

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON LAND USE

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September 9, 2015  
Start: 11:23 a.m.  
Recess: 5:00 p.m.

HELD AT: Council Chambers - City Hall

B E F O R E: David G. Greenfield  
Chairperson

COUNCIL MEMBERS:

- Vincent J. Gentile
- Annabel Palma
- Maria Del Carmen Arroyo
- Inez E. Dickens
- Daniel R. Garodnick
- Darlene Mealy
- Rosie Mendez
- Ydanis A. Rodriguez
- Peter A. Koo
- Brad S. Lander
- Stephen T. Levin
- Jumaane D. Williams
- Ruben Wills
- Donovan J. Richards
- Inez D. Barron
- Andrew Cohen
- Ben Kallos
- Antonio Reynoso
- Ritchie J. Torres

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

## COUNCIL MEMBERS:

Mark Treyger

Meenakshi Srinivasan  
Chair of Landmarks Preservation Commission

Sarah Carroll  
Executive Director of Landmarks Preservation  
Commission

Mark Silberman  
General Counsel of Landmarks Preservation Commission

David Cohen  
SEIU 32 BJ

John Wund  
NYC Building Trades

Alexandra Hanson  
NYSFAFH

Michael Slattery  
REBNY

Alan Washington  
Downtown Brooklyn Partnership

Denise Katzman

Tara Kelly  
Friends of Upper East Side

Timothy Hartung  
Ennead Architects

Christy MacLear  
Municipal Art Society

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

Simeon Bankoff  
Historic Districts Council

Andrea Goldwyn  
New York Landmarks Conservancy

Joseph Rosenberg  
Director of Catholic Community Relations Council

Eric Palatnik  
Douglaston Historic District

Melissa Chapman  
Senior Vice President for Public Affairs at  
Brooklyn Chamber of Commerce

Mary Ann Rothman  
Executive Director of Council of New York  
Cooperatives and Condominiums

James Rouse  
American Planning Association

Andrew Berman  
Executive Director of Greenwich Village Society  
for Historic Preservation

Kate Wood  
President of Landmarks West

Claudette Brady  
Bedford Stuyvesant Society for Historic  
Preservation

Mitchell Grubler  
Queens Preservation Council

Nolan Myerson  
University Mews 39 East 12<sup>th</sup>

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

Franklin Lowe  
Chelsea NYC

Jacob Morris

Denise Katzman  
Business Manager

Judy Richheimer  
Chelsea Reform Democratic Club

Michelle Birnbaum  
President of Historic Park Avenue

Chenault Spence  
Landmarks Committee Community Board Two  
Manhattan

Kirsten Theodos

Barbara Zay  
Historic Districts Council

Kelly Carroll  
Historic Districts Council

Ivan Mrakovicic  
President of Richmond Hill Historical Society

Ebenezer Smith  
District Manager Community Board 12 Manhattan

Chistabel Gough  
Society for Architecture of the City

Lynn Ellsworth  
Chair of Tribeca Trust

Mark Diller  
Community Board Seven

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

Jeffrey Kroessler  
Preservation Committee of City Club NYC

Harry Schwartz  
Morning Side Heights Historic District Committee

Linda Eskenas  
Richmond Terrace Conservancy

Bruce Rosen

Leslie Doyle  
Save Chelsea

Josette Amato  
West End Preservation Society

Daniel Allen  
President of Historic District Council

Peter Bray  
Brooklyn Heights Association

Thomas Collins  
Committee to Save New York Public Library

David Mulkins

Arlene Simon  
Landmarks West

Michael Henry Adams

Michael White  
Citizens Defending Libraries, Noticing New York

Theodore Grunewald  
Committee to Save New York Public Library

Paul Graziano  
Urban Planner

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

Lo van der Valk  
President of Carnegie Hill Neighbors

Howard Yourow  
Friends of the Hall of Fame for Great Americans  
at Bronx Community College

Hilda Rigier  
President of Victorian Society of New York

Anne McDermott

CHAIRPERSON GREENFIELD: Good morning.

