

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

SUBCOMMITTEE ON ZONING AND FRANCHISES

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March 18, 2014
Start: 09:49 a.m.
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HELD AT: 250 Broadway - Committee Rm,
14th Fl.

B E F O R E:
MARK S. WEPRIN
Chairperson

COUNCIL MEMBERS:

DANIEL R. GARODNICK
VINCENT J. GENTILE
VINCENT IGNIZIO
ANTONIO REYNOSO
DONOVAN J. RICHARDS
RITCHIE J. TORRES
JUMAANE D. WILLIAMS
RUBEN WILLS

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

2 [gavel]

3 CHAIRPERSON WEPRIN: Alright we're going
4 to get started. Good morning everyone. My name's
5 Mark Weprin. I'm chair of the Zoning and Franchises
6 Subcommittee. And I am joined today by the
7 following members of the subcommittees Vincent
8 Ignizio from Staten Island, Ritchie Torres from the
9 Bronx, Vincent Gentile from Brooklyn, Antonio
10 Reynoso from Brooklyn and Queens, and the Chair of
11 the Land Use Committee is here as well David
12 Greenfield, and we're also joined by Margaret Chin
13 who has an item which many of you here for I know
14 in her district. We have a number of cafés to take
15 care of first and I want to do that. Before I do
16 that I just want to acknowledge that Vinny Gentile
17 was the first one here today and he gets the gold
18 star today. Very good. And... So we have, first let
19 me go right to the cafés. Land Use number 18 White
20 Horse Tavern in the island of Manhattan, James
21 Munsen I think is here. Mr. Munsen... you please come
22 up to the microphone. Make sure you can turn the
23 mic on. Sometimes it's confusing whether it's on or
24 off but... And then state your name and describe your
25 application please.

1
2 JAMES MUNSEN: Okay. Hello, my name's
3 James Munsen and I'm owner of 567 Hudson Street,
4 White Horse Tavern. We've had a café since 1980, an
5 outdoor café. It has 12 picnic tables and 12
6 regular tables. And the issue seems to be the
7 accessibility of the picnic tables. We have
8 integrated benches which makes them inaccessible.
9 So my solution is I'm going to change them. I'm
10 going to get picnic tables with separate benches
11 making them accessible. I'll go to DCA first to
12 make sure that you know they're happy with this.

13 CHAIRPERSON WEPRIN: And I know you had
14 discussions with Council Member Johnson's office
15 who represents this area?

16 JAMES MUNSEN: Yes.

17 CHAIRPERSON WEPRIN: And he is in
18 agreement on this matter... we're good on this?
19 Alright, okay, so I know that you guys have worked
20 out an agreement. Full disclosure I have been to
21 the White Horse on numerous occasions.

22 [laughter]

23 JAMES MUNSEN: I saw you there
24 yesterday.

25 [laughter]

2 CHAIRPERSON WEPRIN: I said ah, no. Not
3 recent, not recently unfortunately but back in the
4 day. So I think we're okay on this, these changes.
5 So I'd like to seek any questions here. Corpey
6 Johnson does support it. Any questions from the
7 panel? We see none. Well thank you very much.
8 Hopefully we'll get to see you soon.

9 JAMES MUNSEN: Thank you very much, bye.

10 CHAIRPERSON WEPRIN: Thank you. Alright.
11 We're going to close this hearing. That was easy.
12 And now we're going to...

13 [background comments]

14 CHAIRPERSON WEPRIN: His staff guy Louis
15 is there.

16 [background comments]

17 CHAIRPERSON WEPRIN: Okay. Next is Land
18 Use number 21; it's Maison O I believe. Mathew are
19 you here. Mathew with an A, Abremson [phonetic] at
20 a, Ken 80, 98 Kenmare right? Someone here? They
21 here still? He was sitting there. Is he out of the..
22 Okay, hold on one second. Okay, welcome. Come, come
23 up to the table.

24 [pause]

2 CHAIRPERSON WEPRIN: Alright, well have
3 a seat. We'll call you up... after. Just want to warn
4 you it may be some time. We got tee shirts and
5 everything, alright. Generally that means a long
6 time. Okay, alright well we know Mr. Brooklyn and
7 it's a good council to have. Alright, alright. So
8 we're going to move on. Because the next item
9 Nanno's [phonetic], Nonno's [phonetic] Restaurant.
10 Nobody, is anyone here for that, Nonno's [phonetic]
11 Restaurant in Queens. Alright, they're not here.
12 We're, we're going to put that also to after also
13 okay. Nonna's, right. Nonna's, not Nonno's right.
14 Grandma's. Alright we're going to move onto Land
15 Use number 23 and 24 which is 688 Broadway. Right,
16 which is in Council Member Chin's district. I would
17 like to call up the following people on behalf of
18 the applicants; David Schwartz [sp?], George
19 Schieferdecker, and Mitch Corpey, how do you
20 pronounce that Mitch, Corpey. Gentleman take your
21 seats. Mr. Brooklyn. Guys can I get you, ask you to
22 wait one minute. Let's, let's let this gentleman go
23 quickly because I don't think there's any issues
24 that... Just come on up we're going to do this café
25 really quickly. Because as much as he agreed to

1
2 this I don't think he knows what he's getting
3 himself into. So this is Maison O, Land Use number
4 21 we're going back to quickly because this
5 gentleman has a business to run and I don't...

6 [laughter]

7 CHAIRPERSON WEPRIN: ...really want to
8 keep him here if he doesn't have to be. So you
9 settled? [crosstalk]

10 ROBERT BROOKLYN: Yes we did.

11 CHAIRPERSON WEPRIN: Okay.

12 ROBERT BROOKLYN: Good morning. Robert
13 Brooklyn from the law firm of Brincheski and
14 Brooklyn in Brooklyn. Good morning Councilwoman,
15 this is Mathew Brincheski one of the principals. We
16 think Council Member Chin and her staff for working
17 with us on this. They're quite correct. The plans
18 needed to be redrafted. We did redraft them. We had
19 done some renovations to the front of the
20 restaurant and that changed the required layout. We
21 did that. We also cut back further on a couple
22 tables to increase the sidewalk clearance as per
23 the recommendation of the Council Woman.

24

25

2 CHAIRPERSON WEPRIN: Okay and now I'm
3 going to call on Council Member Chin to please
4 comment on this.

5 COUNCIL MEMBER CHIN: Now thank you.
6 Thank you Chair. And we just wanted to also thank
7 the restaurant for being very cooperative. I think
8 they did cut back on two tables and four chairs?

9 ROBERT BROOKLYN: Yes.

10 COUNCIL MEMBER CHIN: So and we're good.

11 ROBERT BROOKLYN: Thank you so much.

12 COUNCIL MEMBER CHIN: Thanks.

13 CHAIRPERSON WEPRIN: Excellent. And it's
14 especially good you went before the other group
15 because these people are all neighbors I think, or
16 somewhere...

17 [laughter]

18 CHAIRPERSON WEPRIN: ...somewhere nearby.
19 I don't know exactly how close.

20 ROBERT BROOKLYN: I'm for them.
21 Whenever... that many people with tee shirts...

22 [crosstalk]

23 [laughter]

24 CHAIRPERSON WEPRIN: So with that
25 understanding anybody in the panel have any

1
2 questions? Okay, we're going to close this hearing
3 and...

4 ROBERT BROOKLYN: Thank you Mr. Chair.

5 [crosstalk]

6 CHAIRPERSON WEPRIN: Thank you...

7 [crosstalk] Okay, thank you. Alright, gentleman I
8 appreciate the cooperation. Once again we're going
9 to call up 688 Broadway Land Use number 23 and 24.
10 Thank you. Thank you for that. Because I know he
11 was trying to be cooperative but I said nah, he may
12 not make dinner if he's not careful.

13 [pause]

14 CHAIRPERSON WEPRIN: We're joined by
15 Council Member Donovan Richards from Queens.

16 [pause]

17 CHAIRPERSON WEPRIN: Okay, whenever
18 you're ready. Just to make sure when you do speak
19 to state your name before and as the record
20 continues if, whenever you speak if you're not the
21 same person speaking to please state your name
22 again. Just when, when it's transcribed we can see
23 who's speaking okay? Whenever you're ready
24 gentleman.

2 DAVID SCHWARTZ: Good morning council
3 members. My name is David Schwartz representing
4 Downtown RE Holdings LLC about a project at 688
5 Broadway in Manhattan. It's on Broadway between
6 East 4th and Great Jones Street. It's currently
7 occupied as a vacant property. It's, has a flea
8 market in there. And we're proposing to build a new
9 residential building with retail on the ground
10 floor. 14 residential apartments and retail that
11 would be non-eating and drinking. We're applying
12 for a special permit for the project. We have been
13 working on this for many years now, since about
14 2003. We were fortunate enough to have unanimous
15 support at LPC. Everybody really loved the project.
16 We were approved on the first go around with the
17 Land Marks Commission. The Community Board's
18 Landmarks Committee also approved it. We've worked
19 very closely with a lot of neighborhood groups
20 including Mo, NoHo-Bowery Stakeholders Association.
21 We're in the NoHo neighborhood which is quite a
22 small neighborhood an Mo, NoHo-Bowery Stakeholders
23 supported it. We've also met continuously with the
24 NoHo bid with multiple chairs of Community Board 2.
25 There were three chairs since the time that we've

1 taken over. Councilman, Assemblyman now Brad
2 Hallman [sp?] when he was the chair, senator, I'm
3 sorry. We, we also have unanimous approval from
4 CPC. We were supported from the Borough President's
5 office and the Community Board did support the use
6 for our project as well as the look of our project.
7 Again it's 14 store, it's 14 units. It's going to
8 be smaller than the two neighbors, the two big
9 neighbors on the sides. And the only you know
10 issues that we've had so far is not from the
11 community but just from the neighbors in the silk
12 building next door. We could build a building as of
13 right, they have lot line windows that are facing
14 out onto our property that they've been using. They
15 are lot line windows, everybody's well aware of it.
16 And we could build an as of right building that
17 would block those windows but...

19 CHAIRPERSON WEPRIN: Just point down the
20 chart, silk building, you're building.

21 DAVID SCHWARTZ: [off mic] So this is
22 the silk building...

23 CHAIRPERSON WEPRIN: Okay.

24 DAVID SCHWARTZ: [off mic] ...over here
25 and this is our building. So even despite the fact

1 that we could build an as of right building we made
2 a lot of concessions with the silk building and we
3 have been ongoing negotiations with them for many
4 months now. So you know one of the concessions was
5 underpinning. They were concerned about the, the
6 stability of their building. We've removed all the
7 underpinning so that there is no underpinning
8 needed. And today as a matter of a fact we have our
9 engineer and their engineer meeting to go through
10 the foundations. They also have air conditioning
11 units that are on that façade that will be blocked
12 for a small percentage. And we've agreed to create
13 space on our property to run duct work and also
14 have every, to pay 250 thousand dollars towards
15 that work. There's also... At the top we've talked
16 about putting in skylights, and we've offered to
17 pay for skylights so that some of the units that
18 lose the lot line windows can actually have legal
19 windows. And we've also offered to give an easement
20 for the back part of our building so that the other
21 lot line windows that they have that won't be
22 blocked would never be blocked by... you know if
23 there was a future zoning change or variance or
24 something that would, that would cause that. So it

1 should be noted that there are 12 live/work units
2 that are being blocked out of about 56 or 60 units.
3 So it's a small percentage of the total building.
4 And with that I'm going to turn it over some, to
5 more of the technical details to Mitch Corpey.
6 Thank you very much.
7

8 MITCH CORPEY: Thank you David. Thank
9 you Chairman Weprin and Council Members, Council
10 Member Chin. It's a pleasure to be here. I'm a Land
11 Use lawyer and I've been working with the team for
12 quite some time on this and it feels like we're
13 all, have, have spent part of our lives on this.
14 And it's important because it's an important
15 project. So it does date back to a Landmarks
16 Commission hearing which began at the Community
17 Board and finished up at Landmarks with resounding
18 support accolades from the Landmarks constituencies
19 which made us all feel very good. The Community
20 Board's Land Use Committee, excuse me, ULURP by,
21 and Landmarks Committee also approved it. So that
22 was a, a very good first start as part of our
23 application. It is a special permit. Now special
24 permits unlike rezonings have a list of finding and
25 when the findings are met we believe meet the

1 findings. In fact what's interesting and maybe
2 unique about this application and what we've been
3 through is that there's really never been any
4 question about whether we meet the findings for the
5 special permit. The dialogue has been about other
6 things, things that are important but it has never
7 been about the planning issues or the legal issues
8 surrounding the special permit itself. So the
9 special permit is necessary because we seek to wave
10 two elements of the manufacturing district that
11 we're in. We'd like to have residential use and
12 ground floor retail so It's a use waiver, part one
13 of the special permit. Part two is a waiver of the
14 setback requirements. And normally you'd have to be
15 set back from Broadway and we think that makes
16 little sense. Landmarks agrees we should have a
17 building that, that pushes towards Broadway because
18 all the buildings along Broadway line up and George
19 will, will get into that a little bit. I'm glad
20 George is coming after me, our architect, because
21 of all the accolades that the designers received
22 it's good for us to talk about that because George
23 is a very modest person. So as I said a special
24 permit has two steps, the landmark step and then
25

