

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING AND  
MARITIME USES

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June 19, 2012  
Start: 11:20 a.m.  
Recess: 12:42 p.m.

HELD AT: Council Chambers  
City Hall

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

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

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

Kate Daly  
Executive Director  
Landmarks Preservation Commission

Robert Neborak  
Owner  
34 Dominick Street

Roy Luzaro  
Owner  
36 Dominick Street

Andrea Goldwyn  
Representative  
New York Landmarks Conservancy

Simeon Bankoff  
Representative  
Historic Districts Council

1  
2 CHAIRPERSON LANDER: Good morning.  
3 I'm City Council Member Brad Lander, chair of the  
4 Landmarks, Public Siting and Maritime Uses  
5 Subcommittee of the Land Use Committee. I'm  
6 pleased to call this committee meeting to order.  
7 I'm joined today by Council Members Maria del  
8 Carmen Arroyo and Annabel Palma of the Bronx and  
9 Jumaane Williams of Brooklyn, and we're pleased to  
10 be starting relatively close to on-time today, so  
11 thank you for - - . We're staffed today by our  
12 Land Use Director, Gail Benjamin [phonetic], which  
13 is a treat.

14 We have four items on the calendar  
15 all in individual landmark designations in Speaker  
16 Quinn's district. There's a few people signed up  
17 to testify and what we're going to do—we also have  
18 the executive director of the LPC [phonetic], Kate  
19 Daly [phonetic], here. I don't know if Jenny is  
20 on vacation, but it's a treat nonetheless to have  
21 Kate presenting them to us. What we're going to  
22 do, we have two people signed up to testify on all  
23 four of those items, so I think we will hold you  
24 guys until the end so you can just do one  
25 testimony rather than come up, and we'll allow the

1  
2 two individuals that have signed up on specific  
3 buildings to testify in order, so let's start—  
4 there are Land Use items 622, 623, 624 and 625,  
5 but since we have the two individuals signed up  
6 for 623 and 624, we will start with those. So let  
7 me ask Kate Daly from the LPC to come up and  
8 present them to us and let me ask that we start  
9 with Land Use No. 623, which is the 34 Dominick  
10 Street House, Item No. 20125555 HKM.

11 KATE DALY: Good morning, Chair  
12 Lander, Council Members. My name is Kate Daly.  
13 I'm the executive director of the Landmarks  
14 Commission. I'm filling in for Jenny Hernandez  
15 today, who is attending her daughter's graduation.  
16 I'm here today to testify on the Commission's  
17 designation of 34 Dominick Street in Manhattan.  
18 On June 28<sup>th</sup>, 2011, the Landmarks Preservation  
19 Commission held a public hearing on the proposed  
20 designation as a Landmark of the 34 Dominick  
21 Street House. There were four speakers in favor  
22 of the designation, including representatives of  
23 the New York Landmarks Conservancy, the Society of  
24 the Architecture of New York City, the Historic  
25 Districts Council and the Greenwich Village

1 Society for Historic Preservation. Robert  
2 Neborak, co-owner of the building, spoke in  
3 opposition to designation on behalf of the owners  
4 of the building. On March 27<sup>th</sup>, 2012, the  
5 Commission voted to designate 34 Dominick Street  
6 as an individual landmark. The building at 34  
7 Dominick Street was one of twelve federal style,  
8 brick row houses, numbered 28 to 50, that were  
9 built around 1826 on the south side of Dominick  
10 Street between Hudson and Varick Streets. It was  
11 one of five houses constructed by builder, Smith  
12 Bloomfield. The house retains its federal style,  
13 Flemish bond brickwork and stone lintels and  
14 sills. It was raised to a full third story with  
15 Flemish bound brickwork at the third story and an  
16 Italianate style cornice around 1866. The  
17 addition of a full story is a typical alteration  
18 that many owners of federal era houses made at  
19 that time. The 34 Dominick Street house is a  
20 relatively rare surviving Manhattan townhouse of  
21 the federal style and period with Italianate style  
22 alterations. It is also notable as being only one  
23 of four remaining federal era row houses on a  
24 block that was once lined with brick row houses  
25

1  
2 and one of the three relatively intact remaining  
3 houses in that row. The Commission urges you to  
4 affirm this designation. Thank you.

5 CHAIRPERSON LANDER: Thank you very  
6 much. Ms. Daly, let me just call to the attention  
7 of the other Committee members that three of the  
8 four items today are adjacent, 32, 34 and 36  
9 Dominick Street house, so they are each individual  
10 landmark designations, so we will hear them  
11 separately and have testimony on them separately,  
12 but they are three adjacent buildings. Council  
13 Member Williams? - - So what we're going to do is  
14 do questions on this one - - we have the owner who  
15 is mentioned here. He is going to testify, and  
16 then we'll come back - - the other items - - .

17 COUNCIL MEMBER WILLIAMS: Is this  
18 commercially owned or private?

19 KATE DALY: I believe it's  
20 privately owned, but I think the owners can speak  
21 to the current ownership best.

22 CHAIRPERSON LANDER: Any questions  
23 before - - we will likely have some questions for  
24 - - . Oh okay.

25 FEMALE VOICE: - -

1  
2 KATE DALY: The Commission  
3 typically doesn't designate historic districts of  
4 only three buildings. The smallest historic  
5 district the Commission has designated has six  
6 buildings, and so this block doesn't have the  
7 necessary sense of place or streetscape elements  
8 that contribute to a historic district, but  
9 because these buildings are so rare and so old and  
10 so relatively intact it was determined that they  
11 do rise to the level of individual landmarks.

12 FEMALE VOICE: And the owners are  
13 in favor?

14 KATE DALY: The owners testified in  
15 opposition at our public hearing.

16 FEMALE VOICE: For 34?

17 KATE DALY: That's correct. For  
18 34.

19 CHAIRPERSON LANDER: We also have  
20 someone signed up to testify for 36. I assume—you  
21 alluded to it—this is part of the federal style  
22 building sort of project that LPC is - - looking  
23 to identify as many possible of the federal style  
24 buildings and individually designate them.

25 KATE DALY: That's right. The

1 Commission conducted a survey in 2006 and  
2 continued that survey in more recent years to find  
3 every federal era building in Lower Manhattan  
4 because these are such a rare and important part  
5 of New York City's history, and so as a result of  
6 that survey, we have designated nearly a dozen  
7 federal buildings over the course of the past  
8 several years, and these three are considered a  
9 very important part of that survey.  
10

11 CHAIRPERSON LANDER: Thank you very  
12 much. I'm sure we will call you back if we have  
13 more questions. The one person who is signed up  
14 to testify on 34 Dominick Street is Robert  
15 Neborak, so let me invite you to come up and say  
16 your testimony to us.

17 [background conversation]

18 ROBERT NEBORAK: This is my  
19 testimony. This is a supporting article in the  
20 paper. This is visual aids.

21 CHAIRPERSON LANDER: Anything else?

22 ROBERT NEBORAK: Yes, I will give  
23 you the testimony that I presented at the hearing,  
24 and I will give you the letter that I wrote in  
25 opposition on March 16<sup>th</sup>, and then if you would

1  
2 like, I can give you an example of the typical  
3 federal house that has been landmarked.

4 CHAIRPERSON LANDER: So if you'll  
5 just introduce yourself, state your name for the  
6 record, and then you can go ahead and begin your  
7 testimony when you're ready.

8 ROBERT NEBORAK: My name is Robert  
9 Neborak. I am the owner of 34 Dominick Street.  
10 And to answer your question, it's a private  
11 residence. Good morning. I'm Robert Neborak.  
12 I'm the owner of 34 Dominick Street. My wife and  
13 I are opposed to the designation of our house as  
14 an individual landmark. The New York City  
15 Landmarks law requires landmarks to possess "a  
16 special character or a special historical or  
17 aesthetic interest" and was meant to protect the  
18 "finest architectural products of distinct periods  
19 in the history of this city." When reviewed  
20 against the criteria for designation as a federal  
21 house created by the commission's research staff,  
22 their own report titled Federal Style Houses in  
23 Manhattan and the commission's own admission that  
24 34 Dominick Street has been altered and lacks many  
25 of the defining characteristics of the federal

1 style, we submit that 34 Dominick Street does not  
2 meet the criteria set forth in the Landmarks law  
3 for designation as an individual landmark. It is  
4 not rare. There are hundreds throughout New York  
5 that have been altered. As described in the  
6 federal house presentation to the Commission,  
7 candidates for designation as examples of the  
8 federal period are assessed with respect to the  
9 following physical attributes—form, material and  
10 details. The defining form of 34 Dominick Street  
11 does not exhibit the 2 ½ story characteristic form  
12 of the federal house. The façade was raised to a  
13 full third floor. The windows were altered, and  
14 the front door was raised and enlarged.  
15 Furthermore, when the Holland Tunnel was built,  
16 Dominick Street was raised, obscuring the  
17 building's base and burying the stoop. The base  
18 was further altered in the 1950s. In terms of  
19 materials, the brick work has been altered and  
20 filled in in patches. The ironwork is from the  
21 early 20<sup>th</sup> century. There is a concrete - - . The  
22 house does not have its original door or stoop.  
23 The cornice is of a later style. The window  
24 openings have been modified and all of the windows  
25

1  
2 have been replaced. There are folks who make it  
3 their business to secure landmark status for  
4 buildings, and when appropriate, we support them,  
5 but keep in mind that they have no skin in the  
6 game. There is no cost to them to operate or  
7 maintain these landmarks. They chalk up their  
8 victories and move on. The sole cost is borne by  
9 the property owner; therefore, thoughtful  
10 consideration must be given to the long term  
11 regulatory and financial burden of a landmark  
12 designation, particularly an individual landmark  
13 designation. 34 Dominick Street is located just  
14 40 feet from the Holland Tunnel, and is surrounded  
15 by large industrial buildings vertically stacked  
16 parking. There are pictures in my testimony from  
17 the original testimony at the Landmarks last  
18 March. Trucks entering the tunnel shake the house  
19 to the foundation loosening the brickwork, further  
20 damaging the structural integrity of the house. A  
21 review of the federal style properties in  
22 Manhattan having individual landmark status to  
23 date indicates these common defining  
24 characteristics—and I've offered a picture of the  
25 individual landmark houses, the federal style

1 houses. It's a 2 and ½ story height, a peaked  
2 roof, prominent segmental dormers--and this is  
3 taken right off of Landmarks' reports--original  
4 decorative wood trim, Flemish bond brickwork, low  
5 stoop with wrought iron work, stone lintels and  
6 sills and a molded cornice. These are not the  
7 defining characteristics at 34 Dominick Street,  
8 and an individual Landmark designation would be a  
9 radical departure from these precedents. As you  
10 may know, Stephen Spinola, president of the Real  
11 Estate Board of New York, recently wrote "a  
12 consistently high standard is not applied in  
13 determining whether an individual structure or  
14 district warrants landmark protection." He goes on  
15 to say "substantially altered buildings should not  
16 be included." We are not aware of any individual  
17 landmark designation of a building that is of no  
18 particular style and that what our house is--no  
19 particular style--and has been so altered in form,  
20 materials and details as 34 Dominick Street;  
21 therefore, we urge the City Council vote not to  
22 designate 34 Dominick Street. Do you have any  
23 questions?  
24

25 CHAIRPERSON LANDER: Thank you very

1  
2 much for your testimony. Let me ask if my  
3 colleagues have questions.

