

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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December 4, 2012
Start: 11:38 a.m.
Recess: 12:20 p.m.

HELD AT: 250 Broadway
Committee Room, 16th Floor

B E F O R E:

BRAD LANDER
Chairperson

COUNCIL MEMBERS:
Rosie Mendez
Maria del Carmen Arroyo
Daniel J. Halloran
Jumaane D. Williams
Leroy G. Comrie, Jr.
James F. Gennaro
Mark Weprin

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

Jenny Fernandez
Director of Intergovernmental and Community Relations
Landmarks Preservation Commission

Joyce Mendelsohn
Author

Mitchell Grubler
Friends of the Lower East Side

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CHAIRPERSON LANDER: Thank you.
Good morning, I'm New York City Council Member
Brad Lander, Chair of the City Council's Land Use
Subcommittee on Landmarks--

MALE VOICE: I'm sorry.

CHAIRPERSON LANDER: That's okay.
All right, no, good, we good or...?

[Off mic]

CHAIRPERSON LANDER: All right,
great. Good morning, I'm City Council Member Brad
Lander, Chair of the City Council's Land Use
Subcommittee on Landmarks, Public Sitings and
Maritime Uses, pleased to be joined this morning
by members of the committee, Council Member Rosie
Mendez of Manhattan, Council Member Maria del
Carmen Arroyo of the Bronx. We're pleased to
also--Council Member Dan Halloran of Queens,
Council Member Jumaane Williams of Brooklyn.
We're also pleased to be joined by the chair of
the Land Use Committee, Council Member Leroy
Comrie of Queens, and Council Member Jim Gennaro
of Queens as well.

We have one item on the calendar
for a public hearing, which is the Edward Ridley &

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2 Sons Department Store buildings on Grand Street,
3 and then we have a vote scheduled on two items:
4 That building and the Brinckerhoff Cemetery. So I
5 think what we're going to do is do the public
6 hearing first on Land Use number 738, the Ridley &
7 Sons Department Store buildings, we just have a
8 couple of people signed up to testify on that, and
9 then we'll move to committee discussion and a vote
10 on both items.

11 So let me ask Jenny Fernandez to
12 come up and present Intro number 738 to us.
13 Again, that's the Edward Ridley & Sons Department
14 Store buildings at 315-317 Grand and 319-321 Grand
15 Street.

16 JENNY FERNANDEZ: Thank you, Chair
17 Lander and members of the Subcommittee, my name is
18 Jenny Fernandez, Director of Intergovernmental and
19 Community Relations for the Landmarks Preservation
20 Commission, here today to testify on the
21 Commission's designation of the Edward Ridley &
22 Sons Department Store buildings in Manhattan.

23 On June 23rd, 2009, the Landmarks
24 Preservation Commission held a hearing on the
25 proposed designation of the former Ridley & Sons

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2 Department Store buildings and the proposed
3 designation of the related landmark site. Four
4 people testified in support of designation,
5 including a representative of Council Member Alan
6 Gerson, the Bowery Alliance of Neighbors, and the
7 Historic Districts Council. A second hearing was
8 held on June 22nd, 2010, in order to consider
9 whether to include Lot 16 as part of the landmark
10 site. Two representatives of the owner of Lots 15
11 and 16 testified against designation and two
12 people testified in support, including a
13 representative of the Metropolitan Chapter of the
14 Victorian Society in America. A third hearing was
15 held on September 11, 2012, at which a
16 representative of the owner of Lot 15 expressed
17 support for designation. On September 11, 2012,
18 the commission voted to designate the buildings
19 New York City individual landmark. Lot 16 was not
20 included in the designation.

21 In the second half of the 19th
22 century, Edward Ridley & Sons was the largest
23 department store on the Lower East Side. Founded
24 by Edward Ridley in circa 1848, over the next
25 three decades, the business grew by converting

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2 buildings along Grand and Allen Streets--none of
3 which survive. The adjoining properties at 315-
4 317 Grand Street and 319-321 Grand Street were
5 commissioned by his sons, Edward A. Ridley and
6 Arthur Ridley, in 1886. Designed by architect
7 Paul Schoen, these Classical Revival structures
8 were part of the store's most ambitious expansion
9 to date. Five stories tall, this building
10 campaign added considerable floor space and
11 Ridley's was subsequently described in newspaper
12 stories and advertisements as the largest retailer
13 in New York City. By 1889, the store employed
14 about 2,500 people--many of whom were women,
15 neighborhood residents, and recent immigrants.
16 Originally part of a vast retail emporium, these
17 adjoining cast iron buildings recall the era when
18 Edward Ridley & Sons were among the Lower East
19 Side's best-known and most successful merchants.