1 the city planning step. City planning when they
2 certified it in October of this year had no issues
3 with our project, had no issues with the findings,
4 had no concerns about the way we developed our
5 plans. They too were pleased at the landmarks
6 approval. The community board public hearing went
7 well. And as David implied they had no issues with
8 the findings. In fact they made a very strong
9 statement about the lot line windows that Dave had
10 touched on. The community board made it very
11 careful that no one is entitled to lot line
12 windows. And that there's always a threat, always a
13 chance that lot line windows will be blocked. And
14 the community board recognized that there is a
15 theoretical as of right development that could
16 happen here. We've talked about it. We have no
17 intention of building a hotel. We have no intention
18 of, although we've been approached, no intention of
19 doing an office building. But if we did that would
20 certainly be a bigger building. It would move back
21 further, block more of our neighbor's windows. In
22 any event one of the main concerns that came up
23 with the community board had to do with the alley
24 that's behind our property. As shown here, and I
25

1 think it's drawing four in your handout, there's a
2 private alley behind our property. Now this alley
3 is private, it's privately owned. It's real estate
4 that all the abutters to the alley own. Now it's
5 subject to a use agreement that dates back to the
6 1830s that says it has to remain open and in use by
7 all the abutters for purposes that are road way are
8 intended. On the other hand it is private property
9 and it's land that we own and we actually obtained
10 a small sliver along the easterly boundary a year
11 and a half or so ago and merged that through DOB
12 and the Department of Finance into our property.
13 City Planning once again vetted this, had no issues
14 with it being part of our zoning lot. We can't
15 build in the alley. In fact no one can. Once again
16 it has to remain open and in use. We have plans and
17 the Landmarks Commission is excited about this to,
18 to make improvements to the alley, make it
19 beautiful, and it will in fact be, be quite nice
20 and improve the property values of the area. The
21 focus however at the community board and frankly
22 amongst others with some confusion about the alley
23 and how it operated. But once again City Planning
24 vetted this, City Planning's Council vetted it. No
25

1 issues, no concern, in deed we have title insurance
2 to our portion of the alley. We own it. No worries.
3 Regarding the silk building and the lot line
4 windows; as David said we have worked very very
5 hard and spent hours and had many many meetings
6 with our friends. And we want and, and sincerely
7 desire to be good neighbors. And we'll do
8 everything we can short of things that just aren't
9 appropriate and the certain things we can't do
10 after all. We have the right to build here. We have
11 the right to build as of right. We have a, the
12 right to apply for, for this special permit and we
13 think it's going to be a great addition to the
14 neighborhood. We've done many things to, to help.
15 And we've had a constant and ongoing dialogue but
16 at the end of the day as the Community Board
17 recognized no one is entitled to use lot line
18 windows. Now this building is the subject of a
19 1980's zoning variance. And the 1980's zoning
20 variance called for full floor loft like units that
21 can't subdivided to create bedrooms and certainly
22 can't be subdivided to create bedrooms that face
23 our property. Why? Because you can't create
24 bedrooms that have a lot line window. You can't
25

1 create a unit that relies on a window for, you know
2 for light and air. And this is in shrine to the
3 multiple dwelling law. It's well known in the
4 building code. You create an illegal condition in
5 fact when you create a subdivided unit that relies
6 on a window that's on the lot line. It something
7 that's very straightforward and unfortunately as
8 it's come out through testimony that's what's
9 happened in, in our neighbor's building. There have
10 been some subdivisions as we understand it that
11 have created bedrooms that use these windows facing
12 our property. Not a good thing. And we're doing
13 what we can. But at the end of the day once again
14 as others have recognized no one is entitled to the
15 use of lot line windows for light and air. And in
16 any event each one of the units has in fact legal
17 light and air from East 4th Street and from
18 Broadway. So it isn't necessary in any even to, to
19 have windows facing our property. As the Board of
20 Standards and Appeals recognized in 1980 and as
21 we've discussed so far. So I think... I, I'd like to
22 turn to George now to talk a little bit about the
23 project and, and maybe some design issues. And
24 we'll certainly ask and, and answer rather any
25

1
2 questions you may have. We're very enthusiastic
3 about this and have worked very hard and will
4 continue to have the best possible dialogue we can
5 with all of you, with Council Member Chin and with
6 our neighbor. Thank you.

7 CHAIRPERSON WEPRIN: Please continue.

8 I'm just going to step out for one minute... have a
9 conversation. I'm going to leave Council Member
10 Gentile in charge.

11 GEORGE SCHIEFERDECKER: Good morning

12 Council Members. My name is George Schieferdecker
13 and I'm with BSKS Architects. We have designed this
14 building to be very much in context with the
15 historic character of the neighborhood in which it
16 is situated. The façade design that you see on your
17 left hand side includes masonry piers that frame a
18 terracotta colonnade with a contemporary patterning
19 and spacing. The Landmarks Preservation Commission
20 approved the design unanimously in October of 2012.
21 When the LPC approved this project they not only
22 approved of the design of the façade but they
23 approved of the massing. They endorsed our strategy
24 for the massing. City Planning Commission by their
25 approval of the special permit application also

1 approved of our approach to massing the building on
2 the site. The two goals for the massing strategy
3 were to keep the height of the building and its
4 mechanical equipment below the height of the
5 neighboring silk building and to keep the bulk of
6 the building forward on the site to maintain the
7 street wall and as a consequence impact fewer of
8 the lot line windows of the silk building as I'll
9 explain in a minute. So the key to this design,
10 this key design of the massing of the project as
11 we've done it is to this request for a setback
12 waiver as part of our special permit application.
13 Zoning requires that the building set back from the
14 street at a height of 85 feet or six stories
15 whichever is less. We are requesting a waiver,
16 which is the shaded area in this drawing so that
17 the building can maintain the street wall for its
18 full height. This diagram shows that the proposed
19 height of our building is very much in keeping with
20 the scale of the buildings along Broadway for
21 several blocks to the North and the South on both
22 sides of the street. The diagram also shows, and
23 you can see the scale of the building along its
24 side of the street and you can see the scale of the
25

1 building superimposed on the buildings on the other
2 side of the street. The diagram also shows that
3 there are very few buildings in the neighborhood
4 that actually set back, that adhere to the setback
5 requirement which is this requirement.
6

7 [background comments]

8 [laughter]

9 [background comments]

10 GEORGE SCHIEFERDECKER: Yeah, right. The
11 buildings that are set back are as it turns out the
12 only current contemporary buildings on the
13 neighbor, in the neighborhood. They are not the
14 historical framework and they are represented in
15 the cross hatching. [off mic] A portion of this
16 building and this building right here. [on mic] So
17 not setting back is contextual in this
18 neighborhood. The height and continuous street wall
19 proposed are very much in keeping with historic
20 context of the neighborhood. The residents of the
21 silk building opposed our project because it closes
22 up some of their lot line windows. As Community
23 Board 2 wrote in their review of the project and as
24 mentioned, emphasized previously the requested
25 special permits are not subject to requirements to

1 retain these lot line windows. And the applicant
2 has no legal responsibility to mitigate conditions
3 caused by blocking of the 27 windows and AC units.
4 That's a fact. That's Department of Buildings'
5 regulations, Multiple Dwelling Law, and the terms
6 of their variance. Never the less I would like to
7 explain how our massing strategy has in fact
8 benefitted the silk building to the degree that it
9 could. On left is a diagram of our building profile
10 in red against the lot line wall of the silk
11 building. Our lot is unusually deep at 130 feet.
12 The standard depth of a New York City lot is 100
13 feet and the standard depth of a residential
14 building on that lot would be 70 feet to allow for
15 a 30 foot rear yard for legal light and air. Our
16 building covers no more lot line windows than a
17 conventional 70 foot deep building. In addition the
18 setback waver has effectively shifted a portion of
19 the bulk of the building forward on the site. On
20 the right is a diagram of the as of right proposal.
21 And you can see that what we've done is, by
22 shifting the bulk of the building forward to the
23 street is we've essentially created a situation
24 where the, the bulk of the building does not cover
25

1 an additional line of lot line windows. [off mic]
2
3 So this is, this is our building right in here. If
4 we did not occupy this area of the site in all
5 likelihood our building would shift back. [on mic]
6 The other thing that this diagram shows is what the
7 possible extent of a residential building could be
8 on the site. [off mic] And that's this line right
9 here [on mic] Essentially covering an additional
10 line of lot line windows and the possible extent of
11 a hotel office [off mic] building on the site which
12 is this line [on mic] covering an additional line
13 of lot line windows.

14 CHAIRPERSON WEPRIN: Do, do you have a
15 picture with the lot line windows clear, like in
16 the current, current lot line windows?

17 GEORGE SCHIEFERDECKER: Sure. Okay, this
18 is what the site looks like now. This is what the
19 site looks like now. [off mic] Here's the extent of
20 our buildings. This is a map of the units, the
21 residential units are above the 5th floor and they
22 occupy this area. [on mic] The silk building has
23 proposed a number of reconfigurations to our design
24 to benefit an additional line of lot line windows
25 or a total of four units. None of these

1 reconfigurations would create a situation that
2 would allow legal light and air for those rooms in
3 the silk building. They remain lot line windows.
4 All of the reconfigurations would severely
5 compromise the design of our building which has
6 been carefully worked out over many months. None of
7 the redesigns are designs that we would ever
8 consider if we were to design this building from
9 scratch. And what I have tried to make clear in
10 this short presentation are the design choices we
11 have made that do benefit the silk building
12 including limitation on the height of our building
13 and setting forward the volume, it, its overall
14 volume. The setback waver we are requesting as part
15 of our special permit application is beneficial to
16 the urban context, has clearly indicated body
17 approvals at CPC and LPC and beneficial to the silk
18 building. Thank you very much.

19
20 CHAIRPERSON WEPRIN: Great. Before we
21 get into questions. I apologize for this. But we
22 did have one more café that had an issue. It's
23 going to be a very quick, only a matter of seconds.
24 So I'm going to call, I'm going to call, I'm going
25 to call that one up. You don't even have to move.

1 Stay there. We don't have anyone else to come up.
2 But, but before we do that I just want to tell the
3 people who are here to testify, if you're going to
4 testify you have to feel out a, a, a slip. It could
5 be some people who are here who are not testifying.
6 So that... there are less slips than there are tee
7 shirts. So, so if you do you should fill out a
8 slip. When you do testify we're going to limit
9 people to three minutes each. I want you to know we
10 usually limit people to two minutes each but we're
11 going to do three minutes each because I mean, I'm
12 going to interrupt this whole hearing for this next
13 item. But please in your mind try to figure out
14 three minutes because we can't go over that. And if
15 you can keep it shorter that's even better. So
16 gentleman just stay there. I am going to call up,
17 go back to the cafés that we had before us. The
18 third café on our list was Land Use number 22 which
19 was Nonna's Pizzeria and Trattoria, that alright
20 Vinny?

22 [background comments]

23 CHAIRPERSON WEPRIN: Okay.

24 [background comments]

2 CHAIRPERSON WEPRIN: Both Vinnys? Okay.

3 Alright and this is in Council Member Vallone's
4 district. I'd like to call, is anyone here on
5 behalf of the applicant for Nonna's? I see none.
6 This is the second time I've asked. There's no one
7 here representing the applicant. I'd like to call
8 on, I'm going to call on Council Member Vallone to
9 describe some of the issues we have with this piece
10 of property.

11 COUNCIL MEMBER VALLONE: Thank you Mr.
12 Chairman and thank you for the time. As said this
13 is a application that file, falls within District
14 19, in my district. At the time uniquely I was
15 still serving on Community Board 7 when this
16 application came up about six months ago. And at
17 the time of the application and remaining today
18 there remains numerous questions unanswered and
19 that's why I came to testify against this
20 application. The plans that were originally
21 submitted are not the plans that have been
22 surfacing and floating around today. The community
23 board members and I have had concerns about that
24 from the beginning. There are numerous large
25 obstructions on the sidewalk that still remain

1
2 today. There have been no effort to mitigate or
3 remove the A-frames and the large planters that are
4 obstructing the sidewalk now. And the obstructions
5 that are present surrounded by the community that's
6 been opposed to this from day one there has been no
7 attempt to come to us. The city has reached out to
8 the applicant. The applicant has still refused to
9 make any attempts to mitigate a change to plans and
10 as a result I'm asking that the committee deny this
11 application.

12 CHAIRPERSON WEPRIN: Okay thank you
13 Council Member. Anyone else have any comments or
14 questions on this? Mr. Chairman, nope? Okay. Okay,
15 seeing no questions, oh you did want to comment Mr.
16 Chairman I'm sorry. David Greenfield.. [crosstalk]
17 Land Use...[static]

18 COUNCIL MEMBER GREENFIELD: Thank you
19 Mr. Chairman. Guess I don't know my own strength
20 yet. I, I, I, I would just add that I think, I
21 think it is just certainly concern as to members of
22 the committee when the council reaches out to an
23 applicant and the applicant refuses to respond or
24 refuses to attend or refuses to testify and address
25 questions. And for that reason and considering the

1
2 reasons that the council member raised dealing with
3 the obstructions I will be recommending a no vote
4 on this.