4 ROBERT NEBORAK: Sure.

5 CHAIRPERSON LANDER: Council Member  
6 Williams?

7 COUNCIL MEMBER WILLIAMS: Thank you  
8 for your testimony. When did you find out that  
9 the building might get landmarked?

10 ROBERT NEBORAK: I think it was  
11 March or April of last year we got a letter  
12 stating that they wanted to designate it as a  
13 federal. I called and spoke to Kate. I said,  
14 "We're not a federal." I went through all the  
15 points of why we were not a federal, and she  
16 acknowledged that we weren't a federal, that it  
17 had been altered, but we had to go through the  
18 process.

19 COUNCIL MEMBER WILLIAMS: So you  
20 responded to the letter right away?

21 ROBERT NEBORAK: Yes, I did.

22 COUNCIL MEMBER WILLIAMS: Can you  
23 just explain the process a little bit of your  
24 objections and how those objections were dealt  
25 with by the Commission?

1  
2 ROBERT NEBORAK: We were urged to  
3 testify in person, which we did at the June  
4 hearing of last year, and there were four groups  
5 of people that Kate mentioned that testified in  
6 favor. Those are not owners. They are not people  
7 that share the burden of maintaining and operating  
8 a property. It's easy to say, "I'd like you to  
9 landmark the Woolworth Building; it costs me  
10 nothing." We made our testimony. We went through  
11 the whole thing. I talked to Kate about what a  
12 federal building is. I went through all of the—I  
13 researched all of their documents about federal  
14 buildings. They have reports put out of what  
15 constitutes a federal house or federal style and I  
16 looked through that and I realized that we just  
17 are not that kind of a building, and I said to  
18 them, if you're creating a district, that's one  
19 thing because I understand that landmark districts  
20 often times have buildings of mixed styles in  
21 them, but our building does not meet the criteria  
22 for an individual landmark.

23 COUNCIL MEMBER WILLIAMS: What were  
24 the responses to the specific things that you  
25 cited why they weren't—why your building didn't

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fall under that category? Did they respond?

ROBERT NEBORAK: I was encouraged to come and testify.

COUNCIL MEMBER WILLIAMS: They didn't respond to those very specific things that you raised--those points that you raised?

ROBERT NEBORAK: They said they are good points. Come and testify.

COUNCIL MEMBER WILLIAMS: Do you and your wife live there?

ROBERT NEBORAK: Yes.

COUNCIL MEMBER WILLIAMS: Does anyone else live there?

ROBERT NEBORAK: Our children.

COUNCIL MEMBER WILLIAMS: When you bought the house, did you have any idea that it may be landmarked?

ROBERT NEBORAK: No.

COUNCIL MEMBER WILLIAMS: Thank you.

ROBERT NEBORAK: I bought it in 1991, so I've owned it for 21 years.

COUNCIL MEMBER WILLIAMS: Thank you.

2 CHAIRPERSON LANDER: We've been  
3 joined by Council Member Dan Halloran from Queens.  
4 Let me ask a little bit about what work in that  
5 time that you've owned the building that you've  
6 done, what work do you see on the horizon and to  
7 what extent you anticipate - - opportunities and  
8 challenges in relationship to the-

9 ROBERT NEBORAK: [Interposing]  
10 Beyond normal maintenance, you mean?

11 CHAIRPERSON LANDER: Yes.

12 ROBERT NEBORAK: Or do you want me  
13 to include normal maintenance?

14 CHAIRPERSON LANDER: No, no, no. I  
15 mean, the work that you've done. I mean obviously  
16 what the designation means is that going forward  
17 exterior work on this building would need to be  
18 brought before the LPC for approval, and so I  
19 think it would be helpful to us to understand what  
20 work you've done to the building - - so we can  
21 better evaluate whether - - we think that that  
22 would present a burden or an opportunity.

23 ROBERT NEBORAK: Right. One of the  
24 first things we did was we replaced the roof  
25 because it was leaking. It was an extensive and

1  
2 expensive repair. We repointed—the house had been  
3 painted many, many times. We had to strip the  
4 paint off and repoint - - that the brickwork was  
5 all loose and falling apart after years of truck  
6 traffic through the tunnel. We had to repoint the  
7 front and the back. We replaced all of the  
8 windows because they were broken and leaking. We  
9 did it in a sympathetic manner.

10 [crosstalk]

11 ROBERT NEBORAK: Those are not the  
12 original kind of windows. We did them because we  
13 liked that kind of a window. The windows that  
14 were there were one over one. We just didn't like  
15 the look. I didn't do it because I wanted it to  
16 be landmarked. I didn't do it because I thought  
17 it was—I just thought that it looked appropriate  
18 for the house. Subsequently, I've learned that  
19 that is not really appropriate for that style  
20 house, but we like it, and it was expensive, and  
21 we're not doing it again. We've had to replace  
22 the gas service into the building. We've had to  
23 replace the electric service in the building.  
24 We've had to upgrade just about everything inside  
25 the house. We are going to have to replace the

1 sidewalk because the trucks that—two doors away is  
2 a loading dock, across the street is a parking  
3 lot. There is truck traffic all day long. I have  
4 loading docks on both sides. They drive on my  
5 sidewalk. They break up the sidewalk. It's an  
6 ongoing battle, so that will have to be redone. I  
7 had to replace some of the ironwork on the gate  
8 because it was broken. What else do I have in the  
9 future? I don't really know. I do have a fair  
10 amount of FAR [phonetic]. I would like to be able  
11 to use that FAR at some point. I haven't looked  
12 into how I would use that, what I might do with  
13 it, but it's something that I would certainly  
14 like. It's not something that should just be  
15 snatched away. It has a value. It has a value to  
16 me. It has a value to anybody—I'm not planning to  
17 sell my house in the near future. I'm not looking  
18 to make a quick gain. I hope to be there for a  
19 long time. I've been there 21 years. Maybe I'll  
20 die there. I don't know.

22 CHAIRPERSON LANDER: Not for a long  
23 time.

24 ROBERT NEBORAK: Hopefully not for  
25 a long time. My wife and I take a lot of pride in

1  
2 our house, but when we bought it my father-in-law  
3 said to me, "I love your house, but I wish you  
4 were over on Charlton Street" and I said, "Yeah,  
5 so do I, but I can't afford it." They have  
6 beautiful rows and rows of federal styles houses.  
7 - - Historic District. I would love to be there.  
8 I couldn't afford it, and I bought where I could  
9 afford, and I put up with the tunnel and  
10 everything else. Not everyone wants to live 40  
11 feet from the Holland Tunnel. Landmarking  
12 [phonetic] it would make it even harder. You'd  
13 narrow the audience of who would want to live 40  
14 feet from the Holland Tunnel with a landmark  
15 building.

16 CHAIRPERSON LANDER: Other  
17 questions from any of my colleagues? I want to  
18 thank you taking the time to come out and  
19 presenting us with a lot of detailed testimony.

20 ROBERT NEBORAK: Okay. Thank you.

21 CHAIRPERSON LANDER: Alright, so  
22 let me invite Kate Daly from the LPC back up and I  
23 think my colleagues have a couple of questions  
24 after listening to that testimony specifically  
25 about 34 and then we can roll in 36 as well.

2 COUNCIL MEMBER WILLIAMS: Thank you  
3 again for the testimony. My first question is, is  
4 there any reason that they might have known that  
5 this building might be landmarked when they  
6 purchased it?

7 KATE DALY: As of 1991, we have no  
8 records that this building was included in any  
9 previous surveys of federal era buildings or  
10 downtown buildings, so as of 1991, if they had  
11 contacted the Commission, which we're not saying  
12 that they necessarily would have known to do that,  
13 the Commission would have done an analysis at that  
14 time and determined if the house would or would  
15 not be eligible for designation, but there was no  
16 record, nothing in the Department of Buildings,  
17 nothing that would have shown up on the deed that  
18 would have indicated that it was eligible.

19 COUNCIL MEMBER WILLIAMS: So they  
20 would have no reasonable reason to know that they  
21 were purchasing a building that could be later  
22 landmarked.

23 KATE DALY: That's right. I mean  
24 many people particularly in Manhattan who purchase  
25 historic buildings sometimes do call the

1 Commission prior to purchase to see if the  
2 Commission has any interest in the buildings, but  
3 that is not something that everybody would think  
4 to do.  
5

6 COUNCIL MEMBER WILLIAMS: - -  
7 specific building, but is there anything that we,  
8 the Council, can do that can either trigger you  
9 contacting sellers or trigger sellers contacting  
10 Landmarks, so that people have this information  
11 when they are purchasing?