20 The Commission urges you to affirm
21 this designation.

22 CHAIRPERSON LANDER: Thank you very
23 much. I just want to sort of understand a little
24 the process here on both the hearings and the
25 designation. So there were three separate public

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hearings--

JENNY FERNANDEZ: Yes.

CHAIRPERSON LANDER: --on this item, which is somewhat unusual, can you kind of help me understand why there were three hearings and how Lot 16 came in and out and how the--

JENNY FERNANDEZ: Sure.

CHAIRPERSON LANDER: --decisions were made?

JENNY FERNANDEZ: When the property was first calendared for consideration by the commission, we just calendared Lot 15. We thought that was all part of the same lot, the buildings seemed to be adjoining, there was--what is on Lot 15 is adjacent and looks to be contiguous with the buildings that we are now considering. And the commission then held a second hearing to calendar that part of the lot that was not included in the first--when we first took action on the buildings.

Further research and more information came to the commission determined that Lot 16, which was the one we calendared at that second hearing, should not be included in the designation and at that time, that's why you had

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2 the owner of Lot 15 did come and support
3 designation. Part of that information was
4 information they submitted and researched by our
5 research department. And then at the time of
6 designation on September 11, the commission
7 designated Lot 15, which are the cast iron
8 buildings, and Lot 16 was not included in the
9 designation.

10 CHAIRPERSON LANDER: Can you just
11 give me some flavor of what the information was
12 that both, you know, it was sufficient that you
13 decided to hold a hearing on 16, and then such
14 that it wasn't sufficiently meritorious that you
15 decided not to include it?

16 JENNY FERNANDEZ: The way the
17 buildings read from the street, they had been
18 painted over time and the buildings on Lot 16
19 seemed to read as part of the buildings--the cast
20 iron buildings that are under your consideration
21 today, and so they all seemed to look like the
22 same building, but later research determined
23 through that research and information that those
24 were actually different buildings and because they
25 were all painted the same, and, you know, seemed

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2 to be contiguous, that's why they appeared that
3 way, but the research showed that it was not part
4 of that--of those buildings.

5 And also, on the Island Street, the
6 original, the way those--that building was
7 originally built, when that street was created, it
8 was cut off basically, and so that's an
9 undecorated or an unfinished façade on the Island
10 Street side, and so part of that was also under
11 consideration by the commission.

12 CHAIRPERSON LANDER: Okay. So that
13 might be the kind of information that'll be
14 helpful to give us in a situation like this where
15 you've had multiple hearings, which raise
16 questions for us about how and why those decisions
17 were made. So while the documentation that you
18 guys presented is good on 14 and 15, I think in
19 the future, if you have situations where there are
20 multiple hearings and there's a question about an
21 additional lot, helping us understand the
22 rationale behind those decisions would probably be
23 helpful to our committee as well.

24 Thank you very much. Any questions
25 from members of the committee?

2 COUNCIL MEMBER WILLIAMS: Yeah.

3 CHAIRPERSON LANDER: Council Member
4 Williams.

5 COUNCIL MEMBER WILLIAMS: Thank
6 you, Mr. Chair. Ms. Fernandez, my question was
7 just were the owners against it or for it?

8 JENNY FERNANDEZ: Originally, when
9 we first held the hearing, the owners were against
10 because we were including--

11 COUNCIL MEMBER WILLIAMS: Okay.

12 JENNY FERNANDEZ: --that Lot 16
13 that we talked about and they--so they testified
14 against designation. At the last hearing, when we
15 designate, they testified in support.

16 COUNCIL MEMBER WILLIAMS: Okay.
17 Thank you.

18 CHAIRPERSON LANDER: Council Member
19 Mendez.

20 [Pause]

21 COUNCIL MEMBER MENDEZ: Good
22 afternoon. So--yes, about that time--so just
23 looking at your testimony, you mentioned that
24 Council Member Alan Gerson--or representative
25 testified in favor and I'm just wondering if the

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2 new Council Member was approached.

