is Council Member  
9 Halloran, then Council Member Brewer.

10 COUNCIL MEMBER HALLORAN: Thank  
11 you, Mr. Chair. I'm actually finding myself in  
12 this Twilight Zone episode where I'm agreeing with  
13 all sorts of people I would never agree with.  
14 Jessica, you did a great job. Thank you for  
15 asking those questions and putting them on the  
16 spot. Jenny, you know, as I sit on the Landmarks  
17 Committee, I have consistently voted no on things  
18 which I should absolutely have voted yes on,  
19 simply to make the point that your Commission  
20 languished in my district and refused to move  
21 forward with landmarking in areas that we've asked  
22 you time and time again to move forward on. In  
23 fact, this year, as you're well aware, we were in  
24 a dialog where I was supposed to get an answer in  
25 September. It became October, it became December,

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2 it became January, it became March. And my  
3 Chairman asked you if there had been any movement,  
4 and was told at a hearing that I wasn't at, oh,  
5 we've already made a decision, the answer is no.  
6 But nobody told us that that was the case. So, I  
7 hear you telling me that there are schedules that  
8 you keep, that there are rules that you follow,  
9 and I don't see them being followed. So, I'm  
10 completely in agreement with Council Member Lappin  
11 when she asks you questions about you announcing  
12 you have timelines and then not wanting to have a  
13 rule that requires you to follow the timelines  
14 you're announcing you maintain. Can you explain  
15 to me how it is that you can say that you're  
16 engaging in this constructive process with  
17 timelines when those timelines aren't met? It's  
18 easy for you to explain them away, but you don't  
19 want rules to make you follow the timelines you  
20 claim that you're keeping.

21 JENNY FERNANDEZ: Council Member  
22 Halloran, yes, it is true that we have been in a  
23 conversation for quite some time about one  
24 particular district in your district, which is the  
25 Broadway Flushing area. And suffice it to say

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2 that certainly the Commission has responded,  
3 numerous times, over and over again to that  
4 request, and had already made a determination that  
5 the district or the proposed district was not  
6 eligible as a New York City Historic District.  
7 That said, I think we want to differentiate what  
8 we're talking about here. So, certainly the  
9 Commission did its due diligence and surveyed,  
10 looked at, and made a determination on the  
11 eligibility of that proposal. Since that time,  
12 there was a discussion about whether or not there  
13 was a potential smaller, or something else, you  
14 know, potentially out there. And I believe at the  
15 hearing that you referenced, our Chair made a  
16 comment and said that we had already made a  
17 determination. And we think there was--he  
18 misspoke. At the time he was referring to--

19 COUNCIL MEMBER HALLORAN:

20 [Interposing] The prior determination.

21 JENNY FERNANDEZ: Right. The prior  
22 determination. So, to clarify, that particular  
23 discussion, which was very vague in terms of what  
24 may be or what may not be out there, is something  
25 that--so, we certainly haven't received an RFE

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2 particularly for that, so I want to separate those  
3 issues. An RFE has not been submitted, you know,  
4 for an alternative district or smaller district,  
5 so we wouldn't be necessarily talking, you know,  
6 Council Member Lappin's comment about a timeline  
7 wouldn't necessarily apply there. As such, what  
8 would have to happen at that time is either we  
9 receive an official request or the Commission  
10 would have to undertake an internal survey and  
11 study itself.

12 COUNCIL MEMBER HALLORAN: I thought  
13 our understanding was that you were going to tell  
14 me what a sufficient range would be for me to make  
15 that request before we wasted everybody's time in  
16 doing something you were just going to deny again.  
17 You can't tell me on the one hand you're going to  
18 explore the possibility of allowing me to propose  
19 a smaller district and then tell me I have to  
20 propose it, when you're the ones who are telling  
21 me the criteria that you need to fulfill the  
22 requirements to get over your initial  
23 determination that there shouldn't be.

24 JENNY FERNANDEZ: Okay, just to  
25 further clarify.

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COUNCIL MEMBER HALLORAN: Okay.

JENNY FERNANDEZ: We certainly, we're not asking that you, Council Member, submit an RFE to us. I just wanted to point out that in order for us to go forward with potentially looking at something else, it would have to be an internal thing that the Commission would have to do. We have not received--I just wanted to clarify that. We have not received--and we're certainly not asking the Council Member to submit that at this time.

COUNCIL MEMBER HALLORAN: No, I understand that. But I'm in office now two and a half years, and I think I made this request when I started. So, it's two and a half years. When do we get to say there is a timeline for you guys to do things? I think the whole problem that we're having here is, yes, some of these bills are problematic for a variety of reasons, but the overall emphasis is we're trying to do what our constituents expect of us, have reasonable timeframes for answers. I don't see how that that should be a problem, given what your testimony has been here today.



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2 JENNY FERNANDEZ: You know, we  
3 maintain the position of course that the  
4 imposition of timeframes and timelines are very  
5 problematic for the Commission. With that said,  
6 we certainly recognize when a Council Member makes  
7 a request to the Commission, we try to work really  
8 hard with the Council Members, as many of the  
9 Council Members present here today know, to make  
10 these--you know, set priorities, look at where we  
11 need to go, what's next. As Council Member  
12 Halloran, as you know, the Commission has much  
13 higher demand for designation than there is a  
14 capacity for us to move forward. And so certainly  
15 that dictates a lot of the priorities that we set  
16 forth. We certainly, we've not outright said no  
17 to the proposal that the Council Member, you know,  
18 to the discussion that we had had about looking at  
19 something else, but given the fact that, you know,  
20 we've not gotten anything necessarily from the  
21 community for a specific little thing, you know, a  
22 smaller district, we have not prioritized that to  
23 move forward for a study, because it does require  
24 diverting resources from other projects and such.  
25 But I will take your comments back to the Chair

1  
2 again, and certainly express what you've told us  
3 today.

4 COUNCIL MEMBER HALLORAN: Mr.  
5 Chair, I just want to make two quick comments.  
6 First, Jenny, I appreciate that and the work that  
7 the Commission has done. You know I've even  
8 backed off when there were close votes and voted  
9 despite my conscientious objector status, when it  
10 was necessary to protect character and integrity  
11 of neighborhoods. But at the same token there has  
12 to be flexibility here. There has to be dialog,  
13 and we're not getting it. I mean, I have a  
14 district in Douglaston which doesn't want to be  
15 designated, you know, 80% of the homeowners don't  
16 want it, and they're on the list. I guess they  
17 joined Council Member Jackson on the 75-year  
18 waiting list as well. So, we just need to talk  
19 about these things. And hopefully we'll get  
20 something done in my district before I go to  
21 Congress. Thank you.

22 CHAIRPERSON COMRIE: Okay. We've  
23 been joined by Council Member Reyna and Palma,  
24 Diana Reyna and Annabel Palma. I need to make a  
25 general announcement that we're going to have to

1  
2 move to the 14th Floor. There's Priest Committee  
3 Meeting that has to start here at 1:00, and so we  
4 need to move a little faster. And we have 53  
5 people that have signed up to testify. So, it's  
6 going to be rough. So, we are going to--we have  
7 Council Member Brewer who is next, and then  
8 Council Member Dickens, who hasn't asked a  
9 question before, and Council Member Lander said he  
10 has a one-minute question follow up.

11 COUNCIL MEMBER BREWER: Thank you  
12 very much. I also want to thank the Historic  
13 Districts Council, because everybody is walking  
14 around with your download in terms of the email on  
15 the 11 bills, so thank you, HDC. I have two quick  
16 questions. One is, do any of these--first of all,  
17 thank you to Landmarks Preservation Commission.  
18 You're always responsive. I can't say enough good  
19 things about you. That's my opinion, and I love  
20 Donald Ranshte. That's DOB, partially. My  
21 question is, the pre- and post-designation within  
22 LPC, to me that's where some of the challenges  
23 are. I know you talked to Council Member Mendez  
24 about sort of the pre- situation. And obviously  
25 if an area is historic and there are individual

1  
2 buildings that are not up to par, I just don't  
3 think there's enough staff to be able to deal with  
4 all of those issues. So, my question is, is it  
5 just staffing that could address some of the  
6 issues that Council Member James was talking  
7 about, pre-designation? Or some of the issues  
8 that I find post-designation? Or are any of these  
9 bills or any other bills able to deal with that  
10 issue?

11 JENNY FERNANDEZ: Thank you,  
12 Council Member Brewer. Was that to us or to  
13 Donald?

14 COUNCIL MEMBER BREWER: We'll start  
15 with you and then pull Donald.

16 JENNY FERNANDEZ: Okay. I just  
17 wanted to thank Council Member Mendez, of course,  
18 her overwhelming support for Landmarks, as well as  
19 Council Member Brewer. And her bill, of course,  
20 and we've said in previous testimony is very well  
21 intentioned and we know what she's trying to do.  
22 She's trying to protect historic districts and  
23 features on historic buildings, and so it's a  
24 valid and very--it's a commendable effort. With  
25 that said, you know, our task today is really to

1  
2 analyze. And I know we haven't had sufficient  
3 time to really look at them and every little  
4 single implication. Even though, you know, her  
5 bill was introduced some time ago, we haven't gone  
6 back to look at it. We need to reiterate that  
7 what we're really talking about today is the  
8 impact, that the way the bill--you know, the way  
9 the bill is written, what the impact is.

10 COUNCIL MEMBER BREWER: No, I  
11 understand that. I just didn't know if there was  
12 some other approach to the pre-designation or  
13 post-designation issues, or is it just a staffing  
14 problem. In other words, is there any legislation  
15 that could deal with those issues or any  
16 collaboration with DOB--this is a horrible mic--or  
17 is it just a staffing issue?

18 JENNY FERNANDEZ: It's not just a  
19 staffing issue. Because it's written so broadly,  
20 and I don't know that that's necessarily going to  
21 address the issue. Again, as Mark had mentioned  
22 before, is that particular legislation was, you  
23 know, tightened or redefined, certain provisions  
24 in it, it may be useful and DOB would be able to  
25 look at it and maybe it's something that they can

1  
2 actually handle.

3 COUNCIL MEMBER BREWER: All right.

4 JENNY FERNANDEZ: But I'll let Mark  
5 and Donald.

6 DONALD RANSHTTE: So, Council Woman,  
7 I think at the heart of the matter, it's not quite  
8 analogous as it is in an instance where there's  
9 going to be a rezoning where there's a rush to  
10 permit before the rezoning. Again, we get the  
11 heart of the matter and we understand then that's  
12 been the basis for the intense cooperation between  
13 the two agencies, at the time of calendaring, and  
14 then our process on one side and communicating  
15 back and forth. I think what we can't have is  
16 sort of this moving target for compliance with the  
17 law before calendaring. I mean, at calendaring is  
18 when we hold our approval for the 40 days. If the  
19 Council were to designate a different time for  
20 that, we would certainly enter into that  
21 conversation. That's the time that we have right  
22 now, that's the target. Anyone who complies with  
23 the law that are existing before that calendaring  
24 would be able to get an approval and a permit from  
25 us because they are in compliance with the laws

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that are in place at that time.

COUNCIL MEMBER BREWER: All right.

MARK SILBERMAN: I guess what I would say is I think the Commission, you know, recognizes that depending on the threats to resources we need to move quicker. And working with Buildings we certainly, we're getting really good sort of information as it's coming in and it's allowing us to move quickly. For individual landmarks, I think the system works really well the way it currently exists. And I think it's for the districts, the big districts--

COUNCIL MEMBER BREWER:

[Interposing] The Districts.

MARK SILBERMAN: --I think it's a problem. And it's precisely because they're big districts that it makes it unwieldy to try to do a blunderbuss kind of dealing with what do you do with these permits. So, I think it's a very complicated situation.

COUNCIL MEMBER BREWER: Well, I

appreciate that and I appreciate the acknowledgement that it's an issue and that we're all going to work to try to address it, and thank

1  
2 you for the big districts. Don't get rid of them.  
3 Thank you.

4 CHAIRPERSON COMRIE: Okay. We've  
5 been joined by Council Member Eric Ulrich and  
6 Council Member Jumaane Williams. The next  
7 questioner is Council Member Dickens, then Council  
8 Member Lander and Council Member Levin.

9 COUNCIL MEMBER DICKENS: Thank you,  
10 Chairs, and thank you LPC and to Donald from DOB  
11 for coming in this morning. If Council Member  
12 Mendez were to consider any further revisions to  
13 Intro 20, of which I am signed on to, and looking  
14 at Jenny Fernandez's testimony that you would like  
15 to see that Intro 20 should not apply to DOB  
16 permits unless the scope of work significantly  
17 impacts a building's exterior, what are you  
18 suggesting on buildings with interior landmarking,  
19 understanding that LPC would not recommend all DOB  
20 permits be included in Intro 20?

21 MARK SILBERMAN: I think that, as I  
22 just responded to Council Member Brewer, the  
23 current system for individual landmarks, which an  
24 interior landmark is, works really well. Because  
25 we have plenty of time when notified by DOB under



1  
2 the current protocol, again, it's approximately 40  
3 days, to designate if the proposed work is deemed  
4 by us to be inappropriate or would threaten sort  
5 of the inherent designatability, if that's a word,  
6 of the resource. So, I think for interior  
7 landmarks the system works really well now. There  
8 hasn't really been a situation where we have been  
9 actively considering something and someone has  
10 moved to, you know, do something to stop us from  
11 designating it. It's really the districts are the  
12 bigger issue, I think.

13 COUNCIL MEMBER DICKENS: And I want  
14 to thank you also for, LPC, for considering the  
15 fact that in today's economy and the society and  
16 the way we are thinking now about green technology  
17 and about heating, the cost of heating bills and  
18 water, that you are looking at alternatives for  
19 buildings in historic districts in lieu of just  
20 plane wood framed windows, which allows heat to  
21 escape drastically. And so, you know, I speak  
22 about that because of what has occurred in St.  
23 Nicholas Historic District. So, I thank you for  
24 that. But now the other thing is unsafe building  
25 designations within a historic district. In St.

1  
2 Nicholas we had a building that was designated by  
3 DOB as unsafe, and needed to be torn down. The  
4 owners who had a permit pending to do a gut rehab  
5 at the building, and was waiting for all approvals  
6 for that, and no one really found out until the  
7 eighth hour that the building was deemed unsafe  
8 and was about to be destroyed. Has that been  
9 addressed so that that does not happen again? And  
10 what do you do in that case? For a building that  
11 has been designated by DOB as unsafe, yet it's  
12 within an historic district?

13 MARK SILBERMAN: Well, I think that  
14 we work very, very, closely with the Department of  
15 Buildings in these situations and the Landmarks  
16 Law has an exception for buildings that are in  
17 imminent danger to health and safety. The DOB  
18 can, if they make that sort of very extreme and  
19 very unusual designation, that someone does not  
20 have to get a permit from us to address the unsafe  
21 conditions that buildings has identified. Those  
22 are very, very rare. Most of what the DOB is  
23 issuing is for much lesser--they're concerned  
24 about a wall, they're concerned about a window or  
25 bricks, it's open, there's a roof off--it's

1 something like this. And then you have to come to  
2 the Landmarks Commission and deal with it. And  
3 so, we work closely--when they've found a building  
4 that has unsafe conditions, we immediately reach  
5 out to owners to make sure that they're coming in  
6 to us and getting permits and doing the work that  
7 they need to do to address the concerns, because  
8 over time if they don't address them, eventually  
9 it could reach a situation where the Department of  
10 Buildings says it has to come down because of an  
11 imminent safety issue. But the Commission--these  
12 are very intensive regulatory issues, because a  
13 lot of time with buildings, if DOB says oh, this  
14 building is vacant and open and accessible, we  
15 start the process and it turns out the owners live  
16 far away, or it's in the middle of an estate  
17 dispute, or there's a very ugly divorce, and  
18 ownership, the people that are using it--it's  
19 complicated. We have one case that we've talked  
20 about many times where a homeless person owned a  
21 building that had been, you know, was in a very  
22 dangerous state. We found out only because John  
23 Weiss, Deputy Counsel, traced through the social  
24 security number where the shelter where the guy  
25

1  
2 was living. So, it's complicated. But I think  
3 that what you should know is that we work very  
4 closely with Buildings, and once Buildings has  
5 identified or we've identified a building that has  
6 a problem, we reach out and try to contact owners  
7 and get owners. And if need be, we bring a  
8 demolition by neglect lawsuit in. And at any  
9 given time we probably have 30, 40 or 50 open  
10 items that we are working on. Most of them,  
11 thankfully, are resolved because people get their  
12 permits and fix the problem. On occasion we have  
13 to bring an actual lawsuit to address the problem.

14 COUNCIL MEMBER DICKENS: All right.  
15 Well, thank you so much.

16 CHAIRPERSON COMRIE: Thank you. I  
17 just want to note for the record, we received  
18 testimony from Community Board 8, the Height 75  
19 Owners Corp in Brooklyn, and the New York State  
20 Senate. I'm not sure what--oh, Senator Bill  
21 Perkins' office. I guess they had to leave  
22 because of time. Next we'll hear from Council  
23 Member Levin.