12 KATE DALY: That's certainly  
13 something that I can talk to our chair about.  
14 Sometimes buildings that aren't yet on our radar,  
15 that would be the challenge that the Commission  
16 hasn't seen the building yet or hasn't received a  
17 request for us to evaluate the building or it  
18 hasn't been included in a survey. The Commission  
19 has surveyed about 30,000 buildings throughout the  
20 city since 2006 and part of that effort is to make  
21 sure that historic buildings, even if they're not  
22 designated yet because we couldn't designate that  
23 large volume of buildings of course and many of  
24 them end up not being eligible, but just to be  
25 certain that the Commission is aware of the

1  
2 historic buildings and looking at ways to have  
3 real estate parties and other interests know more  
4 about contacting the Commission to just double  
5 check before they buy a historic building is  
6 certainly something that I think would be a  
7 worthwhile effort.

8 COUNCIL MEMBER WILLIAMS: The owner  
9 gave some very specific changes that were made to  
10 the building that he felt took it out as a  
11 contender. He said the Commission never responded  
12 to them. Do you have a response now?

13 KATE DALY: Sure. The way that the  
14 Commission process works is that I send a letter  
15 to property owners and let them know that their  
16 building has been determined by the commissioners  
17 to be eligible for consideration. We don't  
18 immediately calendar the building; we don't  
19 immediately hold the public hearing. I send those  
20 letters so that there is enough time for the owner  
21 to hold a meeting with me and other staff or to  
22 have a phone conversation as I did with Mr.  
23 Neborak. So once those letters have been sent,  
24 it's only at a later date that we would set up a  
25 calendaring date and a public hearing day. And so

1  
2 part of that process is to have the informal staff  
3 level conversation before it's brought forward in  
4 a more formal way before the commissioners;  
5 however, the staff doesn't have the ability to  
6 change a determination of eligibility or change  
7 the commissioners' decision. Our role is to  
8 provide information and so in my conversations  
9 with property owners where they--

10 COUNCIL MEMBER WILLIAMS:

11 [Interposing] I'm sorry. You lost me. So where  
12 in that process did the owners point out the  
13 problems with the building because of the changes  
14 they had made?

15 KATE DALY: As soon as Mr. Neborak  
16 called me, he made his case for not believing that  
17 the building was eligible.

18 COUNCIL MEMBER WILLIAMS: So the  
19 decision was made after that?

20 KATE DALY: The decision was made  
21 prior to me sending a letter to him. Before I  
22 send a letter to any owner, the internal staff  
23 review of the building happens and then we show  
24 the buildings individually to commissioners to see  
25 if they believe that they're eligible.

2 COUNCIL MEMBER WILLIAMS: So if you  
3 get new information, there's no mechanism to  
4 change an eligibility?

5 KATE DALY: Yes, if I get  
6 information from an owner subsequent to the  
7 commissioners' determination of eligibility, me  
8 starting the outreach, then if for example, we  
9 learn information that we did not have that for  
10 example, half the building is a replica or the  
11 building wasn't actually built in the year that we  
12 thought. We were mistaken in our review of the  
13 records, then if we determine that it's not  
14 eligible, we don't proceed with calendaring and  
15 holding a hearing on the building.

16 COUNCIL MEMBER WILLIAMS: So did  
17 they look at this information and respond and say  
18 this information is accurate, but it's still  
19 eligible?

20 KATE DALY: Well, we reviewed the  
21 information, but the building is a federal era  
22 building. It was built in 1826.

23 COUNCIL MEMBER WILLIAMS: I'm  
24 asking about the specific things that the owner  
25 brought up.

1  
2 KATE DALY: What the owner brought  
3 up were largely known by us. We knew that the  
4 third story was an addition and that's often the  
5 case that federal era houses because they're so  
6 old have an addition made in the mid to late 19<sup>th</sup>  
7 Century and the Commission's criteria for  
8 designation of a federal building says that that  
9 is a historic form that is still eligible for  
10 designation, so the fact that there was a third  
11 story added, which our researchers and we were  
12 already aware of, doesn't mean that it's no longer  
13 eligible. So all the information—

14 COUNCIL MEMBER WILLIAMS:

15 [Interposing] And the windows being altered and  
16 the front door raised and enlarged...?

17 KATE DALY: That's right. It would  
18 be atypical for buildings that are sometimes up to  
19 200 years old to still have the same windows. We  
20 understand that those changes happen.

21 COUNCIL MEMBER WILLIAMS: There's a  
22 lot that you can do to a building, and it still  
23 would be considered true to form.

24 KATE DALY: Well, that's what the  
25 commissioners have to review is how altered is the

1 building, and so that's why we established  
2 criteria with the commissioners at a public  
3 meeting that was open to the public where as Mr.  
4 Neborak mentioned, we looked at established  
5 criteria of form materials and details, and so if  
6 a building has been so altered that it doesn't  
7 have its original or historic form, it's been  
8 stripped of all of its details and the materials  
9 are no longer there, it's no longer eligible, but  
10 it's understood that virtually no federal house  
11 will still be intact from 1799 to 1834.

13 COUNCIL MEMBER WILLIAMS: And my  
14 last question, in your opinion did the owner since  
15 his time of getting the letter do everything that  
16 he could do to voice his opposition?

17 KATE DALY: Yes, absolutely. I've  
18 e-mailed my staff to ask for the date of our  
19 original letter, the calendaring letter and then  
20 the public hearing letter, which began long before  
21 the public hearing was held, but in my  
22 conversations, I heard what Mr. Neborak was  
23 concerned about and I always encourage owners to  
24 testify at the public hearing, so that the  
25 commissioners can hear firsthand the perspective

1 of the owner, and he did all of those things.

2 COUNCIL MEMBER WILLIAMS: Thank  
3 you. I am a bit frustrated that he raised issues  
4 that didn't seem to be responded and the only  
5 answer was, "Come and testify." I think there  
6 should be a better way to respond to the owner's  
7 concerns.  
8

9 KATE DALY: Well, if I can respond  
10 to that, I would just say that I think that we did  
11 have a lengthy conversation and that sometimes  
12 there is two different perspectives on something  
13 and Mr. Neborak doesn't feel that this is worthy  
14 of designation, but...

15 COUNCIL MEMBER WILLIAMS: Did the  
16 owner give his concerns in writing?

17 KATE DALY: Subsequently, he did  
18 give his concerns in writing-

19 COUNCIL MEMBER WILLIAMS:  
20 [Interposing] So I'm suggesting that maybe the  
21 Commission can respond in writing as well.

22 KATE DALY: Chair Tierney  
23 [phonetic] did send Mr. Neborak a letter after  
24 designation noting that he understood that his  
25 concerns and that he disagreed about the

1 designation, but that the commissioners had  
2 determined it was eligible.

3  
4 COUNCIL MEMBER WILLIAMS: I think  
5 you figure what I'm getting at, so I'll just end  
6 now.

7 KATE DALY: Okay. Thank you.

8 CHAIRPERSON LANDER: - - in terms  
9 of understand how the Commission works if we could  
10 see a copy of the letter that the Chair sent. We  
11 have a copy of his letter, so if there was a  
12 letter from the Chair back that you would share  
13 with us that would be helpful. Thank you. We  
14 can't take any more from the floor here. I  
15 apologize, so let me recognize Council Member  
16 Arroyo.

17 COUNCIL MEMBER ARROYO: In your  
18 testimony on 34 you speak about the four speakers  
19 in favor of designation. Usually that includes  
20 the borough president, the council member who  
21 represents the district, the community board and  
22 while I know you guys don't always involve a  
23 community board in conversations, none of those  
24 individuals are mentioned in your testimony as  
25 having testified in favor of this.

2 KATE DALY: The Commission always  
3 does outreach to the community board and to the  
4 council member, and so in this case—Jenny  
5 Fernandez sends our agendas of upcoming  
6 calendaring and public hearings to the community  
7 boards, so this community board was sent an agenda  
8 when this was going to be calendars, so they would  
9 have time to prepare testimony for the public  
10 hearing, which was held a few months later. They  
11 were also notified of the date of the public  
12 hearing.

13 COUNCIL MEMBER ARROYO: - -  
14 building in my district was landmarked and had it  
15 not been because I reached out to the community  
16 board and put it on their radar, they would not  
17 have known that that property was being really  
18 fast tracked through the process of designation,  
19 so I'm going to disagree with you on including the  
20 community boards in the process—

21 KATE DALY: [Interposing] I agree.

22 COUNCIL MEMBER ARROYO: --'cause I  
23 have personal experience - - .

24 KATE DALY: I absolutely agree and  
25 in the case of the American Bank, that community

1  
2 board was not on Jenny's mailing list because  
3 there haven't been landmarks designated in that  
4 neighborhood recently. In Greenwich Village, we  
5 work very closely with that community board  
6 because there are thousands of landmarks in that  
7 district.

8 COUNCIL MEMBER ARROYO: My question  
9 and my point is that none of the individuals the  
10 borough president, the community or the council  
11 member who represents the district are mentioned  
12 as having testified in favor.

13 KATE DALY: Yes, we work very  
14 closely with the Speaker's staff and the Speaker's  
15 staff was made aware of this building prior to the  
16 calendaring-

17 COUNCIL MEMBER ARROYO:  
18 [Interposing] The Speaker, the borough president  
19 and the community board.

20 KATE DALY: The borough president  
21 and all local elected officials are sent  
22 notification of the public hearing about three  
23 weeks in advance of the hearing, but it's often  
24 the case that they choose not to attend.

25 CHAIRPERSON LANDER: So let me ask

1  
2 a question—do you have questions? Let me ask a  
3 question and then Council Member Halloran will ask  
4 his and let me talk about I think how we're going  
5 to proceed on the items on today's calendar. So  
6 in a situation like this where the building has  
7 been altered over time, talk a little bit about  
8 how you review applications for further work, so I  
9 assume it's not that if they come into to replace  
10 the windows on the third floor, you'll say please  
11 demolish the third floor and go back and restore  
12 the dormers. Tell me how in this case, you would  
13 approach an application for future work in terms  
14 of sort of essentially to what do you look to go  
15 back to or - - ? Maybe use the windows as an  
16 example where as the owner discussed, they  
17 replaced one over ones with six over sixes, and he  
18 made clear he has no intent to replace the windows  
19 again, but at some point in the future, they would  
20 need to be replaced, and how might the Commission  
21 review that - -?