5 CHAIRPERSON WEPRIN: Thank you Mr.
6 Chairman. So any, are there any members of the
7 public here to testify on this item? And no
8 applicant okay. With that in mind we're going to
9 close this hearing and then get back to the silk
10 building and their neighbor. Alright so we're just
11 going to vote on the cafés. We will not be voting
12 today on the, on this application 688 Broadway. We
13 are going to have the hearing today. We will not be
14 voting today. So separately I can vote these now so
15 bear with me one more second. We've been joined by
16 Council Member Wills and Council Member Williams.
17 Alright, all the Ws are here. I, so here, I'm going
18 to couple the first two which are approvals which
19 is Land Use number 18 was the Whitehorse Tavern and
20 Land Use 21 which was Maison O. I'd like to call on
21 Council to please call the roll on this item first,
22 these two items first.

23 COUNCIL: Chair Weprin.

24 CHAIRPERSON WEPRIN: Aye.

25 COUNCIL: Council Member Gentile.

COUNCIL MEMBER GENTILE: Aye.

COUNCIL: Council Member Williams.

COUNCIL MEMBER WILLIAMS: Pass. [off mic] what is this?

UNKNOWN MALE: [off mic] this is the cafés.

[background comments]

COUNCIL MCCOY: Council Member Richards.

COUNCIL MEMBER RICHARDS: Aye.

COUNCIL MCCOY: Council Member Reynoso.

COUNCIL MEMBER REYNOSO: Aye.

COUNCIL MCCOY: Council Member Torres... Okay. Council Member Ignizio.

COUNCIL MEMBER IGNIZIO: Yes.

COUNCIL MCCOY: Council Member Williams.

COUNCIL MEMBER WILLIAMS: Aye.

COUNCIL MCCOY: By a vote of seven in the affirmative, zero abstentions, zero negatives, Land Use items 18 and 21 are approved and referred to the full Land Use Committee.

CHAIRPERSON WEPRIN: Excellent. And then the other item is Land Use number 22 which is a motion to disapprove. The applicant is not here to answer questions regarding a few items that the

1 Council Member of the community had concerns about.
2 So the recommendation on this is to disapprove this
3 sidewalk café. Ann McCoy please call the roll. A
4 yes is, is to disapprove this café.

5 COUNCIL MCCOY: Chair Weprin.

6 CHAIRPERSON WEPRIN: Yes.

7 COUNCIL MCCOY: Council Member Gentile.

8 COUNCIL MEMBER GENTILE: Yes.

9 COUNCIL MCCOY: Council Member Williams.

10 COUNCIL MEMBER WILLIAMS: Yes.

11 COUNCIL MCCOY: Council Member Wills.

12 COUNCIL MEMBER WILLS: Yes.

13 COUNCIL MCCOY: Council Member Richards.

14 COUNCIL MEMBER RICHARDS: Yes.

15 COUNCIL MCCOY: Council Member Reynoso.

16 COUNCIL MEMBER REYNOSO: Yes.

17 COUNCIL MCCOY: Council Member Ignizio.

18 COUNCIL MEMBER IGNIZIO: It's government
19 at its finest, yes is a no. Yes. [static]

20 COUNCIL MCCOY: By a vote of seven in
21 the affirmative, zero abstentions, and zero
22 negatives the motion to disapprove Land Use item
23 number 22 is approved and referred to the full land
24 use committee.
25

CHAIRPERSON WEPRIN: Ah, thank you.

Thank you everybody for your cooperation. Alright, so now back to the applicant. We're going to have a number of questions. I had a couple myself just curious. So the people next door, the silk building who are here today. I know you talked about issues about windows but obviously there's concerns that are greater than the window. Not diminishing the window argument but obviously save the silk building is more than just blocking windows, it's about other issues too, construction and other things. Can you describe if you want to anticipate what we're going to be hearing later when we hear from the community. And I also would like to ask you guys when we're done to please stick around to listen to other community. I know Council Member Chin was insistent that we, we ask for that. Yes?

DAVID SCHWARTZ: The first thing was underpinning so that the community board hearing, the silk building didn't want us to underpin their building. We redesigned our foundation so there's no underpinning.

2 CHAIRPERSON WEPRIN: The tee shirts were
3 made after that so... Think since the tee shirts were
4 printed.

5 DAVID SCHWARTZ: So we've, you've work...
6 we're following a construction protocol that's been
7 developed in NoHo. There's a construction protocol
8 that you know deals with safety of buildings. We're
9 going to have vibration monitors. We're going to
10 have an onsite engineer during construction and all
11 these things. It's in our interest. We, you know we
12 want to make sure that there were no issues. We
13 have an MTA along Broadway so we're complying with
14 the MTA's requirements as well as DOB and as well
15 as the additional requirements that have been
16 developed in the neighborhood in NoHo, through the
17 NoHo-Bowery stakeholders.

18 CHAIRPERSON WEPRIN: Can I ask, you
19 mentioned about them being loft apartments. Were
20 these artist apartments...

21 MITCH CORPEY: Thank you Mr., Mitch
22 Corpey, thank you Mr. Chairman. The Board of
23 Standards and Appeals, BSA approved this conversion
24 in 1980. It needed a BSA variance because there are
25 buildings in SoHo and in NoHo who are too big to

1
2 qualify actually as artisan residents. Most
3 buildings in NoHo and SoHo can be converted as of
4 right to artisan residents. This one has too much
5 lack[phonetic] coverage. So the BSA variance
6 governs this site and insists that you know the,
7 the units be artisan residents. The certificate of
8 occupancy for this building says artisan residents.
9 The BSA plans which are on file call as I mentioned
10 earlier for full units not subdivided to provide
11 units that... that provide bedrooms or any kind of
12 living space that faces a...

13 CHAIRPERSON WEPRIN: Mm-hmm.

14 MITCH CORPEY: ...a lot line window. So
15 yeah, so it's governed by a, a variance from 1980.
16 They must be artisan residents pursuant to the C of
17 O and to the variance. So in some ways, well in
18 that one way this building is unlike most other
19 buildings in SoHo and in NoHo because this building
20 exists as artisan residents because of a zoning
21 variance, not because of a conversion that would be
22 done as of right. So there are BSA plans, there's a
23 BSA approval that dates back to 1980.

24
25

1
2 CHAIRPERSON WEPRIN: Are the residents
3 artists who, who got this building as artists or
4 not?

5 MITCH CORPEY: Well I honestly don't
6 know. It's become very clear through testimony that
7 there are few if any artists in the building. We
8 don't know. We haven't, it's not our, it's not our
9 M.O. to go through the building and try to
10 determine this but... [crosstalk]

11 CHAIRPERSON WEPRIN: ...I don't know...

12 MITCH CORPEY: No it's... but it has
13 become clear through public testimony that
14 residential units are in the building and that
15 there are bedrooms facing the, facing our property.
16 I don't know whether there are still some artists
17 in the building. I don't know what happened in
18 1980. I can tell you that the BSA plans
19 specifically call out a different type of window
20 treatment for the lot line windows versus the other
21 windows. And I'm not sure whether those windows are
22 the same as they were supposed to be in 1980 but I
23 can tell you that the BSA plans are very clear that
24 these are lot line windows, they have to be treated
25 a certain way, and again that these are un-

1 subdivided units and, that, that cannot be
2 subdivided to create any kind of living space that
3 faces the lot line windows.
4

5 CHAIRPERSON WEPRIN: I'm going to call
6 on Council Member Chin in a second. Just one last
7 question. So where was tower records just to get my
8 idea of where I am here.

9 [laughter, background comments]

10 CHAIRPERSON WEPRIN: Okay, so... on that...
11 so that's... that, right... so it's the base of their
12 building?

13 DAVID SCHWARTZ: Base of the silk
14 building was tower records.

15 CHAIRPERSON WEPRIN: Oh, okay. Oh, okay.
16 Alright, alright now I get it. Okay. Ms. Chin,
17 sorry. You know I'm from Queens what do I know.

18 [laughter]

19 COUNCIL MEMBER CHIN: We still have many
20 record stores. Good morning. I just want to thank
21 everyone for coming and also on both sides the
22 residents of the, and the developer for at least
23 meeting, continuously meeting. And hopefully we'll
24 come to some resolution. But I think the important
25 factor here is the mitigation of the negative

1
2 impact. And I, I do want you to address. There is
3 going to be some impact to the silk building. I
4 mean you're building right next door. And I think
5 knowing the, the, the historic character of what's
6 in NoHo that you have to really do this carefully
7 so the whole underpinning you know issue... What,
8 what's the big issue. I mean people want to make
9 sure their building is safe right. And they are
10 already incidents in that area where buildings are
11 tilting because of the foundation. So I'm glad that
12 you know you are really looking into that. So I
13 mean there are a lot of discussion about lot
14 alignment. Yeah, everybody want more light and air
15 but I think the significant issue here is that how
16 do you ensure your neighbor are going to be safe
17 right. So maybe you can talk a little bit more
18 about what are you doing in terms of mitigating
19 some of the negative impact.

20 DAVID SCHWARTZ: Sure I'll just talk
21 briefly and then I, maybe George can. So you know
22 you mentioned underpinning which I'm glad we've
23 eliminated it. So there is no underpinning which
24 was the biggest issue and is often the big issue
25 you know which involves going under a neighbor's

1 foundation. We've pulled our cellar back so that we
2 don't need to go under their foundation. We've
3 also, and we can send you a copy if you don't have,
4 there is a NoHo-Bowery Stakeholders has a
5 construction safety plan that we plan to abide by.
6 It's been negotiated in the neighborhood many times
7 before and it's something that we want to abide by.
8 And I'll also let, and, and we'll be happy to send
9 it over to your office but it's on the, it's a
10 document that has been used by various other
11 projects in NoHo. But maybe George can talk through
12 some of the construction safety metrics.

14 GEORGE SCHIEFERDECKER: Well I, I think
15 the key issue has already been mentioned, that
16 there will be no underpinning. And the underpinning
17 is really the critical factor in avoiding impact on
18 a neighboring building. We're not touching or
19 affecting the bearing capacity of the existing
20 foundation of the adjoining building in any way.
21 And we've actually done quite a bit of work to
22 avoid that including setting our core and our
23 elevator pits substantially far away from the
24 neighboring building so that that can happen.

1
2 That's not an easy thing to do in terms of
3 planning. [crosstalk]

4 COUNCIL MEMBER CHIN: ...just follow up
5 with that. I mean, I guess, but why did you have
6 underpinning in the first place? Maybe you can
7 explain to me the, I, I don't think I ever got an
8 answer to that question first... [crosstalk] I mean
9 like you know...

10 GEORGE SCHIEFERDECKER: Yeah it's an
11 economic advantage I think.

12 DAVID SCHWARTZ: We, we had more space.
13 By having underpinning we have more space, we would
14 have had more space in our building and we would be
15 able to push our elevator core all the way to one
16 side. So basically when we had underpinning our
17 cellar was bigger, our footprint, our, our floor
18 was a little bit better laid out because everything
19 could be pushed to the North which is by the Silk
20 building. We basically pulled our cellar back away
21 from their building. So the cellar got smaller.
22 Part of the first, part of the first floor got a
23 little smaller and the elevator had to shift over.
24 So we lost some space in the building. That's why
25 we originally had underpinning which we often do.

1
2 GEORGE SCHIEFERDECKER: And just to be
3 clear we're not underpinning the silk building.
4 We're also not underpinning our neighbor to the
5 South. So this has, you know effect beyond just the
6 silk building. Both of those conditions have been
7 eliminated. Obviously the whole, all the protocols
8 that are currently in place for excavation are, are
9 very strict and they become stricter when you're up
10 against the subway. The TA looks at our drawing
11 very carefully. We have a, a specific engineer
12 devoted to what's called support of excavation, SOE
13 design. They design the way the whole is going to
14 be supported for the foundations. Those
15 individuals, those engineers are currently meeting
16 with the silk building engineers to answer any
17 questions they might have about what's going on at
18 the site. And the critical questions and the things
19 that are of interest is the design of that support
20 of the excavation even though we are not
21 underpinning and the, the type of soils that we
22 will be going into. And all those things are, are
23 pretty much taken care of. We have one of the top
24 notch supportive excavation engineers doing our
25

1 foundation design and our supportive excavation
2 design.

3
4 COUNCIL MEMBER CHIN: So before you do
5 anything you have to study the, you have to have a
6 soil study and, and see how, what's under there in
7 terms of the foundation.