24 COUNCIL MEMBER LEVIN: Thank you  
25 Mr. Chairman. Just very quickly, in regards to

1  
2 Intro number 20, sponsored by Council Member  
3 Mendez. It seems that there's just--that the  
4 administration, both Department of Buildings and  
5 LPC see the merits in points of the legislation,  
6 and obviously the intent of the legislation is to  
7 remedy real problems, problems that actually  
8 exist, and as Council Member pointed out, kind of  
9 a loophole in the current law. And what I was  
10 wondering is if we could maybe get a commitment  
11 from LPC and DOB today to work with Council Member  
12 Mendez on ways in which the legislation could be  
13 clarified or amended or, you know, worked on in a  
14 collaborative fashion so that a piece of  
15 legislation could be agreed upon by LPC, by the  
16 City, and could move forward. I was just  
17 wondering if we could get that commitment from you  
18 guys that there could be, you know, that you guys  
19 could come together with Council Member Mendez and  
20 her staff to move something forward.

21 JENNY FERNANDEZ: Absolutely. The  
22 Commission always works very closely with Council  
23 Members, and we think that a partnership between  
24 the Commission and the members to which, as we  
25 even testified earlier, is required. We need to

1  
2 have a very good working relationship in order to  
3 move a lot of things forward and be able to get  
4 things done. And we certainly, we're happy to  
5 continue to work with Council Member Mendez if she  
6 would like to discuss the bill further and such,  
7 we'll certainly be willing to do that.

8 Absolutely.

9 COUNCIL MEMBER LEVIN: Good. Thank  
10 you very much. Thank you, Mr. Chairman.

11 CHAIRPERSON COMRIE: I look forward  
12 to--

13 DONALD RANSHTTE: [Interposing] Yes,  
14 Council Members. I noticed that Council Member  
15 Mendez wanted to make sure that we go on the  
16 record. We're always open to conversations with  
17 Council Members concerning any of the legislation  
18 in your current session. As you all know,  
19 oftentimes we get pulled into bills that we don't  
20 even have any effect on, so we'll certainly talk  
21 about ones that affect our operations on a daily  
22 basis.

23 CHAIRPERSON COMRIE: Thank you.

24 COUNCIL MEMBER LEVIN: Thank you,  
25 Donald.

1  
2 CHAIRPERSON COMRIE: We're going to  
3 wind up with Council Member Lander. I just want  
4 to note for the record that I didn't ask my  
5 specific questions, so I have like 18 questions  
6 that I wanted to ask. I'm going to run through  
7 them at the end. All right? Council Member  
8 Lander.

9 COUNCIL MEMBER LANDER: So, just  
10 responding to your response before, I think what  
11 you said was we've done a lot of designations.  
12 And you have done a lot of designations, so this  
13 isn't about volume. And second, you said people  
14 will never be happy. And people may or may not  
15 ever be happy, but these bills would not require  
16 you to make people happy. They wouldn't require  
17 you to prioritize one application over another.  
18 You would decide what the RFE responses were, and  
19 I think there's clear flexibility to work with  
20 you. Maybe we could even do it by rule making,  
21 rather than in the Law, what the responses would  
22 be. And they wouldn't require you to start the  
23 clock on a study and calendaring process. So, I  
24 didn't hear an answer to my original question,  
25 which was how would this limit your authority to

1  
2 set the agenda. You would still have full  
3 authority to set the agenda, you would just be--  
4 and I think you heard, I think it was interesting,  
5 from just members of this Committee, one Council  
6 Member trying really hard to get a little district  
7 considered, who has waited a couple of years with  
8 no response, and one Council Member with something  
9 that's been calendared for 25 years, with no  
10 ability to figure out when the end is, and that's  
11 just on our Committee, so you can imagine members  
12 of the public. You won't make them all happy, but  
13 with answers, with clarity, with timelines, and  
14 with some public information. But I do think that  
15 you would address these core issues of  
16 transparency. So, I guess I still don't  
17 understand how this would affect your ability to  
18 set the agenda and to set your own priorities.

19 MARK SILBERMAN: Well, let's talk  
20 briefly about the timelines that have been  
21 proposed. Okay? So, under the timeline, at some  
22 point during the RFE process, when a certain  
23 designation has been made that something has been  
24 accepted for further study, your bill kicks in and  
25 says, okay, you have 18 months to make a decision



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on eligibility.

COUNCIL MEMBER LANDER: If you chose to give the response we've accepted this for further study at this time.

MARK SILBERMAN: That's right.

COUNCIL MEMBER LANDER: But you always could say this is potentially, is eligible or potentially eligible, but we can't move forward to study at this time.

MARK SILBERMAN: Okay, so--

COUNCIL MEMBER LANDER:  
[Interposing] So, you would start the clock.

MARK SILBERMAN: Right, so that's correct. And my comment before about, well, so if we did that, we're not satisfying--we do that now. Right? So let's be clear, right now we say to people it's not a priority, it's under further consideration as an RFE. It sits out there. Okay? So, the idea--

COUNCIL MEMBER LANDER:  
[Interposing] So then we don't have a disagreement there if we just would do that within a couple of months and provide the answers to the responder and the public. That's exactly what we're asking.

1  
2 MARK SILBERMAN: But many people  
3 who are frustrated with the Commission are  
4 frustrated with the fact that that answer has been  
5 given and they don't see that thing moving. So  
6 then my comment, people aren't going to be happy  
7 with the answer if we do what you're proposing we  
8 do--right--which is just put more people, to  
9 control the agenda, just put more people in the  
10 not a priority under consideration--

11 COUNCIL MEMBER LANDER:  
12 [Interposing] Not more, just be clear that you're  
13 doing it.

14 MARK SILBERMAN: Also going to be  
15 unhappy.

16 COUNCIL MEMBER LANDER: Publicly  
17 and to the responder. Just make clear.

18 MARK SILBERMAN: And then secondly,  
19 once we have made that determination, your bill  
20 would create a situation where we must make a  
21 determination of eligibility, having determined it  
22 eligible, we must hold a hearing, which would put  
23 us in a situation with Council Member Jackson,  
24 where we've held a hearing on something that we've  
25 determined it eligible, but maybe it's not a

1  
2 priority. And it sits out there in this quasi-  
3 regulatory limbo.

4 COUNCIL MEMBER LANDER: What if  
5 there was some flexibility either in Council  
6 Member Garodnick's bill did it by rule making so  
7 that you didn't have to say eligible or  
8 ineligible, you could say eligible or potentially  
9 eligible, but, you know, either not a priority or  
10 not a priority at this time, or resources don't  
11 exist to move forward at this time.

12 MARK SILBERMAN: Or that there--are  
13 you also saying that there wouldn't be a hearing  
14 or there would be a hearing?

15 COUNCIL MEMBER LANDER: Well, I  
16 guess I think once you count--

17 MARK SILBERMAN: [Interposing] Your  
18 bill creates this momentum for certain types of  
19 things, correct.

20 COUNCIL MEMBER LANDER: Absolutely,  
21 because then once you have accepted things and you  
22 say we are moving them forward, then there should  
23 be a timeline. So, to me there's two different  
24 issues here. One is responding to the RFEs in a  
25 timely and clear way, and then there is once

1  
 2 you've said we're moving forward, having a  
 3 timeline to do it. You mentioned Sunnyside  
 4 Gardens. I went and looked. Your timeline from  
 5 designation on Sunnyside Gardens to designation  
 6 was from March 6th to June 26th, 2007. You did it  
 7 in three and a half months. So there should be a  
 8 timeline--

9 MARK SILBERMAN: [Interposing]

10 There was tremendous--

11 COUNCIL MEMBER LANDER: --study  
 12 period before, but this is the whole point, that  
 13 once you start a real public regulatory process  
 14 which has an impact at the Department of  
 15 Buildings, and that people in the community are  
 16 saying when is it happening, you know, how much do  
 17 we have to keep pushing? So, I agree with you  
 18 that there is a window in between those two  
 19 periods. We could not possibly say you must study  
 20 and declare eligible every RFE you get and carry  
 21 it through on a timeline without, you know,  
 22 multiplying your budget by 20. And I might be  
 23 willing to do that; I've also fought hard to make  
 24 sure you have the resources. So, these were  
 25 crafted to be realistic and appreciate that you

1  
2 can't move them all forward. But at the same  
3 time, respond to the public demand for a clear  
4 answer, some timeframes, and once you start a  
5 review and regulatory process, that it's got a  
6 timeline. If it needs to be a little longer we'll  
7 look at it, but I think the argument that we can't  
8 even be held to clarity and basic response  
9 timelines, and once we start a regulatory process  
10 even 25 years isn't too long. I just, I mean  
11 honestly, you sound like my pre-teen son who just  
12 wishes there were no deadlines in the world. And  
13 I'm sympathetic. We'll work with you. There's  
14 got to be a way to address the core desires of  
15 people who want to see that transparency and  
16 timeliness in a way that also preserves the  
17 Commission's flexibility and ability to do its  
18 job. Thank you, Mr. Chairman.

19 CHAIRPERSON COMRIE: Thank you,  
20 Chair Lander. I'm not sympathetic to your  
21 position at all. I'll just be up front with you.  
22 We all have timelines and deadlines, and once it's  
23 calendared--I can understand Council Member  
24 Jackson's frustration. His community is trying to  
25 get something done, either positive or negative,

1 but move forward. And I know there are many other  
2 examples of people that have that same problem. S  
3 o, I really am not that sympathetic to that  
4 position at all. I think that that's insular and  
5 it needs to be opened up, and that's why we're  
6 having these hearings today. I wanted to speak to  
7 a couple of things. In your testimony regarding  
8 845, I think it's misdirected. You know, one of  
9 the things we need to consider is that materials  
10 and the ability of materials to look like  
11 historical pieces are changing. So, if a person  
12 has an aluminum siding on the side of their house  
13 and they want to do an upgrade, there's aluminum  
14 that doesn't look like aluminum anymore; it can  
15 look historic. I think that having all of that  
16 being done in minutiae by Landmarks is ridiculous  
17 at this point in time. A person can send a  
18 picture of what the issue looks like and get the  
19 thing done without having to go through waiting on  
20 a Landmarks hearing or waiting on a ruling from  
21 Landmarks on every piece of minutia. I don't  
22 agree with that position at all. I just want to  
23 be clear about that. On Intro 220, also, there  
24 were some issues that you brought up that I  
25

1  
2 fundamentally disagree with, and I just want to  
3 put that out there as well. The other issue on  
4 the economic impact analysis, I think that there's  
5 some things that we have some discussions on. I  
6 would like to send you some questions about it so  
7 that you could get back to the Committee so that  
8 we can meet on it and talk about it as well. I'm  
9 not going to ask all my questions, because we  
10 still have 53 people that want to testify. We've  
11 been joined by Council Member Jim Gennaro, and I  
12 think we've had almost every member of both  
13 Committees here today at some point. And I would  
14 want to just emphasize that what we're trying to  
15 do here is eliminate the shades of gray that  
16 frustrate people that are trying to do the right  
17 thing. And also, we want to eliminate the  
18 ambiguities of people that have something that is  
19 already existing, their building was landmarked  
20 with that preexisting condition, and they want to  
21 be able to maintain that condition in the style  
22 that it was as it was designated, especially if  
23 it's not a significant threat to the landmarking  
24 liability of the building. With that, I want to  
25 thank all of you for being here. And now we're

1  
2 going to move to a panel. You notice that I  
3 didn't ask you for a response, because we're  
4 moving late and I know you don't agree, so we're  
5 just going to move forward. Pardon me? We have  
6 some other testimony. Okay. Right. First off  
7 we're going to hear from Andrea Goldwyn from the  
8 New York Landmarks Conservancy, Christabel Gough  
9 from the Society of Architecture of the  
10 Architecture from New York City, Ronda Wist from  
11 the Municipal Arts Society, Bessie from Senator  
12 Tony Avella's Office, Corey from Manhattan  
13 Chairman and Community Board--I think they  
14 submitted their testimony--Manhattan Community  
15 Board 4, and Michael Adams is going to--you  
16 already submitted the testimony for Bill Perkins.  
17 Do you want to read it, do you need to read it?  
18 You can come up and read it now.

19 [pause]

20 CHAIRPERSON COMRIE: You can start,  
21 since you're at the mic, because we're pressed for  
22 time. Oh, I did get an update. We will not have  
23 to move if there's still an overflow room, we will  
24 not have to move downstairs. We will be able to  
25 stay here. We were able to convince the other



1  
2 Committee to go. Yes, three minutes, yes. Yes,  
3 Ms. Wist, three minutes. And all the panelists  
4 know it's a three-minute clock. Just turn on the  
5 mic. It's--thank you.

6 ANDREA GOLDWYN: Good day, Chair  
7 Comrie and members of the City Council. I'm  
8 Andrea Goldwyn, speaking on behalf of the New York  
9 Landmarks Conservancy. Thank you for the  
10 opportunity to speak about the policies and  
11 procedures of the Landmarks Preservation  
12 Commission. Overall the Council has had a good  
13 record on Landmarks issues. However, we've found  
14 the large volume of bills and quick timing of this  
15 hearing to be a surprise. It has likely prevented  
16 all interested parties adequate time to respond,  
17 and we will not be commenting in depth on the  
18 entire agenda. Several of the bills address an  
19 ongoing debate about the transparency and  
20 timeliness of the landmark designation process.  
21 We believe that these bills are well-intentioned,  
22 but unless the City increases the LPC budget both  
23 substantially and permanently, many of these items  
24 would be very difficult to undertake, and there  
25 needs to be much more discussion, as mentioned

1  
2 today, before any specific timelines are  
3 implemented. Intro 533 calls for the LPC to  
4 provide a list of energy efficient windows, but it  
5 does not specify energy efficient standards, or  
6 consider that in some cases treatments less  
7 invasive than window replacement, such as repairs  
8 to weather stripping or installation of new  
9 glazing, can create higher levels of energy  
10 efficiency and sustainability. We have very  
11 serious reservations about Intro 845 and 846. 845  
12 would go against the spirit of the Landmarks Law.  
13 Currently there are circumstances in which the LPC  
14 allows non-historic replacement materials; but we  
15 rely on the staff's guidance to judge proposals  
16 for such uses. This bill would bypass their  
17 experience and expertise. And 846 is the most  
18 worrisome. Of the hundreds of thousands of  
19 buildings in the City, only about 3 to 4% are  
20 designated landmarks, that leaves 96 to 97%  
21 available for development opportunity. The LPC  
22 should not have to become an extension of the  
23 Economic Development Corporation in order to  
24 designate landmarks. And we believe that any  
25 economic analysis would be incomplete without also

1  
2 addressing the positive economic activity that  
3 landmarking generates, from tourism and jobs,  
4 stable or increased property values, and tax  
5 credits. In enacting the Landmarks Law, the City  
6 recognize the value of its architectural heritage.  
7 This law has served the City well by encouraging  
8 local jobs, tourism, and sustainability, and it is  
9 very popular with the dozens of neighborhood  
10 groups and thousands of citizens who request,  
11 advocate for, and welcome landmark designation.  
12 But the proposed bill would place too high a value  
13 on development. New York has never been, nor is  
14 it currently development deprived. Even during a  
15 Mayoral administration that has nurtured a  
16 development-friendly atmosphere, there have been  
17 more historic district designations than ever  
18 before, because building owners across the city  
19 want to protect the character of their  
20 neighborhoods. There should be additional time to  
21 discuss any of these bills, all of these bills,  
22 more thoroughly before they're brought to a vote.  
23 No City agency is perfect, but we believe that the  
24 Landmarks Commission performs an extraordinary  
25 task in carrying out the Landmarks Law and

1  
2 protecting the remarkable architecture of our  
3 city. And we hope that the most damaging bills  
4 proposed today do not prevent them from fulfilling  
5 that mandate. Thank you for the opportunity to  
6 present the Conservancy's views. And I'll just  
7 add that the statement we passed around also  
8 contains information on some preliminary economic  
9 research we've been undertaking for your review.  
10 Thank you.