22 KATE DALY: Using the windows as an  
23 example, there are always two options for any  
24 homeowner. There are existing rules that are  
25 available on our website and if the homeowner uses

1  
2 those detailed rules for the window replacement,  
3 they can get a staff level permit. If they decide  
4 that they don't want to do what those rules say,  
5 which typically is going back to an original or  
6 historic pattern for the windows in terms of their  
7 configuration, materials and style, then they can  
8 always have the option to appear before the  
9 commissioners at a public hearing and make a case  
10 for why they think the windows should look  
11 different from what the rules would ask for and  
12 homeowners do frequently do that.

13 CHAIRPERSON LANDER: And so with  
14 the federal buildings is there a distinction  
15 between in terms of what's available for a staff  
16 level permit between buildings that more fully  
17 present an unaltered federal style versus those  
18 where some alterations have taken place or...?

19 KATE DALY: That question I can't  
20 answer. It's likely that on a federal building on  
21 the lower stories that the rules would ask that  
22 the original configuration, materials and style be  
23 used, but when there's a building that has had a  
24 third story altered and those windows were from a  
25 subsequent time period, I imagine that the staff

1  
2 may ask the owner to go back to that time period,  
3 which in this case is late 19<sup>th</sup> Century, but it's  
4 really something for a permanent issuing staff to  
5 be able to respond to, so if you'd like, I can  
6 follow up and get more detailed information.

7 CHAIRPERSON LANDER: Sure. I guess  
8 I'm curious just since he presented this question  
9 in choosing the six over sixes is understanding  
10 whether that is something that a staff level  
11 permit could approve or whether they'd have to go  
12 to the commissioner for both the upper and lower  
13 floors. - - would be instructive.

14 KATE DALY: Sure. Okay.

15 CHAIRPERSON LANDER: Council Member  
16 Halloran?

17 COUNCIL MEMBER HALLORAN: Just to  
18 first start where the Chair left off. Let me be  
19 very clear in what your response was, so you as  
20 the Commission can designate a building knowing  
21 that the windows, the roof, the door, the iron  
22 gates are not historic, and at the point of  
23 designation that's okay, but when the owner needs  
24 to repair those items to get a staff level permit  
25 and avoid the bureaucracy of having to appear

1  
2 before the Commission and essentially beg to have  
3 an exemption, they're not allowed to replace the  
4 same materials you're telling us are fine to be  
5 designated as a federal building historic  
6 designation. That's your testimony. That's  
7 accurate?

8 KATE DALY: That's largely  
9 accurate.

10 COUNCIL MEMBER HALLORAN: Okay.  
11 Well, that's ridiculous, one. Number two, what  
12 percentage of application requests for non-staff  
13 level permits are granted by the LPC?

14 KATE DALY: I'm sorry-

15 COUNCIL MEMBER HALLORAN:  
16 [Interposing] What percentage of applications for  
17 non standard, in other words for deviations, from  
18 the staff level permit criteria are granted?

19 KATE DALY: I can get you that  
20 statistic. Most of our certificates of  
21 appropriateness reviewed at public hearings are  
22 approved by the commissioners. There is a very  
23 low rate of denials. It's less than 5% because  
24 what the commissioners do is when someone makes a  
25 presentation-

2 COUNCIL MEMBER HALLORAN:

3 [Interposing] They negotiate?

4 KATE DALY: --after the owners have  
5 worked very closely with the staff and the staff  
6 has recommended what the commissioners typically  
7 approve and look for, then the commissioners make  
8 comments and suggestions. If the applicant then  
9 conforms to those suggestions, there is an  
10 approval, so-

11 COUNCIL MEMBER HALLORAN: But if  
12 he's not going to, there's no point in going  
13 forward, and so he is just simply not going to  
14 follow through with the request, right?

15 KATE DALY: If what he or she would  
16 like to do is not approved by the commissioners at  
17 that public hearing, then he or she can choose not  
18 to proceed with the work or to do the work in a  
19 different way.

20 COUNCIL MEMBER HALLORAN: Okay.  
21 And when this negotiation that goes on sort of,  
22 the recommendations are made, what percentage--  
23 would you be able to tell me, even if you have to  
24 go back to do it--what percentage of the original  
25 application requests are actually granted the way

1  
2 they are asked for, as opposed to after this  
3 discussion takes place and what percentage of  
4 applicants don't bother to come back after those  
5 discussions take place because of the futility of  
6 moving forward with that once they have had the  
7 opportunity to be heard by the Commission, so if  
8 you could get back to me, I would be very grateful  
9 to hear that. In particular, in this building's  
10 instance, so there is a new roof, there is a new  
11 gate, there is a new set of cornices, there is a  
12 new set of wrought iron, there's a new door,  
13 there's a new floor; all of these things will now  
14 be required to be restored to late 1800s for the  
15 third floor or late 17, early 1800s for the rest  
16 of the building if this owner has to do any more  
17 repairs. Would that be accurate?

18 KATE DALY: That's not accurate in  
19 that any roof replacement would be a modern roof  
20 replacement. Any interior changes would be  
21 modern. They owner can do whatever he and his  
22 wife want to do on the interior of the building.  
23 For changes to windows, doors, stoops, railings,  
24 those would all be reviewed by the Commission and  
25 would be looked at in terms of their

2 appropriateness for a building of this age and  
3 style.

4 COUNCIL MEMBER HALLORAN: Alright.  
5 Chair - - . Thank you.

6 CHAIRPERSON LANDER: Thanks very  
7 much for this thorough set of questions and  
8 discussion. I think what we're going to do is  
9 this. We have four items on the calendar today.  
10 As I mentioned earlier, three of them are  
11 adjacent. We've heard the middle of the three  
12 buildings, 34. I think we'll hear similar  
13 narrative on 36. 32 does not have anyone at least  
14 signed up to testify and I think as you'll see at  
15 least to the sort of untrained eye, it looks more  
16 like an unaltered federal style building. Why  
17 don't we do 32 for which no one is signed up to  
18 testify and then 36, and then we'll have the  
19 person signed up for 36. I think we are then  
20 going to lay those—we're going to hear the  
21 testimony on all four of the buildings. We will  
22 likely lay these three over, so there can be some  
23 additional conversation and dialogue. We may  
24 still be able to vote the fourth, which is not in  
25 the adjacent package today, so just everyone knows

1  
2 what I think is likely to happen, but we have  
3 testimony from other people on these buildings as  
4 well as the others, so let me ask for you to do 32  
5 next, and then if we have questions, and then  
6 we'll do 36 and invite the 36 owner up.

7 [background conversation]

8 CHAIRPERSON LANDER: Oh, and if  
9 anyone has come in who hasn't already filled out a  
10 card, please raise your hand and identify yourself  
11 and come and get a card. The three speakers that  
12 are signed up to testify are Mr. Luzaro [phonetic]  
13 on 36 and then both Andrea Goldwyn [phonetic] and  
14 Simeon Bankoff [phonetic] from the Landmark  
15 Conservancy - - district counsel on all four items  
16 that are on today's calendar. Alright, so we're  
17 going to open the public hearing then on 32  
18 Dominick Street, Land Use No. 622, Item No.  
19 2012555554 HKM. Ms. Daly, thank you.

20 KATE DALY: Thank you, Chair  
21 Lander. Thank you, Council Members. My name is  
22 Kate Daly, executive director of the Landmarks  
23 Preservation Commission. I'm here today to  
24 testify on the Commission's designation of the 32  
25 Dominick Street house in Manhattan. On June 28<sup>th</sup>,

2011, the Landmarks Preservation Commission held a public hearing on the proposed designation as a landmark of 32 Dominick Street. There were four speakers in favor of designation, including representatives of New York Landmark Conservancy, the Society of Architecture of New York City, Historic Districts Council and the Greenwich Village Society for Historic Preservation. There were no speakers in opposition to designation. On March 27 of 2012, the Commission voted to designate 32 Dominick Street as an individual landmark. The 32 Dominick Street house was one of 12 federal style brick row houses at numbers 28 through 50 built circa 1826 on the south side of Dominick Street between Hudson and Varick Streets. It was one of five houses constructed by builder Smith Bloomfield. The 32 Dominick Street house is a remarkable, rare surviving example of a federal style house in Manhattan. Its design is characteristic of the federal style and the house retains a significant amount of its original architectural fabric, including its original form and materials, two and a half story height and 20 feet width and front façade with Flemish bond

2 brickwork, high peaked roof with dormers and  
3 cornice. Of the 12 federal style row houses built  
4 on the south side of Dominick Street between  
5 Hudson and Varick Streets, the 32 Dominick Street  
6 house is one of only four remaining, and is the  
7 one that is the most intact, retaining its federal  
8 era form and materials. The Commission urges you  
9 to affirm this designation.

10 CHAIRPERSON LANDER: Thank you very  
11 much, Ms. Daly. Are there any questions from my  
12 colleagues on 32 Dominick Street? I'll just call  
13 your attention. We do have packets on each of  
14 these, so you can... Right, and you can see it in  
15 photo. Okay. We don't have anyone signed up  
16 specifically and solely to speak on 32, so while  
17 leaving open the opportunity for HDC [phonetic]  
18 and Landmarks Conservancy on all four, we will  
19 move along to 36 Dominick Street. Hang on. One  
20 question from Council Member Williams.

21 COUNCIL MEMBER WILLIAMS: Just one  
22 question. So this picture in 32, is that what 34  
23 originally looked like?

24 KATE DALY: Yes.

25 COUNCIL MEMBER WILLIAMS: Alright.

2 Thank you.

3 CHAIRPERSON LANDER: I mean - -  
4 when the street was - - there was a stoop on 32.  
5 The street was lower. When the street was raised,  
6 the stoop was-

7 KATE DALY: [Interposing] That's  
8 right, so the street was raised. Yes, there have  
9 been some alterations. It's that form that we're  
10 seeing is the original form of the roofline and  
11 the gables and the height.