8 GEORGE SCHIEFERDECKER: That's correct.
9 But you start with what's called a Geotech report
10 which is an analysis of the soil conditions and you
11 determine what the bearing capacity is of the soils
12 and what the foundation has to, what shape the
13 foundation has to take. And you, we also have when
14 we, when we talk about avoiding underpinning of a
15 neighboring building we don't just, if you can
16 imagine their foundation going down to a certain
17 point we... It is not just about going, not going
18 below that point. It's about not going below an
19 angle of, of baring that that foundation has. So we
20 have to not only stay away from the bottom of the
21 foundation but we have to stay away from it by a
22 substantial amount..

23 COUNCIL MEMBER CHIN: Mm-hmm.

24 GEORGE SCHIEFERDECKER: ...to avoid that
25 baring angle as they call it, in order to make sure

1
2 that there's no effect on the silk building's
3 foundations.

4 DAVID SCHWARTZ: And I just wanted to,
5 I'm sorry. One thing to add. We will have a full
6 time engineer there that specializes in this while
7 this work is going on.

8 GEORGE SCHIEFERDECKER: Right.

9 COUNCIL MEMBER CHIN: Okay, the other
10 issue that you talked about that you were saying
11 that you were going to help in terms of provide
12 some ventilation. So maybe you could explain more,
13 like how is that is going to really help the silk
14 building.

15 DAVID SCHWARTZ: George do you want to...

16 GEORGE SCHIEFERDECKER: In the diagram
17 you can see that currently along the lot line
18 windows are a number of air conditioning units. If
19 you look closely you'll see them underneath
20 louvers, underneath the individual windows. What
21 we're doing, what we're willing to do is provide
22 along our sidewall chase space for piping so that
23 from each individual unit pipes can be run up to
24 their roof and the, the air conditioning units that
25 they currently have can be replaced by a split

1
2 system type air conditioning unit configuration.
3 That means that the condenser, the thing that
4 requires outside air is on their roof piped down to
5 a fan unit within, within the actual space. It's
6 actually a better system than what they currently
7 have. It's what we're doing for our building.

8 DAVID SCHWARTZ: And we're also
9 contributing 250 thousand dollars as well as
10 providing the space on our property to do that.

11 [background comments]

12 GEORGE SCHIEFERDECKER: ...if you imagine
13 the lot line window, the lot wall here these chases
14 would be running up on our building and allow
15 piping to go to their roof. Piping would come up to
16 their roof and then units would be situated here.
17 Now we don't want to get into the specific design
18 of this and we don't want to tell the silk building
19 how they should locate these units. We've,
20 therefore we've made a, a monetary contribution to
21 getting the work done.

22 COUNCIL MEMBER CHIN: In order for... [off
23 mic] But in order for... [on mic] them to do that
24 they also have to get landmark approval right
25

1
2 because just not, they can't just, because theirs
3 is a landmark building.

4 GEORGE SCHIEFERDECKER: Yeah, they, they
5 would need landmark's approval. That's correct. But
6 remember that we actually paradoxically help in
7 this case because we would be blocking the view of
8 a lot of that area of the roof by the extension of
9 our building. So in all likelihood I would be very
10 surprised if these would be very visible from
11 anywhere in a public way.

12 COUNCIL MEMBER CHIN: I guess the other
13 issue is that in terms of construction mitigation.
14 I mean you going building the building right there
15 and your neighbor, not just the silk building, but
16 other building, I mean how do you, going to
17 mitigate in terms of construction noise, dust, and,
18 and all that impact?

19 GEORGE SCHIEFERDECKER: I think there
20 are standard procedures for all of that in, in New
21 York City that, that we try to keep levels of dust
22 down, we try to make sure that the noise of
23 construction which unfortunately is not silent is
24 kept to, within certain business hours and, and
25 done a certain times.

2 DAVID SCHWARTZ: And, and Council Member
3 we'll send you again in the NoHo-Bowery
4 stakeholder's construction mitigation plan it, it
5 covers a lot of these items and this was something
6 that was heavily negotiated in the community so we
7 will send you a copy of that and we're happy to
8 talk more about construction noise mitigation
9 etcetera.

10 COUNCIL MEMBER CHIN: We'll, we'll take
11 a look at that but we'll follow up with you.

12 DAVID SCHWARTZ: Okay, thank you.

13 COUNCIL MEMBER CHIN: Okay. Thank you
14 Chair. That's it for now okay.

15 CHAIRPERSON WEPRIN: Thank you. Any...
16 [crosstalk]

17 COUNCIL MEMBER CHIN: My colleagues have
18 some questions thanks.

19 CHAIRPERSON WEPRIN: Okay, anybody else
20 have some comments or questions? Mr. Reynoso.

21 COUNCIL MEMBER REYNOSO: Hello, thank
22 you for being here by the way and to the community
23 as well. I know very little about this project
24 outside of what I just heard so I'm, I'm glad to be
25 informed. I do want to speak to our great Mayor is

1
2 looking to expand on as much affordable housing as
3 possible. Giving that you're asking for a special
4 permit and requesting from, something from us, I
5 know you're assisting the silk building to a
6 certain degree but in general for the City of New
7 York what ideas or do you intend on having any
8 affordable housing? And if not affordable housing
9 are you moving forward with just standard market
10 rate apartments in this site?

11 DAVID SCHWARTZ: So this project is only
12 14 units. Also the special permit requires a
13 minimum size of 1200 square feet which doesn't make
14 it feasible to provide affordable housing in this
15 project. We do do affordable housing throughout the
16 city so we're very much on board with that. But in
17 a 14 unit project with minimum size of 1200 square
18 feet it's just not feasible here.

19 COUNCIL MEMBER REYNOSO: Is 12, this
20 building is how many stories?

21 DAVID SCHWARTZ: 12 stories.

22 COUNCIL MEMBER REYNOSO: So every story
23 is one apartment.

24
25

2 DAVID SCHWARTZ: It's two apartments for
3 the first, for floors two, three, four, and five,
4 and six through 12 are one apartment.

5 COUNCIL MEMBER REYNOSO: Thank you.

6 CHAIRPERSON WEPRIN: Alright gentlemen
7 thank you very much.

8 DAVID SCHWARTZ: Thank you.

9 CHAIRPERSON WEPRIN: We're going to now
10 move on to the, to the community and whoever else
11 is here to testify. Okay, I believe we have six
12 people to testify in opposition. Okay, alright so
13 this, we have six people in opposition and then two
14 in favor. So what we're going to do is we're going
15 to call them up in different, alternate. So we're
16 going to call up three of the oppositions first.
17 Again we're going to limit people to three minutes,
18 both sides. Then we'll call up the two people in
19 favor. Then we'll call the other three people in
20 opposition. Okay. I'd like to call up Laura, Laura
21 [phonetic] Stanziale, William Rosser [sp?], and
22 Franklin Jarmon [sp?]. I got those names right?
23 Close enough.

24 [background comments]

2 CHAIRPERSON WEPRIN: So I just want to
3 remind you. So we're going to give you three
4 minutes. Please state your name when you speak. I
5 can't talk to her right now. And whenever you're
6 ready just make sure they got the mics on properly
7 and, and just state your name and, and we'll put
8 you on the clock and you can make your case.

9 LAURIE STANZIALE: Thank you Council
10 Members. My name is Laurie Stanziale from the law
11 firm of Greenberg, Trager, and Herbst. I'm here on
12 behalf of the silk building this morning. I have
13 two issues that I want to briefly touch upon today.
14 The first is an important one and that involves a
15 real safety concern that we're having. The silk
16 building has been trying to complete Local Law 11
17 work on its property for quite some time and has
18 been requesting from the developer access to the
19 developer's lot in order to complete that work. We
20 need to hang a scaffold off of our building and we
21 need to protect the, the flea market that is
22 currently on the developer's property. And we've
23 been asking for this access for a year and it has
24 not been granted. And the developer has told
25 everybody what they want to hear and that access is

1 going to be granted. They told that to Councilwoman
2 Chin. They've told it to Timothy Lynch of the
3 Department of Buildings yet as we sit here today
4 the access still has not been granted. So it is,
5 this is a, a real safety concern because our
6 building has been deemed to have an unsafe
7 condition at this point in time. And, and Timothy
8 Lynch from the Department of Buildings I know has
9 spoken to the developer about it and has reached
10 out to me as well about why this access won't be
11 granted but it simply just has not been granted
12 which is a particularly brazen move in my opinion
13 because there are people walking around below this
14 unsafe condition on our building. The flea market
15 is operating illegally. It's only permitted to
16 operate on Saturdays and Sundays as per the C of O.
17 It is operating seven days a week. There are people
18 and shoppers down there walking around under this
19 unsafe condition. The second issue I wanted to talk
20 about is with regard to the Great Jones Alley which
21 was briefly mentioned by the developers. There,
22 there was an appropriation of a portion of this
23 alley into the development lot several years ago.
24 And the issue of whether or not that appropriation
25

1 was done legally has raised in all of the prior
2 hearings to this date. And both the borough
3 president and the Community Board 2 and CPC have
4 clearly stated that to the extent there is any
5 issue about the legality of that portion of the lot
6 being part of this development lot it must be
7 resolved. And we have asked, and I think
8 Councilwoman Chin's office has asked as well for a
9 copy of the title report. Mitch Corbey on behalf of
10 the developers said we have title insurance, we
11 title, we have asked for the title report. I have
12 personally asked both in writing and on the phone,
13 my client has asked in writing on the phone. I
14 believe Councilwoman Chin's Office has also made
15 reference to this. And the report hasn't been
16 provided which to us sort of raises a red flag to
17 why it's not been provided. We'd like to know in
18 fact how this transfer of this lot to the
19 development was made. We've asked questions. We
20 haven't received answers. And we see that in both
21 of these issues I've raised there seems to be a
22 pattern of telling all of the, the governmental
23 people and us what they want to hear but never
24 following through. And that's a real concern for
25

1
2 our clients as far as this construction going
3 forward. Thank you.

4 CHAIRPERSON WEPRIN: And you work,
5 you're legal counsel for them, you don't...

6 LAURIE STANZIALE: I am legal counsel.

7 CHAIRPERSON WEPRIN: ...live in the
8 building also?

9 LAURIE STANZIALE: No, I do not.

10 CHAIRPERSON WEPRIN: Okay, alright.
11 Gentleman whoever wants to go first.

12 FRANKLIN JARMON: Great thank you, My
13 name is Franklin Jarmon. I am a resident in the, in
14 the silk building. I want to make a few points of
15 clarification. So number one the Community Board 2
16 did recommend unanimous denial of this application.
17 They had a number of concerns with the project
18 which were not raised by the developer's team
19 today. You can see the full write up on the, on
20 the, the Lucats [sic] system. Secondly I want to
21 state that it is actually 17 units which are being
22 negatively impacted in the silk building, that's 27
23 windows. You can see it on, on the slide
24 presentation that I passed around today. These are
25 four foot by seven foot windows to the south.

1
2 They're very important to all of the, the, the
3 residential unit owners within the silk building
4 and they've been there for, for obviously many many
5 years well before the condo conversion in 1981.

6 It's also important for you to understand that
7 these are 17 units that are going to be impacted
8 for the purpose of 14 new luxury, ultra luxury
9 apartments being put into the community. This is
10 not a, a, even a one for one trade with regards to
11 the impact on the community as we see it. Lastly I
12 want to point out as it pertains to the special
13 permit the developer is seeking a, a use change to
14 a residential use. We think it's important for the
15 council to understand that to the extent they build
16 a residential building they're incented to build
17 taller units again, or higher units. Again this is
18 going to be an ultra-residential luxury apartment.

19 You get higher dollar per square foot for every
20 foot you rise and to the extent that this is a
21 residential building and, and not an office or
22 hotel etcetera that's going to incent this
23 developer to build a taller building. So what does
24 this mean for the silk building? It basically means
25 darkened apartments so that's light and air. It's

1 important for you all to understand that with
2 regards to the layouts of each of these apartments,
3 and you can see it on slide five these are
4 typically two floor apartments. Regardless of the
5 internal design of the apartment most of these
6 residential units are going to have a floor that's
7 completely darkened, whether there's an internal
8 wall or not they have one window on that entire
9 floor that will be gone. In addition to that they
10 have one AC system on that entire floor. That's
11 gone. So imagine walking into an apartment with a
12 completely blocked floor. That's effectively what's
13 going to happen to the silk building units. The
14 issue with regards to foundational risk Mr.
15 Schwartz's team has said that they are working with
16 us to find a solution. The reality is we've asked
17 for the Geotech report which is very important to
18 us to make a decision on this and have not received
19 it. We've asked it formally since February 18th. He
20 has not shared it with us. Interestingly enough
21 he's sharing it with us today during this current
22 meeting. So we have no view as to what is even in
23 the Geotech report and that's put us in a very
24 difficult situation. The last point is the
25

1
2 community issue. I passed around a letter from our
3 neighbors... [alarm sounds] If I could just ask for
4 15 seconds?

5 CHAIRPERSON WEPRIN: Go ahead.

6 FRANKLIN JARMON: If I could just ask
7 for 15 seconds. I passed around a, a letter from
8 our neighbors. It's important to understand that
9 this alley is, the use is going to be changed to a
10 primary means of egress for this residential
11 building. That's a concern for us. It's also a
12 concern for our neighbors in 688 Broadway. I passed
13 around a letter which basically says they have
14 agreed to nothing so far with regards to the
15 development of that alley. They do indeed own a
16 piece of that alley so that's a concern of ours and
17 it's a concern of theirs as well.