11 CHAIRPERSON COMRIE: Thank you.

12 CHRISTABEL GOUGH: Good morning.

13 I'm Christabel Gough, speaking for the Society for  
14 the Architecture of the City. Thank you for the  
15 opportunity to appear. It was possible to enact  
16 our Landmarks Law and keep it until now, because  
17 it is inherently fair, recognizing the public  
18 interest in restoring and stabilizing  
19 neighborhoods of special character and preserving  
20 historic buildings, while also providing  
21 reasonable accommodation for legitimate concerns  
22 of real estate investors. The carefully  
23 calculated system of designated checks and  
24 balances, hardship provisions and the relief  
25 provided to investors through extended transfer of

1  
2 development rights have led the courts to uphold  
3 this law against challenges from extremists in  
4 both camps--preservation and redevelopment. It's  
5 a challenge to evaluate nine or ten amendments in  
6 three minutes, so let's just be clear about the  
7 big picture. Few bills under consideration today  
8 will advance the cause of historic preservation in  
9 any way, and several are calculated to undercut  
10 existing protections, eliminate necessary checks  
11 and balances, and cripple the Landmarks  
12 Preservation Commission. I'd like to speak about  
13 the past for a moment. On June 29th, 1988, the  
14 Real Estate Board of New York took an  
15 advertisement in the New York Times in which they  
16 opined; running a stopwatch on the Commission's  
17 designation activities is a worthwhile step in the  
18 right direction. At that time the Real Estate  
19 Board also advocated for what has been called  
20 Reverse Landmarking, that is, creating a roster of  
21 buildings and areas that could never be  
22 landmarked. One way to do this is to mandate a  
23 stopwatch timetable for action on requests for  
24 evaluation, force the LPC to make a final yes or  
25 no determination on an artificially affixed

1  
2 schedule, and then degree something which hasn't  
3 been discussed yet, "Any determination by the  
4 Commission in opposition is a final action."  
5 That's in 849. A negative determination is final,  
6 or as someone from the community put it, it means  
7 you can't come back. A related gambit is in the  
8 survey. In the past, the LPC had a Survey  
9 Department. It was discontinued because it was  
10 judged to be an inefficient use of scarce  
11 resources. Why resurrect this obsolete  
12 administrative mechanism? Well, in 1988 the Real  
13 Estate Board, steering the Cooper Committee  
14 Report, recommended that the entire City must be  
15 surveyed at a breathtaking rate, and all eligible  
16 buildings designated, followed by a moratorium.  
17 Designations that could not meet impossible  
18 deadlines of unfunded mandated were expendable.  
19 It is to the credit to the City of New York that  
20 none of these proposals was adopted in the past.  
21 They deserve to remain tabled forever. In the  
22 words of the 1988 counter-initiative, and I am  
23 wearing a button from that time, because I  
24 participated in it: Let us save the law that saves  
25 landmarks. And I have 20 copies of the testimony

1 here, which no one has taken from me.

2  
3 CHAIRPERSON COMRIE: The Sergeant-  
4 of-Arms will pick it up from you as soon as he  
5 can.

6 CHRISTABEL GOUGH: Thank you very  
7 much.

8 CHAIRPERSON COMRIE: Next person?

9 MICHAEL ADAMS: Good morning, or  
10 rather, good afternoon. My name is Michael Adams,  
11 and I'm here representing State Senator Bill  
12 Perkins. "Those who cannot remember the past are  
13 condemned to repeat it," wrote Santayana. During  
14 the Koch, Dinkins, and Giuliani administrations,  
15 and now near the end of Mayor Bloomberg's tenure,  
16 efforts have been made to weaken our exceptional  
17 Landmarks Law. Just as earlier attempts to  
18 emasculate the statue failed, I hope that reason  
19 will prevail now. Complaints that the Landmarks  
20 Preservation Commission's process is cumbersome  
21 and time consuming are not new. Nor is the  
22 illogical proposal to remedy of prescribing the  
23 process within strict time limits. Even now by  
24 asking this small, modestly funded agency to  
25 consider a vast array of buildings spread out over

1 a far-flung area--among all potential landmarks,  
2 only a tiny number of buildings are evaluated in a  
3 given year. Artificially limiting the time  
4 available for appraisal will no doubt have the  
5 effect of further reducing this number. In some  
6 neighborhoods, New York's richest neighborhoods,  
7 this wouldn't matter so much, since so much there  
8 is already protected. But in Community Board 10  
9 in my district, for instance, very little is  
10 designated. The Board's jurisdiction contains 28  
11 individual landmarks and two small historic  
12 districts, which collectively make up only 3.6% of  
13 CB 10. Comparatively, 10.6% of Manhattan is  
14 protected as historic districts. Community Board  
15 2 in the West Village is the most designated area  
16 in the City, with 45% of its buildings included in  
17 historic districts. Similar in age to Community  
18 Board 10 on the Upper West Side, 26% of the area  
19 is designated as a historic district on the Upper  
20 West Side. Apart from tax and financing  
21 advantages available to landmarked buildings, the  
22 bottom line is that such buildings provide more  
23 tax revenue and sell at a premium over unprotected  
24 buildings. So my position is the same now as when  
25



1  
2 I served on the Council. How can a great law be  
3 strengthened? How can citizens be empowered to  
4 better benefit from the law? In other great  
5 cities, the Council is on par with the Mayor.  
6 They, and in some cases even ordinary private  
7 citizens, are able to compel the landmarking  
8 agency to calendar buildings for protection. But  
9 nowhere is this effort undertaken wherein you have  
10 the conjunction of deadlines and conditions that  
11 set limits on future designation, effectively  
12 eviscerating the very outcome of preservation  
13 sought in the first place. Instead of diminishing  
14 our famed City ordinance, we must strengthen it,  
15 above all, until every community has equality in  
16 terms of landmarking. The Law must not be further  
17 diluted. And Chairman Comrie, I just would like  
18 to add, if I may, that when my Council Member,  
19 Council Member Jackson, said that everyone was for  
20 the dedesignation of this building, the Mink  
21 Building, the former Bernheimer Brewery, he was  
22 not speaking for an entire community. Because  
23 even though recently the Community Board did vote  
24 for that outcome, for ten years, that building was  
25 a part of the 197-A plan to be protected in CB 9,

1  
2 and moreover, the Community Board had voted over  
3 and over again that that building should be  
4 designated. So, it's for that reason that Senator  
5 Perkins, amongst many others in the community feel  
6 that that building should still be protected by  
7 landmarking. And opposition to--

8 CHAIRPERSON COMRIE: [Interposing]  
9 Again - - getting some resolution at some point or  
10 another, not for it to be hung up for 25 years.  
11 So, at some point a resolution has to come.

12 MICHAEL ADAMS: But sir, he, no he  
13 said--

14 CHAIRPERSON COMRIE: [Interposing]  
15 I understand what you're saying. But what I'm  
16 saying is, at some point things have to--there has  
17 to be a finale to things. That's all I'm saying.  
18 There has to be a finale. Ronda Wist?

19 RONDA WIST: Yes. Good afternoon  
20 Chair Comrie and Committee Members. I am Ronda  
21 Wist, Senior Vice President for Policy and  
22 Advocacy at the Municipal Arts Society. Thank you  
23 for allowing us the opportunity to speak on these  
24 10, no, 11 bills. I believe that in this room  
25 many, probably most of us, are friends of historic

1  
2 preservation, knowing that without it we would  
3 have no SoHo, no Edgar Allen Poe House, no  
4 Brooklyn Heights, no Louis Armstrong House, and no  
5 Alice Austen House. In other words, a very  
6 different city. Many can also agree that the  
7 Landmarks Commission could function more  
8 efficiently and more transparently, as could a  
9 variety of other city agencies. We assume that  
10 these bills reflect a sense of dissatisfaction  
11 with the process and outcomes. We invite the  
12 Council Members to a meeting of the MAS  
13 Preservation Committee. The next one is May 31st.  
14 We offer to work with you to better understand the  
15 exact nature of reported problems that motivated  
16 these bills, and talk through the range of  
17 solutions that might address these issues. It is  
18 impossible to thoughtfully evaluate so many intros  
19 of such great magnitude in just the few days  
20 allotted before this hearing. We recognize that  
21 the LPC calendaring and designation process could  
22 be more transparent and timely. We acknowledge  
23 the Council's efforts behind Intros 20, 222, 532  
24 and 850, however we would want to ensure that the  
25 timelines are appropriate and that LPC staff is

1 not left so overburdened with reporting functions  
2 that they can't get to their substantive work.  
3 For Intro 80, relating to the Department of  
4 Buildings, it would be helpful to first determine  
5 whether DOB could further work with Landmarks to  
6 update its technical memo, if necessary, in a way  
7 that resolves the underlying issues without  
8 requiring that every applicant for a building  
9 permit hire a preservation consultant. Intro 357  
10 relating to energy efficient mechanical equipment  
11 is very important to MAS, because we are actively  
12 working as part of our Preservation and Climate  
13 Change campaign, to promote the energy efficiency  
14 of the City's older and historic buildings. In  
15 fact, we are working with the Landmarks Commission  
16 and Terrapin on a manual, Greening New York City's  
17 Landmarks: A Guide for Property Owners, to  
18 encourage investments in the energy efficiency and  
19 sustainability of the City's historic buildings  
20 while meeting preservation standards. Because we  
21 commented on City Planning's Zone Green  
22 amendments, and know that LPC promulgated a rule  
23 that expanded the definition of rooftop  
24 mechanicals, we also are concerned about whether  
25

1  
2 this intro would supersede those efforts. Several  
3 of the bills are extremely problematic, and two in  
4 particular would undermine the effectiveness of  
5 the Landmarks Commission. Intro 846 requires that  
6 a draft designation report be prepared in advance  
7 of calendaring effectively stopping the work of  
8 the research department. And if City Planning  
9 will be required to analyze any theoretically  
10 unfortunate economic impacts of designation,  
11 shouldn't they also analyze the increase in  
12 property values that often result from  
13 designation? Regarding the request for district  
14 rules 90 days after designation, we note that LPC  
15 already has many rules which allow property owners  
16 to receive staff, not commissioned permits, for  
17 work on their landmarks. Intro 845 would allow  
18 building owners to continue to install asphalt  
19 shingles, white vinyl single-paned windows and the  
20 like in perpetuity. No owner is ever required to  
21 improve their building. This bill would  
22 completely abnegate the Commission's credo that  
23 over time the buildings will improve as the work  
24 is done sensitively. Just one last thing. We  
25 think that these proposals require additional

1  
2 study by all stakeholders, and MAS would be happy  
3 to be part of a taskforce or some other committee  
4 to assist the Council and the Commission. We  
5 would like to ensure that any proposed solutions  
6 are not worse than the problems these bills are  
7 intended to address. Thank you very much.

8 BESSIE SCHACHTER: I'm Bessie  
9 Schachter, who has sore throat, reading a  
10 statement on behalf of Senator Tony Avella. Dear  
11 Chair and Council Members. Unfortunately I'm  
12 unable to attend this hearing in person, as we are  
13 presently in session in Albany. However, I felt  
14 compelled to speak on this raft of bills being  
15 proposed by the City Council. In the eight years  
16 that I sat as Chair of the Zoning Committee of the  
17 City Council, I can't remember a situation where  
18 11 related bills that had questionable benefits at  
19 best, and extremely negative consequences at  
20 worst, to the general welfare of the City, are  
21 being pushed through in such an undemocratic  
22 fashion. It does not serve the interest of the  
23 public to limit discussion on so many important  
24 topics that pertain to the Landmark Preservation  
25 Commission's role in shaping the future of New

1  
2 York City. Clearly, several of these bills were  
3 directly influenced by developers and the powerful  
4 real estate lobby that are looking to destroy the  
5 ability of the Landmarks Preservation Committee to  
6 do its job, to protect the architecture and  
7 heritage of the City of New York. Intro 845 will  
8 turn the Landmarks Law on its head by demanding an  
9 economic and development discussion about each  
10 potential historic property or district, which is  
11 clearly at odds with the goal of protecting and  
12 preserving important buildings that have no  
13 quantifiable value. Intro 846 will remove one of  
14 the most effective tools in restoring the look and  
15 feel of the building or historic district over  
16 time, which clearly is the intent of the bill, by  
17 allowing existing inappropriate coverings and  
18 materials to remain, as long as they are replaced  
19 in kind. Why landmark something if it has to be  
20 restored at all? Intro 357 will water down the  
21 ability of the Commission to incorporate green  
22 improvements to a building tastefully. Since good  
23 design is of paramount importance to the LPC,  
24 removing their mandate of design review, even for  
25 something potentially laudable, is a slippery

1  
2 slope that will effectively compromise their  
3 agency's mission. Intros 222-A, 532-A, 849 and  
4 850 will have the ultimate effect of increasing  
5 the rejection rate of potential landmark buildings  
6 and historic districts throughout the City. The  
7 LPC's track record has to take more time, not  
8 less, when carefully considering whether to  
9 designate a property or historic district. While  
10 I've personally been impatient with the speed of  
11 the Commission's actions or lack thereof, imposing  
12 extremely tight time limits on them is not the  
13 answer, it will have a deleterious effect on those  
14 neighborhoods and individual buildings that  
15 deserve designation, but they just haven't gotten  
16 to it yet, due to a lack of staffing and budgetary  
17 constraints. Intro 220-A is a laudable goal,  
18 however, with the long-term budgetary constraints,  
19 it is unlikely that a survey unit will ever be  
20 permanently funded. Unless a funding stream can  
21 be guaranteed, it will only burden the LPC by  
22 having an unfunded mandate. I do support Intros  
23 20 and 80, which both help the LPC further their  
24 mission of monitoring and better controlling  
25 construction at and near landmarked sites and



1  
2 buildings. However is that is the tradeoff for  
3 the other bills to be passed, it's not worth it,  
4 as the other bills with gut the agency both  
5 financially, and its mission. In summary, most of  
6 these bills are extremely detrimental to the  
7 future of the Landmarks Preservation Committee's  
8 role of protecting New York City's history. I  
9 urge the City Council and Mayor Bloomberg to  
10 oppose all these bills, except Intros 20 and 80.  
11 Furthermore, I find it disturbing and dangerous  
12 that these 11 bills, each of which have  
13 substantial effects on Landmarks Preservation in  
14 New York City are being rushed through Committees  
15 with very little notice and too little opportunity  
16 for public input. These proposals deserve to be  
17 fully reviewed, analyzed and deliberated, not  
18 rushed through an expedited process. Sincerely,  
19 Tony Avella.

20 CHAIRPERSON COMRIE: Thank you.

21 Next we'll hear from--any members? No? No one  
22 indicates questions. We appreciate Mr. Avella's  
23 politicizing of the issue. We'll hear from Sylvia  
24 Gustino [phonetic], Michael Slattery, Andrew  
25 Howard [phonetic]. The other room. They're being

1  
2 unbehaved in the other room. Are any of these  
3 folks here? Michael Slattery? Andrew Howard?  
4 Sylvester Gustino? Sylvester Gustino? He left?  
5 Okay. Well, they did--I think that--Mr. Gustino  
6 left? And that... Okay. And we did receive  
7 testimony from him, I'm told. Okay. Then we'll  
8 call some other people in for time. Al Butzel  
9 from CECPP. Is Al here? He left? Jonathan Piel,  
10 558 East 87th Street. Okay. Margaret Wellington,  
11 Friends of Upper East Side. Other room. If they  
12 are in the other room, if you could come in,  
13 please. Tara Kelly from Friends of Upper East  
14 Side, and Jacqueline Peu-Duvallon.

15 [pause]

16 CHAIRPERSON COMRIE: Okay. We have  
17 another person submitting for the record. Peter  
18 Bray. I believe the Community Board 4 submitted  
19 for the record also. You can start.

20 MICHAEL SLATTERY: I'm Michael  
21 Slattery, Real Estate Board of New York. I hope  
22 my time, Christabel Gough's recitation of our  
23 position 25 years go doesn't eat into my three  
24 minutes, but I do note that there is some irony  
25 there that one of the items that she does cite

1  
2 about having time limits in terms of making a  
3 response to proposals would have addressed Council  
4 Member Jackson's concern, so there is some fitting  
5 irony that we're still, some 25 years later, still  
6 talking about positions we've raised then. More  
7 currently though, we'd like to comment on a number  
8 of bills that are before you today. We support  
9 reforms to Landmark Law that will make the  
10 designation process and the regulation of  
11 designated properties more open, transparent and  
12 user friendly. Intro 845 that permits the  
13 replacement with in kind materials present at the  
14 time of designation reaffirms the important aspect  
15 of the Landmarks Law, namely that the designation  
16 is of the existing conditions, and that  
17 restoration is not require. We have seen the  
18 troublesome expansion of the law, which goes  
19 beyond preserving a property or a district and  
20 attempts to impose a new standard of restoration,  
21 in the case of minor work such as window  
22 replacement. We need to provide clear direction  
23 to owners and to the LPC that replacement in kind  
24 is acceptable. We favor those bill such as Intro  
25 846 that provide property owners with complete

1  
2 comprehensive and timely information about the  
3 basis for any proposed designation and clear  
4 guidelines and direction about what renovation  
5 work or alternation will be permitted. The amount  
6 of information now available to property owners  
7 concerning the basis for the designation of their  
8 property, especially in historic district  
9 hearings, is in adequate. Typically the  
10 designation report, which contains this  
11 information is only publicly available on the eve  
12 of the vote to designate. This is much too late  
13 for property owners to question the soundness of  
14 the designation. This information should be  
15 available at calendaring, and certainly well  
16 before any public hearing. Once designated, the  
17 property owners is provided no written, district  
18 specific guidelines about what work, renovation,  
19 enlargement, or new construction will be  
20 permitted. This is especially important in  
21 historic districts, where the range of styles, the  
22 conditions of the properties, and a property's  
23 contribution to the character of the District can  
24 vary widely, given the enormous size of these  
25 districts and extensions. Unlike land use

1  
2 controls which can change over time, landmark  
3 designation is permanent and effectively prohibits  
4 the demolition or significant additions to the  
5 vast majority of existing buildings in historic  
6 districts. In fact, once designated, landmarked  
7 properties are subject to a higher standard of  
8 upkeep. Given these additional requirements,  
9 these owners should be given guidance about what  
10 work can be approved at staff level and what work  
11 will require more time consuming and expensive  
12 public hearings. Excuse me. The Landmarks Law,  
13 particularly historic district designation, has  
14 been misused to address neighborhood quality of  
15 life and development concerns that should and  
16 would be better addressed by zoning laws. This  
17 has distorted the original intent of the Landmarks  
18 Law, to preserve the architectural, cultural and  
19 historic fabric of our city. You only have to  
20 look at the scope of the proposed Upper West Side  
21 Extension, especially as it compares to the  
22 original districts, to see that the application of  
23 the Landmarks Law has changed. Just to summarize  
24 a couple things. The issue about economic issues,  
25 we think the Council should be able to balance

1  
 2 questions of landmark designation with the other  
 3 issues, whether it's planning considerations,  
 4 economic considerations, or others in the City  
 5 when they make a designation. Also, and it's part  
 6 of our testimony, we do have concerns with Intro  
 7 20, which have been cited, as well as also Intro  
 8 80. In conclusion, we think it's critical for  
 9 landmark preservation efforts to be fairly  
 10 administered and provide clear guidance for owners  
 11 and be balanced with other concerns of the city  
 12 for the good of the city. Thank you.