12 COUNCIL MEMBER WILLIAMS: I just  
13 have to say it's slightly obscene I believe to put  
14 these two buildings and then say that they're  
15 similar in style. It's slightly obscene just from  
16 looking at it. - - Am I right? I just want to  
17 mention there needs to be a better explanation of  
18 why a house like this should be designated with  
19 the same style as a house like this. I mean just  
20 from looking at it. I'm no expert. I don't know  
21 if there is some kind of explanation. I'm maybe  
22 just a novice at this, but looking at this, I find  
23 it slightly obscene that both of these would come  
24 to be landmarked in the same style.

25 KATE DALY: May I respond? So I

1  
2 have to apologize 'cause it seems that maybe I  
3 haven't explained the criteria for the designation  
4 fully, and so if you'd allow me to go into a few  
5 more details now... The federal era in construction  
6 in New York City was typified by Flemish bond  
7 brickwork. It's a type of brick where you have  
8 the long bricks and the short bricks next to each  
9 other. It's only seen in the federal era. These  
10 are buildings built between 1790 and 1840 and it's  
11 a very distinctive style that represents that very  
12 historic period in American history and New York  
13 City history. Also, our architectural historians  
14 and experts look at the - - and sills on the  
15 buildings and it's very rare in many cases to have  
16 intact stone lintels and sills, so that's another  
17 feature that they look at. And so that relates to  
18 the materials in terms of this brick work and the  
19 details in terms of - - and sills, door surrounds  
20 and then the form is rooflines and gables and so  
21 the original roofline would be a two and a half  
22 story building with gables on top and there are  
23 some New York City landmarks that have that form.  
24 Gable meaning the two sort of attic windows, so  
25 some existing landmarks that have been designated

1 from 1966 to the present have that form. Many  
2 other federal buildings do have the three story  
3 form because it was so common in the 19<sup>th</sup> Century  
4 to cover up those gables and add another floor, so  
5 you can have more occupiable [phonetic] space, and  
6 so the commissioners have determined over the past  
7 40 years that that change in the roofline and the  
8 addition of that floor doesn't mean it's no longer  
9 a federal house. It's still a house that was  
10 built in the 1970s to 1830s, and still has that  
11 significant material in terms of the rare Flemish  
12 bond brickwork and these original materials of the  
13 - - and the sills and the door surrounds and  
14 sometimes the stoops and even the ironwork, and so  
15 because it is a real challenge, you have to look  
16 at all these details and materials and form  
17 together to determine how much alteration is too  
18 much. The commissioners looked at this very  
19 closely. We took them on two site visits to this  
20 street and in this particular street in addition  
21 to the original materials that are still there,  
22 the fact that this is an intact row was also very  
23 important to the commissioners because this is  
24 what is also very rare to have these federal era  
25

1  
2 houses still together in a row rather than perhaps  
3 just having one left, which is more common because  
4 of the development over the past 200 years.

5 COUNCIL MEMBER WILLIAMS: Thank you  
6 for that. So I'll lower my objection to a little  
7 more concerned as opposed to obscene.

8 KATE DALY: Thank you.

9 CHAIRPERSON LANDER: Okay. Thank  
10 you, Council Member Williams. Thank you, Ms.  
11 Daly. So now we're going to move on to 36  
12 Dominick Street, which is Land Use No. 624, Item  
13 20125556 HKM.

14 KATE DALY: Good morning, Council  
15 Members. My name is Kate Daly, executive director  
16 of the Landmarks Preservation Commission. I'm  
17 here to testify on the Commission's designation of  
18 the 36 Dominick Street house in Manhattan. On  
19 June 28<sup>th</sup>, 2011, the Landmarks Preservation  
20 Commission held a public hearing on the proposed  
21 designation as a landmark of the 36 Dominick  
22 Street house. There were four speakers in favor  
23 of designation, including representatives of the  
24 New York Landmarks Conservancy, the Society for  
25 the Architecture of the city, Historic Districts

1 Council and the Greenwich Village Society for  
2 Historic Preservation. A representative of the  
3 owner of the building spoke in opposition to  
4 designation. On March 27<sup>th</sup>, 2012, the Commission  
5 voted to designate the 36 Dominick Street as an  
6 individual landmark. The house at 36 Dominick  
7 Street was one of twelve federal style brick row  
8 houses built circa 1826 on the south side of  
9 Dominick Street between Hudson and Varick and was  
10 one of five houses constructed by builder Smith  
11 Bloomfield. The house retains its federal style  
12 Flemish bond brickwork. It was raised to a full  
13 third story with Flemish bond brickwork at the  
14 third story and an Italianate style cornice circa  
15 1866. The house's distinctive double doors,  
16 molded window - - and area way fence and gate date  
17 from this period. The addition of a full story is  
18 a typical alteration that many owners of federal  
19 era houses made at that time. The 36 Dominick  
20 Street house is a relatively rare surviving  
21 Manhattan townhouse of the federal style and  
22 period with Italianate style alterations. It is  
23 also notable as being only one of four remaining  
24 federal era row houses on a block that was once  
25

2     lined with brick row houses and only one of three  
3     relatively intact remaining houses on the row.

4     The Commission urges you to affirm this  
5     designation. Thank you.

6                   CHAIRPERSON LANDER: Thank you very  
7     much. Questions from members of the Committee  
8     before we hear from the owner?

9                   COUNCIL MEMBER HALLORAN: Just one  
10    question. I wanted to follow up on the question  
11    that my colleague had asked, Council Member  
12    Jumaane Williams. When you state that the  
13    Commission has characteristics for which it looks  
14    and you particularly noted the brick work as the  
15    dispositive characteristic of federalist  
16    architecture. Where did you get that from?  
17    Because I'm right now on the Association of  
18    Architects in the United States and that's not the  
19    characteristic that they determine as the  
20    characteristic of the federal style house.  
21    Federal style buildings characteristics are a  
22    simple square rectangular box, two to three  
23    stories high, no more than two rooms deep. Some  
24    federal style buildings were made larger with  
25    projecting wings and attached appendences; however

1  
2 the central structure must retain its square or  
3 rectangular box, and then it goes on to list a  
4 series of features and materials and nowhere in  
5 the features or materials does it indicate that  
6 that style brickwork is a characteristic. In  
7 fact, it says not surprisingly the building  
8 materials on the facades of federal style  
9 architecture can vary with location. Homes  
10 throughout the northeast have been made of  
11 clapboard, brick and some federal homes using such  
12 fireproofing material as was available to the  
13 local environment. So I'm just curious did they  
14 just make up a definition or are they actually  
15 using ones that actual academics and architects  
16 use when you create these answers to our  
17 questions?

18 KATE DALY: The answers that I'm  
19 giving you are based on the architectural  
20 historians who work for the Commission, who have  
21 based their studies on established criteria for  
22 New York City federal era row houses. There  
23 aren't many wooden houses in New York City from  
24 that period; whereas if you go to Baltimore,  
25 Ithaca, Boston, that description of wooden

1  
2 buildings in the certain form it seems like it's  
3 also describing freestanding houses, which is  
4 different from the typology of the New York City  
5 federal brick row house.

6 COUNCIL MEMBER HALLORAN: Alright,  
7 but would you agree with at least the central  
8 definition in terms of the characteristic being a  
9 square rectangular box, two to three stories high,  
10 two rooms deep and if projecting rings or other  
11 dependencies are attached, they were attached as  
12 an afterthought. Would you agree in general that  
13 that's the federal style house?

14 KATE DALY: Well, I agree that's in  
15 general the federal style house, but the  
16 characteristics being described are of a  
17 freestanding house, something projecting from a  
18 freestanding house.

19 COUNCIL MEMBER HALLORAN: Alright.  
20 Thank you very much.

21 CHAIRPERSON LANDER: - - one thing  
22 that might be helpful to us is if you can share  
23 with us either the original federal, the report  
24 that the LPC did or if there is something  
25 additional or different from that that either

2 staff or the Commission uses with the identifying  
3 federal style criteria that the staff and the  
4 Commission use to identify and designate federal  
5 style buildings, that would help us.

6 KATE DALY: I'd be happy to provide  
7 that.

8 CHAIRPERSON LANDER: - - general  
9 criteria - - . Great. Thank you. Okay. So I'm  
10 going to now invite up Ray Luzaro-Roy. Alright.  
11 Roy Luzaro from 36 Dominick Street up to present -  
12 - . When you're ready, go ahead and introduce  
13 yourself for the record and then--

14 ROY LUZARO: Hello, everybody.  
15 Good afternoon, Council Members. My name is Roy  
16 Luzaro, Senior. I represent my father, Antonio  
17 Luzaro, who is 95 years old by the way and we've  
18 been in this home since 1958. I have a lot of  
19 roots in the neighborhood. I grew up in the  
20 neighborhood. Went to St. Anthony - - was in the  
21 choir, et cetera. I have a lot of good memories  
22 of the building. We have maintained the building  
23 as is. There have been some modifications made to  
24 the windows. Yes, the windows are not the  
25 original windows of the building. The brick was

1 painted. My dad had it painted. The roof was  
2 replaced about two or three years ago. Electrical  
3 was done. A new water line was done according to  
4 the city permits. It's oil heat [phonetic]. With  
5 that said, I oppose this concept of a federal  
6 building. I agree with my neighbor, Robert  
7 Neborak, that it does not meet the criteria. I've  
8 handed out a copy of the districts that Greenwich  
9 Village Society for Historic Preservation—these  
10 are more the definitive example of a federal style  
11 building. I personally do not believe that it  
12 meets the criteria. In addition, I have this  
13 impression this has been fast tracked so that even  
14 though we are opposing this, the Landmarks  
15 Commission has bent on this idea of landmarking  
16 it. This presents a financial difficulty to the  
17 family, a burden that for us to maintain something  
18 back to the 1700s, 1800s when changes have been  
19 made all along with previous owners. In respect  
20 to no speakers for 32 Dominick, I wanted to bring  
21 attention to the Council Members that it belongs  
22 to the Arch Diocese Catholic Church. Around the  
23 corner is Our Lady of Vilnius. They actually sent  
24 a letter with opposition to the Landmarks  
25

1 Commission. Robert has a copy of the letter, and  
2 I believe that it's not in our best interest. The  
3 area is very commercialized. Recent additions has  
4 been like the SoHo Trump Hotel. There's something  
5 on the board—they want to build a 30-story  
6 building between Spring and Dominick. The owners  
7 are Google. I think everyone knows who Google is.  
8 I don't like that idea either. It's not adding  
9 any value to the neighborhood, and I know there  
10 has been a big push with the Hudson Square  
11 Committee, which has been very good to try to make  
12 it a little bit more a neighborhood where you have  
13 trees and you have kids running around playing. I  
14 like the idea of a park. That's a great idea. I  
15 just think that this puts a lot of restrictions on  
16 homeowners, specifically my dad and myself because  
17 I manage the building and I don't believe that the  
18 community board had a fair advanced notice even  
19 though they claim they sent them the letter that  
20 they were notified of this possible change for  
21 landmark status. As far as the form, material and  
22 details, I don't think it's applicable to the  
23 building as it is right now. There were changes  
24 made to certain parts of the building and in front  
25

1  
2 of the building, and I feel that it's a done deal,  
3 and I don't think it's just. That's about it.