3 JENNY FERNANDEZ: Yes, we had
4 conversations and were in touch throughout the
5 whole process with Council Member Chin.

6 COUNCIL MEMBER MENDEZ: Okay.
7 Thank you.

8 CHAIRPERSON LANDER: Thank you very
9 much. Seeing no other questions, we'll thank you
10 for your testimony. And we do have two people
11 signed up to testify on this item, and let me
12 invite them both to come up at the same time:
13 Joyce Mendelsohn, author of Lower East Side
14 Remembered, and Mitchell Grubler, representing
15 Friends of the Lower East Side. Good morning. Do
16 you have copies of your testimony? It doesn't
17 matter but--

18 [Off mic]

19 CHAIRPERSON LANDER: Okay. Well
20 afterwards you can please give them to the
21 Sergeant-at-Arms and if you'll just--when you're
22 ready, go ahead and state your name for the record
23 into the microphone and present your testimony.

24 JOYCE MENDELSON: Good morning,
25 I'm Joyce--

CHAIRPERSON LANDER: [Interposing]

Sorry, go ahead and push the button there.

[Pause]

JOYCE MENDELSON: Good morning, I'm Joyce Mendelsohn, author of the Lower East Side Remembered and Revisited, the second edition Columbia University Press, 2009. I strongly support landmark designation of the former E. Ridley & Sons Department Store. It was a fashionable emporium on the Lower East Side whose customers ranged from middle class families to immigrant shop girls. Edward Ridley Small Dry Goods Store was established at this site in 1850 and replaced in 1874 by a multistory building capped by a mansard roof with a corner clock tower. Unfortunately, that no longer survives.

The new department store was designed by noted architect John B. Snook, and after its expansion in 1886 by architect Paul F. Schoen claimed to be the largest retail establishment in the nation. I hear testimony saying this city, but Ridley's at one point was claiming to be the largest in the nation.

Grand Street flourished as the

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2 center of an important shopping district in the
3 mid-19th century as commerce moved north from
4 lower Manhattan. The street was especially
5 convenient to shoppers from Brooklyn. As they
6 came, they arrived on the Grand Street Ferry and
7 then transferred to cross town horse cars.
8 Accessibility increased after 1878 with the
9 opening of the Second Avenue elevated railway.

10 Ridley's five-story cast iron
11 fronted building occupied the block from Orchard
12 to Allen Street. The store offered a large
13 selection of women's and children's clothing,
14 gent's furnishings, and household articles. Its
15 furniture store was located on the corner of Grand
16 and Eldridge. Following the uptown migration of
17 trade in 1901, the business relocated to 714
18 Broadway, near Aster Place, and subsequently
19 closed.

20 As part of a city improvement
21 project, Allen Street was widened in 1932 from its
22 original 50 feet to 138 feet by the removal of
23 buildings on its eastern edge, including several
24 sections of Ridley's. However, the eye-catching
25 rounded corner at Grand and Orchard, the

1 fenestration, and much of the decorative detail
2 remain intact.

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4 I urge the Council to approve a
5 landmark designation of E. Ridley & Sons in
6 recognition of its importance to the commercial
7 history of the Lower East Side and as one of only
8 a small number of cast iron fronted buildings in
9 the area. Thank you for your consideration.

10 CHAIRPERSON LANDER: Thank you very
11 much for taking the time to come and testify.

12 MITCHELL GRUBLER: I'm Mitchell
13 Grubler, I'm a member of Friends of the Lower East
14 Side and a member of the executive committee of
15 the Bowery Alliance Neighbors.

16 The former E. Ridley & Sons
17 Department Store at Grand Street between Allen and
18 Orchard Street on the historic Lower East Side
19 stands today as a prime example of the perfect
20 convergence of American technology, American
21 entrepreneurship, and fashion. The invention of
22 relatively low-cost cast iron curtain walls for
23 buildings and the demand for dry goods and the
24 popularity of department stores after the Civil
25 War achieved their perfect marriage in New York.

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2 Ridley's, built in 1886, exhibits all the
3 hallmarks of that perfect combination which
4 allowed for such essential elements as low-cost
5 ornamentation, vast interior open spaces, and
6 large expanses of windows to flood those interiors
7 with the necessary daylight. Its four bays are
8 divided by fluted neo-Grec pilasters and panel
9 plinths. The large window expanses in proportion
10 to wall surfaces are particularly striking.