13 CHAIRPERSON COMRIE: Thank you.

14 Can you give us a copy of that so we can put it in  
 15 the record?

16 MICHAEL SLATTERY: Yes, yes. Yes,  
 17 we do. I handed it up to the...

18 CHAIRPERSON COMRIE: Thank you.

19 Next person?

20 JONATHAN PIEL: Thank you, Mr.  
 21 Chairman. Is this mic live?

22 CHAIRPERSON COMRIE: Yes.

23 JONATHAN PIEL: Okay, Good. My  
 24 name is Jonathan Peel, and I urge you to protect  
 25 New York's historic buildings and historic

1  
2 neighborhoods. They're as important to the City  
3 of New York as Wall Street, the communications  
4 industry, or tourism. New York's historic  
5 neighborhoods draw thousands of tourists to our  
6 city every year. I know, because I see them  
7 almost every day, wandering the streets of the  
8 Henderson Place Historic District in Yorkville,  
9 where my wife and I live. Several times a year,  
10 our historic district and many others serve as a  
11 set for Law & Order and other TV series, as well  
12 as for feature films, key industries which Mayor  
13 Bloomberg has wisely promoted as part of a  
14 diversified city economy. Speaking of the  
15 economy, we are all concerned about jobs and  
16 economic growth. We hear about the best use of  
17 real property defined as maximum dollar yield per  
18 square foot. But there is another way to look at  
19 best use, small buildings and the neighborhoods  
20 they create are business incubators. A chef with  
21 a bold idea for a new restaurant can afford space  
22 on East End Avenue or Columbus on a ground floor,  
23 but not in a 40-story glass tower. New York  
24 supports a thriving software and internet  
25 telecommunications industry because these business

1  
2 can rent in the older office buildings not so far  
3 from here in what is now called Silicon Alley.  
4 Cross the river to Red Hook. Artists, composers,  
5 musicians, singers and dancers who can no longer  
6 afford Manhattan have turned this part of Brooklyn  
7 into a hot, trendy neighborhood. They export  
8 their work back across the river to theaters and  
9 nightclubs in Manhattan. Check out the scene in  
10 the Meatpacking District, another major tourist  
11 destination, and a see and be seen magnet for  
12 celebrities. How long will either of these  
13 neighborhoods last if the S's in Best Use are  
14 spelled with dollar signs? And finally, there is  
15 public safety. In *The Life and Death of American*  
16 *Cities*, Jane Jacobs asserts that the greatest  
17 public safety asset that we have are eyes on the  
18 street in neighborhood communities where residents  
19 live in small buildings, shop in local stores and  
20 send their kids to school. Some of the bills  
21 before you constitute a genuine danger to the  
22 future of the past. Two set a deadline on the  
23 time that can elapse before an application to the  
24 Landmarks Preservation Commission expires. This  
25 limitation could create an impossible burden on



1  
2 the Commission, unless its resources are expanded  
3 dramatically. Another bill grandfathers materials  
4 and other features that are in place in a  
5 landmarked building. This bill grandfathers  
6 decay. True, owning a landmarked building can be  
7 very expensive. Why not create a tax break or  
8 some other form of fiscal relief where the expense  
9 of restoring isn't an unbearable burden to the  
10 owner? Again, thank you, Mr. Chairman, and Mr.  
11 Chairman, for your consideration and attention.  
12 You have the future of our city in your hands.  
13 Your fellow citizens count on you to shape it  
14 wisely. Thank you.

15 CHAIRPERSON COMRIE: Thank you.

16 Can we get a copy of that please?

17 JONATHAN PIEL: Yes, I will.

18 CHAIRPERSON COMRIE: Thank you.

19 TARA KELLY: Good afternoon. I'm  
20 Tara Kelly, Executive Director of Friends of the  
21 Upper East Side Historic Districts. Thank you for  
22 the opportunity to speak today. But first and  
23 foremost, the Preservation Committee at Friends is  
24 deeply troubled by how little time has been  
25 provided for an analysis of these bills by the

1  
2 community. These are complicated ideas to parse,  
3 and they necessitate a thorough review by all  
4 parties involved. While we have long lobbied for  
5 a reform at the Landmarks Preservation Commission,  
6 important policy changes require careful  
7 consideration and should not be made in haste.  
8 Lest we forget, the purpose of this agency is to--  
9 and this is quoted from their mission--safeguard  
10 the City's historic, aesthetic, and cultural  
11 heritage, help stabilize and improve property  
12 values in historic districts, encourage civic  
13 pride in the beauty and accomplishments of the  
14 past, protect and enhance the City's attractions  
15 for tourists, strengthen the City's economy,  
16 promote the use of landmarks for the education,  
17 pleasure and welfare of the people of New York  
18 City. The crucial nature of the LPC's work cannot  
19 be overstated. Preservation of our City's  
20 landmarks and historic districts of utmost  
21 importance to the vitality and stability of New  
22 York City's great neighborhoods. Historic  
23 preservation is an essential part of the City's  
24 economy, providing jobs for skilled laborers,  
25 increasing property values, and enticing visitors

1  
2 from around the world. Some of these bills before  
3 you today have been proposed with the best of  
4 intentions, attempting to resolve community  
5 concerns about the efficiency and transparency of  
6 LPC. We ourselves have shared these concerns.  
7 However, we feel that creating additional  
8 departments, setting strict timelines, and  
9 mandating complex procedures will only prevent the  
10 Commission from performing its mission,  
11 particularly with its very limited resources.  
12 Certain of the other bills before you, however, do  
13 not seek to improve the Landmarks Law, but to  
14 dismantle it. Intro 845 would allow for  
15 inappropriate materials to be replaced, quote  
16 unquote, in kind with inappropriate materials.  
17 Intro 846 requires that the LPC provide a draft  
18 designation report at the time of calendaring,  
19 adopt rules for any historic district within 90  
20 days of designation, and submit an economic impact  
21 analysis to the City Council within 60 days of  
22 designation. The City Council may modify or  
23 disapprove a designation based on the information  
24 supplied by this analysis. The radical reforms  
25 proposed are not merely procedural amendments to

1  
2 the Landmarks Law. In seeking to divest the LPC  
3 of its autonomy, these bills would effectively  
4 undermine the Commission, which is charged by the  
5 Legislature with determining and safeguarding the  
6 City's historic resources. Requiring non-expert  
7 oversight over expert opinions flouts 50 years of  
8 Landmarks jurisprudence, as well as broader  
9 principals of agency deference, and cannot be  
10 sanctioned. Similarly, compelling the Commission  
11 to draft designation reports that would require  
12 statements of specific value as well as  
13 predeterminations with respect to alterations or  
14 other matters that might later come before the  
15 Commission rob the Agency of its ability to  
16 consider each matter before it on an ad hoc basis,  
17 as is its charge. We respectfully request another  
18 hearing in due time, permitting additional public  
19 testimony before the Council takes action on any  
20 of these 11 bills. Furthermore, we ask that the  
21 Council work with us on reform of the Landmarks  
22 Preservation Commission, and not against us.  
23 Thank you.

24 JACQUELINE PUE-DUVALLON: Good  
25 afternoon Council Members. My name is Jacquie

1  
2 Pue-Duvallon. I am a historic preservation  
3 consultant with a Masters Degree in Historic  
4 Preservation from Columbia, and a former employee  
5 of the Landmarks Commission. Because my time is  
6 short, I will only focus on two of the bills, both  
7 of which seek to cripple the Landmarks Law. I am  
8 also appalled that this Committee would call this  
9 hearing with such short notice to the public when  
10 so many of these bills can have far-reaching and  
11 even detrimental effects to the Landmarks Law.  
12 But maybe that's the point. Maybe certain members  
13 of this Committee are more concerned with the  
14 interest of the real estate development lobby than  
15 the interests of the public welfare and our City's  
16 heritage. I urge the Committee to reject Intro  
17 845, the replacement materials bill. It would  
18 remove the LPC's regulatory mandate. The Agency  
19 would no longer be able to ensure that truly  
20 restorative work is done, which is how the  
21 historic character of a building and a  
22 neighborhood is brought back over time. Instead,  
23 this bill would disregard sound preservation  
24 practice and the expertise of the professionals  
25 that currently implement the law. Corrugated

1 metal and vinyl siding could be replaced in kind  
2 ad infinitum. It could also lead to increased  
3 abuse by people destroying historic architectural  
4 fabric in the hopes that they could do whatever  
5 they wanted in the future. Would City Council  
6 presume to tell people at the Buildings Department  
7 what type of steel should be used to frame a  
8 building? Would they tell the Planning Commission  
9 how to calculate FAR? I think not. The staff at  
10 the LPC are trained in building materials  
11 conservation, and architectural history. They  
12 have Masters Degrees and their work deserves no  
13 less respect than those at other agencies.  
14 Furthermore, the bill is in and of itself  
15 unnecessary, since LPC rules already allow for the  
16 installation of new replacement materials where  
17 appropriate, and in matching the quality and  
18 characteristics of the original material. These  
19 materials are often much less expensive than the  
20 original. The LPC already allows for cheaper  
21 alternatives while maintaining architectural  
22 integrity. Regarding 846, the so-called economic  
23 argument bill. I urge the Committee to reject  
24 this bill because it is predicated on property  
25

1  
2 being used only for development and discounts the  
3 public welfare. It also discounts the economic  
4 benefits that do come with historic preservation.  
5 The people of this city want certainty and  
6 protection. They want to know the character of  
7 their neighborhood will not be altered in ways  
8 that are unsympathetic to historic building stock.  
9 Also, the economic benefits of historic  
10 preservation have been shown in numerous studies,  
11 including a 2003 independent budget office report,  
12 which showed that buildings in historic districts  
13 consistently maintained higher property values  
14 than similar buildings that are not in historic  
15 districts, even in economic downturns. There's  
16 also the business of restoration to consider.  
17 There are architects and contractors in this city  
18 that specialize in restorative work. People are  
19 being trained in building crafts that give them a  
20 unique skill to market. In considering 846,  
21 please ask yourself how many neighborhoods in this  
22 city would have the same character and cache had  
23 they not been designated historic districts? How  
24 many of those neighborhoods have become economic  
25 engines because of designation? Why have they

1  
2 become tourist attractions and chic places to live  
3 and to film movies? Because the LPC ensures the  
4 integrity of their architecture and original  
5 character. Tribeca, South Street Seaport, SoHo,  
6 Brooklyn Heights, Park Slope, Cobble Hill, Upper  
7 West Side, Upper East Side, are but a few of the  
8 areas I can think of that have become hot because  
9 of historic designation. I'll wrap up. In '78  
10 the City argued for the validity of the Landmarks  
11 Law in front of the Supreme Court and stated,  
12 regulating private property for historical,  
13 cultural or aesthetic values, if it is done in  
14 accord with a comprehensive plan that provides  
15 benefit to all, is in the public interest. I urge  
16 this Committee to uphold that public interest and  
17 reject these two bills. Thank you.

18 CHAIRPERSON COMRIE: I thank the  
19 panel for coming. I see no questions. I'm really  
20 not understanding the issue of the timeliness of  
21 the hearing. This is a first hearing. There was  
22 a two-week notice for this hearing. I don't get  
23 that argument, but it seems to be a recurring  
24 theme today. It doesn't make sense to me, when  
25 this is a first hearing and there will be plenty



1  
2 opportunity for discussion and discourse. Nizjoni  
3 Granville, Community Board 8, Brooklyn. Oh, for  
4 the record? She left already? Okay. Suzanne  
5 Spellen, Crown Heights North Association. Is she  
6 in the other room? She's coming? Claudette  
7 Brady, Bedford-Stuyvesant Society for Historical  
8 Preservation. Ms. Spellen? Go right to the  
9 table. Judy Stanton from the Brooklyn Heights  
10 Association. Okay. Judy left. Okay. Perri  
11 DeFino, Bedford-Stuyvesant HD.

12 CLAUDETTE BRADY: She's coming.

13 CHAIRPERSON COMRIE: She's coming.  
14 Okay. Brook Stanton, Vinegar Neighborhood  
15 Association. Is that you sir?

16 BROOK STANTON: That's me.

17 CHAIRPERSON COMRIE: Okay, thank  
18 you. And Doreen Gallo from DUMBO Neighborhood  
19 Alliance. Anybody know her? Is she here? Okay.  
20 We'll end it there for now. You can start.

21 [off mic]

22 CHAIRPERSON COMRIE: You've got to  
23 touch the mic.

24 SUZANNE SPELLEN: To the  
25 distinguished members of the City Council and all

1  
2 concerned New Yorkers. My name is Suzanne  
3 Spellman, and I live in Crown Heights North,  
4 Brooklyn. I come here as a Board Member of the  
5 Crown Heights North Association, Inc., and as a  
6 concerned citizen. I am not a lawyer or a policy  
7 maker, but I am very involved in my community.  
8 I've lived in Central Brooklyn for almost 30  
9 years, and during that time the two communities  
10 I've lived in, Bedford-Stuyvesant, and Crown  
11 Heights North, have gone from feared ghettos to  
12 desirable communities. Today we are real hot real  
13 estate prospects, as the rest of the city has  
14 finally realized what we've known all along, we  
15 live in beautiful communities with great  
16 architectural and historical provenance. By  
17 owning the homes that make up these communities  
18 generations of hardworking families have kept  
19 Bedford-Stuyvesant and Crown Heights from being  
20 destroyed like so many other lower income  
21 neighborhoods in this city. My communities are  
22 not wealthy, but we are rich in beautiful  
23 streetscapes and architectural beauty and we want  
24 to protect it. Landmarking is not just for the  
25 rich, it is for everyone, and we have worked hard

1  
2 to get it. We now have a growing Crown Heights  
3 North Historic District. In Bedford-Stuyvesant,  
4 tremendous community support is behind the LPC's  
5 work in designating part of this very worthy area.  
6 We owe this to an organized and enthused community,  
7 the invaluable support of Councilman Vann and  
8 Councilwoman James, Community Boards 8 and 3 and  
9 dedicated volunteers, and we owe it to the  
10 Landmarks Preservation Commission, which has  
11 worked tirelessly, with reduced staff and budget,  
12 to get the job done. We are but one area of a  
13 large city and there's so much yet to be done, and  
14 so we come to the bills. Intro 845 and 846 do  
15 nothing for creating communities. They ensure  
16 that real estate value alone is the consideration  
17 for growth. We are not real estate, we are  
18 neighbors and communities. Our homes have value,  
19 not just because they sit on precious land, but  
20 because the homes have become precious to us,  
21 because of what the people had to do to obtain  
22 them, in spite of redlining, racist predatory  
23 lending, a lack of city services, bad schools,  
24 people worked two or three jobs, sacrificed, saved  
25 their money, and invested in their future. We

1  
2 come from different nations, different  
3 backgrounds, have had different educational,  
4 employment opportunities, but we all wanted homes  
5 for our families and we persevered. I don't want  
6 to see that tossed out for the good of real  
7 estate. These bills before the Council need time  
8 to be properly debated, not swept across the table  
9 as if they don't really matter. They matter very  
10 much as they affect us all, and will have a great  
11 impact on the kind of city we live in. I urge you  
12 to give these bills that time. Thank you.