4 CHAIRPERSON LANDER: Thank you very  
5 much, Mr. Luzaro. Council Member Williams?

6 COUNCIL MEMBER WILLIAMS: Thank you  
7 for your testimony. Who lives in the building?

8 ROY LUZARO: The building is three  
9 families. I live on the top floor with my wife.  
10 We have a tenant on the second floor, and my dad  
11 and my brother live on the ground floor.

12 COUNCIL MEMBER WILLIAMS: How long  
13 have you lived there?

14 ROY LUZARO: We've lived there  
15 since 1958.

16 COUNCIL MEMBER WILLIAMS: And when  
17 did you find out about the landmarking?

18 ROY LUZARO: We found out about it  
19 I'd say two years ago approximately. I don't  
20 remember the exact date. We did get the letters.  
21 At the time, I could not make the meetings. My  
22 brother came and testified not in favor of the  
23 landmark status.

24 COUNCIL MEMBER WILLIAMS: Did you  
25 respond in writing or-

2 ROY LUZARO: [Interposing] It was  
3 verbal at the meeting.

4 COUNCIL MEMBER WILLIAMS: You  
5 attended the first meeting that they had?

6 ROY LUZARO: My brother did.

7 COUNCIL MEMBER WILLIAMS: Did  
8 someone reach out to Landmarks Commission before  
9 that?

10 ROY LUZARO: What do you mean by  
11 that?

12 COUNCIL MEMBER WILLIAMS: Did  
13 someone reach out to the Landmarks and  
14 Preservation Commission?

15 ROY LUZARO: Someone meaning  
16 myself?

17 COUNCIL MEMBER WILLIAMS: - - .

18 ROY LUZARO: I did make a call to  
19 them, and I did voice my opinion that I was not in  
20 favor of their decision, and I think that their  
21 decision is like a done deal.

22 COUNCIL MEMBER WILLIAMS: What was  
23 their response?

24 ROY LUZARO: Come to the meeting.

25 COUNCIL MEMBER WILLIAMS: Do you

1  
2 have—you said you have a letter from the Arch  
3 Diocese?

4 ROY LUZARO: Robert has it. I  
5 don't think he has it with him, but we can produce  
6 it for you.

7 COUNCIL MEMBER WILLIAMS: Yeah, I'd  
8 like to see it.

9 ROY LUZARO: Absolutely.

10 COUNCIL MEMBER WILLIAMS: And just  
11 so you know, I know you've mentioned a couple of  
12 times that the fact that the area is commercial.  
13 For me, I'm not concerned about that. I think you  
14 can have a landmark building in a commercial area,  
15 but I think there is a lot of other good reasons  
16 here why as of right now - - I have some  
17 reservations. I want to say thank you for - - .

18 ROY LUZARO: I totally agree with  
19 you and I appreciate Mr. Halloran and your input  
20 because it just to us being there a long time,  
21 we're not going anywhere. There's three  
22 generations of Luzaros in that building and we  
23 just had twins in the building. We want to  
24 maintain it, but we don't want to have a financial  
25 burden and have to ask permission to do certain

1 things that are out of our reach. That's about  
2 it.  
3

4 CHAIRPERSON LANDER: Any other  
5 questions? No. Alright. Thank you very much for  
6 taking the time to testify. Let me ask Ms. Daly  
7 to come back. I have one other question for you  
8 on this building and then we'll proceed to - - .  
9 I wanted to ask about, so this is—I know you said  
10 at one point this whole block essentially has been  
11 federal style, but in this picture that's there  
12 now, it looks like there are four remaining  
13 buildings and so I'm just curious, the fourth, the  
14 Commission didn't propose. Can you talk about it?  
15 I assume the staff looked at it and in that case  
16 decided not to recommend it. Let me know what  
17 happened there - - explain why - - .

18 KATE DALY: So the Commission staff  
19 originally recommended for eligibility four  
20 buildings on the block 32 through 38. The  
21 commissioners agreed that 38, which you've  
22 referenced that is not before us today, was also  
23 eligible and so that building was calendared along  
24 with the three other buildings. A public hearing  
25 was held on that fourth building in addition to

1  
2 the three buildings before you today. At the time  
3 of the vote, the commissioners determined that  
4 using the criteria of form, materials and details  
5 and reviewing very closely all four buildings that  
6 number 38 did not meet the criteria, that it was  
7 too altered, and that the material presented by  
8 the owners to me in meetings that I held with them  
9 and at the public hearing to the commissioners and  
10 materials that I distributed to the commissioners  
11 from the owner, based on that information that had  
12 been brought forward about changes they had made  
13 over time. They determined there was not enough  
14 original or historic material left on that  
15 building to quality if whereas they did believe  
16 that on these other three buildings, there was  
17 enough original and historic material, so they  
18 applied the criteria very carefully and did an  
19 extensive analysis and made the determination to  
20 decalendar [phonetic] number 38 Dominick.

21 CHAIRPERSON LANDER: So this is a  
22 little more in the weeds than we usually get, but  
23 we're going to need a better understanding of what  
24 the difference is and why 38 the commissioners  
25 decided didn't need—I mean you're obviously at the

1 same hearing we are, so I think it's easy to feel  
2 like on 32 we all see it, and now we hear that on  
3 38 as a result of objections the Commission  
4 decided it didn't meet it, and we have these two  
5 buildings that are in between, so I guess if you  
6 can tell me—we may need to sort of look at some  
7 things in writing, but just help me understand on  
8 38 what's the lacking detail in particular  
9 relative to 34 and 36, which I think we understand  
10 style have Flemish style brick and in some cases  
11 the - - . What did 38 lack or how is it different  
12 in a way that led the Commission to decide to  
13 decalendar it?  
14

15 KATE DALY: On number 38 Dominick,  
16 the owner had removed much of the Flemish style  
17 brick work, so that very historically important  
18 material was not intact for most of the building.  
19 On number 38, the Flemish style brickwork had been  
20 removed from much of the building, so a lot of  
21 that original material was gone, and the - - and  
22 sills were also compromised. The door surround  
23 [phonetic] had been changed. I believe the back  
24 wall of the building had been almost entirely  
25 removed when the owner created a garden in the

1 back, so whereas, with these other buildings there  
2 still was this important original material and  
3 important original details. At number 38, it  
4 retained the form, which means the two and half  
5 story building that was elevated to three story,  
6 so it has the forms, so it is consistent and  
7 coherent with that row; however, a close  
8 examination of the materials and details meant  
9 that those two parts of the equation did not meet  
10 the criteria for a landmark designation, and so  
11 the commissioners were very consistent in their  
12 application of those criteria across all four  
13 buildings and determined in this case because the  
14 form and materials were not there. I mean, sorry,  
15 the materials and details were not there despite  
16 the fact that the form was intact. Just that one  
17 remaining element of the three part criteria was  
18 not sufficient to designate the building as an  
19 individual landmark.  
20

21 CHAIRPERSON LANDER: Council Member  
22 Williams?

23 COUNCIL MEMBER WILLIAMS: Thank  
24 you. You said that the original brickwork was  
25 removed?

2 KATE DALY: At number 38 Dominick.

3 COUNCIL MEMBER WILLIAMS: I'm just  
4 ignorant. How do you remove the brick?

5 KATE DALY: You remove the brick  
6 from the building and replace it with newer brick  
7 if the brick is failing. Maybe there is water  
8 infiltration.

9 COUNCIL MEMBER WILLIAMS: So you  
10 can remove the front row of bricks?

11 KATE DALY: Yes.

12 COUNCIL MEMBER WILLIAMS: - - when  
13 did that happen?

14 KATE DALY: I would have to check  
15 my files. I think that the current owner may have  
16 done it or it may have been done even earlier in  
17 the 20<sup>th</sup> Century.

18 COUNCIL MEMBER WILLIAMS: Okay.  
19 Thank you.

20 KATE DALY: You're welcome.

21 CHAIRPERSON LANDER: And we heard  
22 earlier, Council Member Williams, that on 34--now  
23 I'm losing track of which one is which, but on 34  
24 there was brickwork replacement. It looks from  
25 the picture like it was largely replaced with

1 Flemish bond style brickwork replacement, so I  
2 think we've heard a lot on this and I appreciate  
3 the testimony, and I think we're going to do some  
4 follow up work afterward, and I think that follow  
5 up work will likely include us kind of drilling  
6 down on this last dialogue that we've had of  
7 really understanding what the criteria are and how  
8 many of them need to be met, so we can evaluate  
9 the differences amongst these four buildings and  
10 kind of understand better the conditions - - 38  
11 and figure out - - on the others. We will follow  
12 up with you to ask for your help and guiding us to  
13 what the guidelines and criteria are. We are  
14 going to hear from the two other advocates on  
15 these three buildings as well as the fourth one on  
16 the calendar in just a moment, but let me first  
17 ask you to present Land Use No. 625, which is a  
18 nearby, but not adjacent set of buildings. I lost  
19 the item numbers. 310 Spring Street.