11 The fifth floor is marked by arched
12 windows. The arch is supported by colonnettes and
13 embellished with keystones. The spandrels between
14 the arches are ornamented with a reef motif and
15 the piers dividing the bays on this top floor are
16 embellished with elaborate foliate and ribbon
17 ornament. The frieze above is enlivened by an
18 unusual repeated feather design. All of this
19 fashionable neo-Grec composition made possible
20 through low-cost cast iron building technology.

21 Contributing to the building's
22 remarkable history is its dual personality. When
23 Allen Street was widened in the early 1930s, the
24 store's Allen Street façade was built in masonry
25 and then highly fashionable Art Deco style cast

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2 stone ornamentation. Before and after the Civil
3 War, Grand Street east of the bowery was the
4 city's center of women's fashions, including Lord
5 & Taylor at Grand and Chrystie Streets. E. Ridley
6 & Sons was the largest store of its kind on the
7 Lower East Side and one of the largest in the
8 city, with five acres of floor space and 1,700
9 employees.

10 We are pleased that the Landmarks
11 Commission has awarded this important building
12 landmark status on the nationally significant
13 Lower East Side. Thank you.

14 CHAIRPERSON LANDER: Thank you both
15 very much for your testimony and for all your work
16 to help preserve the wonderful Lower East Side.
17 Any questions from my colleagues? Seeing none,
18 thank you, we'll close the public testimony on
19 this item and move forward to consider both the
20 items on today's calendar for a vote.

21 Before we do that, I do just want
22 to say a couple of words about the Brinckerhoff
23 Cemetery. As my colleagues will recall, we've had
24 two--we had two meetings in which we heard public
25 testimony on this. In the first, we heard from an

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2 array of Queens civic groups supporting
3 designation. It wasn't possible for the site
4 owner to be there on that day so we made it
5 possible we had a second hearing, and we
6 appreciate the work the staff did to make it
7 possible for her to be there, and we heard her
8 testimony and asked a lot of questions about that.

9 Out of that meeting, we asked the
10 Landmarks Preservation Commission for some
11 additional communication and I appreciate that we
12 received from them--from Jenny Fernandez a memo
13 speaking both to the history of sort of public
14 knowledge and information about the cemetery and
15 the remains and what's assumed and known about the
16 burial ground, and that'll be entered into the
17 record, but it conveys a lot of information dating
18 back from 1919 and up through the hearing that was
19 held originally in 2000 and again as part of this
20 designation and also speaks to some of the
21 questions that were raised about potential
22 development and consideration of development on
23 that property. So Council Members all have that
24 letter and it'll be in the public record.

25 And I know in addition, members

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2 have been debating and discussing this item and so
3 if there are comments that members want to make
4 for the record before we proceed to consider and
5 vote on it, I'll entertain them now. Council
6 Member Halloran?

7 COUNCIL MEMBER HALLORAN: Thank
8 you, Mr. Chair. Mr. Chair, as you know very well,
9 I have a history of supporting owners during the
10 landmarking process where I feel that their
11 interest in property has been compromised. I am
12 also a vocal opponent and critic of the Landmarks
13 Preservation Commission in the manner in which it
14 does things. I first of all do not believe any
15 item should be on a calendar for 12 years without
16 action and I know the Council Member for this
17 district has been pushing to get this cemetery
18 designated and I think it's testament to Jim
19 Gennaro's hard work and his tenacity that we're
20 here today.

21 That does not relieve the
22 criticisms I have for LPC in allowing this to
23 languish for 12 years before it comes to this body
24 for a vote. I think part of the problem we
25 continuously have in this commission--with this

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2 commission is that we don't get a timely response
3 to our questions, we don't get all the data that
4 we need.

5 I spent a great deal of time to
6 satisfy my own conscience about this. When the
7 owner came and testified before us and turned on
8 the waterworks and made members of this committee,
9 I think, feel that she vestedly and in good faith
10 had purchased this property, something didn't ring
11 right with me as an attorney. So I went back to
12 the history of this parcel and first thing I did
13 was I pulled up the ACRIS report on it, which any
14 title company or insure or attorney doing his
15 reasonable due diligence would have done. First
16 thing they would have found out is that the
17 property taxes on this property are \$87 a year,
18 that includes \$17 of interest, so it's actually
19 \$69. There is not a single parcel in Queens
20 that's going to pay \$69 in property taxes that's
21 buildable.