13 CHAIRPERSON COMRIE: Thank you.

14 Next person?

15 CLAUDETTE BRADY: Good afternoon.

16 My name is Claudette Brady. I am one of the co-  
17 founders of the Bedford-Stuyvesant Society for  
18 Historic Preservation. I come here today to  
19 request that, one, we have more time to discuss  
20 this bill, for us to get this information out to  
21 our community residents, as we are in the process  
22 of looking to designate two additional areas in  
23 Bedford-Stuyvesant. Of great concern for us right  
24 now is bill 446, which values buildings based on  
25 their development and not on their assets of an

1  
2 integral part of our lives in the community. I  
3 wish the members of this Committee could review  
4 the hearing of the residents of Bed-Stuy for our  
5 designation hearing last October. Our buildings  
6 are not commodities; they're where we live, they're  
7 places that have been in our families for years.  
8 They're the bedrock of our lives. We don't place  
9 value on them by their highest use, but what they  
10 mean to us as family members, as community  
11 members. And how the landscape that we live in  
12 allows to interact within that neighborhood. I  
13 plead with you to hold these hearings again and  
14 give us time to let these hearings, give us time  
15 to allow us to educate our constituents about  
16 these hearings so that they know how this will  
17 impact them going forward. Thank you very much.

18 CHAIRPERSON COMRIE: Thank you.

19 PERRI DeFINO: My name is Perri  
20 DeFino and I'm here along with Claudette for the  
21 Bedford-Stuyvesant Society for Historic  
22 Preservation, and I'm also a Committee member of  
23 CB 3 Landmarks Committee, and very briefly, I just  
24 want to say that of course I support historic  
25 district designation in New York City, and I back

1  
2 the LPC's position on the bills presented. And  
3 wish that we had more time to consider the  
4 possible merits in some of the bills and not let  
5 any of the detrimental parts of the bills go  
6 through. Thank you.

7 CHAIRPERSON COMRIE: Next person.

8 BROOK STANTON: Good afternoon. My  
9 name is Brook Stanton. I'm the secretary of the  
10 Vinegar Hill Neighborhood Association in Brooklyn,  
11 New York. And on behalf of the Historic District  
12 of Vinegar Hill in Brooklyn, the elected  
13 representatives of Vinegar Hill Neighborhood  
14 Association are her today to express solidarity  
15 with the New York Landmarks Preservation  
16 Commission, in its concerns about the 11 items of  
17 legislation under consideration at this hearing.  
18 Specifically, we would ask that action on the  
19 legislation be postponed and a reasonable timeline  
20 be established to allow adequate public  
21 consideration of, and comment on the bill. We  
22 hereby join the LPC in its unequivocal opposition  
23 to the following six bills that in their present  
24 form would adversely tax the Commission's  
25 resources impose unreasonable timeline on its

1  
2 activities, and unduly restrict its appropriate  
3 functions. Those are Intro 222-A, Intro 532-A,  
4 Intro 849, Intro 850, Intro 845 and Intro 846. We  
5 appreciate your continued commitment to New York's  
6 architectural heritage and to all those whose  
7 dedication helps to sustain it. Thank you.

8 CHAIRPERSON COMRIE: Thank you. I  
9 guess I have to keep repeating myself, but this is  
10 the first hearing. This is the opportunity to  
11 open up discourse, not to close discourse. So,  
12 and it's interesting you want timelines on one  
13 end, but no timelines on the agency. But, next  
14 person?

15 DOREEN GALLO: My name is Doreen  
16 Gallo. I'm here for the DUMBO Neighborhood  
17 Alliance. The DUMBO Neighborhood Alliance opposes  
18 this blatant attempt by the City Council to  
19 seriously damage the Landmarks Law and by proxy  
20 destroy the integrity of existing landmark  
21 buildings and historic districts as well as future  
22 potential designations. While several of the  
23 bills will help enforce rules on permits and  
24 construction at or near landmark properties,  
25 Intros 20 and 80, the other bills either weaken

1  
2 the ability for the LPC to enforce better design  
3 for rooftops or demand specific products for  
4 appropriate green replacement products--Intros 357  
5 and 533--and create additional bureaucracy or  
6 mandatory timelines, Intros 220, 222-A, 532-A, 849  
7 and 850, that we believe will hamper the ability  
8 of the LPC to do its job, as they do not have the  
9 staff or resources to meet their current mandates,  
10 let alone the ones called for in those bills. The  
11 two most damaging bills, however, are Intros 845  
12 and 846. The whole point of historic districts  
13 such as DUMBO is to take off layers of siding,  
14 brick face and other inappropriate materials when  
15 buildings finally come under some sort of  
16 restoration program, which can take decades--not  
17 to allow the same inappropriate materials to be  
18 replaced over and over again which Intro 845 would  
19 allow. Even worse is the wholesale creation of an  
20 economic zoning and development argument under  
21 Intro 846. That would place a chilling effect on  
22 all new designations. That sort of study would  
23 also have no bearing on what the actual value of  
24 an historic building or district is. For example,  
25 15 years ago, manufacturers, small businesses and



1  
2 artists still mostly occupied DUMBO. Today the  
3 value of the area has exponentially increased due  
4 to the conversion of most buildings to residential  
5 and the historic district, which clearly helped to  
6 add value to the buildings, not to the land.

7 These proposed bills are wrong-headed and damaging  
8 to the future of New York City's neighborhoods,  
9 including DUMBO. DNA urges you to oppose all of  
10 these bills, except for Intros 20 and 80.

11 CHAIRPERSON COMRIE: Thank you for  
12 coming and speaking. Can you give your testimony  
13 to the Sergeant-of-Arms? I'm not sure--did you  
14 guys say Perri DeFino left? She spoke? Did I  
15 miss that? I'm sorry. Okay. All right. Next  
16 group is Simeon Bankoff. I can't read this.  
17 Howard? Is Howard? Is this your handwriting?  
18 This is bad.

19 [laughter]

20 CHAIRPERSON COMRIE: I'm sorry.  
21 It's worse than mine though. Cathy Wassylenko  
22 from the New York Preservation Alliance? Is Cathy  
23 here? She left? Thank you. Lo van der Valk from  
24 Carnegie Hill Neighbors. Thank you. Daniel  
25 McCalla from Four Borough Neighborhood

1  
2 Preservation Alliance. Okay. Jeffrey Rossler  
3 [phonetic] from the Citizens Emergency Committee  
4 to Preserve Preservation. He's in the other room?  
5 Thank you. Glenn Van Bramer. Is Mr. Van Bramer  
6 still here? Okay, Simeon, we can start with you.  
7 Is Mr. Van Bramer still here?

8 SIMEON BANKOFF: Good afternoon,  
9 Council Members. I am Simeon Bankoff, Executive  
10 Director of the Historic Districts Council. The  
11 Historic Districts Council is a not-for-profit  
12 community service organization that works with  
13 over 500 neighborhood groups to preserve New York  
14 City's historic buildings and communities. Since  
15 1971 we have worked with, for, and against the New  
16 York City Landmarks Preservation Commission to  
17 achieve this goal. We have been directly involved  
18 in the designation of over half of the currently  
19 107 historic districts, as well as countless  
20 individual landmarks, and we regularly monitor and  
21 participate in every public meeting and hearing of  
22 the agency. It is fair to say that outside of the  
23 agency staff, HDC probably spends more time  
24 thinking about and interacting with the Landmarks  
25 Commission than any other group in New York City.

1  
2 To the extent it's been possible, we have studied  
3 the multitude of bills currently before City  
4 Council and assessed them with the goal of  
5 encouraging the best preservation practices for  
6 New York. This statement will focus on two  
7 aspects, the imposition of a timeline to LPC's  
8 consideration of potential designations, and  
9 Intros 845 and 846, which we feel to be a direct  
10 assault on the integrity of the Landmarks Law. My  
11 written statement has detailed analyses of each.  
12 The current timeline proposed by the combination  
13 of Intros 222-A, 532-A, 849, and 850 would seem to  
14 answer the longstanding complaints about a lack of  
15 attention to community requests. In truth, if  
16 these bills were adopted in tandem as written, it  
17 would risk overwhelming the LPC's scant resources.  
18 Currently there are literally thousands of  
19 buildings and potential historic districts across  
20 the city, which would request attention for the  
21 Landmarks Commission. If the Commission had to  
22 make decisions and designate all these requests in  
23 33 months, they simply couldn't, even if they  
24 wanted to. This would result in thousands of  
25 buildings being rejected based on a mandated

1  
2 schedule rather than merit. One must keep in mind  
3 that it's easier for a City agency to do nothing  
4 than to take positive action, and this proposal as  
5 written seems ensured to produce negative results.  
6 It is also important to note that there is no  
7 funding attached to this scheme, and it would be  
8 incredibly difficult for Council to guarantee such  
9 funding would be delivered. If this timeline was  
10 currently in place, one could easily imagine the  
11 Crown Heights North, the Park Slope Extension, the  
12 Grand Concourse, Douglaston Hill and other  
13 historic districts would have never been  
14 designated since all those designations took  
15 longer than 33 months to complete. This is  
16 clearly a case of an attempt to legislate around a  
17 concern where the cure is much more damaging than  
18 the problem. Intro 845, the replacement materials  
19 bill undermines the basic premise of LPC oversight  
20 in helping to gradually return areas to a more  
21 historically appropriate condition. With the  
22 advent of new material technologies and the  
23 increased availability of skilled local building  
24 artisans, it's cheaper and easier than ever before  
25 to replace failing building materials with

1  
2 appropriate replacements of high quality. What  
3 this bill would result would be an endless  
4 replacement of white vinyl windows in designated  
5 historic districts with more of the same. Intro  
6 846 deliberately misconstrues the economic value  
7 of the landmark designation by emphasizing the  
8 false value of property strictly as development.  
9 By enabling the sole criteria of economic value to  
10 be the highest use of a site, the bill strives to  
11 denigrate the economic value of landmark  
12 designation to property value. The most highly  
13 valued and most desirable property in New York  
14 City falls within historic districts. There are a  
15 number of factors why these areas are so  
16 successful, and one of them is their landmark  
17 protection. People want to live where there is  
18 certainty and surety and protection. Under this  
19 bill, the current Park Slope Extension would have  
20 been found to have negative economic effect on the  
21 neighborhood because it could potentially affect  
22 the FAR of row house blocks, whereas commonsense  
23 and actual real world data will show the opposite  
24 to be true. If an economic analysis of landmark  
25 designation is truly deemed necessary, then it

1  
2 must be a robust one--last sentence--which takes  
3 into account all the costs and benefits of  
4 designation, such as increased property values,  
5 tax incentives for rehabilitation and development,  
6 added flexibility under the--

7 CHAIRPERSON COMRIE: [Interposing]

8 - -

9 SIMEON BANKOFF: Okay. I was  
10 trying to stay within my time limit. Kind man.  
11 Added flexibility under the zoning resolution,  
12 increased ability to transfer development rights,  
13 accessibility to public and private funding for  
14 development, maintenance and the like, otherwise  
15 this bill is just a pig in a poke.

16 CHAIRPERSON COMRIE: Well, let's  
17 keep poking on here. Next person?

18 LO VAN DER VALK: My name is Lo van  
19 der Valk. I'm president of Carnegie Hill  
20 Neighbors. I too want to express what has been  
21 expressed before, that these are far reaching  
22 bills being proposed and that the time period  
23 available has been very short and we would reserve  
24 the opportunity to give fuller testimony at a  
25 later time. I do want to highlight our agreement

1  
2 with much of the testimony just given by Simeon  
3 Bankoff of the Historic Districts Council. We  
4 agree with many of the points that he has made,  
5 and I also think that the earlier mention of an  
6 omnibus bill that would incorporate all aspects as  
7 a unity might be a worthwhile approach. But by  
8 and large, there are so many issues and so many  
9 detrimental aspects to the bills being proposed  
10 that their overall impact is very much contrary to  
11 the Landmarks Law, and to really the great  
12 benefits of the operation of the Landmarks  
13 Commission for the City in the last, well, since  
14 1965. So, we would say it may be like the  
15 Hippocratic oath, the first commandment is to do  
16 no harm. Thank you very much, Mr. Chairman.

17 CHAIRPERSON COMRIE: Thank you.

18 Next person?

19 HOWARD YOUROW: Thank you, Mr.  
20 Chairman. I'm Howard Yourow of the HDC Board and  
21 of the Four Borough Neighborhood Alliance Board.  
22 I'm also Chair of the Friends of the Hall of Fame  
23 for Great Americans, the Stanford White  
24 masterpiece on the campus of the Bronx Community  
25 College. I apologize for my handwriting. I'm

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part of--

CHAIRPERSON COMRIE: [Interposing]

Don't apologize.

HOWARD YOUROW: --the New York City  
public school system, PS--

[laughter]

CHAIRPERSON COMRIE: I am also.

HOWARD YOUROW: But I don't know  
what happened. I don't know where things went  
wrong. It wasn't with my teachers, it must have  
been with me. But thank you for the opportunity,  
sir, and I can do no more than to second the  
remarks of our distinguished Executive Director  
Simeon Bankoff on the issues before the Committee.  
And I'm sure I speak not only for myself but for  
my fellow board members, many of whom will also be  
before you this afternoon. Thank you.

CHAIRPERSON COMRIE: Thank you.

DANIEL McCALLA: Good morning,  
Councilman Comrie. My name is Daniel McCalla of  
the Four Borough Neighborhood Preservation  
Alliance Corporation. I'm here to testify in  
support of Intro 20 and 80. It's been too long  
since these bills have been introduced. DOB is



1  
2 one of the most dysfunctional city agencies in the  
3 country, changing commissioners have not improved  
4 it. Intro 80 is important, because when  
5 Councilman, I think it was Gerson, introduced  
6 this, the building that their foundation was  
7 destroyed on, I think it's Remsen and Broadway,  
8 has now become a tourist attraction in front of  
9 the Department of Buildings. I testify in  
10 opposition of 845, 846, and 357 for simple  
11 reasons. 845 creates unrealistic regulations.  
12 846 is more appropriate for the Board of Standards  
13 and Appeals, where owners always use Economic  
14 Hardship for variance. I mean, if you're going to  
15 pass it, you would have had to pass Councilman  
16 Gioia's tax credit for the LPC or designations in  
17 landmarked districts. And it's been so many years  
18 since that's been done, but we all know the  
19 opposition. 849, 850 and 220-A would have been  
20 appropriate if the Council could find a legal way  
21 to expand the city agencies' budgets. If you can,  
22 I'd be welcome to support those bills, but I don't  
23 think it's reality. In closing, I would like to  
24 thank Councilman Comrie, Housing and Buildings  
25 Department Staff, Council Staff, and for this

1 hearing. I thank you for your time and patience.

2 CHAIRPERSON COMRIE: Thank you.

3 JEFFREY KROESSLER: Good afternoon.

4 Councilman Comrie, it's nice to see you again. My  
5 name is Jeffrey Kroessler. I am representing the  
6 Citizens Emergency Committee to Preserve  
7 Preservation, CECPP. We formed the Citizens  
8 Committee in 2006 to address what we considered  
9 three issues concerning the LPC, independence,  
10 transparency, and funding. Our intention was to  
11 pass out of existence one the emergency was  
12 passed, but here we are, still addressing the  
13 independence of the LPC, the transparency of its  
14 processes from designation to regulation, and  
15 funding. The LPC has more of a portfolio than  
16 ever, yet staffing and resources remain tight.  
17 Since 2006, we have lobbied members of the City  
18 Council to introduce bills to strengthen the LPC  
19 and reaffirm the Landmarks Law. Imagine our  
20 disappointment in what is being proposed today.  
21 Rather than strengthening the law, some of these  
22 proposals aim at gutting it. Pardon our naiveté,  
23 but we believe that our city had reached a  
24 consensus on preservation, namely that historic  
25

1  
2 districts benefit our city culturally, socially  
3 and economically. Designation stabilizes  
4 neighborhoods and improves property values. We  
5 thought that was a good thing. Preservation has  
6 created destination neighborhoods, magnets for  
7 tourism locally and internationally. Weakening  
8 the LPC adds no value to our city and is  
9 predicated on a false assumption, that the only  
10 value a property has is its developmental value.  
11 Such faulty reasoning ignores the new investment  
12 that is other than new construction. In Sunnyside  
13 Gardens, where I am a homeowner, new homeowners  
14 are putting hundreds of thousands of dollars into  
15 their properties. Where is that number in the  
16 Real Estate Board's calculus? And it goes without  
17 saying that they bought there precisely because it  
18 is an historic district. They want their  
19 investment protected. On the specific bills  
20 before us, I will give merely a yes or no in the  
21 interest of time. Intro 20, yes, closing a  
22 loophole. Intro 80, yes, to protect our  
23 resources. Intro 220, no. Intro 357, really no.  
24 Green technology masks all sorts of inappropriate  
25 changes. 220-A, no. 532-A, yes, no, maybe, who

1 knows what's in the exact language where. On two  
2 bills I will say that we are absolutely opposed.  
3 Intro 845, no, no, a thousand times no. Intro  
4 846, no, no, a thousand times no. I have my  
5 testimony and our reasons. I hope we can discuss  
6 them personally as to why these bills are  
7 inappropriate. Thank you.