21 KATE DALY: Good afternoon, Council  
22 Members. My name is Kate Daly, executive director  
23 of the Landmarks Preservation Commission. I'm  
24 here today to testify on the Commission's  
25 designation of the Dennison and Lydia Wood

1 [phonetic] House in Manhattan. On June 28<sup>th</sup>, 2011,  
2 the Landmarks Preservation Commission held a  
3 hearing on the proposed designation of a landmark  
4 of the Dennison and Lydia Wood House. Three  
5 people spoke in favor of designation including  
6 representatives of the Greenwich Village Society  
7 for Historic Preservation, Historic Districts  
8 Council and the New York Landmarks Conservancy.  
9 One representative of the owner also testified  
10 stating that the owner had not taken a position on  
11 the proposed designation. On March 27<sup>th</sup>, 2012, the  
12 Commission voted to designate the house as an  
13 individual landmark. Located just north of  
14 Tribeca and a few blocks from the Hudson River,  
15 the Dennison and Lydia Wood House stands at the  
16 northern edge of Lispenard's Meadows, a former  
17 marsh that extended for several blocks along  
18 Manhattan's west side. In 1818, ship captain  
19 Dennison Wood purchased a parcel on Spring Street  
20 from Trinity Church and in 1819, he and his family  
21 moved into their new house at what is now 310  
22 Spring Street. In the early and mid-19<sup>th</sup> Century,  
23 New York City developed into the country's leading  
24 port and financial capital. Wood captained ships  
25

1  
2 that traveled between New York and Savannah in the  
3 1830s and his cargoes may have included cotton  
4 being shipped north. The house's storefront space  
5 and third floor were likely added following his  
6 death in the 1840s. The third floor harmonizes  
7 with the floors below, featuring matching window  
8 sills and paneled stone lintels. In 1869, the  
9 storefront was occupied by the dry goods business  
10 of Thomas Courtney [phonetic], who later purchased  
11 the building. Courtney's business remained in the  
12 building until 1950. The Wood House displays many  
13 characteristic features of the federal style,  
14 including Flemish bond brickwork, - - at its first  
15 and second floors, a fluted doorframe with paneled  
16 corners and paneled stone lintels . Today the  
17 Dennison and Lydia Wood House remains a tangible  
18 reminder of the earliest years of its  
19 neighborhood's urbanization. The Commission urges  
20 you to affirm this designation. Thank you.

21 CHAIRPERSON LANDER: Thank you very  
22 much. Questions on this item? Thank you very  
23 much. Then as I mentioned, we have two people  
24 here and also some written testimony covering all  
25 four buildings on today's calendar, so let me

1  
2 invite Andrea Goldwyn from the New York Landmarks  
3 Conservancy and Simeon Bankoff up to present  
4 testimony on all four, and I will also call your  
5 attention to testimony that is presented in  
6 writing from the Greenwich Village Society for  
7 Historic Preservation also covering all the items  
8 on the calendar - - .

9                   ANDREA GOLDWYN: Okay. Alright.

10 So I had two statements, but I will combine them  
11 into one on these federal style buildings. Good  
12 day, Chair Lander and Council Members. I am  
13 Andrea Goldwyn, speaking on behalf of the New York  
14 Landmarks Conservancy. The Conservancy strongly  
15 supports designation of the Dominick Street houses  
16 and 310 Spring Street. Over ten years ago, we  
17 began surveying buildings for our endangered  
18 buildings lists. What stood out immediately among  
19 the thousands of properties reviewed for that list  
20 was the particular plight of the federal style  
21 house. These small, modest buildings with unique  
22 federal elements are a vibrant reminder of New  
23 York's history, yet they're being lost every year.  
24 32 Dominick Street is a fine example of the  
25 federal period with many details, including the

1  
2 Flemish bond brick façade, stone lintels and sills  
3 and peaked roof with dormers as well as overall  
4 massing intact, and while there have been  
5 alterations and additions to two other buildings  
6 in this group, many important federal elements  
7 remain. Furthermore, this grouping of three  
8 buildings recalls the original row of 12,  
9 providing an important link to early 19<sup>th</sup> Century  
10 Manhattan and the history of the neighborhood.

11 310 Spring Street is an 1819 federal style  
12 building with an 1850s federal style addition that  
13 clearly deserves the recognition of designation  
14 and might benefit from the guidance of the  
15 Commission regarding future changes. Like it's  
16 neighbor, the Ear Inn, at 326 Spring Street,  
17 period characteristics such as that Flemish bond  
18 brickwork, stone lintels and modest scale are  
19 still intact despite the alterations made in the  
20 past 150 years. The Commission's designation  
21 report for 326 Spring Street finds that it is  
22 "still serving a useful purpose and that it adds  
23 charm, intimate scale, a provocative change of  
24 pace to our city life and scene." We would think  
25 that 310 Spring Street serves an equal purpose and

1  
2 makes similar contributions to the eclectic mix  
3 that defines New York. Originally the home of a  
4 prominent ship captain, 310 Spring is now hidden  
5 among larger 19<sup>th</sup> and 20<sup>th</sup> Century commercial  
6 buildings and the more recent high rises of west  
7 SoHo, where it is a quiet, yet striking link to  
8 this neighborhood's and the city's history. All  
9 of the buildings brought forward today are  
10 remarkable survivors that deserve the recognition  
11 of designation and the protection and guidance  
12 that the landmarks law provides, and we'd like to  
13 remind the Council Members that the Landmarks  
14 Conservancy works with thousands of building  
15 owners across the city every year providing  
16 financial and technical assistance as they live  
17 and use their landmarked buildings. Thank you for  
18 the opportunity to present the Conservancy's  
19 views.

20 CHAIRPERSON LANDER: Thank you.

21 SIMEON BANKOFF: Good afternoon,  
22 Council Members. Simeon Bankoff from the Historic  
23 Districts Council. First of all, I would like to  
24 thank the Council Members for their engaged,  
25 involved conversation around these issues. It's a

1  
2 real pleasure to sort of hear us drilling down  
3 into it, and I really appreciate your attention to  
4 this. The Historic Districts Council is a city  
5 wide advocate for New York's historic  
6 neighborhoods. We are here in support of the  
7 LPC's designation of 32, 34 and 36 Dominick Street  
8 as well as the Dennison Lydia Wood House at 310  
9 Spring. The houses on Dominick Street present an  
10 interesting portrait of typical development of a  
11 New York City's federal style townhouse row house.  
12 32 represents the beginning, the two and a half  
13 story house of Flemish bond brickwork with a  
14 peaked roof and a pair of dormers that looks much  
15 like it did at the time of its construction around  
16 1826. 34 next door retained its Flemish bond and  
17 stone lintels and sills, but was raised to a 3<sup>rd</sup>  
18 story topped with an Italianate style cornice  
19 about 40 years after its construction. Additional  
20 floors were constructed on many federal style row  
21 houses as mid-19<sup>th</sup> Century property owners sought  
22 to make the most out of the Manhattan real estate.  
23 The Flemish brickwork on 36 reminds us that  
24 started out like 32 as a federal style row house.  
25 Like 34 though, 36 received an additional story

1  
2 around 1866, an Italianate style details, such as  
3 the cornice, molded wood lintels, double doors and  
4 area way fencing and gate that have been mentioned  
5 before. Just a few blocks west stands the Wood  
6 House at 310 Spring. Built in 1819, this house a  
7 recognizable piece of old New York retains its  
8 Flemish bond brickwork and federal door area  
9 surround. The pitched [phonetic] roof was raised  
10 to make a full third story and a storefront,  
11 another other typical alteration, was added in  
12 1847. Along with the houses on Dominick Street,  
13 the Wood House is a reminder of how the area  
14 around what is now the Holland Tunnel was a small  
15 scale residential neighborhood two centuries ago.  
16 Contrary to what some may believe and to the  
17 disappointment of many others, the LPC does not  
18 landmark every federal house. Our presentation  
19 that was referred to in March of 2011 explained  
20 the criteria of original form, materials and  
21 details that Ms. Daly had talked about quite a  
22 bit, including those of mid-19<sup>th</sup> Century  
23 alterations for landmarking. We've seen a number  
24 of requests for evaluations rejected for lacking  
25 these qualifications. In fact, 38 Dominick Street

1  
2 at the end of this row was voted down by the  
3 Commission. The properties that make it through  
4 the designation process to this point it means  
5 something. It means they're landmarks. Please  
6 reaffirm this fact and vote in favor of the  
7 designation of 32, 34 and 36 Dominick Street and  
8 the Dennison and Lydia Wood House. We are very  
9 sorry when it comes to a situation when the  
10 property owners have grievances against this  
11 process. They have been very good stewards of the  
12 property and we believe their statements actually  
13 honor the notion of landmarking these in the sense  
14 that we are looking to preserve these houses for  
15 future generations. Thank you.

16 CHAIRPERSON LANDER: Thanks very  
17 much, and I particularly want to thank both of you  
18 and Mr. Bankoff for really kind of laying out the  
19 questions, and I think you've heard the dialogue  
20 folks have had about what the details are that  
21 merit preservation and how we're to make those  
22 decisions. I think it's helpful to have them  
23 reiterated. Council Member Halloran?

24 COUNCIL MEMBER HALLORAN: Thank  
25 you. Mr. Bankoff, I'd like to sort of pick your

1  
2 brains for a few moments on this because I think  
3 you've seen that there's a bit of a disconnect  
4 here between what the Council Members questions  
5 were and the responses that we were getting from  
6 LPC just in terms of how we are supposed to look  
7 at this. I appreciate very much what you're  
8 doing. I appreciate the advocacy and I appreciate  
9 the notion that we do have to protect what little  
10 is left of our architectural history, but we also  
11 have to balance that on whether or not we're being  
12 objective in those criterias [phonetic] as we  
13 apply them and whether we are creating undue  
14 hardships on people who in some cases may have  
15 been here for five generations or four generations  
16 of being stewards of the property. Would you  
17 think that there is a significant difference  
18 having looked at buildings 32 through 38, a  
19 significant difference between building 38 say and  
20 building 36 and its alterations?