My name is David Greenfield. I'm the Council Member from the 44<sup>th</sup> Councilmatic District in Brooklyn. I'm privileged to serve as the Chair of the Land Use Committee. I want to welcome all of you who have made the trek from across New York City to be with us today. We have a few Land Use items we need to vote on today, and then we'll move onto a discussion of two bills relating to Landmarks reform. I also want to welcome my esteemed colleagues who are members of the Committee, Council Member Garodnick, Council Member Koo, Council Member Richards, Council Member Barron, Council Member Cohen, Council Member Kallos, Council Member Reynoso; we're also joined with three other Council Members, Council Members Chin, Rosenthal and Levine. I'd also like to take this opportunity to thank our Subcommittee Chairs for their hard work, Subcommittee Chair Donovan Richards, Subcommittee Chair Peter Koo and Subcommittee Chair Inez Dickens. Council Members, you will see on the table before you several items relating to the Committee. First is the agenda prepared by the Committee Staff containing those matters which have had a hearing and have been reviewed and fully

1 vetted. Those are the matters on which we will be  
2 acting on today. We'll then move onto a public  
3 hearing on two bills related to landmarks reform.  
4 Those items, Intro 775 and Intro 837, just to be  
5 clear, we'll have a hearing but we will not be voting  
6 on those items today. The following are the five  
7 items that we will be voting on today, including two  
8 new landmarks, LU Number 275, NYPD Evidence Storage  
9 and Central Records, site selection and acquisition  
10 of 93,000 square feet of space at 4312 Second Avenue  
11 in Sunset Park to be used for NYPD evidence and  
12 record storage. This application is in Council Member  
13 Manchaca's district. LU Number 276, District Attorney  
14 of New York Storage Facility, site selection and  
15 acquisition of 92,250 square feet of space also  
16 located at 4312 Second Avenue in Sunset Park to be  
17 used for District of Attorney of New York County  
18 Evidence and Record Storage. LU Number 277, Henry  
19 and Susan McDonald House, proposed landmark  
20 designation of the Henry and Susan McDonald House at  
21 128 Clinton Avenue in Wallabout, a free-standing  
22 Italianate frame house dating to 1853. This  
23 application is Council Member Cumbo's district. LU  
24 Number 278, M.H. Renken Dairy Company and Engine Room  
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1 buildings, proposed landmark designation of M.H.  
2 Renken Dairy Company office building at 582 Myrtle  
3 Avenue and Engine Room building at 580 Myrtle Avenue.  
4 The office building was built in 1932 and the  
5 adjacent engine room building was concurrently  
6 renovated in the same art modern style. Milk  
7 processing ended at the sight in 1959 and both  
8 buildings are now ground floor retail with  
9 residential above. This landmark is also in Council  
10 Member Cumbo's district. Preconsidered LU, a  
11 proposed site selection for a new approximately 616  
12 seat public school facility serving community school  
13 district 13. The school is part of the Pacific Park  
14 Development formerly known as Atlantic Yards. This  
15 application is also in Council Member Cumbo's  
16 districts. Subcommittees have all recommended  
17 approval of these items, as I do as well. Do any  
18 members have any questions or remarks? Okay. Hearing  
19 none, we're going to take a short break to follow the  
20 Council rules which require a quorum before we take a  
21 vote, and we will shortly vote on these applications.  
22 Thank you. Welcome back. We now have a quorum of the  
23 Land Use Committee. Just to remind you folks, we are  
24 going to be voting on LU Number 275, 276, 277, 278,  
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COMMITTEE ON LAND USE

as well as the Preconsidered LU for a school serving  
community school district 13. Once again, I'm asking  
if any members have any questions or remarks.  
Hearing none, I will ask the Clerk to call the roll.

COUNCIL CLERK: William Martin, Committee  
Clerk, Roll Call Vote Committee on Land Use, Chair  
Greenfield?