8  
9 CHAIRPERSON COMRIE: Thank you for  
10 being here. Thank you, panel. I look forward to  
11 taking an opportunity to engage in a more in-depth  
12 session at somewhere else to work on all of these  
13 issues. I need to take a five-minute break, to  
14 allow me to do something. Peter, but Peter Bray,  
15 if he's here. Patti Hagan, Linda Eskenas from--  
16 Linda, yes. Henry Erler [phonetic] from the  
17 Auburndale Improvement Association,

18 HENRY EULER: Euler.

19 CHAIRPERSON COMRIE: Euler, sorry.  
20 And Mitchell Grubler, from Queens Preservation  
21 Council. And I'll be back in five minutes.

22 [pause]

23 CHAIRPERSON COMRIE: Are any of the  
24 folks that I called for the next panel in the  
25 house? I know Linda is here.

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[pause]

CHAIRPERSON COMRIE: Are we ready to restart, Sergeant? Okay. Great.

[pause]

CHAIRPERSON COMRIE: I'm sorry. I didn't want you start and not be attended to, so you can, if you don't mind, start now, thank you.

HENRY EULER: Okay. My name is Henry Euler. I'm First Vice President of the Auburndale Improvement Association. We represented over 600 members in Western Bayside and Auburndale Flushing. I'm also a Board Member of the Bayside Historical Society and a Member of the Queens Preservation Council. I come here today to represent my civic association. My civic association supports the positions of the Historic Districts Council on all of the bills that are being spoken about today. We feel that we support the HDC in opposing bill 845 and 846. We feel that those bills will hamper the LPC in designating and regulating. We support Intro 20 and 80, and we have mixed feelings about the other bills. And hopefully as time goes on, those bills will be looked at more carefully and perhaps some

1  
2 of the better aspects of them can be adopted as  
3 well. We feel in our civic organization that the  
4 LPC needs to be more effective, efficient, and  
5 accountable. And in order to do that, they have  
6 to be funded properly. We also have a bone to  
7 pick with the LPC in that we feel that the Outer  
8 Boroughs of Queens, Brooklyn, Bronx and Staten  
9 Island have not had as many designation as they  
10 should have over the years. We know that there's  
11 been improvement in the last couple of years in  
12 regards to that respect, but more work has to be  
13 done in the outer boroughs. As an example, in my  
14 area of Queens, we have Broadway Flushing. That  
15 community should be landmarked. And we also have  
16 Richmond Hill, that's another community that needs  
17 landmarking attention. We have individual  
18 buildings in our borough that should be  
19 landmarked, including the Bound Street Church in  
20 Flushing, and the Ayles House in Bayside. I hope  
21 that as we continue with the discussion of these  
22 bills, more progress can be made to make the LPC  
23 more accountable and more efficient. Thank you.

24 CHAIRPERSON COMRIE: Thank you.

25 PATTI HAGAN: Do I just hit this

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button?

CHAIRPERSON COMRIE: It's on.

PATTI HAGAN: Oh, okay. Good afternoon. I am Patti Hagan from the Prospect Heights Action Coalition and the St. Mark's Avenue Prospect Heights Community Garden in Brooklyn. Thank you for holding a hearing today, the first of many, I hope, to strengthen the invaluable New York City Landmarks Preservation Law. I have just come here from the Prospect Heights Historic District, where I am fortunate to live. Three minutes to weigh in on 11 bills, one of which only surfaced yesterday is absurd, therefore I ask that you shelve all of these bills at this time, pending further thoughtful public study and discussion. We, the people of New York City, hold the Landmarks Preservation Law dear. I give thanks every day that I can live in, walk through, New York History saved--some of it. We need an LPC independent of the Mayor. Bloomberg, Giuliani, whoever, and their developer cronies, because in New York we have government by and for developers who regularly buy off our lawmakers, especially in Brooklyn, see Kruger. We have lost

1  
2 the history [off mic] bread bakery to uber  
3 developer--

4 CHAIRPERSON COMRIE: [Interposing]  
5 You turned it off. When you put the--

6 PATTI HAGAN: Sorry. --to uber  
7 developer Bruce Ratner's Ratlantic Yards and his  
8 destructive scheme, so that Ratner can operate the  
9 biggest parking lots in New York City at one of  
10 the City's major mass transportation hubs, of  
11 course. In Manhattan, at the very end of the 20th  
12 Century, we lost the exquisite cottages and  
13 gardens in the East 70s. Mayor Giuliani forbid  
14 Jennifer Raab, the head of the LPC during his  
15 reign, to even walk through the cottages and  
16 gardens, so that his developer pals, AB Rosen and  
17 Trevor Davis could build the empire. The roster  
18 of lost landmarks is heartbreaking. So, in brief,  
19 on the 11 bills being shotgun considered today,  
20 yes, to Intro 20, yes to Intro 80, yes to Intro  
21 220, no to Intro 357, no to Intro 533, no to Intro  
22 222-A, no to Intro 532-A, no to Intro 849, no to  
23 Intro 850, no to Intro 845, and no to Intro 846.  
24 When is the next hearing? And thank you.

25 CHAIRPERSON COMRIE: Thank you,



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Patti. Next person?

LINDA ESKENAS: Thank you. Linda Eskenas, the Four Borough Neighborhood Preservation Alliance, Preservation League of Staten Island, and the North Shore Waterfront Green Belt, and West Brighton Restoration Society. Protecting our historic heritage through landmark designation is what protects New York; it's our identity. It brings people from everywhere here. It is these buildings and sights that people come to be a part of, they want to part of the energy that combines those who came before us with our present and a great future. The Landmarks Law must be protected because it protects New York. Intro 20 we support. LPC must intervene when unused building permits are still active. Intro 80 we support, better monitoring of construction sites near landmarked buildings. Intro 220, creating an LPC survey department, this has no funding and is not mandated by New York City. There is no way to implement this in an already financially strained agency. Intro 357, this would allow green rough mechanicals to be put anywhere on a roof of a historic building, etc.

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2 It should not be visible from the street. This is  
3 what Landmarks does; it's already doing that.  
4 It's obviously important that it remain this way.  
5 Also, this should not be supported. Also, the  
6 greening of buildings puts an extraordinary  
7 building burden on the small property owner, and  
8 it has been likened to the taking of their home or  
9 their building. With no funding for this great  
10 expense, this is what it is. Additionally, roofs  
11 are very sensitive and can be easily destroyed,  
12 especially in buildings over 100 years old, and  
13 the expense is staggering. We support Intro 849,  
14 which would be--allow a request for evaluation  
15 that has been denied to be appealed. We do not  
16 support the following legislation. The following  
17 proposed legislation would completely overwhelm  
18 Landmarks if adopted. Landmarks is the least  
19 funded New York City agency with a small staff,  
20 and even with an expert small staff, it would be  
21 impossible to deal with the thousands of proposed  
22 designations in districts. The results would be  
23 that thousands of historic buildings would not be  
24 designated and would be destroyed. Intro 222,  
25 Intro 532, and Intro 850 are all part of this.

1  
2 Preserving our historic buildings and sites is  
3 preserving New York. Yes, it is our identity,  
4 it's the respect for our heritage that constantly  
5 renews us and brings us a great future. It is why  
6 the world wants to come here and be part of what  
7 we have. It brings a great economy. This is a  
8 great economy. This is what bring a great  
9 economy. Intro 845, sadly, is destructive to the  
10 purpose of landmarking. It says that only  
11 buildings that--it just proliferates the blight of  
12 aluminum and vinyl siding, which are also  
13 carcinogenics and fire hazards. We're not  
14 supposed to be perpetuating blight, but restoring  
15 buildings. There are new and cheaper materials  
16 now available that Landmarks approves. The  
17 ultimate purpose must be to restore our buildings  
18 over time. And the enormous benefits this brings.  
19 846 seems to dismantle the Landmarks Law, which  
20 preserves the identity and spirit of New York City  
21 in favor of developers. It would require City  
22 Planning to decide what the economic impact of  
23 preserving our heritage and our historic buildings  
24 is. Landmarking increases the value of a  
25 neighborhood. These are the most desirable places

1  
2 to live, shop, dine, places--

3 CHAIRPERSON COMRIE: [Interposing]  
4 I hate to interrupt.

5 LINDA ESKENAS: Yes. Thank you.

6 CHAIRPERSON COMRIE: And we go way  
7 back, but we're kind of over time.

8 LINDA ESKENAS: Right. Thank you,  
9 and obviously this has been said before. And I  
10 mean, landmarking, preserving our heritage, is  
11 economic development.

12 CHAIRPERSON COMRIE: Thank you.

13 LINDA ESKENAS: Destroying our  
14 future is not a good idea.

15 CHAIRPERSON COMRIE: Thank you for  
16 coming.

17 MITCHELL GRUBLER: Good afternoon,  
18 Chairman Comrie. I'm Mitchell Grubler. I'm here  
19 representing the Queens Preservation Council, as  
20 its Chair. We're composed, we're a coalition of  
21 history-minded organizations, historical  
22 societies, civic organizations in Queens. While  
23 some of these proposed bills are well intentioned,  
24 the Landmarks Commission is a tiny agency relative  
25 to most other city agencies. And whether its lack

1  
2 of funding is a result of the Mayoral  
3 administration, the City Council or whatever, the  
4 reality is that these mandates and time  
5 constraints that would be put into law would be  
6 impossible for the Commission to carry out in an  
7 effective manner without sufficient staff and  
8 funding. The Landmarks Law is approaching its  
9 50th anniversary. It was upheld by the Supreme  
10 Court and has been used as a model for Landmarks  
11 Laws in cities throughout the country. Leave it  
12 alone. Now, I just want to speak about two  
13 individual proposed bills. One appears as though-  
14 -they're two bills that you propose, Chairman  
15 Comrie, but they look as though they were authored  
16 by the Real Estate Lobby. Intro 845, just look at  
17 some of our well-established historic districts,  
18 Greenwich Village, Fort Greene, Brooklyn Heights  
19 or Cobble Hill. Over the years that they've been  
20 landmarks, they've become the most desirable  
21 neighborhoods in the city to live. Their property  
22 values that result in taxes have benefitted the  
23 City of New York, and that is because when someone  
24 wants to change a building in a historic district,  
25 they do it to enhance its historical integrity.

1  
2 Intro 846, the very heart of the Landmarks Law is  
3 that buildings are designated because of their  
4 architectural, cultural, and or historical  
5 significance, and that should be the only criteria  
6 for designation, not what the land is worth or  
7 what a teardown might bring economically. The  
8 benefits are not measured, but they are increased  
9 quality of life. These are the neighborhoods and  
10 buildings where people want to live, where they  
11 want to work, and where they want to visit. These  
12 are the neighborhoods that generate millions into  
13 the City's economy because film studios and TVs  
14 want to film there, because people want to visit  
15 as tourists. Just one example, in Brooklyn  
16 Heights, we recently learned about the sale of a  
17 building for \$12.5 million, and that's because  
18 it's in a historic district. Thank you.

19 CHAIRPERSON COMRIE: Thank you.

20 Did Peter Bray? No? No Peter Bray? Oh, okay.  
21 Thank you all for coming and testifying. Is Peter  
22 Bray here? No, no. I'm not finished. I'm not  
23 throwing anybody out yet. We're going to do the  
24 next set right now. That's okay. Andrew Berman?  
25 Andrew left? Leila Bilikans [phonetic]?

1  
2 Bibelnieks? She left. Thank you. Amanda Davis?

3 [off mic]

4 CHAIRPERSON COMRIE: Thank you.

5 Leo Blackman. Come forward. Jean Standish,  
6 Bowery Alliance? Jean, is that you? Thank you.  
7 Okay. Edward Kurlanis [phonetic]?

8 EDWARD KIRKLAND: Kirkland.

9 CHAIRPERSON COMRIE: Kirkland.

10 Kirkland. Okay, if you say that's Kirkland.  
11 Hilda Regier? Is Hilda Regier here? Did I hear  
12 yes? You can come forward now. And is Josette  
13 Amato here?

14 JOSETTE AMATO: Yes.

15 CHAIRPERSON COMRIE: You can come  
16 forward now. Is there anyone else that wanted to  
17 testify that didn't fill out a testimony? You can  
18 see the Sergeant-of-Arms and give him the--get a  
19 piece of paper from him. Get the Council, we'll  
20 listen to everyone that's here that wants to be  
21 heard. Sir?

22 LEO BLACKMAN: Thank you. Dear  
23 Council Members or dear Council Member, I guess,  
24 at this point. I'm Leo Blackman, an architect.  
25 My practice is focused on historic schools and

1 churches. Today you've chosen to introduce 11  
2 bills, all targeted at the operations of the  
3 Landmarks Preservation Commission. These arrived  
4 with virtually no notice and a very limited  
5 opportunity to comment. I'm really glad to hear,  
6 Chair Comrie, that you're extending the comment  
7 period, because a meeting like this is not the  
8 most effective way to improve policy. Oddly,  
9 three of these bills were introduced by Council  
10 Members years ago, with good intentions and  
11 community support, but have been buried in  
12 committees since. These include Intro 20, Mendez,  
13 which would freeze building permits while LPC  
14 studies a district; Intros 80, Koppell, for safety  
15 monitoring of construction adjacent to landmarked  
16 properties; and Intro 220, Lappin, requiring LPC  
17 to maintain a Survey Department. Most  
18 preservationists see these three legislative items  
19 as long overdue. And in fact since we've been  
20 talking specifically about Rosie Mendez's Intro  
21 20, we recently found out that a historic along  
22 the Bowery was denied because once owners found  
23 out it was being considered they stripped all the  
24 detail off three significant buildings in the  
25



1  
2 block. So, that need is still very present. Two  
3 of the bills, 357 and 533 seem to encourage green  
4 improvements to landmarked buildings. The former  
5 would allow visible rooftop mechanicals and the  
6 latter would require LPC to pre-approve a list of  
7 energy efficient windows. I believe strongly in  
8 reusing existing buildings and minimizing heat and  
9 air conditioning losses, however, these bills,  
10 like the newly passed green zoning code, are just  
11 red herrings. They institute no standards to  
12 measure the effectiveness of these improvements,  
13 so it would allow landmarks to be saddled with  
14 ugly mechanicals and cheap windows, whether or not  
15 they actually benefit the environment. Energy  
16 retrofits would require smarter policy. Four  
17 bills try to impose a timeline on LPC  
18 deliberations. Intro 222-A, Intro 532-A, Intro  
19 849 and Intro 850. While all of us are at times  
20 frustrated with the pace of designations, these  
21 proposals tellingly make no mention of increasing  
22 the LPCs staff or budget as a means to accelerate  
23 their workload, and I appreciate, Chair Comrie,  
24 that you mention the fact that the Council has  
25 made an effort to increase the budget and the

1  
2 Mayor rejects that. But unless there's some  
3 serious method about funding such improvements,  
4 these bills would appear disingenuous. The last  
5 two bills, which you introduced, impose  
6 restrictions on the Commission's powers. Intro  
7 845 allows an owner to maintain inappropriate  
8 material on a landmark if they were present at the  
9 time of its designation. I have to assume that  
10 one of your constituents is very passionate about  
11 vinyl siding. Intro 846, 846 is more insidious.  
12 it requires the City Planning Commission to  
13 analyze the economic impact of designation on the  
14 development potential of a proposed landmark and  
15 instructs the City Council to strongly regard this  
16 analysis in their deliberations. Clearly  
17 experience over the time the Landmarks Law has  
18 been in effect proves that designation actually  
19 increases property values. And I - - the rest of  
20 the testimony.

21 CHAIRPERSON COMRIE: Thank you.

22 JEAN STANDISH: My name is Jean  
23 Standish, and I'm giving this testimony on behalf  
24 of the community and the Bowery Alliance of  
25 Neighbors. First of all, I know this is

1  
2 repetitive. First of all, I would like to preface  
3 my testimony with my concerns in regards to the  
4 sheer number of bills being contemplated by this  
5 Committee, and that the City Council is hearing  
6 all these items with almost no notice. The time  
7 allotment of three minutes to each member of the  
8 public allowed to cover this extensive agenda is  
9 inadequate. It is essential that any time the  
10 workings of a City agency are being considered,  
11 there should be a thoughtful, in-depth discussion  
12 about each one of these bills, and there should be  
13 public feedback regarding these deliberations.

14 Ever since the egregious demolition of  
15 Pennsylvania Station, the Landmarks Preservation  
16 Commission has been protecting the culturally and  
17 historically important buildings and districts in  
18 this city, many of which are especially vulnerable  
19 to demolition by real estate interests. Because  
20 of this agency and the outreach of the community,  
21 icons such as the Ansonia and Grand Central  
22 Station were saved from the wrecking ball. I  
23 would like to show you this poster--sorry, Leo. I  
24 would like to show you this poster, which is an  
25 example of no landmarking protections in place.