22 The second thing I found out is
23 it's designation is vacant lot, not for
24 residential use. On the very ACRIS report that
25 any title insurance company would have pulled when

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2 doing this property.

3 The next thing I discovered is, in
4 addition to finding the notation that it appears
5 on the designating calendar of the Landmarks
6 Commission, is that the owner did not buy it as a
7 person individually, she bought it through a shell
8 company: Le Dan Cai Properties, which is also the
9 owner of nine other properties in the city of New
10 York, also bought in various holding companies,
11 not just that one, but in several other names,
12 which indicates to me a very sophisticated buyer,
13 not somebody who would have been easily taken
14 advantage of a small glitch in the system.

15 Finally, I took a look at the ACRIS
16 history of titles in this and found that the last
17 time the property was title changed prior to this
18 owner in 2010 was in 2007. The acquisition price
19 of the parcel was \$2,500. Well if there's a
20 single piece of property in Queens for \$2,500, I'd
21 like to know where it is because I'm buying it.
22 And I'd like to have my taxes reduced to \$68 a
23 year as well, please, from the 5,000 and something
24 I give the city currently for my small 70 x 100
25 lot in northeast Queens.

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2 So I would say to my fellow members
3 of the commission, you know I have been a critic
4 of LPC, you know I've been an advocate for owners
5 of properties, this is not the person for whom
6 this committee should bear any sort of solace.
7 She has an attorney who accompanied her and spoke
8 for 90 minutes at our last hearing, hopefully, he
9 was paid by the hour. She had an attorney at
10 closing, she had an attorney who is a separate
11 attorney who set up her corporation that bought
12 these other properties, she's had five other
13 attorneys close title for properties in the city
14 of New York for her who are not the attorney who
15 appeared there. She has title insurance, which,
16 unless there was a major mistake made by the title
17 company, would give her a recourse against the
18 attorney for malpractice, the title company for
19 misrepresentation and restoration, and ultimately
20 when we designate, as I hope we will, she would
21 have an action, theoretically, against the City
22 for a taking of the property if, in fact, she
23 could prove to a court that she was somehow either
24 duped or unaware.

25 Now, as someone who's practiced in

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2 the courts for 15 years, I can tell you, I don't
3 think there's a jury that's going to buy that
4 under these circumstances, I don't think we should
5 buy it under the circumstances in front of this
6 committee, I will vote resoundingly aye to
7 designate, and, boy, I hate doing that.

8 CHAIRPERSON LANDER: Thank you,
9 Council Member Halloran. I apologize, as chair, I
10 should have first asked the Council Member whose
11 district this is in if he had comments that he
12 wanted to make. So with my--

13 COUNCIL MEMBER HALLORAN:
14 [Interposing] Sorry, Jim, I didn't mean to step on
15 your toes.

16 COUNCIL MEMBER GENNARO: No, no--

17 CHAIRPERSON LANDER: It's my
18 mistake and not Council Member Halloran's, but let
19 me invite Council Member Gennaro--

20 [Crosstalk]

21 COUNCIL MEMBER GENNARO:
22 [Interposing] Thank you, Mr. Chairman, I have no
23 problem whatsoever with Council Member Halloran
24 speaking first, I think what he had to say was
25 very important. And, you know, [off mic] already

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2 been mentioned, it was already mentioned that I
3 worked on this for the last ten years to try to
4 move this forward and here we are today.

5 I think I'm just going to speak for
6 just a few moments on the good memo that, you
7 know, we got from LPC. In the first part of the
8 memo there, there is indication that this
9 property, these two lots were used as a cemetery
10 between 1730 and at least the late 1930s, so
11 that's, you know, more than 200 years of use as a
12 cemetery. And, you know, notwithstanding the
13 contention that was made at the earlier hearing
14 when we heard from the owner and her
15 representative that they have knowledge that there
16 was only burials in one lot and not the other,
17 there seems to be no way that that could be
18 reasonably established and so their argument, I
19 don't think holds any water.