CHAIRPERSON GREENFIELD: Aye on all.

COUNCIL CLERK: Arroyo?

COUNCIL MEMBER ARROYO: Aye.

COUNCIL CLERK: Dickens?

COUNCIL MEMBER DICKENS: Aye.

COUNCIL CLERK: Garodnick?

COUNCIL MEMBER GARODNICK: Aye.

COUNCIL CLERK: Mealy? Rodriguez?

COUNCIL MEMBER RODRIGUEZ: I vote-- Okay,  
aye.

COUNCIL CLERK: Koo?

COUNCIL MEMBER KOO: Aye on all.

COUNCIL CLERK: Wills?

COUNCIL MEMBER WILLS: Aye.

COUNCIL CLERK: Richards?

COUNCIL MEMBER RICHARDS: Aye.

COUNCIL CLERK: Barron?

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2 COUNCIL MEMBER BARRON: Permission to  
3 explain my vote?

4 CHAIRPERSON GREENFIELD: Council Member  
5 Barron to explain her vote.

6 COUNCIL MEMBER BARRON: Thank you. I  
7 vote aye on all with the exception of 616, which is  
8 the public school facility and that abstention is  
9 because I have no faith that the developer of that  
10 site will proceed in a timely matter for the  
11 completion of the school, and there is at this point  
12 no conditions for the School Construction Authority  
13 to have any type of oversight in the construction of  
14 the school, and I think that that's something that  
15 should be done so that we will have some guarantees  
16 that it will be built to the acceptable standards of  
17 the city. Thank you.

18 COUNCIL CLERK: Cohen?

19 COUNCIL MEMBER COHEN: Aye.

20 COUNCIL CLERK: Kallos?

21 COUNCIL MEMBER KALLOS: Permission to  
22 explain my vote?

23 CHAIRPERSON GREENFIELD: Council Member  
24 Kallos to explain his vote.  
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2 COUNCIL MEMBER KALLOS: This is the  
3 second item coming before Land Use where we've been  
4 asked to vote for something despite not having the  
5 answers to all of our questions and in deference and  
6 in solidarity with the other members who have brought  
7 this up, I'm just asking that should the  
8 administration come before Land Use or Subcommittees  
9 that they come with all the answers that we've asked  
10 before and all the answers we will ask at the  
11 hearing. We're happy to share those questions ahead  
12 of time, but we do need those answers. In the  
13 interest of moving forward, I will vote aye. However,  
14 three strikes and you're out. Thank you.

15 COUNCIL CLERK: Reynoso?

16 COUNCIL MEMBER REYNOSO: I vote aye.

17 COUNCIL CLERK: Mealy?

18 COUNCIL MEMBER MEALY: I vote aye.

19 COUNCIL CLERK: By a vote of 12-- excuse  
20 me. By a vote of 13 in the affirmative, 0 in the  
21 negative and no abstentions all items have been  
22 adopted with the exception of Preconsidered Land Use  
23 item 20165028 SCK has been adopted by a vote of 12 in  
24 the affirmative, 0 in the negative and 1 abstention.

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CHAIRPERSON GREENFIELD: Thank you.

We're going to keep the vote open as is our practice until 12 noon, and we are going to start the public hearing on Intro 775 and Intro 837. Council Member Treyger for a vote? Council Member Treyger votes aye on all. Now we're going to move onto the reason that many of you in audience are gathered here today. We are holding a public hearing on two bills designed to increase transparency and bring good government to the land marking process. The first bill, Intro 775, was introduced by Council Member Koo and myself and would establish a timeline for the designation of landmarks and historic districts. The second bill, Intro 837, was introduced by Council Member Garodnick and would require the Landmarks Preservation Commission to publish information on landmarks and potential landmarks on their website. Intro 775 is common sense good government reform that would add much needed transparency and predictability to the landmark designation process. Under current practice, potential landmarks can be under consideration by LPC indefinitely. In some cases, items have been considered for decades with no decisions made. Folks, if we could just ask for some