1  
2 This out of context building totally destroys and  
3 fractures the sense of place in the community, and  
4 is the poster child of inappropriate development.  
5 Thank you. There are a number of bills in this  
6 agenda that are highly problematic. The rooftop  
7 mechanicals that would be allowed in Intro 357  
8 should be as minimally visible as possible. The  
9 strict timelines imposed in intros 222-A, 532-A,  
10 849 and 850, if adopted in tandem would risk  
11 overwhelming the LPC's scant resources and would  
12 result in thousands of potential buildings being  
13 rejected out of hand. Intros 845 and 846 are  
14 egregious and would inhibit the LPC's power to  
15 designate or regulate properties. These and many  
16 other concerns should not be taken lightly or  
17 given only a cursory attention. The concerned  
18 public of New York City's neighborhoods deserves a  
19 real opportunity to discuss the issues raised by  
20 the bills presented in this agenda, and thank you  
21 for hearing us, Chair Comrie.

22 CHAIRPERSON COMRIE: Okay, thank  
23 you. I just want to reemphasize for the umpteenth  
24 time that this is the first hearing on all of  
25 these bills. Pardon me? On some of the bills.

1  
2 Actually, the third hearing on some bills. This  
3 is an opportunity to have discussion, to have  
4 meetings, to lobby members, to talk to the  
5 administration, to talk to each other about what  
6 it is. Because I've heard in my time here from  
7 the advocates that LPC needs improvement. I've  
8 heard from homeowners that LPC needs to give them  
9 some relief. I've heard from advocates that they  
10 need to have more preservation done. This is  
11 putting all that out on the table for, hopefully,  
12 discussion and discourse. Not that we are  
13 limiting the opportunities for conversation. This  
14 is to hopefully stimulate the opportunities for  
15 conversation, and frankly, stimulate the advocacy  
16 community to do a little bit more too, because  
17 frankly in my time in office I've yet to hear the  
18 advocacy community ask the administration for more  
19 money. I know the Council has, but I have yet to  
20 see the advocacy community ask the administration  
21 for more money for LPC to back them up. I have  
22 not seen that, Simeon. You might show up, but the  
23 rest of the community has never stood at City Hall  
24 steps to advocate for more money for LPC.

25 SIMEON BANKOFF: We'll send you

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[off mic]

CHAIRPERSON COMRIE: I would be happy to see them. But this is to stimulate discussion and to move things forward so that things can happen. So I think that we, you know, we have a lot of work to do to vet all these bills. This is not going to be done quickly. This is going to be done after conversation with everyone. Next person?

EDWARD KIRKLAND: Edward Kirkland. I live in Chelsea. My qualification is that I actually went to the first meetings of the Landmarks Commission, and I've been watching them ever since, off and on. And in response to you, Council Member Comrie, I am--I have been a member of Community Board 4 in Manhattan, and we have continually regarded--asked for in our statement of needs, more funding for the Landmarks Commission, and sometimes even pushed it very hard. And I think more of the advocate community has actually done so then you perhaps realize. We've all tried to work between Members, even between Chris Quinn, who is our Council Member. But, this is not the issue. Most of the things

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2 that I was going to say have already been said, so  
3 that I will only refer to some of them. I am  
4 sorry to say, Council Member, that I believe your  
5 bill called Original Materials is a misleading  
6 one. The name is. Things can be done with the  
7 materials at time of designation, that is at least  
8 30 years after the building was built, and in most  
9 cases it's nearer 100 years since the buildings  
10 were built. These materials may not be available.  
11 And in the case they are, they may not actually go  
12 with the building as it presently stands. So, I  
13 think this idea of--I think it's seen of for  
14 homeowners, is mistaken in its mind because it's  
15 going to leave those buildings staying mostly ugly  
16 forever, ones that don't go with them. But I  
17 think it probably, it's undoubtedly, well  
18 intended. I agree with the statements that have  
19 been made on 845, 846 and so on. I think these  
20 are--the idea that--and I think that the time  
21 limits on the Commission, I think it's good to  
22 have time limits on the Commission, but they need  
23 to be studied. But some of them are obvious. You  
24 cannot designate a large historic district in the  
25 time that is allowed. It just couldn't be done.

1  
2 And it's a way--if you put that in, that it would  
3 prevent historic districts of any size to be  
4 researched and designated. And I think that 846,  
5 that the changing the review of designation at  
6 City Planning is an unwise idea. This is a - -  
7 this is how the Landmarks Law was done. It's a  
8 review of the process of designation--just a  
9 second. One sentence. The process of designation  
10 is like a ULURP one, except it doesn't have the  
11 same time limits. To try to--and it should be  
12 left to the, as it always has been, to the  
13 judgment of the City Planning as to whether--  
14 should go through. And that's what it is, and  
15 that takes the care of needs of development and so  
16 on. And to put these down is to load the dice as  
17 it stands, with whatever intentions. Thank you.

18 CHAIRPERSON COMRIE: Thank you.

19 Next person?

20 HILDA REGIER: I am Hilda Regier, a  
21 board member of Save Chelsea, an association  
22 dedicated to preserving the very character of our  
23 neighborhood, enhancing its historic attributes,  
24 and ensuring that Chelsea continues to be open to  
25 a diverse range of ages, races, income levels, and



1  
2 ways of life. It is the direct descendent of an  
3 earlier organization, Save Chelsea Historic  
4 District. As such, our association has a vital  
5 interest in landmark designations and protections,  
6 and is particularly concerned about threats of  
7 overdevelopment. And before you admonish me about  
8 saying what's already been said, I think it would  
9 be useful for the Council to understand how an  
10 association such as ours operates. We learned of  
11 this hearing only a few days ago. Such short  
12 notice makes it extremely difficult for us to  
13 comment on the 11 proposals that are the subject  
14 of this hearing, 11. Our board meets monthly, and  
15 the proposals came to our attention after our  
16 April meeting, therefore we have not been able to  
17 address them in a discussion that would enable us  
18 to formulate positions on the viability or  
19 desirability of the proposals. Undoubtedly, Save  
20 Chelsea is not the only community group in this  
21 position of being unable at such short notice to  
22 address intelligently the matters that are the  
23 subject of this hearing. Would it not be better  
24 to adjourn this hearing without any action, and  
25 schedule further consideration of these proposals

1  
2 at a later date or dates to obtain more informed  
3 public testimony? Some of the proposals appear to  
4 cluster around particular issues and could be made  
5 the subject of individual hearings. Finally, one  
6 point, if someone wanted to comment on all 11 of  
7 the proposals within the three-minute time limit,  
8 they would have 16.36 seconds per item.

9 CHAIRPERSON COMRIE: Very good. We  
10 never expected anybody to comment on all 11  
11 though. Everybody has their own particular  
12 issues, so.

13 JOSETTE AMATO: Good afternoon,  
14 Chair Comrie. My name is Josette Amato, and I'm  
15 speaking today on behalf of the West End  
16 Preservation Society, or WEPS. We are a non-  
17 profit organization created in 2007. Our mission,  
18 designation of Manhattan's West End Avenue. We  
19 support any proposed legislation that strengthens  
20 and revitalizes the designation process and the  
21 New York City Landmarks Preservation Commission,  
22 as is the case with Intro 20 and Intro 80. We are  
23 concerned, however, that some of today's proposed  
24 legislation will erode the process we seek to  
25 strengthen. A timeline is a commendable goal to

1  
2 make the designation process more efficient in  
3 theory. However, as written in Intro 222-A and  
4 850, these goals seemed destined to fail. Without  
5 additional funding and sufficient staff, we could  
6 see landmarks or districts eliminated, not due to  
7 merit, but due to technicalities and an  
8 overburdened staff. It is worth noting that WEPS  
9 currently awaits LPC's designation vote on the  
10 proposed Riverside West End Historic District  
11 Extension 1. Had these proposed timelines been in  
12 effect our districts would not have made the cut.  
13 Our concern gives rise to opposition of Intro 845  
14 and 846. A standard already exists within the  
15 Preservation Commission for replacement materials,  
16 and we've seen this used successfully in our  
17 neighborhoods. We do not believe Intro 845 as  
18 written will achieve the desired result, but  
19 rather encourage mediocrity as the rule. The  
20 proposed changes in Intro 846 contain language  
21 that would give the City Council cause to modify  
22 or disapprove almost any designation on the basis  
23 of potential for development. What building,  
24 especially the smaller to mid-sized buildings,  
25 what neighborhood in the five boroughs could not

1  
2 be viewed as a potential development site for the  
3 future? These additions will skew the focus of a  
4 designation hearing, and are harmful to the very  
5 foundation of preservation. WEPS was born out of  
6 community concern for our neighborhoods. Our  
7 members want to see West End Avenue's designation.  
8 Our communities want and continue to ask for the  
9 benefits that preservation offers. We believe  
10 there are changes that could improve the  
11 designation process. We would like the time to  
12 discuss these proposed changes with the  
13 Committees, to make our city the best that it can  
14 be, representative of all. Thank you for the time  
15 and the opportunity to speak.

16 CHAIRPERSON COMRIE: Thank you. I  
17 want to thank the panel for coming, and thank you  
18 for your insights, and remind you that this is  
19 just the first opportunity to start discussion.  
20 And I'm sorry that some people got the notice  
21 late, as one young lady said. But there is still  
22 plenty of time to impact all of the 11 pieces of  
23 legislation today.

24 Next panel is Cristiana Peña, from  
25 Landmark West; Batya Lewton, from the Coalition

1  
2 for a Livable West Side. Is Ms. Lewton here?

3 BATYA LEWTON: Yes.

4 CHAIRPERSON COMRIE: Okay. Hal  
5 Bromm from Tribeca Community Association. Paul  
6 Graziano, who is an expert architect and landmarks  
7 preservation person from Queens. Theodore  
8 Grunewald. Is Mr Grunewald here?

9 THEODORE GRUNEWALD: Yes.

10 CHAIRPERSON COMRIE: Thank you.

11 One minute.

12 [pause]

13 CHAIRPERSON COMRIE: Am I the only  
14 one cold is here? Is it from everyone giving me  
15 the icy stares that I'm cold? Is that what it is?  
16 Trying to warm my heart? Okay, Cristiana, you can  
17 start.

18 CRISTIANA PEÑA: Good afternoon,  
19 Chair Comrie. I'm Christiana Peña on behalf of  
20 Landmark West, the Upper West Side's community  
21 advocacy organization. In preparing for today's  
22 oversight hearing about the future of Landmarks--  
23 pardon? Preparing--pardon me. In preparation for  
24 this morning's hearing, we decided to actually  
25 look to our recent past, in particular a series of

1  
2 oversight hearings convened by the City Council's  
3 subcommittee on Landmarks, Public Siting, and  
4 Maritime Uses, to examine the functionality and  
5 purpose of the Landmarks Commission. From October  
6 of '04 to May '05, citizens, advocates,  
7 preservation and design professionals, historians,  
8 former Landmarks Commissioners and of course  
9 members of the City Council participated in these  
10 oversight hearings. 60 plus organizations  
11 representing neighborhoods in all five boroughs  
12 helped shape the conversation, underscoring the  
13 importance of a transparent, well funded, public  
14 serving Landmarks Commission in the ongoing  
15 efforts to safeguard New York City's historic  
16 resources. The findings of the hearings included,  
17 but were not limited to, increased agency  
18 transparency and responsiveness in the landmarks  
19 designation process, the need for public access to  
20 agency information, and the reestablishment of a  
21 survey department. On the surface, the proposed  
22 legislation today seems to be an attempt at  
23 responding to these and other concerns brought to  
24 the table by our communities in 2004-2005, and  
25 since in the more recent time. But, as other

1  
2 organizations have testified today, conducting  
3 thoughtful review, discussing any emergent  
4 concerns, coming to consensus on what's in the  
5 best interest of our community, even at this early  
6 stage, is not possible in the amount of time  
7 that's been afforded. Landmark West concurs with  
8 our colleagues that these initiatives merit  
9 further exploration. We cannot allow this  
10 important work to be done in haste. Doing so  
11 risks overlooking consequences of the local laws  
12 that would in actuality do more damage than they  
13 would good. The advocacy community is prepared  
14 and welcomes the opportunity to work  
15 collaboratively with the City Council and the  
16 leadership of the Landmarks Commission to identify  
17 opportunities for improved performance. Landmark  
18 West works tirelessly every day to assist Upper  
19 West Siders in navigating the regulatory process,  
20 and in doing so brings together a dedicated roster  
21 of professionals who volunteer their time and  
22 expertise to the benefit of the larger  
23 neighborhood. Together, we protect a sense of  
24 place that attracts so many to our historic west  
25 side neighborhood. Because of our vigilance,

1  
2 people stay and invest in our properties and their  
3 community. Thank you.

4 CHAIRPERSON COMRIE: Thank you.

5 BATYA LEWTON: Thank you, Chairman  
6 Comrie, for holding the hearing. I'm going to be  
7 very brief. Batya Lewton, Coalition for a Livable  
8 West Side. We fully support the statement that  
9 was submitted by the New York Landmarks  
10 Conservancy, and we are in awe of the Landmarks  
11 Preservation Committee Staff. They do an  
12 unbelievable job with limited resources, and I  
13 have a suggestion. If Mayor Bloomberg really  
14 wants to leave a legacy, since education in the  
15 City is not going to be his legacy, he should  
16 immediately ask his foundation to donate at least  
17 \$100 million to the Landmarks Preservation  
18 Commission.

19 CHAIRPERSON COMRIE: Next person?

20 PAUL GRAZIANO: Hello? My name is  
21 Paul Graziano. I'm an urban planning and historic  
22 preservation consultant. While I wish I was an  
23 architect, I am not one, but thank you for  
24 mentioning that, Council Member Comrie. I'm the  
25 former president of the Historic Districts



1  
2 Council, from 2007 to 2009, and the Landmarking  
3 Chair for the Queens Civic Congress. I just--I am  
4 actually not going to speak from what I wrote. I  
5 am going to mention a few things though. A  
6 comment about HDC, about the preservation  
7 community advocacy groups going out. We've  
8 actually had almost on a yearly basis rallies for  
9 more money for the Commission on the steps of City  
10 Hall. So, that's one thing I just wanted to  
11 mention. I also want to mention that just in  
12 terms of the bills, very quickly, Intros 20 and 80  
13 are fine, the other bills really should be  
14 rethought and pulled from discussion to start.  
15 One of the things that I wanted to say was that  
16 there were about a dozen other people who were  
17 supposed to come with me today, but they didn't  
18 come, because they're very angry and disappointed  
19 that their neighborhoods have continuously been  
20 turned down for landmark designation by the  
21 Commission. And this is something that I know  
22 that--correct me if I'm wrong, but Addisleigh Park  
23 is in your district, correct?

24 CHAIRPERSON COMRIE: [off mic]

25 PAUL GRAZIANO: That's right. And

1  
2 the initial proposal for Addisleigh Park was, I  
3 believe, about 12 houses, and ultimately it turned  
4 out to be about a 300-building district. So,  
5 there's a lot of things, and there are other  
6 examples. Broadway Flushing I actually wrote the  
7 nomination for Broadway Flushing for 1,330  
8 buildings. In 2004, in 2007, and in 2009, the  
9 Commission were forced to come out and walk the  
10 neighborhood. The whole idea that it was rejected  
11 and that we were supposed to come back with a  
12 proposal, it is absurd. Because they never came  
13 back and said to us, hey, you know maybe you want  
14 to change the boundaries. Normally the Commission  
15 comes to you and says, you know, we're not happy  
16 with these boundaries, but maybe we should try  
17 these. So, it seems very just--lies, frankly.  
18 Suburban districts in the city; there are about a  
19 dozen. There are over 100 districts in the City  
20 of New York. 50% of New York City is suburban.  
21 Why are there only a dozen districts? There  
22 clearly are deserving ones in Queens, I can name a  
23 few, all of whom are in favor. Broadway Flushing,  
24 85% of the neighborhood literally, a vote went out  
25 to every single person who lives in the district,

1  
2 1,300 buildings. 85% were in favor. So, this  
3 isn't an issue of neighborhoods that don't want  
4 it. Richmond Hill, Parkway Village, these are all  
5 neighborhoods that wanted it. Hollis Park  
6 Gardens, etcetera. And I just want to make one  
7 quick note about REBNY's statement, which is that  
8 zoning should take care of these things. As  
9 someone who co-authored a number of texts that are  
10 now in the City Planning Commission--I'm going to  
11 wait. I just want to tie this up. Zoning, I've  
12 personally co-authored zoning in Queens that  
13 changed the zoning of over 100,000 properties in  
14 Queens in the last seven years. And while it's  
15 helped make sure that new development fits in  
16 better, it's taking care of the envelope, not the  
17 skin. And that's what we're talking about, is the  
18 skin. We want certain areas protected for the  
19 skin. So, I just wanted to let you know those  
20 things. Thank you.