18 CHAIRPERSON WEPRIN: Okay, thank you.

19 FRANKLIN JARMON: Thank you.

20 CHAIRPERSON WEPRIN: Sir, whenever
21 you're ready.

22 WILLIAM RESROSSER: Hello, good morning
23 Council Members. I am a resident and owner of a
24 unit in the silk building. And I'm here to talk
25 about the fact... okay, terrific, the design that has

1
2 been submitted, the approvals, the attractiveness
3 of it, all good features. But there's a fundamental
4 flaw I think at the beginning in terms of planning
5 assumption upon which all this grand structure is
6 being designed. And that is the lot itself. So the
7 lot line, the lot, development lot that they're
8 proposing which allows them through the FAR
9 regulation, five units, the basic lot is larger
10 than it should be because they have claimed the
11 ownership of the alleyway on their own as if it
12 were totally their own. This is not really true.
13 Each building that abuts that alley has a right to
14 say but a portion of the alleyway. But as based
15 upon that factor they have chosen to multiply the
16 size of the lot which is overly big to create the
17 lot, the proposal they have. Fine proposal but the
18 assumption itself seems to be wrong. And it's been
19 raised... various issues but getting to the bottom
20 line of what actually happened has still been
21 unresolved. So I think, I think we should be
22 cautious and I urge you to be cautious about
23 approving something.. which the foundation we start
24 with is fundamentally illegal.

2 CHAIRPERSON WEPRIN: Thank you. I'm
3 going to call on Council Member Greenfield to ask a
4 question.

5 COUNCIL MEMBER GREENFIELD: Thank you
6 Mr. Chairman. I have a couple of questions and I
7 certainly understand your perspective is residents
8 and representatives of the residents of the
9 building. Just the, we have over here I guess the
10 booklet from 688 Broadway it, it very clearly
11 states and I, I just want to clarify this and maybe
12 we can actually clarify it on the spot. The owner
13 has reiterated there is an agreement in a recent
14 letter to the silk building's construction no
15 council regarding giving you access in order to
16 complete a façade inspection. So I just think this
17 is an important factual point. I just sort of want
18 to figure this out. Did you, are you the
19 constructions, are you the silk building's
20 construction's council?

21 LAURIE STANZIALE: I am.

22 COUNCIL MEMBER GREENFIELD: Okay, so did
23 you receive a letter of some sort of agreement
24 regarding the inspection that you are requesting.
25

1
2 LAURIE STANZIALE: I did. I originally
3 sent a letter to their council on February 28th. I
4 received a letter on March 3rd on which Tim Lynch,
5 the DOB was copied saying we will gladly give you
6 access on your time table as early as this week.
7 That was on March 3rd. It is now March 18th. We have
8 not been granted that access. We've given them a
9 license agreement. We've given them insurance. And
10 we have, we have not been, I was told I was going
11 to get comments to the license agreement, never got
12 those. So we, we...

13 COUNCIL MEMBER GREENFIELD: Okay, so
14 your testimony wasn't really 100 percent accurate?

15 LAURIE STANZIALE: In what regard I'm
16 sorry.

17 COUNCIL MEMBER GREENFIELD: They, they,
18 because the owner... it's just fine. I just think
19 it's important that we set, set a record over here.
20 The owner did offer, what you're saying now is that
21 the owner offered to give you in writing access but
22 the owner has not followed up on that.

23 LAURIE STANZIALE: That, that's correct.
24 That was, letter was sent on March 3rd. We have not
25 yet gotten access.

2 COUNCIL MEMBER GREENFIELD: Okay, it's
3 March 18th. I, I, we want to, I want to clarify
4 that situation but the impression that you gave
5 from the testimony was that the owner was
6 completely nonresponsive. It wasn't that there was
7 an actual letter. It's, I'm not trying to be
8 nitpicky it's just, when you come and testify in
9 front of a committee it's important that we get
10 these facts correct.

11 LAURIE STANZIALE: I, I, I did not mean
12 to misstate it... [interpose]

13 COUNCIL MEMBER GREENFIELD: Okay,
14 that's, that's fine.

15 LAURIE STANZIALE: My, my point is
16 really that on March... [interpose]

17 COUNCIL MEMBER GREENFIELD: So they've
18 offered access but you haven't have the access yet
19 and it's not clear whether you can or cannot get
20 the access. And we certainly would, would
21 appreciate as the chair of the Land Use Committee I
22 would appreciate if we can get an update within a
23 week as from the developers who are still sitting
24 here as to whether or not access has or has not
25 been granted. And you can follow up with the

1
2 committee council on that. As far as, as far as
3 the, the windows; the windows are concerned. So
4 what, what would you like to see here, those of you
5 who live, who live here. I'm taking two points off
6 your testimony because you refuse to wear the shirt
7 just for the record.

8 [laughter]

9 FRANKLIN JARMON: I brought...

10 [laughter]

11 COUNCIL MEMBER GREENFIELD: Eh, you know
12 you can bring the shirt. It's like going to the
13 game and holding the shirt in your hand you know
14 what I'm saying. I mean seriously you're either
15 committed...

16 [laughter]

17 FRANKLIN JARMON: Fair enough.

18 COUNCIL MEMBER GREENFIELD: ...to saving
19 the silk building or you're not really committed to
20 saving the silk building. That...

21 [laughter]

22 FRANKLIN JARMON: ...if it's...

23 COUNCIL MEMBER GREENFIELD: ...gentleman
24 right next to you is committed.

FRANKLIN JARMON: ...if it's worth it at all this, the ideas were, the, the shirts were my idea so...

[laughter]

COUNCIL MEMBER GREENFIELD: Okay. Oh that's even worse.

FRANKLIN JARMON: I was the one who actually got the shirts.

COUNCIL MEMBER GREENFIELD: That's even worse. It was your idea and you refuse to wear the shirt.

[laughter]

COUNCIL MEMBER GREENFIELD: So the, I mean the, the lot line windows, I understand there's two issues over here right. One issue is the legality which I think was addressed by the developer which is that these were not supposed to use as lot line windows which I think is a fair argument. And then you're arguing a separate issue which is that, they're... So even if you take that aside that they're going to block your access to, to air and light. Is that sort of the, the gist, the gist of it?

2 FRANKLIN JARMON: That is the gist of it
3 yes.

4 COUNCIL MEMBER GREENFIELD: Okay, and so
5 regarding that, that second, that second issue you
6 have some photos over here, you can just explain it
7 to us because I know you ran out of time over here
8 of the history of the windows shows precedent. What
9 are you trying to prove in these 1940 tax photos?

10 FRANKLIN JARMON: So what we're trying
11 to show here you can see circled in red. These
12 windows were here as early as 1940. So we wanted to
13 first make the point that these were not lot line
14 windows that were installed piecemeal or illegally
15 or anything like that. These windows have been here
16 for many many years. When the building went through
17 a conversion in 1981 all of these windows were
18 effectively included in part of the design for the
19 building. In addition to that all of those ACs
20 beneath those windows were installed, approved by
21 the DOB as part of this 1981 conversion. So I
22 wanted to make the point effectively that these
23 windows have effectively been there for a long time
24 and were largely above board in terms of all the
25 approvals required to get them there to begin with.

2 COUNCIL MEMBER GREENFIELD: Okay so I
3 think, I think the argument that you're making that
4 there were windows for a long time is, is certainly
5 a, a fair argument. As far as the usage of the
6 windows just in all fairness, it was a commercial
7 building before it was converted in 1980 and
8 therefore the legal requirements had then changed
9 and so therefore just to be fair, the second part
10 of the argument I, I don't think is as compelling
11 in terms of the first part of the argument. So
12 what, what would you as a neighbor being cognitive
13 of the fact that this is an undeveloped lot and we
14 do believe that in New York City that development
15 and construction is important even if it's for the,
16 I think you said super rich or ultra-luxury or
17 something..

18 FRANKLIN JARMON: Ultra lux yes.

19 COUNCIL MEMBER GREENFIELD: Ultra lux?
20 Is that the term these days? Even if it's for the
21 ultra-lux, they need a place to live too.

22 FRANKLIN JARMON: Sure.

23 COUNCIL MEMBER GREENFIELD: So what would
24 you like, what would you like to see happen? What
25

1
2 is your sort of vision of how an economically
3 feasible development happens at this location?

4 FRANKLIN JARMON: So the difficult
5 situation we find ourselves in is that we did not
6 find out about this development until late 2012
7 after the LPC decision which was announced in the
8 press. So with regards to communication you know it
9 started off on a bad foot. As early as July of last
10 year we proposed a couple of ideas to the developer
11 with regards to design change. Number one we asked
12 the developer to build a mirror of the building.
13 That would, as he mentioned save a full line of
14 windows toward the easterly side of his building. I
15 don't know if there's a, there's a diagram to show
16 you guys. But the way to basically think about it
17 is the long side of this building, this building's
18 essentially shaped a little bit like an L, and so
19 the long side of his building is actually running
20 against the silk building, you could actually just
21 flip that, build a complete mirror to his design,
22 not change any of the internal designs and free up
23 a full line of windows for the silk building units.
24 You know I brought that up with him in July. He
25 said that's not possible, categorically denied it,

1
2 or, or, rejected it and basically said look from
3 our perspective this is what we're going with, this
4 best maximizes the light for our building. And
5 that's an issue that we're not going to budge on.
6 Secondly we asked for all of the other unit hold,
7 owners who are getting blocked, and effectively
8 it's three more lines of windows, we asked for a
9 small side yard to be built in between the two
10 buildings. I understand there are certain
11 challenges with that with regards to like fire
12 safety issues and things like that so it's a
13 proposal that we brought up. I think we'd have to
14 further develop that. But I think, you know there,
15 those are our two proposals that we brought to him
16 you know as early as, as midsummer last year.

17 COUNCIL MEMBER GREENFIELD: So these
18 other proposals that, that the, or I guess
19 concessions that the developer says that, that they
20 have made, those were not at your request in terms
21 of whether it was the, the underpinning, or the air
22 conditioning, or the rooftop skylights.

23 FRANKLIN JARMON: Right.

24 COUNCIL MEMBER GREENFIELD: I'm just
25 trying to understand that.

1
2 FRANKLIN JARMON: So what he basically
3 said is I'm not going to budge on the design
4 period. You're going to have to stop this project
5 in order for me to redesign the building so let's
6 talk about ways that we can change things outside
7 of any types of design changes. And that's where
8 the AC issue came up. In, in addition to that I
9 will say the foundation, so I mean this is a big
10 project right so...

11 COUNCIL MEMBER GREENFIELD: So to be
12 clear, those were, I understand that that's what we
13 call this negotiation right, there's back and
14 forth.

15 FRANKLIN JARMON: Mm-hmm.

16 COUNCIL MEMBER GREENFIELD: But in,
17 those are items that you did raise and that were
18 being addressed or are those... It's just, it's an
19 important factual point, or are those items that
20 the developer decided to do on their own?

21 FRANKLIN JARMON: So the AC issue is... I
22 don't know exactly, I don't think we actually
23 brought it up. I think he came up with the idea as
24 a concession to the fact that these ACs were
25 installed in 1981 as part of the condo conversion

1
2 and were approved by the DOB. And so there was an
3 issue with regards to, regardless of the lot line
4 window issue those ACs were you know installed as
5 part of the 1981 Condo Conversion. And he wanted to
6 at minimum address the risk that all of these
7 apartments would be left cold or hot depending upon
8 the season.

9 COUNCIL MEMBER GREENFIELD: So all of
10 these ideas, the, the three ideas were his ideas,
11 they were not necessarily your ideas?

12 FRANKLIN JARMON: So the underpinning
13 is, is actually our idea. We asked that the
14 underpinning indeed be removed. It's hard for us to
15 give you an answer on how successful that component
16 of the discussion has been given he's been
17 unwilling until now to share the Geotech report
18 which is something our engineer has indicated is
19 crucial to him determining what the foundational
20 risk is to the silk building.

21 COUNCIL MEMBER GREENFIELD: Okay, so the
22 bottom line is you got some concessions but your
23 position remains, just want to be clear about this,
24 your position remains that the concessions aren't
25 enough and you still don't want the project

1
2 approved because obviously we can't change the
3 building you realize that right, in terms of the,
4 the ability of the council.

5 FRANKLIN JARMON: The developer can
6 change the design of the building.

7 COUNCIL MEMBER GREENFIELD: Well then
8 they'd have to go back and start the process,
9 they'd have to go back to city, Landmarks and City
10 Planner. I just want to be fair about this. ...want
11 to understand what we're talking about in terms of..
12 [crosstalk]

13 FRANKLIN JARMON: Sure.

14 COUNCIL MEMBER GREENFIELD: ...the stakes
15 and just to sort of, everybody understand what's
16 happening here, especially folks who are not used
17 to these, these hearings. We effectively would have
18 to turn down the project and then they'd have to go
19 and start the whole project from the beginning,
20 they'd have to go to Landmarks Preservation
21 Commission. They'd have to go back to City
22 Planning. And then they'd have to come back to us.
23 We don't have the ability to simply tweak the
24 design, just so everybody understands, to be fair.