20 And the, you know, second page of
21 the memo, you know, talks about how they can go
22 before the commission and make a proposal to build
23 something there and the commission would have to
24 make certain findings for that to happen, they
25 might have to move the bodies, they might have to

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2 do whatever, and if the commission made a
3 determination that they were not willing to do
4 that, as I read the last paragraph of this memo,
5 it, you know, does make an indication that the
6 commission would have to allow something to put up
7 some kind of development that would give the owner
8 a 6% return. I'm in a way sorry that that's
9 something that the commission appears legally by
10 this memo to be legally required to do. So I just
11 wanted to, you know, walk folks through the--or at
12 least put on the record the various steps that the
13 applicant, you know, can make post-designation by
14 this Council that it would seem that they're
15 guaranteed a, you know, rate of return to be able
16 to do something there that would generate a 6%
17 return.

18 And I also, you know, wish to be
19 associated with the remarks of my good colleague
20 Dan Halloran, and I think between what Dan had to
21 say and what I have to say, I think we've got a
22 pretty compelling case. And I hope I'm not
23 presumptuous in saying that, I'm not a member of
24 this committee, but I would urge the members of
25 this committee to proceed and vote yes on this

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2 designation.

3 Thank you, Mr. Chairman.

4 CHAIRPERSON LANDER: Thank you,
5 Council Member Gennaro. Want to acknowledge we've
6 also been joined by Council Member Mark Weprin of
7 Queens, who has also communicated with me his
8 support and I think may have testified at one of
9 the hearings in favor as well of this designation.

10 Chair Comrie, would you like to--

11 [Crosstalk]

12 CHAIRPERSON LANDER: --on this?

13 COUNCIL MEMBER COMRIE: I just want
14 to indicate my support also for this property to
15 be landmarked. I think--

16 COUNCIL MEMBER ARROYO: You on?

17 COUNCIL MEMBER COMRIE: Am I on?

18 Yeah, I can speak louder. I think Council Member
19 Halloran made a strong support of the fact that
20 the owner is not a person of novice or a person
21 that was duped or a person that is truly
22 understanding of the sympathies and the empathies
23 of a committee that is right to listen to owners
24 and is right to hear all sides of an issue. And,
25 you know, I think that it's only right that we

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2 give people an opportunity to express their
3 opinion and express their position, even when
4 their position is clearly a position that was
5 trying to elicit sympathy but not actually deal
6 with the truth.

7 But clearly this property is a
8 property that deserves to be landmarked, it's been
9 well-known for--in Queens as a property that has
10 been trying to be designated as a property, the
11 history of the cemetery is well-known, and I would
12 urge the committee members to vote for it.

13 I would say that there was some
14 valid points that brought up by the committee
15 members as far as researching the history of
16 individuals that come before the committee and I
17 think that's something that we should ask LPC to
18 do so that we cannot allow folks to come in and
19 cry water and tears and try to elicit sympathy for
20 a position that truly is something that they want
21 to take advantage of our good nature. You know,
22 clearly, we look at every property and every
23 landmark situation in an individual manner. And,
24 as a person that has always been looking at
25 landmarks with open vision to try to make sure

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2 that a proper situation is done in an individual
3 manner because I'm not in favor of everything
4 being landmarked either, as Dan would say, it
5 depends on the situation, it depends on a lot of
6 factors that we've talked about in this committee.

7 But, clearly, this property rises
8 above the level of anything that we've seen as far
9 as the need for landmarking is, and it should be
10 landmarked. So I would advise the members and
11 thank the members for doing their due diligence,
12 thank them for trying to listen to all sides of
13 this matter, but I think at the end of the day,
14 this property does deserve to be landmarked.

15 Thank you, Mr. Chair.

16 CHAIRPERSON LANDER: Thank you very
17 much, Mr. Chairman. Do any other members wish to
18 be heard before we proceed to vote?

19 COUNCIL MEMBER ARROYO: I'll
20 explain my vote.

21 CHAIRPERSON LANDER: Okay.
22 There'll be an opportunity, of course, for members
23 to explain their vote. Just one or two--okay,
24 Council Member Mendez.

25 COUNCIL MEMBER MENDEZ: So I never

1
2 thought I'd do this publicly: Thank you, Council
3 Member Halloran, for all your research. I'm often
4 telling him at hearings to stop looking in his
5 iPad or a computer, gathering more information
6 that sometimes is out of context 'cause the other
7 stuff is not there. But this information--you
8 know, something didn't sit right with me, and I
9 know that this owner would have a recourse under
10 the law 'cause she said she went through a title
11 company, so I would have had no problem voting yes
12 on this, but there was--you can't feel but be a
13 human being and feel sad if someone was actually
14 being taken advantage of.