21 THEODORE GRUNEWALD: Good  
22 afternoon, Chairman Comrie and Councilperson. I  
23 am not a preservationist. My name is Theodore  
24 Grunewald, of New York. As I said, I am not a  
25 preservationist, yet today the heavy-handed

1  
2 introduction of these bills has made me one.  
3 While the Council can be commended for wanting to  
4 address the public's concern over perceived  
5 problems at the New York City Landmarks  
6 Preservation Commission, of the 11 bills proposed,  
7 only two of these, Intros 20 and 80, will actually  
8 have a positive effect on our city. Of the  
9 balance--of two bills, Intro 220 and 357 have  
10 inherent flaws, which if passed in their current  
11 form, will net negative results. Of the balance  
12 of the seven remaining bills, four of them, Intros  
13 222-A, 532-A, 849, and 850, will disastrously  
14 paralyze the workings of the Landmarks Commission,  
15 and the three others, Intro 533, 845 and 846, will  
16 disastrously effect the responsible stewardship of  
17 our city's architectural, historic, interior,  
18 scenic and district treasures, which taken  
19 together, are one of the wonders of this world.  
20 As they stand, these nine bills will effectively  
21 hollow out the Landmarks Law from the inside out,  
22 impinging both designation and stewardship of our  
23 city's heritage to the point of complete  
24 dysfunction. As a private citizen and resident of  
25 New York City for over 33 years, I, together with

1  
2 the thoughtful members of the general public and  
3 members of our city's arts and preservation  
4 communities, urge the Council to vote against all  
5 of these bills, except Intros 20 and 80. To a  
6 hammer, it is said, everything looks like a nail.  
7 We call upon the City Council to use its gavel  
8 constructively. Build better bills. Convene a  
9 panel of experts, consisting of the public,  
10 building owners, the preservation community and  
11 the Landmarks Commission staff and Commissioners.  
12 Equitably balance the interests of the  
13 stakeholders. Give the discussion of these issues  
14 the time and the thorough thoughtful study and  
15 public discussion that they deserve. Please, do  
16 not pass these bills as written today. Once  
17 again, to a hammer, everything looks like a nail.  
18 Please do not let your gavel be the hammer that  
19 drives the first nail into the coffin of 47 years  
20 of achievement embodied in our city's present  
21 Landmarks Preservation Law, thank you.

22 CHAIRPERSON COMRIE: Thank you.

23 Mr. Bromm?

24 HAL BROMM: Good afternoon, Chair  
25 Comrie. Thank you for holding this hearing.

1  
2 Landmarks Law is an attempt--oh, I'll start by  
3 saying Tribeca Community Association supports the  
4 statements and agrees with the statements of  
5 Historic Districts Council, the Landmarks  
6 Conservancy, and Landmarks West, all of which  
7 cogently address the bills before you. The  
8 Landmarks Law's intent was to stabilize and  
9 improve property values, to protect and enhance  
10 the city's attractions to tourists and visitors,  
11 and to support and stimulate business and industry  
12 provided by those groups. To strengthen the  
13 economy of the city was an understood mission.  
14 The Council should further the law's original  
15 intent by enacting legislation that improves the  
16 Commission's ability to carry out the Landmarks  
17 Law by ensuring that the agency have sufficient  
18 funding with which to do so. Most of these bills,  
19 as you've already heard from many, many people,  
20 are not particularly good. To summarize, Intro  
21 20, yes; Intro 80, yes; Intro 220, no; Intro 357,  
22 no; 222-A, yes; 532-A, no; 849, yes; 850, no; 845,  
23 no; 846, no. The Council might also consider that  
24 97% of our city's structures are not designated  
25 and that 3% of the historic properties that are

1  
2 protected carry higher real estate valuations,  
3 producing higher tax revenue for the city than  
4 those neighborhoods that are unprotected. That's  
5 an economic argument that I haven't heard anybody  
6 mention today, particularly those who are opposed  
7 to preservation. Visitors to New York City value  
8 that 3% of protected New York, and they flock to  
9 historic districts and landmarks in record numbers  
10 to see the real New York. These facts illustrate  
11 how highly both property owners and visitors value  
12 historic neighborhoods and landmarks, and how  
13 important our historic resources are to the City's  
14 financial and physical well being. In closing,  
15 I'd like to make a suggestion. As you know, many  
16 who've signed up to speak today have left, missing  
17 their 16 seconds to speak on each of 11 bills.  
18 However, if the Council Members were willing to  
19 work after normal business hours, those of us who  
20 actually work for a living all day and take time  
21 out of our jobs to testify here or to try to  
22 testify here, would be able to speak. And the  
23 voices of New York Citizens could really be heard.  
24 Thank you.

25 CHAIRPERSON COMRIE: I would love

1  
2 to come to an HDC meeting to talk about some of  
3 these bills, so send me and set it up. You know?  
4 So, and I would also, you know, again emphasize  
5 that this is the first hearing. You have a chance  
6 to lobby members, as you can see from all the  
7 members that are here now, there are many  
8 opportunities and a need to lobby members about  
9 the bill. There's an opportunity for having your  
10 own public meetings about these bills and  
11 discussions, and either a public discourse or an  
12 open discourse, to hold meeting within your  
13 communities or within your neighborhoods, or to--  
14 especially also talk to members about what they  
15 are interested in and the different aspects of the  
16 bill. So, there's plenty of opportunity for  
17 discussion about this. So, I think that we don't  
18 have to--we're not voting on anything tomorrow,  
19 we're not voting on anything today. So, there's  
20 plenty of opportunities for interaction and  
21 discussion. I'm a native New Yorker and one thing  
22 I know about New Yorkers is they like to have  
23 their opinions heard and they like to debate. So,  
24 I like to debate and exercise my opinion, so we  
25 can definitely do that at other forums. The next



1  
2 panel is Michele Birnbaum from Historic Park  
3 Avenue. Okay. Barbara Ann Rogers from--herself.  
4 Raul Rothblatt, representing himself. Mercedes  
5 Narcisse. Is Mercedes still here? I think she  
6 left, right? Paul Rubenfarb from Historic  
7 Preservation Society. And Anthony Wood.

8 [off mic]

9 CHAIRPERSON COMRIE: He left?  
10 Thank you. Okay. Brad Taylor? Also, I want to  
11 remind folks, you can submit testimony online.  
12 All of the Council Members' emails are online. My  
13 email goes right to my BlackBerry. I just saw  
14 that the New York League of Conservation event.  
15 Michael Simeone? I don't know. We've got five?  
16 Okay. No? Okay. Gale Harris? Is Gale Harris?

17 GALE HARRIS: Yes.

18 CHAIRPERSON COMRIE: Thank you.  
19 You can sit at the table, Mr. Simeone. Is there  
20 anyone here that wanted to testify that has not  
21 testified? Did we cover everyone in the room?  
22 Okay. So then this is the last panel, unless  
23 there's somebody in--the other room is cleared  
24 out, right? Okay. Again, if anyone that didn't,  
25 that had to leave today, there was people from

1  
2 both sides that left because of the long  
3 engagement with the administration. You can  
4 provide your testimony online. You can email any  
5 of the Council Members. It will be entered into  
6 the record. Okay. Whoever would like to go  
7 first.

8 MICHELE BIRNBAUM: I'm Michele  
9 Birnbaum, Historic Park Avenue, which is an  
10 organization that was formed to extend, include  
11 Park Avenue, the rest of Park Avenue that's not  
12 yet designated in a historic district. I echo the  
13 comments today of Historic District Council and  
14 Friends of the Upper East Side Historic Districts,  
15 so I won't be addressing each of the intros  
16 individually, and I will submit written testimony  
17 after this hearing. But I just wanted to say  
18 this, that in terms of process and procedure, I  
19 think that a lot of these bills wouldn't have been  
20 necessary had the LPC gotten sufficient funding.  
21 And I would submit that they would be the best  
22 authorities to regulate themselves from within. I  
23 think they recognize that there's a time issue. I  
24 think they probably wish that they could get to  
25 things more promptly, in a more timely fashion. I

1  
2 have an RFE in front of them right now, so I  
3 understand the frustration of the applicants.  
4 Everybody wants to be treated immediately,  
5 however, they are very short staffed, and rather  
6 than impose regulation and legislation from the  
7 outside in, written by people who are not  
8 necessarily preservationists and don't necessarily  
9 have the same insight into the workings of the  
10 Commission I think is a dangerous thing to do. I  
11 think the whole timing issue would be solved if  
12 they had enough money and if they had enough  
13 staff. I, having an RFE before them, I am very  
14 happy that it's going to be looked at by  
15 preservationists and by professionals trained in  
16 that field, and that at the present time that they  
17 do not have any outside constraints on them either  
18 mandating materials or, you know, mandating  
19 anything that could undermine just dealing with  
20 the history, the uniqueness and the merit of the  
21 application. My feeling is, you know, we in the  
22 United States, we don't have a Coliseum, we don't  
23 have 2,000- and 3,000-year old buildings. Our  
24 buildings here that are 100-years old, 75-years  
25 old, 125-years old, these are our Coliseum. This

1  
2 is our history. This is what we want to preserve  
3 and this is what we want to maintain. And I would  
4 like all that left in the hands of the  
5 preservationists and the professionals. And I  
6 don't want to see outside regulation imposed  
7 that's unreasonable. So, my feeling for today was  
8 I think most of this should be tabled. I'm very  
9 happy to hear though, Chair, and I thank you for  
10 letting me talk today, that you have been very  
11 forthcoming in saying that the dialog will  
12 continue. And I know that the Council Members  
13 have all expressed that they're willing to  
14 continue the discussion, and I certainly look  
15 forward to doing that on behalf of my organization  
16 and my community. Thank you.

17 CHAIRPERSON COMRIE: Thank you.

18 Next person?

19 MICHAEL SIMEONE: Good afternoon.

20 I'm Michael Simeone. I'm an architect practicing  
21 in New York for about 20 years. And actually, my  
22 boss received the HDC email yesterday and sent me  
23 down here today to meet with you. We support the  
24 HDC's position on all the intros and I'd like to  
25 go into some of my experiences with LPC. I've

1  
2 been working in New York primarily in my practice  
3 doing alterations in buildings in Riverdale, Fifth  
4 Avenue, Park Avenue, Clinton Hill, Brooklyn  
5 Heights. I am a resident of Brooklyn Heights for  
6 about eight years. I lived in Clinton Hill, where  
7 I went to Pratt. And I lived in Manhattan for a  
8 while. The green initiatives, 357, seems kind of  
9 odd to me, because if you look at the New York  
10 City and New York State Energy Code, just because  
11 your building is in a landmarked district does not  
12 mean it's exempt from the requirements of the  
13 Energy Code. So, green initiatives and energy  
14 efficiency is partially covered under the Energy  
15 Code, which is part of the DOB's purview. In my  
16 experience, LPC has replaced wood windows with  
17 aluminum windows that are more energy efficient,  
18 or steel windows with aluminum windows--in two  
19 jobs of window replacements I've done in Brooklyn  
20 Heights, one on Remsen Street, one on Clark and  
21 Willow. So that seems kind of odd, the idea that  
22 we should not allow them to do their job, which  
23 they do, in substituting materials that are  
24 appropriate to the building, to today's  
25 technology, and to energy requirements. I'm

1  
2 working on a project in Clinton Hill where the  
3 homeowner is renovating a historic building in an  
4 historic district, and it was approved by  
5 Landmarks as well as DOB, finally, and they have  
6 solar panels on the roof that are not visible.  
7 And we did run into a hiccup at DOB, because of  
8 zoning, which I understand is being addressed  
9 currently under other initiatives. But these  
10 things are going on, so these intros seem a little  
11 heavy handed or misplaced or in some way awkward,  
12 since the agency is addressing these kinds of  
13 issues. We need to preserve the historic  
14 character in--architects are educated in history,  
15 and one of those things is the Landmarks Law from  
16 1965. This is a very important thing. We must  
17 not undermine it. It's what makes New York  
18 special. There are tourists who flock all over--I  
19 see them in Brooklyn Heights all the time, on the  
20 sidewalks with their litter guidebooks, looking at  
21 beautiful old buildings. Not all the tourists go  
22 to Times Square or Rockefeller Center. They are  
23 all over Brooklyn now. Thank you.

24 CHAIRPERSON COMRIE: Who is your  
25 boss?

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MICHAEL SIMEONE: Pardon?

CHAIRPERSON COMRIE: You referenced a boss.

MICHAEL SIMEONE: Oh, my boss is Stephen Varone of Rand Engineering and Architecture.

CHAIRPERSON COMRIE: Okay. Thank you. Next person?

PAUL RUBENFARB: I'm Paul Rubenfarb, and I've been working with the Greenpoint Historic District. I want to say to Councilman Comrie, I congratulate you. We need change, the right change now. I disagree with some of the HDC people who want to preserve the status quo. It's not working. Paul Graziano hit the nail on the head. He said that there is elitism under the present practice. The elitism consists in no objective prioritization, so that his districts in Queens will wait five or ten years and be stalled, whereas another district in Manhattan is designated perhaps in three years. 320 should be passed so that the LPC does surveying, prioritizes all the historic proposed districts according to their merit. That's never

1  
2 been done. What's happening now is that less  
3 meritable, less eminent historic districts,  
4 because they have powerful community wealth and  
5 influence, have been able to push themselves ahead  
6 of the line. And if we have the LPC do an  
7 objective ranking of the merits of the  
8 architecture, they will be prioritized according  
9 to the merits of the architecture. So 320 should  
10 be passed. Some of the other things I disagree  
11 with, but 320 especially. 320 should also be  
12 extended so that the LPC not only does surveying,  
13 but in non-residential districts, they would be  
14 the sponsoring lead group to proposed the  
15 designation, which would be because in non-  
16 residential districts right now, with no community  
17 group, LPC is telling people like myself--  
18 including Simeon, who went to them regarding the  
19 south of Midtown, the 20s and 30s--he told them,  
20 nobody lives there, therefore nobody is going to  
21 sponsor designation, therefore it's never going to  
22 be protected. That is orphaning non-residential  
23 districts, so that 320 should be passed, and it  
24 should be strengthened with giving the LPC its  
25 independent power itself to initiate districts.



1  
2 Now, I think that change has to happen in peoples'  
3 lives. 50 years is too long for the status quo.  
4 We have to wise change--not any change. Some of  
5 those bills will weaken preservation. I only  
6 advocate those bills that strengthen it. 320 is  
7 one of them. A couple of other things should be  
8 looked at. In the city of Pittsburgh they got  
9 people into the Council, and I'm not trying to be  
10 elitist, electricians and plumbers. My dad worked  
11 with his hands all his life--I'm not trying to be  
12 elitists. But they got into the Council and they  
13 revoked the finest historic district in the United  
14 States, which was the Pittsburgh Triangle. I  
15 think that there should be layers--so that if a  
16 revocation is proposed, it should need more votes  
17 than just a single vote of the Council. Maybe it  
18 should require a city referendum or state approval  
19 or governor's approval. So, thank you. 320 is  
20 important. It should be strengthened.

21 CHAIRPERSON COMRIE: Thank you.

22 Next person?

23 GALE HARRIS: I'm Gale Harris and I  
24 represent the landmarks preservationists and the  
25 archaeologists at the Landmarks Preservation

1  
2 Commission. I'm the Chapter President, Chapter 41  
3 of Local 375, which is part of District Council  
4 37. We will be submitting written testimony  
5 because I haven't had a chance to go through all  
6 of the bills with my members. We're the people  
7 that are going to have to implement this stuff.  
8 It's going to impact us the most. And I want them  
9 to carefully look at the bills and we'll be  
10 commenting on them. One thing that I'm authorized  
11 to say and have the support of both my local and  
12 District Council 37, is that the Landmarks  
13 Commission is now severely understaffed to do the  
14 mission that we have now in terms of designation  
15 and regulation. There just aren't enough staff  
16 members to do the job. Adding all these  
17 additional mandates, I just can't see how this is  
18 going to work. Also, I've been a member of the  
19 research staff since 1984. There have been things  
20 that we've known are designatable. Sometimes the  
21 Commission can act quickly, sometimes they need  
22 political support. City Council people don't want  
23 to support something if they don't have community  
24 support. Sometimes it takes time to build that  
25 community support. You don't want to get out

1  
2 there in advance of your community members and get  
3 backlash for supporting something. The Commission  
4 doesn't want to spend its money on having me spend  
5 weeks writing a report and then not be able to  
6 move on something, and that's part of the  
7 realities of the situation. It's not--sometimes--  
8 the stock exchange for example, they always knew  
9 that that's a landmark. The Woolworth Building.  
10 But in both cases it took more than 20 years to  
11 get that political moment to get it designated.  
12 Thank you very much.

13 CHAIRPERSON COMRIE: Thank you. Is  
14 there anyone else that wants to say anything? All  
15 right. Well then I want to thank all of you for  
16 coming and expressing your opinions today and  
17 having your 16 seconds as it were. But I would  
18 remind you that you can submit testimony. You can  
19 lobby Council Members. You can hold public  
20 hearings on your own and discuss all of these  
21 bills. We look forward to hearing from you and  
22 talking with you as we try to move forward to make  
23 our city a better place. With that I would say  
24 that this hearing is closed, and thank you all for  
25 attending. I want to thank the Housing and

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Buildings staff and the Land Use staff for

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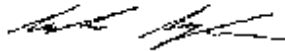
everything they did to make today possible.

4

Hearing is closed. Thank you.

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 5/17/12