1
2 So that is your position? Which is despite the
3 concessions you would like this project voted down?

4 FRANKLIN JARMON: So...

5 LAURIE STANZIALE: Can I get...

6 FRANKLIN JARMON: Sure.

7 LAURIE STANZIALE: Can I, can I address
8 just... I'd like to address your, your question.

9 COUNCIL MEMBER GREENFIELD: Sure.

10 LAURIE STANZIALE: What, what is
11 important...

12 CHAIRPERSON WEPRIN: Just state your
13 name when you...

14 LAURIE STANZIALE: Laurie Stanziale, my
15 apologies.

16 COUNCIL MEMBER GREENFIELD: Thank you
17 Mr. Chairman.

18 LAURIE STANZIALE: What is important
19 also is that the proposal to put the HVAC units on
20 our roof does require us to go to Landmarks. And
21 there is no guarantee that Landmarks is going to
22 approve that. So we have to, someone has to go back
23 to Landmarks sort of in, in either situation.
24 Either it's going to be them for some redesign or
25 it's going to be us to now do this new thing on our

1 building which will require Landmarks approval. And
2 also there is a requirement that we have certain
3 amenity space on our roof which we are going to be
4 losing a significant portion of that amenity space
5 because of these HVAC units on the roof. So we're
6 losing physical space on the roof and the remaining
7 space I don't know how much of an amenity it will
8 remain to be because we're going to now have loud
9 HVAC units, I think 10 to 15 units on the roof of
10 the building. And we need to make sure our building
11 can support these units. So there's, there's still
12 an approval process that we will have to go
13 through.

14
15 FRANKLIN JARMON: So I think the bottom
16 line answer is are we, are we okay with a denial
17 as, of this project.

18 COUNCIL MEMBER GREENFIELD: It's not
19 okay, I'm asking what it is that you're asking for,
20 I'm, I'm not asking if you're okay with it right.
21 You're here to testify either in favor or in
22 opposition and I think you've come on the
23 opposition slip. Am I correct council?

24 FRANKLIN JARMON: That is correct.
25

2 COUNCIL MEMBER GREENFIELD: Okay, so the
3 question is are you completely opposed to this
4 project? Are you asking the council to vote it
5 down? It, it's...

6 FRANKLIN JARMON: Yes the...

7 COUNCIL MEMBER GREENFIELD: yes or no or
8 you could say maybe and, and that's also okay. I
9 just want, once again I just want to make sure that
10 I, I just, I've, I've been in your shoes before. I
11 don't know if you're an attorney or not but I've
12 testified and, and a lot of these things, the
13 nuances they just fly right over you. So as the
14 Chairman...

15 FRANKLIN JARMON: Right.

16 COUNCIL MEMBER GREENFIELD: ...I just like
17 to make sure folks know exactly what's going on,
18 what the expectation is, and what, what folks are
19 asking for and whatnot, and sort of how the process
20 works. So that's all I'm trying to do.

21 FRANKLIN JARMON: So we're all here in
22 opposition of this project as the current offer
23 stands. At the end of the day 250 thousand dollars
24 which is what he's offered for the AC will get us
25 half of where we need to do, what we need to do in

1 terms of the overall cost of the AC. That doesn't
2 really get us anywhere. In addition to that there's
3 LPC risk with regards to approval of the AC, and
4 there's an entire change to the rooftop. So in
5 terms of that outcome that's not a very acceptable
6 outcome. That doesn't work for all of our residents
7 and that's why we're all here right now.

9 COUNCIL MEMBER GREENFIELD: Got it,
10 thank you.

11 CHAIRPERSON WEPRIN: Thank you Mr.
12 Chair. I'd like to call on Council Member Ruben
13 Wills from Queens.

14 COUNCIL MEMBER WILLS: Good morning.
15 It's still morning. The Chairman Greenfield
16 actually asked most of my questions when he came to
17 the windows and different things. A couple of the
18 questions that I still have though are the... You
19 just testified that they were give you a quarter of
20 a million dollars, 250 thousand dollars for the
21 HVAC and it's going to be split units.

22 FRANKLIN JARMON: Yes.

23 COUNCIL MEMBER WILLS: And your legal
24 counsel testified that you would need 10 to 15
25 units and you wouldn't know how much space the

1
2 units would take up so that you could use them for
3 the other things that you have on the roof already
4 and they allowed and different things like that.

5 FRANKLIN JARMON: Mm-hmm.

6 COUNCIL MEMBER WILLS: But if you're
7 representing the tenants of the building...

8 FRANKLIN JARMON: Mm-hmm.

9 COUNCIL MEMBER WILLS: ...during the
10 developer's testimony one of the young ladies
11 yelled out that they didn't know how much any of
12 this stuff was going to cost.

13 FRANKLIN JARMON: Sure.

14 COUNCIL MEMBER WILLS: How can you say
15 that the 250 is only going to be half of what is
16 needed if you don't have a cost of what it is?

17 FRANKLIN JARMON: So I can submit this
18 to you. So we've actually spoken to our building's
19 engineer...

20 COUNCIL MEMBER WILLS: Mm-hmm.

21 FRANKLIN JARMON: ...as well as the
22 engineer for the silk building when all of the ACs
23 were installed in 1981. He's a unit owner and he
24 does this for a living.

25 COUNCIL MEMBER WILLS: Mm-hmm.

2 FRANKLIN JARMON: They've actually given
3 us a, a line by line itemized cost of what all of
4 these issues would total out to in terms of the
5 cost of installing all of this AC. They also have
6 an idea for all of the various approvals we'd have
7 to get in order to even do this and make this
8 feasible for our building. If I could just read
9 them... It's, it'll take...

10 COUNCIL MEMBER WILLS: No, I, I don't
11 need you to read them so...

12 FRANKLIN JARMON: Okay.

13 COUNCIL MEMBER WILLS: But that, that
14 tells us that you actually do have, even if it's
15 not a perfect cost you do have a projected cost of
16 how much this is going to cost.

17 FRANKLIN JARMON: Yes.

18 COUNCIL MEMBER WILLS: ...you do know how
19 much, how many units are going there, have to go up
20 on the roof and how much space you would have left
21 over. And you do know how much the tonnage would
22 cost for the extra support for the building.

23 FRANKLING JARMON: [crosstalk] We don't
24 have a specific proposal for someone...

COUNCIL MEMBER WILLS: No I don't mean specific but you do have an overall cost...

FRANKLIN JARMON: Yeah, we have an idea that it's going to be...

COUNCIL MEMBER WILLS: ...but the testimony...

FRANKLIN JARMON: ...double the cost.

COUNCIL MEMBER WILLS: The testimony lead me to believe that you had no idea how much...

[static]

COUNCIL MEMBER WILLS: ...not your testimony, the legal council's testimony...

[static]

CHAIRPERSON WEPRIN: Someone's mic...

[crosstalk]

[static]

COUNCIL MEMBER WILLS: My mic?

CHAIRPERSON WEPRIN: No, you're talking so you could have a live mic but something is up... I...

LAURIE STANZIALE: If I may address your question.

COUNCIL MEMBER WILLS: Sure.

1
2 LAURIE STANZIALE: Yeah I, as to the
3 cost I don't think I, I testified about the cost
4 because I, I don't have you know...

5 COUNCIL MEMBER WILLS: ...you testified to
6 the fact of you don't know how much space would be
7 left on the roof...

8 FRANKLIN JARMON: That's true.

9 LAURIE STANZIALE: Right, because,
10 because we do not have a full engineering... you know
11 we have an estimate of cost from a mechanical
12 engineer but we do not have a full engineering
13 design yet for the system and... [crosstalk]

14 COUNCIL MEMBER WILLS: But you were
15 saying because of, you don't have complete
16 specificity you don't know, but you do know
17 compare, as far as what your engineer's report
18 shows now, you have an estimated amount. But you...
19 [crosstalk]

20 FRANKLIN JARMON: Yes.

21 COUNCIL MEMBER WILLS: ...specificity,
22 that's what you're saying?

23 LAURIE STANZIALE: Exactly. We don't
24 and, and I know that there was a statement made
25 that there would be a contribution of 250 thousand

1
2 dollars towards it. We just don't know what, A,
3 what the total cost of it will be until we have an
4 engineer fully design it and obviously go out to
5 bid to an HVAC contractor. And there's also an
6 ongoing you know maintenance cost you know for this
7 new system as well. And if the developer is going
8 to put some of the chase lines on their property
9 we'd also then have to have a perpetual easement to
10 their building in order to be able to, to service
11 those chase units. That wasn't mentioned but...

12 [crosstalk]

13 COUNCIL MEMBER WILLS: Right but...

14 [crosstalk]

15 LAURIE STANZIALE: ...I presume that would
16 be... [crosstalk]

17 COUNCIL MEMBER WILLS: ...'till then that
18 is actually an ongoing point of negotiation then
19 right... [crosstalk]

20 FRANKLIN JARMON: It definitely is, I
21 mean at the end of the day our engineers told us 35
22 tons of AC is going to cost you 300 thousand
23 dollars.

24 COUNCIL MEMBER WILLS: Mm-hmm.

25 FRANKLIN JARMON: Protection related to...

1
2 COUNCIL MEMBER WILLS: ...I, I, I didn't
3 really need you read it in... [crosstalk]

4 FRANKLIN JARMON: Okay sorry...
5 [crosstalk] just trying to give you a sense you
6 know...

7 COUNCIL MEMBER WILLS: Good thank you.
8 That's good, no it's cool but I, I just had a
9 couple other things. I know other members have
10 questions.

11 FRANKLIN JARMON: Okay.

12 COUNCIL MEMBER WILLS: So the new HVAC
13 units if you were able to negotiate it you do
14 understand that there are some pros to it right?

15 FRANKLIN JARMON: Oh, absolutely.

16 COUNCIL MEMBER WILLS: ...the units that
17 they have now, it's just AC, he's proposing a split
18 unit which would give you AC and heat and it'd be a
19 lot more efficient than I'm sure the ACs that were
20 built and put in a long time ago.

21 FRANKLIN JARMON: So we have Ptac units
22 that are through wall units that provide actually
23 some fresh air.

24 COUNCIL MEMBER WILLS: Mm-hmm.
25

1
2 FRANKLIN JARMON: ...and they also do
3 provide heat and AC. This would actually be a
4 system that doesn't provide any ventilation. So
5 going back to the point I made about...

6 COUNCIL MEMBER WILLS: Okay.

7 FRANKLIN JARMON: ...one full floor of
8 every...

9 COUNCIL MEMBER WILLS: Mm-hmm.

10 FRANKLIN JARMON: ...apartment having no
11 windows or no access to outside light...

12 COUNCIL MEMBER WILLS: Mm-hmm.

13 FRANKLIN JARMON: ...regardless of the
14 internal configuration, that still wouldn't
15 actually improve the ventilation for that floor.

16 COUNCIL MEMBER WILLS: Okay. When you,
17 when you spoke about the mirroring of the design
18 how would that affect the building next door?

19 FRANKLIN JARMON: Well the building next
20 door is only three stories so it's not going to
21 affect it at all because he, his, the L shaped part
22 of his building...

23 COUNCIL MEMBER WILLS: Mm-hmm.

24 FRANKLIN JARMON: ...starts I think it's
25 the fifth or sixth floor up.

COUNCIL MEMBER WILLS: Mm-hmm.

FRANKLIN JARMON: So beneath that it's commercial space or these two floor, or, or sorry two, two unit floors which fully utilizes his lot so...

COUNCIL MEMBER WILLS: Mm-hmm.

FRANKLIN JARMON: ...it wouldn't have an impact on the neighboring building.

COUNCIL MEMBER WILLS: Okay, and you did understand, everybody did understand what Council Member Greenfield was saying about having to go back. Because the difference is you would want them to go back and redesign their building but there's no outlet to any expense that would be occurred to them but they are willing to give an expense to you on certain issues that you're negotiating?

FRANKLIN JARMON: Right. So I mean we appreciate everything that he's offered but it's, it's almost like if you, if you offer us something that's going to require us to, to actually take a significant amount of risk and may not actually be able to follow up on and may also cost incrementally more for every unit owner...

COUNCIL MEMBER WILLS: Mm-hmm.

2 FRANKLIN JARMON: ...a lot of those folks
3 in our building don't, don't want that outcome. You
4 know...

5 COUNCIL MEMBER WILLS: And I'm sorry the
6 gentleman in the middle, the tenant, I'm sorry what
7 is your name sir?

8 WILLIAM ROSSER: Bill, Bill Rosser.

9 COUNCIL MEMBER WILLS: Bill Rosser?

10 WILLIAM ROSSER: Yeah, Rosser.

11 COUNCIL MEMBER WILLS: Mr. Rosser you
12 spoke about the very tendon of this being legally
13 fundamentally flawed because of the ownership that
14 is in question about the alleyway.