21 SIMEON BANKOFF: Well, my brains  
22 have been accused of being pickled at times, so  
23 yes, I actually do, although we disagreed. We  
24 felt that 38 should also be-

25 COUNCIL MEMBER HALLORAN:

1 [Interposing] Designated.

2  
3 SIMEON BANKOFF: --designated, but  
4 38 as Ms. Daly had referenced was lacking a lot of  
5 the materials. It had the form, but the brickwork  
6 was not there. The sills, the lintels were  
7 compromised. In a perfect world, I understand  
8 from the point of view of the agency how they  
9 don't want to make this into a historic district,  
10 but except for a few issues involving heir rights  
11 [phonetic], which by the way individual landmarks  
12 get a greater capacity to move their rights than  
13 they do within historic districts. We are  
14 regarding this as a small historic district  
15 because we do feel that there is a distinct sense  
16 of a streetscape and a place that were it to be  
17 interrupted by a large moderate intervention in  
18 the middle would be a great loss to the city.

19 COUNCIL MEMBER HALLORAN: Agreed  
20 that where we find these pockets we should try to  
21 preserve them and please continue to pressure them  
22 to do that in my district, which still never gets  
23 done.

24 SIMEON BANKOFF: Presently we are  
25 in touch with the folks in Broadway/Flushing and

1  
2 we feel that that is a very worthy, meritorious  
3 district.

4 COUNCIL MEMBER HALLORAN: I  
5 appreciate that. Let me ask you this, do you  
6 think maybe there is room here for us to start  
7 talking about a third option—something that  
8 acknowledges the historicity [phonetic] of a  
9 building, but understands that some alterations  
10 have been made and maybe creates a modified form  
11 of designation with more flexibility, the ability  
12 of an owner perhaps to continue to maintain the  
13 adapted style that has occurred in some of these  
14 federal buildings? 'Cause you agreed, Mr. Bankoff,  
15 that the third floor is an add on. Correct?

16 SIMEON BANKOFF: Yes, it is a  
17 historic add on - - historic - - .

18 COUNCIL MEMBER HALLORAN: Okay, so  
19 that particular layer for example is not part in  
20 parcel of the dormer system that would have been  
21 there naturally, and creates a different look, and  
22 as a result of that, there were trellises added in  
23 some cases, there were other forms of artistic  
24 adaptations that occurred, alterations to the  
25 windows, alterations to the doors. Do you think

1  
2 maybe we should be talking about the LPC  
3 designating buildings with modification of some  
4 kind and allowing those owners to maintain the  
5 current modifications in some historic context of  
6 course--I understand your need to preserve--so we  
7 don't have them going to the Commission in the  
8 same way as the testimony came out when I asked  
9 the question specifically about the alterations  
10 that are already there. Do you think maybe that  
11 would help solve some of these problems?

12 SIMEON BANKOFF: I think a lot of  
13 the concerns that the owners were bringing up and  
14 other owners have brought up in the past is a  
15 little bit a sort of not having an awareness of  
16 how the landmark oversight process works. As part  
17 of what we do, we go down to the Landmarks  
18 Commission every Tuesday and listen to people  
19 presenting before the LPC. The Landmarks  
20 Commission is incredibly flexible with regard to  
21 how they regulate their properties. Of late, they  
22 also have been being much more careful to look to  
23 delineate within the designation reports what are  
24 significant historic alterations and significant  
25 intact historical elements and are very flexible

1  
2 in their willingness to sort of allow changes when  
3 they're not significant to the historicity of the  
4 appearance. I really think that and we've seen  
5 LPC permit things that I think probably even you  
6 or other members of the panel would be sort of  
7 surprised at—God knows I am—but they are allowed  
8 by the Commission, and so I think there is a lot  
9 of flexibility and a lot of understanding that  
10 you're dealing with buildings that are close to  
11 200 years old and yeah, they're going to change.

12 COUNCIL MEMBER HALLORAN: Mr.

13 Chair, I'm going to yield back. I would just  
14 suggest that the one thing that is continuing to  
15 bother me about the testimony of the LPC here  
16 today is the difference between a staff level  
17 approval and having to appear before the  
18 Commission. Now look. You and I have testified  
19 at a lot of places I'm sure in our history.  
20 You're far more comfortable than the average  
21 person would be. I'm sure it was a great  
22 challenge in some ways to have these two gentlemen  
23 come here to defend their own building—the place  
24 where they were born and raised and grew up and  
25 have spent so much time, so I appreciate that they

1 did it, but I'm sure going in front of the  
2 Commission is an even more daunting task than  
3 being in this little room in 250 Broadway in some  
4 respects for them. I just wonder that the staff  
5 level approvals if maybe the flexibility which you  
6 claim exists—and I don't know one way or the  
7 other—at the hearing level came a little bit more  
8 in the upfront portion of the show rather than the  
9 hearing portion of the show might just solve some  
10 of the concerns that are being raised and the fact  
11 that when I say to a member of the LPC who  
12 testifies here, "Well, you're designating it with  
13 these changes already in place. You're telling me  
14 they can't even keep the changes if they need to  
15 fix them." I have a problem with that, and maybe  
16 think that that belongs at the staff level of  
17 approval since you're designating it with those  
18 features there and that is kind of where I'm  
19 coming from. I understand the need to preserve  
20 it, and believe me, I'm with you 85-90% of the  
21 time, but there is a good 10% of the time that we  
22 have to start looking at some of these other  
23 issues if for no other reason and in the sake of  
24 the men and women who will come before us and say,

1  
2 "What am I supposed to do?" Thank you. I  
3 appreciate your testimony though.

4 CHAIRPERSON LANDER: Hang on one  
5 second 'cause I have one more question. First I  
6 want to acknowledge we've been joined by Council  
7 Member James Sanders from Queens. Oh yeah, yeah,  
8 yeah. Congratulations to Jenny Fernandez on your  
9 daughter's graduation - - want some cake, but... I  
10 do think it's worth just—I think just first I will  
11 say I think this has been one of our more sort of  
12 productive conversations about understanding  
13 really what the decisions are we're making and how  
14 they get made and why, so I want to appreciate the  
15 other members of the Committee, the LPC staff, the  
16 owners and the advocates. I do think it is worth  
17 also remembering as we kind of look into more  
18 detail at these buildings what the protection is  
19 and isn't, and so if you could just remind us 38  
20 is not going to be protected in any case because  
21 it's not being calendared here, so—

22 SIMEON BANKOFF: 38 is not a  
23 landmark. It is possible to develop as of right  
24 [phonetic] on that property within whatever the  
25 zoning is.

1  
2 CHAIRPERSON LANDER: So there is a  
3 protection obviously that is being—that we'll  
4 consider. There is I think an important set of  
5 questions that were presented does this meet the  
6 tests of federal style to be worthy of  
7 preservation that even the Commission decided 38  
8 did not, and I think that it looks - - like 32  
9 does and 34 and 36 are in the middle, and we're  
10 going to have to weigh it. It's not only  
11 obviously a question of does it and where do we  
12 fall on those criteria, but what is the  
13 protection? What is possible? - - 38 very  
14 substantial alterations within the zoning will be  
15 allowed over time, and that's where the question  
16 for us on 34 and 36—

17 [crosstalk]

18 CHAIRPERSON LANDER: --where do we  
19 come down on this sort of federal style definition  
20 and how do we feel about applying or not applying  
21 the protections that will be afforded those  
22 buildings? It sounds from the owners that we've  
23 heard like they're stewards of the building and  
24 have been for a long time, but this is for  
25 generations to come as well and the future owner

1  
2 if we don't designate them would be able to throw  
3 in whatever--tear it down, put up a different  
4 façade, make it steel and glass, a wide range of  
5 things.

6 SIMEON BANKOFF: And if I may,  
7 there is a similar analogy on Greenwich Street, 94  
8 and 94 and a half and 96, which were all federal  
9 era row houses. 94 and 94 and a half were  
10 designated recently. 96, which was the home of  
11 the Pussycat Lounge, was not, and if you go down  
12 just walk over there at the moment, you will  
13 notice a quite out of scale fourth story addition  
14 on top of the building, and you're like, all of  
15 those buildings were as a row, and not three years  
16 ago.

17 CHAIRPERSON LANDER: So I think  
18 what we're going to do actually, and we might as  
19 well just put all four of them together because I  
20 think because they're - - and they raise these  
21 federal style questions, rather than pull one of  
22 them out, let's keep these four as group. We have  
23 some follow up and some homework to do to really  
24 drill down some of these criteria. We may want to  
25 have additional conversations with the owners as

1 well as with the LPC and the advocates. I think  
2 that's likely to be too rushed for us to even try  
3 to do by Thursday when the Land Use Committee is  
4 meeting, so we will lay these four items over to  
5 our next scheduled meeting, which I think is two  
6 weeks from today.  
7

8 [background conversation]

9 CHAIRPERSON LANDER: July 23-  
10 they're all within the timeframe - - . Okay, so  
11 we're going to lay these over until July 23<sup>rd</sup> to  
12 give us more than enough time to drill down, do  
13 some homework and make decisions - - .

14 COUNCIL MEMBER WILLIAMS: I just  
15 want to say congratulations to Jenny as well. I  
16 hope we didn't scare Ms. Daly. We love Jenny.  
17 She does a wonderful job.

18 KATE DALY: - - her. She's a rock  
19 star, so I was very impressed.

20 CHAIRPERSON LANDER: Alright, so  
21 just we're laying over Land Use Items Nos. 622,  
22 623, 624 and 625 until our next meeting with  
23 thanks to everyone who attended. This committee  
24 meeting is adjourned. We'll close. There is no  
25 vote required and so we'll close the hearing.

1

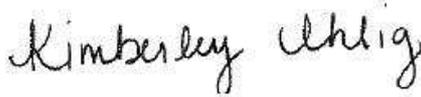
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[gavel]

C E R T I F I C A T E

I, Kimberley Uhlig certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature

Handwritten signature of Kimberley Uhlig in cursive script, written over a horizontal line.Date 7/13/12