1 quiet. If you have a conversation, please take it  
2 outside. I just want you to think about that. By my  
3 account there are 26 items that have been on the LPC  
4 calendar since 1966, 49 years ago. Many of the  
5 people involved in the original discussion of these  
6 proposed landmarks have long moved on from those  
7 neighborhoods or unfortunately have moved on from  
8 this world. Indefinite decision-making process is  
9 unfair to communities and advocates who see clarity  
10 about when a decision will be made about a beloved  
11 building or give home owners clarity about what they  
12 can or cannot do. The timeframes established by  
13 Intro 775 would place a clear and pragmatic time  
14 limit on this process, similar to other cities. The  
15 consideration process would last a maximum of one  
16 year for individual landmarks and two years for the  
17 historic districts. These timeframes are in line  
18 with LPC practice over the last 15 years and are  
19 much, much longer than those of many other cities,  
20 Chicago, Los Angeles, San Francisco, and Miami all  
21 have timeframes of between seven and 90 days between  
22 the public hearing and designation of landmarks. The  
23 Model Historic Preservation Law published by New York  
24 State Historic Preservation Office calls for a 62-day  
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1 time period between hearing and designation. Here in  
2 New York, the Planning Commission and the City  
3 Council, Community Boards, Borough Boards, and  
4 Borough Presidents are all required to make decisions  
5 on equally if not more complicated issues in much  
6 less time. When I first became Chair of this  
7 committee, I asked the previous Chair of the LPC  
8 about items that were calendared and not yet  
9 landmarked to our surprise, several weeks later we  
10 received a list of nearly 100 structures in districts  
11 that have been on the calendar from before 2010 and  
12 in some cases for decades. Our bill would also  
13 require that LPC clear this backlog within 18 months  
14 of the bill going into effect. To LPC's credit,  
15 after we raised the issue, they set out a similar  
16 timeline, so they are well-positioned to meet this  
17 mandate. We have met and heard from a variety of my  
18 colleagues, preservationists, the real estate  
19 industry, community organizations, and home owners in  
20 an effort to find some common ground on these issues,  
21 and we have heard the concerns about the moratorium  
22 and will therefore be revising our legislation to  
23 shorten the moratorium, and we're also looking at a  
24 limited set of exceptions for extensions to timelines  
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1  
2 and waiver of the moratorium such as if the landlord  
3 and LPC both agree. Working with Chair Koo I can  
4 assure you that we will be modifying this bill in  
5 close consultation with the Landmarks Preservation  
6 Commission to improve and make more transparent  
7 landmarks review. Intro 837 is something that  
8 advocates have wanted for a very long time and that  
9 is a database of all items designated or under  
10 consideration that would provide even more  
11 transparency with the public and LPC's dealings.  
12 Finally, some of you have asked that we consider  
13 increasing resources for the LPC. While this is not  
14 a budget hearing, we are certainly committed to  
15 working with all of you and the Chair of LPC to  
16 advocate for more resources in next year's budget  
17 process. I look forward to hearing from all of you,  
18 but before we do, I will turn it over the Chair of  
19 our Landmark's Subcommittee Peter Koo to briefly talk  
20 about Intro 875 and then Council Member Garodnick on  
21 Intro 837. Council Member Koo?