15 WILLIAM ROSSER: That's correct.

16 COUNCIL MEMBER WILLS: If that was
17 settled then what would be an issue?

18 WILLIAM ROSSER: If that were settled I
19 think the result would be that it'd be a smaller
20 lot to, to develop on.

21 COUNCIL MEMBER WILLS: Mm-hmm.

22 WILLIAM ROSSER: So the number of feet
23 allowed in the building that they're proposing
24 would be less by 10 thousand square feet.

25 COUNCIL MEMBER WILLS: But if it was...

1
2 WILLIAM ROSSER: And that way they have
3 to redo a redesign which would give us more windows
4 left.

5 COUNCIL MEMBER WILLS: But...

6 WILLIAM ROSSER: That's my view.

7 COUNCIL MEMBER WILLS: So the legal
8 counsel, when you spoke, you spoke also to that
9 issue?

10 LAURIE STANZIALE: Yes I did.

11 COUNCIL MEMBER WILLS: And you said that
12 you weren't sure about how it was conveyed, the
13 ownership?

14 LAURIE STANZIALE: Yeah the, the lot in
15 question was... at a time the, Samuel Jones had owned
16 the entire block and he left this one portion, this
17 alleyway for the benefit of all the abutting owners
18 and it was to remain for that benefit of all those
19 abutting owners and as such it never had been
20 deeded actually from Samuel Jones to any other
21 entity. And I believe it was 2001 the developer
22 took to the middle line of that alley...

23 FRANKLIN JARMON: Excuse me 2011.

24 LAURIE STANZIALE: Oh 2011, I'm sorry.

25 FRANKLIN JARMON: Two years ago.

1
2 LAURIE STANZIALE: ...took to the middle
3 line of that alley and has put that amount into its
4 development line under the presumption of a middle
5 of the line presumption which you know is a legal
6 doctrine but as has been raised in the prior
7 hearings one of the issues or questions was that
8 was done without any consultation or agreement by
9 the other lot owners. So he decided okay, this half
10 is mine I'm taking it. And the other, the other
11 people who benefitted from it, who were supposed to
12 essentially benefit from it as a whole have not
13 approved of that. And, and what Mr. Jarmon had also
14 mentioned about 684 is that, 684 Broadway they have
15 not entered into any agreement with the developer
16 to use the rest of the lot. And yet it is part of
17 the development to, to agreeably approve, improve
18 the appearance of the lot. But only because they're
19 improving something doesn't mean you have a right
20 to do it if you don't have a right to do it. So,
21 so, so that's really the issue with the lot. And
22 we've attempted to try to get some clarity on the
23 issue by asking for the title report and the title
24 policy which I believe Council for the Developers
25 said we have and I've asked for it in writing to

1
2 Mr. Corbey and we haven't received it. So I think
3 seeing that report and seeing the title policy and
4 ensuring that there are no exceptions to that
5 policy of insurance for these other property owners
6 would, you know would certainly go a long way to
7 shed some more light on the issue. I can't say it'd
8 be completely off the table because title companies
9 sometimes do make mistakes and ensure things they
10 shouldn't but it would certainly give us a little
11 more, a little more knowledge of how that taking of
12 the lot did happen. And what was the, the chain of
13 title that got to that point.

14 COUNCIL MEMBER WILLS: Thank you Mr.
15 Chair.

16 CHAIRPERSON WEPRIN: Thank you Mr.
17 Wills. Does anyone else have a question for this
18 panel? Seeing none, thank you very much. We're
19 going to move onto the panel in favor now. I'd like
20 to call up is it Zella Jones [sp?] and Rob Morraya
21 [sp?]. Again we're going to give you three minutes.
22 Please make sure to say your name when you speak.
23 Make your way up to the table. Sargent of Arms will
24 distribute that.

25 [pause]

2 CHAIRPERSON WEPRIN: Before you start
3 I'm going to call on Council Member Chin.

4 COUNCIL MEMBER CHIN: I... Yes, I just
5 wanted to thank everyone again for being here. I
6 have to run to an education capital hearing because
7 we're fighting for more school seats in our
8 district so I can't miss that. But my staff Maddie
9 is here and we also want to let the chair know that
10 we are encouraging the developer and the resident
11 to continue talking and hopefully you know
12 something can be work out before the time to vote.
13 But we'll see. Thank you.

14 CHAIRPERSON WEPRIN: Thank you Council
15 Member Chin. Lady, gentleman... whoever wants to go
16 first.

17 ROB MORRAYA: My name is Rob Morraya.
18 I'm a personal fitness trainer and a co-owner of
19 Great Jones Fitness. I've been in this two block
20 radius for about 25 years running a small business.
21 And when the developers had sought me out and
22 talked about their project I was actually relieved
23 that there wasn't going to be a hotel because I've
24 made my living on people in this neighborhood. And
25 I would like to continue to make my living in the

1 neighborhood as it's one of my favorite
2 neighborhoods in New York City. So not having a
3 hotel down the street I think is a plus for the
4 neighborhood. I think that another retail space is,
5 is always good. I'm sorry for the flea market
6 people but I think a newer building with residents
7 is a positive. Hopefully they'll find our, their
8 way over to my studio. But, and I just wanted to
9 come out in support of, of this project. I have
10 been surrounded by construction in this area for
11 the last couple years and it's always been a
12 success for us. And I personally think, and I
13 haven't met Zella Jones. Actually I've heard about
14 her and she I think has done an amazing job in the
15 area in preserving what I feel is still a
16 neighborhood despite all the development, how she's
17 done that I'm not sure but I can see how these
18 things work that there's a, there's a lot of mind
19 energy at, at hand here. So I, I, you know I, I
20 commend her and also the people from the silk
21 building. I have no doubt that these people in this
22 room will, will come up with a, a conclusion that
23 will work. But as a business owner I think
24 residential development is better rather than a
25

1
2 hotel. No development to me doesn't add much for
3 progress and I think progress is good. So I just
4 wanted to come and support the project as a, as a
5 small business owner.

6 CHAIRPERSON WEPRIN: Thank you, Ms.
7 Jones.

8 ZELLA JONES: Yes. NoHo Bowery
9 Stakeholders Incorporated is a registered non-
10 profit community benefit organization with more
11 than 300 members, I speak on behalf of 300 members
12 of the NoHo-Bowery Stakeholders Association living,
13 working, and owning property in No-Ho and along the
14 eastern edge of the Bowery. And we have had many
15 opportunities to review, comment, and advise on the
16 proposed new building at 688 Broadway. We were
17 pleased to testify before Community Board 2
18 Manhattan before the Landmarks Preservation
19 Commission and the City Planning Commission in
20 favor of its design and compatible configuration in
21 the long vacant lot facing Broadway through to
22 Jones Alley which has little attention either to
23 its existence or its historic significance for more
24 than 100 years. We are pleased that the developer
25 adopted our template for an agreement on

1 construction protocols and protection. I will stop
2 here for just a minute. That document is 10 pages
3 long. I was, I was privileged to serve on the
4 Community Board 2 and with the Zoning Committee of
5 Community Board 2 as we developed Community Board 2
6 construction protocols. I have been privileged to
7 be a part of protections for historic buildings
8 with the Landmarks Commission and we have adopted
9 their, their guidelines in that. And we have
10 additionally added sound mitigation and vibration
11 paragraphs to that particular document. That
12 document has been shared with a number of elected
13 officials. And if you will look at your map which
14 is attached to my letter you will see everything in
15 pink, or salmon is something that's currently under
16 development right now in NoHo and, and 98 percent
17 of that is being done under the NoHo-Bowery
18 Stakeholders Construction Protocol Agreement. So
19 we're very pleased that from the outset before any
20 of these applications were made this particular
21 developer came to us and asked for our advisement
22 on what would be fair. And, and how we negotiate
23 with other buildings that, in NoHo, as you can see
24 there are many of them. They, they, I won't go
25

1 through the bullet points you have them in front of
2 you. They have been mentioned here today. We're
3 particularly concerned that these concessions do
4 not benefit the community overall as has been
5 proffered by the new administration and the city
6 council's progressive caucus. To us the improvement
7 of Jones Alley, the sensitivity and aesthetics of
8 the design and extraordinary attention to
9 contiguous buildings along Great Jones Street speak
10 to the benefit of this development. We're
11 especially aware of the president any additional
12 concessions may set not only for legal ARI
13 buildings but for the stock of buildings...

14 [alarm sounds]

15 CHAIRPERSON WEPRIN: If you could just
16 quick, finish up quickly I'd appreciate it.

17 ZELLA JONES: Okay, the, the issue is
18 that we, we have legal ARI buildings, we have
19 buildings that have chosen to go to the Board of
20 Standards and Appeals and change the, the use
21 status. We keep a very high standard in NoHo to
22 protect as much artist living and working space
23 and, and respect it as possible. And for any other
24 developers to go through a full process if they are
25

1
2 going to take stock out of an artist environment.
3 This particular building has ignored those rules.
4 They're, they are not registered artists, most of
5 them of with whom I am familiar. I, I believe that
6 we should talk further as a city about what the
7 guidelines are for being an artist in... but we have
8 what we have right now. So out of respect for
9 keeping a standard, and that's my job in NoHo I, I
10 don't feel that granting concessions to a building
11 that is number one illegally occupied and number
12 two possibly illegally configured sets a very good
13 standard for what I have to adjudicate every day.

14 CHAIRPERSON WEPRIN: Okay, thank you Ms.
15 Jones. Alright any questions? No question... you have
16 something...[crosstalk]

17 COUNCIL MEMBER GREENFIELD: I'm sorry
18 Mr. Chairman... [crosstalk]

19 CHAIRPERSON WEPRIN: Mr. Greenfield.

20 COUNCIL MEMBER GREENFIELD: What you
21 have to adjudicate every day. It was just a funnel...

22 ZELLA JONES: In, in...

23 COUNCIL MEMBER GREENFIELD: It just sort
24 of stuck out...

1
2 ZELLA JONES: That's, that's a little
3 official...

4 COUNCIL MEMBER GREENFIELD: What does
5 that mean that you have to adjudicate every day I'm
6 sorry.

7 ZELLA JONES: Negotiate would be a much
8 better, much better word Sir.

9 COUNCIL MEMBER GREENFIELD: So your... I'm
10 not familiar with NoHo-Bowery I apologize.

11 ZELLA JONES: That's okay.

12 COUNCIL MEMBER GREENFIELD: I'm sure
13 you're famous in your neighborhood. But are you
14 sort of the unofficial community group slash BID
15 slash representative... I mean who exactly do you
16 represent? Do you have any competitors, how does it
17 work if you can sort of... explain that to me...

18 ZELLA JONES: If you can sort of explain
19 that to me...

20 COUNCIL MEMBER GREENFIELD: NoHo-Bowery
21 Stakeholders Incorporated was formed as a non-
22 profit in 2012. It is what we call a community
23 benefit organization which does not leave anybody
24 out as a potential member nor does it leave anybody
25 or anybody's activity out as a member of our Board

1
2 of Directors or any other kind of Committee. There
3 is a NoHo New York BID that largely oversees
4 Broadway to, to Lafitte. Their, their purpose is a
5 Business Improvement District. Ours is a community
6 improvement district. It is voluntary membership,
7 there is no assessment involved. There are 300
8 people who belong to, to NoHo-Bowery Stakeholders.
9 And we encompass roughly 12 blocks.

10 COUNCIL MEMBER GREENFIELD: Got it. Are
11 there any paid staffers or..

12 ZELLA JONES: There is a stipend for
13 expenses.

14 COUNCIL MEMBER GREENFIELD: Okay, so if
15 there are no, if there are no dues how do you cover
16 your bills?

17 ZELLA JONES: There are, there are dues
18 sir.

19 COUNCIL MEMBER GREENFIELD: Okay.

20 ZELLA JONES: Paying dues is a
21 voluntary..

22 COUNCIL MEMBER GREENFIELD: Voluntary
23 right.

24
25

2 ZELLA JONES: It, it is not a city tax
3 assessment as one would have in a BID
4 configuration.

5 COUNCIL MEMBER GREENFIELD: Okay so the,
6 your bottom line is that you like this project
7 particularly in terms of the way it works and how
8 it fits into the character of the community?

9 ZELLA JONES: We feel that it does and
10 we, and we also feel that having been in
11 conversation about this project for more than two
12 years that the, that this particular developer and
13 definitely this architect have been unusually
14 sensitive to considering factors that could
15 possibly negatively impact the, the neighborhood or
16 neighbors.

17 COUNCIL MEMBER GREENFIELD: Thank you.
18 Would you just mind sending us a copy of those NoHo
19 construction protocols that you... [crosstalk]

20 ZELLA JONES: I would love to sir.

21 COUNCIL MEMBER GREENFIELD: Great.

22 ZELLA JONES: I would very happy to do
23 that.

24 COUNCIL MEMBER GREENFIELD: Thanks for
25 your testimony.

2 CHAIRPERSON WEPRIN: Thank you very
3 much. We'll excuse this panel. I'd like to call up
4 the next panel in opposition. It's Danny White,
5 Sophia Motta [sp?] and Tom, Tom I'm having a hard
6 time with the last name here... said... Kizleman
7 [phonetic]? What's the first letter? There, that's
8 the, that's the issue. The first letter was
9 unclear. Is anyone else here to testify on this
10 matter that we didn't call? Okay. So whenever
11 you're ready. So Tom I apologize for messing up
12 your name but what is the last name?