15 But we need to talk about how we
16 get some of this information sooner and the fact
17 that, you know, Council Member Halloran is always
18 researching things so I'm certainly glad he
19 brought this 'cause I think it makes a lot more
20 members here comfortable with their decision
21 today, but how we, as members and committee, get
22 all the information upfront so that we can get to
23 yes sooner, if that's the way we're going.

24 Thank you.

25 CHAIRPERSON LANDER: Thank you,

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2 Council Member Mendez. I want to thank my
3 colleagues and the committee staff both for, you
4 know, this was a very thorough consideration of
5 this. You know, we took public testimony, we made
6 it possible, and the staff worked to make sure it
7 was possible for that owner to come before us, and
8 then I also appreciate the additional information
9 that Council Member Halloran provided to help us,
10 you know, really try to have as many facts as we
11 can.

12 So two observations before we move
13 to a vote. First, I feel comfortable that
14 whatever opinion one takes on sort of the
15 knowledge and state of mind of the property owner
16 that public information was available about this
17 property and its status: That the public hearing
18 that took place in 2000, the support of the vast
19 majority of the kind of Queens civic
20 organizations, and public support for its
21 designation in 2000 was on the record, there had
22 been that hearing, it was covered in the local
23 papers, and that the publicly available
24 information, as Council Member Halloran points
25 out, in ACRIS and the title information made it

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2 clear, you know, what this property had been, what
3 the issues were, and what the consideration was,
4 and that we can all feel comfortable about that.

5 Now I do want to say, and this also
6 picks up on what Council Member Halloran said
7 about the 12-year lapse between the hearing and
8 this action. As members of the committee know, I
9 have introduced a bill that would set a--

10 [background noise]

11 CHAIRPERSON LANDER: --clock
12 between calendaring and a vote by the LPC, and I
13 think this--where we are today is evidence of the
14 harm done when we have un-time bounded processes,
15 that the idea that we can have a hearing that sits
16 for an undeterminate amount of time, in this case,
17 12 years, but it can be decades that has impact,
18 real impact on people's lives--what happens with
19 property, what happens with buyers and sellers,
20 what happens when you go to the Buildings
21 department. That's not good public policy and we
22 ought to change it. So we had a hearing on that,
23 I know the commission testified against that bill
24 and some of the advocates also testified against
25 that bill, but I would say that sitting here today

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2 and the challenges we're having with this property
3 are evidence that this is mistake in our public
4 policy and we should fix it.

5 So that's for another day, but I
6 think it's not just a theoretic harm that is done
7 by things that sit out there for a decade, but
8 sometimes a specific harm, and however you read
9 this situation, it's unfortunate that this wasn't-
10 -there wasn't a time clock back in 2000 when this
11 was heard for it to be voted or not voted, as
12 opposed to have it sitting in limbo for a decade
13 which had an impact on the representative, on the
14 advocates, and on property owners.

15 So that's for another day, but with
16 all of that said, I do feel supportive of this
17 designation and I will be voting in favor of it.
18 And, unless any of my other colleagues have
19 further comments, we'll ask our counsel--oh yes,
20 I'm sorry, we're coupling both Land Use 720 and
21 Land Use 738 on the calendar for a vote.

22 FEMALE VOICE: Your recommendation.

23 CHAIRPERSON LANDER: And I
24 recommend a vote of aye.

25 COUNCIL CLERK: Chair Lander.

CHAIRPERSON LANDER: Aye on both.

COUNCIL CLERK: Council Member

Arroyo.

COUNCIL MEMBER ARROYO: Will not belabor the point, I think what needs to be said has been said. Thank you, Council Member Halloran, for coming forward with the information that you did which certainly gives me a sense of comfort about voting yes on this--everything on the calendar today.

COUNCIL CLERK: Council Member

Mendez.

COUNCIL MEMBER MENDEZ: Aye on all.

COUNCIL CLERK: Council Member

Williams.

COUNCIL MEMBER WILLIAMS: May I be excused to explain my vote?

CHAIRPERSON LANDER: Of course;.

COUNCIL MEMBER WILLIAMS: Thank you. I wasn't here at the hearing and I got a briefing from my staff and I was touched just by hearing it, so I can imagine what my colleagues went through sitting here. So and I was unable to reach my colleague here, Councilman Gennaro, to

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2 speak about it so I came in planning to abstain.
3 And I thank Council Member Halloran for the
4 information that he got and I also thank Council
5 Member Gennaro for speaking to me about it, and
6 from everything I can see, there's absolutely no
7 reason not to push this forward. And I too have a
8 tendency to try to make sure that owners are heard
9 in this process, I feel sometimes that they are
10 not given the right amount of weight when it comes
11 to this process. So I'm going to be voting aye
12 very conscience-free on this.

13 But also I do want to pick up one
14 thing my colleague said was about information, I'm
15 still waiting for some information that I've asked
16 for at least in two other hearings, which is how
17 many people have applied for relief, how many
18 people satisfied the criteria, and how many people
19 actually receive relief from the Landmarks
20 Preservation.

21 Thank you.

22 [Pause]

23 MALE VOICE: Aye.

24 COUNCIL CLERK: Council Member
25 Halloran.

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2 COUNCIL MEMBER HALLORAN: May I be
3 excused to explain my vote?

4 CHAIRPERSON LANDER: Yes.

5 COUNCIL MEMBER HALLORAN: First,
6 let me thank my colleagues for their indulgence of
7 my research, I appreciate it very much.

8 The second thing I'd like to add is
9 that, again, Council Member Williams brings up a
10 tremendous point that there is outstanding
11 material which I believe the committee chair had
12 indicated staff was going to be drafting a letter.
13 I would ask did we ever receive a response to that
14 letter to our committee counsel? My understanding
15 was when we left the last hearing before the
16 Brinckerhoff came up, those issues were to be
17 addressed by letter through our counsel. I
18 understand that, you know, there are a million
19 things going on, but I think it's time we start
20 holding the feet to the fire. I join my
21 colleague, Councilman Lander's call for a time
22 clock and I would tell, respectfully, my friends
23 from the Brinckerhoff community to go back and
24 please speak to the other preservationists and
25 tell them this is why there needs to be a rule

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2 that prohibits the City from leaving something
3 languishing on a calendar for ten years. While
4 some preservationists argue that it will somehow
5 undermine the process, I think just the opposite
6 is true, we find ourselves scrambling to make sure
7 we save something that has languished and it would
8 prevent that sort of action from happening, which
9 is, I think, important for the preservation of
10 parcels just like this.

11 I would submit to my good friend,
12 Jenny Hernandez, that I think it is the duty of
13 the LPC to come before this committee with a title
14 and closing report of properties that the City
15 wishes to acquire in this process called
16 landmarking. I think this committee should
17 receive the ACRIS reports, the title research as
18 if you are a title company so that my colleagues
19 in government don't have to rely on me going on
20 ACRIS to find out that kind of information. If we
21 had all of that in a committee report to us, I
22 think many of these questions would have been
23 answered before they had to be asked.

24 So I will reluctantly vote aye on
25 all today, with the hopes that Jenny Fernandez

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2 will come back with an answer to my now-1 year and
3 6 month long request for an update on the Broadway
4 Flushing Historic District, which isn't even in my
5 council district anymore because of the
6 redistricting commission, and I'm still asking for
7 it.

8 [Crosstalk]

9 COUNCIL MEMBER HALLORAN: It might
10 be, you never know. All right, thank you.

11 I vote aye.

12 COUNCIL CLERK: By a vote of 5 in
13 the affirmative, none in the negative, and zero
14 abstentions, Land Use numbers 720 and 738 are
15 approved and referred to the full Land Use
16 Committee.

17 CHAIRPERSON LANDER: Thank you, I
18 just, at Council Member Gennaro's request, also
19 want to acknowledge and thank the advocates here
20 for their work: James and Yolanda Gallagher, and
21 Ashook Ramsaran for your support throughout the
22 process. So thanks to all the members and all who
23 were here, and this committee meeting is
24 adjourned.

25 [Gavel]

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CHAIRPERSON LANDER: Subcommittee,

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I guess.

C E R T I F I C A T E

I, Tammy Wittman, 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 *Tammy Wittman*

Date December 20, 2012