13 TODD KRIZELMAN: Krizelman.

14 CHAIRPERSON WEPRIN: It's a K, okay. K R
15 okay... and there is the R and the I were too close
16 together and looked like KN and I was like...
17 [crosstalk]

18 TODD KRIZELMAN: My calligraphy is not...

19 [crosstalk]

20 CHAIRPERSON WEPRIN: Okay, alright. So
21 whenever you're ready whoever wants to go first.
22 Again we'll give you three minutes each. Thanks.

23 TODD KRIZELMAN: Alright. My name is
24 Todd Krizelman. I have been in this neighborhood
25 for 20 years. I've build it, been in the silk

1 building for 10 years. I've been on the board of
2 the silk building for five years. I'm a business
3 owner in Manhattan employing 370 employees. That's
4 a little bit about me. Look, I wanted to give you
5 the, the perspective of someone on the board. I sit
6 on the board. We meet monthly. On the board is also
7 someone here from Vornado [sp?]. We have reached
8 out to Mr. Schwartz for over a year to resolve
9 Local Law 11. Local Law 11 matters a lot to us. We,
10 like Ms. Jones enjoy growth in, and improvements in
11 the local community in terms of business. We have
12 new businesses in our building whether it's NYU,
13 whether it's SoulCycle, whether it's Blink. These
14 businesses are about to be thrown out of our
15 building because we are unable to get Local Law 11
16 resolved. Now the reason this started a year ago
17 and you only heard about our attorney talking about
18 it, she's been trying to get them capitulate for
19 the last 30 days is that's when she was retained.
20 But we've been working with this guy for a while.
21 Some other facts. On the panel, Mr. Schwartz's
22 associate talked about how CB2 quote, unquote went
23 well. They unanimously panned him at that, both at
24 the actual event and then in writing. Zella Jones

1
2 at the end of that event told me she's, we assume
3 she was a paid on retainer, like a paid consultant.
4 We've never heard of this woman. That's not to say
5 you're not doing great things in the community, I
6 just wanted... Someone asked on the panel, I was
7 sitting behind the column whether she was a known
8 person adjudicating, or negotiating a... There is
9 nothing like that happening. Another thing that was
10 brought up earlier was that these floors had been
11 restructured and as a result now light would not be
12 available. But that is not the case as Mr., as
13 Franklin talked about earlier. He talked about the
14 fact that these, these spaces, when the window
15 goes, there's no, there would have been no space at
16 any, at any year in 1981 when this was done or any
17 year after that. So I think the issue for us is one
18 of trust. At least at the board level there's an
19 issue of trust that this person will not, at every
20 single step he has been recalcitrant and
21 obstructionist. And so yes I think we are
22 frustrated. The reason a building sues and, and
23 tries to draw in Tim Lynch from Department of
24 Buildings is like your last resort. He's like
25 launching the Armageddon right. You do that when

1
2 you're at the end of your rope. And that's where we
3 are, and that's why we came today to talk and to
4 obstruct this building. It's not that we don't want
5 a building. We get it, you have a right to build a
6 building. And believe me I'm a full on capitalist
7 who keeps hiring people so I get it. But that's
8 what the reluctance is. There's a lot of concern
9 that even basic things like a Local Law 11 stay
10 completely unfinished.

11 CHAIRPERSON WEPRIN: Thank you. No
12 wonder... you were looking at over there, now I
13 realize. Okay. Who wants to go next.

14 SOPHIA MOTTA: I can go next.

15 CHAIRPERSON WEPRIN: Okay.

16 SOPHIA MOTTA: So good morning. My name
17 is Sophia Motta. I'm a resident on the building for
18 over 10 years. I live in apartment 819 which is one
19 of the apartments that are going to have one floor
20 that's totally dark. And I think the basic question
21 here is credibility and diversion. Every single
22 step of the way they have misrepresenting things,
23 including today like they said 12 units are going
24 to be affected. In reality it's 17. They said that
25 they started it in 2003. But oh well it took them

1
2 until 2012 to go talk to the neighbors. And it
3 didn't occur to them that losing 17 windows could
4 affect the neighbors and they didn't start the
5 conversation for nine years. So whatever they say
6 does, just doesn't add up. And it all boils down
7 to, to build 14 units you are strongly impacting
8 the life on 17 units. So I wanted to talk about
9 what is a little bit of the intent and the history
10 behind this building. As you saw we had eight of
11 those windows that were there ever since the
12 commercial unit existed. When the development was
13 made in 1981 what was made is to try to do the best
14 that they could do at the time. Yes, it is for
15 artisan residents and a lot of people in our
16 building are still artisan resident as opposed to
17 what they said, oh, I don't know what they live
18 there. So another diversion. But in, in the other
19 way they are applying for residence there against
20 having people that are not artisan resident but
21 they are applying to be residents so they
22 counteract all the time. But I wanted to talk is
23 about the intent. So what was the intent of the
24 developer when he did the development in 1981. It
25 was to do the best design that he could at the time

1
2 and to protect the people that decided to make them
3 their home and office. And it's the same intent
4 that this commission has here today. So what's
5 going to happen in 20 years when somebody comes up
6 with another project that determines that all the
7 14 units now have no more light? So how did he try
8 to address his intent? First, he did design the
9 units the way they are. With doing those on a floor
10 which is the unique window, that's the original
11 design of the building. Second, the developer
12 bought the air rights of 684 Broadway which is the
13 space over the shoe store. He could not buy the air
14 rights over this alley because there was no
15 building to buy a right on top. But the intent of
16 the developer was to protect the citizens, that
17 they're going to have their offices and home there.
18 So I don't get all this illegal thing. It's illegal
19 but at the time it was totally legal. The, the air
20 conditioners are totally legal and the design of
21 the building was totally legal. And so the
22 developer must do a design that is the mirror, or
23 that leaves air and light to all those residents.

24 CHAIRPERSON WEPRIN: Thank you. Sir how,
25 whenever you're ready.

1 DANIEL WHITE: Good morning. Hi, my name
2 is Danny White. I live at the silk building with my
3 wife Valerie who was one of the original tenants
4 after the building was converted in 1982. She is an
5 artist who works in oil painting for which natural
6 light is a necessity. I am a musician and a number
7 of the silk building are artists. I'm here to voice
8 my concerns and objections to the proposed new
9 building at 688 Broadway. The silk building is L
10 shaped, my apartment faces West overlooking the 688
11 Broadway lot. I am disappointed about our potential
12 loss of view and natural light based on the current
13 design. The developer intends to use Jones Alley as
14 the main entrance for residents and visitors. This
15 will include pedestrian and vehicular traffic such
16 as taxis, limos, and private cars. This will result
17 and both increase noise and fumes due to proximity
18 to the silk building and our windows. As I am on
19 the 10th and 11th floors I am also concerned about
20 the noise that will be generated by roof mounted
21 air conditioning and other mechanical
22 infrastructure as well as the increased light
23 pollution due to proximity to the rear of the new
24 building. There is also an issue for our common
25

1 roof deck which is on the building's south side now
2 complicated by the fact of potentially having air
3 conditioning units mounted on them as the
4 compromise that was offered. The new building will
5 basically match the height of our building if you
6 include their mechanical infrastructure. Their roof
7 mounted air conditioning and infrastructure will
8 cause noise, an obstruction of the view from the
9 common roof which will severely limit enjoyment of
10 the outdoor space and create potential security
11 issues. A number of my neighbors on the South side
12 of the building will be severely impacted by the
13 loss of lot line windows. These are duplexes and
14 triplexes in which many of the affected rooms do
15 not go through to the North Side and only have
16 their window and air conditioning units on the
17 South side. The loss of these windows will render
18 these rooms without natural light and ventilation
19 essentially turning them into hot storage rooms
20 unfit for living or work. This will adversely
21 affect the individual unit owner's apartments in
22 terms of usefulness and value as well as to the
23 condominium as a whole. Although I understand and
24 accept the right of 688 Broadway's owner to develop
25

1
2 their property it does not seem fair or reasonable
3 to deny the existing owners of the silk building
4 condominiums the basic rights of access to light
5 and ventilation or to suffer the loss of their
6 property value. Although this has been covered but
7 how could the various approvals for development
8 have been granted to the silk building conversion
9 back in 1982 which included the provision for lot
10 line windows for rooms which only have a southern
11 exposure. This was a terrible oversight which has
12 now come back to haunt us. Just to be clear in some
13 of these duplexes you enter the apartment on a
14 floor with a room that regardless of a wall to
15 create a room does not go through to the North side
16 of the building. So even if a wall was not put up
17 to subdivide you cannot get light, you can't access
18 the skylight on a number of these floors and you
19 can't get ventilation. The ownership..

20 [alarm sounds]

21 DANIEL WHITE: ...and repurpose of use of
22 Jones Alley remains an unanswered question the size
23 of the proposed building and its limited high,
24 number of high end apartments seems out of context
25 with the neighborhood. I feel that a reasonable

1
2 compromise would be for a building no longer, no
3 larger than five or six stories to be constructed
4 with tenant access from Broadway which would be
5 keeping in line with what had historically existed.
6 I implore you to consider the rights, quality of
7 life, and the investments of the existing owners of
8 the silk building. Thank you.

9 CHAIRPERSON WEPRIN: Thank you Mr.
10 White.

11 DANIEL WHITE: Thank you for your time..

12 CHAIRPERSON WEPRIN: Let me ask just one
13 quick, couple of quick questions maybe. So I'm, I'm
14 just confused. There was testimony earlier that
15 initially that, when, when the building was
16 converted that it was done with lofts which went
17 north/south throughout the whole building.

18 DANIEL WHITE: The building was
19 commercial through the sixth floor. From seven
20 through 11 or 12 there were duplexes and triplexes
21 made. So you enter on one of two floors, either the
22 eighth floor where you may have a duplex that goes
23 from eight to seven or eight to nine. Or you may
24 have a triplex. From the 11th floor, the same
25

1
2 thing. I live in a duplex. You enter on the 11th
3 floor, go down to the 10th floor.

4 CHAIRPERSON WEPRIN: And then there was
5 a north side separate duplex on the, on the North
6 side?

7 DANIEL WHITE: The building is L shaped
8 so I'm on the inside of the L facing West,
9 overlooking this parking lot.

10 CHAIRPERSON WEPRIN: Okay.

11 DANIEL WHITE: The, the, the apartments
12 that have a north/south...

13 CHAIRPERSON WEPRIN: Right.

14 DANIEL WHITE: ...view, if they enter on
15 the 11th floor that room only exists on the south
16 side of the building. They go up a...

17 CHAIRPERSON WEPRIN: Right.

18 DANIEL WHITE: ...set of stairs to a room
19 that goes from the North through the South side. So
20 if that window gets blocked out they still have the
21 Northern window...

22 CHAIRPERSON WEPRIN: Right.

23 DANIEL WHITE: ...for ventilation and
24 light. Although it's fairly, fairly wide.

2 CHAIRPERSON WEPRIN: Right, I understand
3 that but...

4 DANIEL WHITE: The, the, the floor that
5 only has the one room does not go through to both
6 sides.

7 CHAIRPERSON WEPRIN: Right.

8 DANIEL WHITE: There's no way to provide
9 light to... [crosstalk]

10 CHAIRPERSON WEPRIN: So you have, you do
11 have other windows in your place as opposed to Ms.
12 Motta?

13 DANIEL WHITE: I only, I only have west...

14 CHAIRPERSON WEPRIN: Motta.

15 DANIEL WHITE: ...facing windows so I
16 enter from a hall. I have a room with a west facing
17 window. I do not go through, none of the,
18 apartments on the L, that is on the Lafitte Street
19 side, none of them go through from the West side of
20 the building...

21 CHAIRPERSON WEPRIN: Right.

22 DANIEL WHITE: ...to the East side of the
23 building.

24 CHAIRPERSON WEPRIN: I see.

25

1
2 DANIEL WHITE: There's a slight
3 difference in design on that side of the building.

4 SOPHIA MOTTA: [off mic] Just, just for
5 clarification...

6 CHAIRPERSON WEPRIN: Alright, quickly
7 Ms. Motta. I see, I see the picture that you drew
8 to give me... thank you that's helpful. Thank you.
9 Mr. Greenfield you have any questions for this
10 panel? Alright, we thank you very much. Is anyone
11 else here to testify on this matter? Alright so
12 we're going to close this hearing. We are not
13 voting today as I mentioned. We have a little time.
14 We're going to discuss this with the developer,
15 we're going to discuss it with the community and
16 see where we go from here. So this hearing is
17 closed and the meeting will now be adjourned. Thank
18 you very much. Thank you Mr. Greenfield.

19 [gavel]

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date April 15, 2014