22 COUNCIL MEMBER KOO: Thank you. Thank  
23 you, Chair Greenfield and thanks to all of you who  
24 are here to submit testimony on this very important  
25 issue. I look forward to your input. I know there



1  
2 are many differences of opinion in this room and our  
3 goal as legislators is try to find some common ground  
4 in order to make sure that we make New York City a  
5 little bit better. As Chair of the Landmarks  
6 Subcommittee, I have the honor of working closely on  
7 historic preservation issue and in my time as Chair  
8 in the last 18 months we have helped to protect 1,935  
9 buildings ranging from the Mill's [sic] Hotel in  
10 Midtown to the Stone Avenue Branch of the Public  
11 Library in Brownsville and created or expanded five  
12 historic districts. We are constantly adding to our  
13 extraordinary collection of landmark buildings and  
14 historic districts we have in the city, and I'm very  
15 proud of their work. With everything we have done to  
16 preserve and protect the history, culture and  
17 architecture in our city I think there is one thing  
18 we can all agree on and that is the landmark process  
19 in New York City needs to be reformed. I also  
20 strongly believe that birthdays are great  
21 opportunities to take stock of how well we are doing,  
22 and on this 50<sup>th</sup> birthday of the landmarks law we  
23 have much to celebrate, but we also have some real  
24 hard work to do. How can we continue to make sure  
25 such preservation is consistent with the best

1  
2 practices we have within government today. We can  
3 make the process more predictable and clear for the  
4 average New Yorker. Intro 775, which I'm proud to  
5 co-sponsor with Chair Greenfield, is an attempt to do  
6 those things. Once again, I look forward to hearing  
7 the public testimony on this issue and working  
8 together to create a more predictable and accountable  
9 process. Thank you.

10 CHAIRPERSON GREENFIELD: Thank you Chair  
11 Koo. Council Member Garodnick?

12 COUNCIL MEMBER GARODNICK: Thank you very  
13 much, Mr. Chairman, and I'd like to thank you and of  
14 course also the Manhattan Borough President Gale  
15 Brewer. First, to you for having a hearing on 837 and  
16 also the Borough President for her work on our bill  
17 and on Landmarks reform more generally. As we all  
18 know, our city is home to some of the most  
19 historically significant buildings and areas in the  
20 entire country. Over the past 50 years plus, the  
21 Landmarks Preservation Commission has worked to  
22 determine what should be landmarked and protected  
23 across the city. The work of that agency has  
24 protected many of our city's finest jewels; yet, the  
25 process remains shrouded in mystery and can drag on

1 for countless years. Both bills that we're hearing  
2 today look to reform the landmarks process. While I  
3 recognize that most people are here for the other  
4 bill being heard, Intro 775, I don't see any stickers  
5 or signs, "Yes on 837," but that's okay. I'm pleased  
6 that we're hearing 837 as it is an important bill  
7 that will shed light on this process and the work  
8 that the Landmarks Commission does. It will require  
9 that LPC create a publicly accessible database that  
10 will provide New Yorkers with a central location to  
11 learn what has been designated as a landmark, a  
12 historic district, interior landmark, and scenic  
13 landmarks as well as what is and has been under  
14 consideration. This is an important step to creating  
15 a more transparent landmarks process by removing that  
16 shroud of mystery. Since this bill's introduction we  
17 have done more work including with the Borough  
18 President's office and we are adding several items to  
19 this bill. First, we are going to make it so that  
20 only requests for evaluations by Community Boards are  
21 posted onto the database. These particular requests  
22 represent the culmination of serious thought research  
23 and hard work by the community. We will also require  
24 that the database include permits that are granted by  
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1  
2 the Landmarks Commission such as a certificate of  
3 appropriateness. This will give us insight into  
4 changes that are made to current landmarked buildings  
5 and areas. Finally, the database will include lists  
6 of all requests that have been denied a study.  
7 That's the bill 837. We look forward to hearing from  
8 you. I know you're all here today to speak on that  
9 and I appreciate it. Chair Greenfield, thank you for  
10 putting it on the agenda.

11 CHAIRPERSON GREENFIELD: Thank you very  
12 much. I actually think they just came to see you,  
13 Council Member Garodnick, not so much for the bill.  
14 We're going to call up our first panel which is the  
15 Administration and their representatives, the Chair  
16 of the Landmarks Preservation Commission, Meenakshi  
17 Srinivasan, the Executive Director, Sarah Carroll,  
18 and the General Counsel, Mark Silberman. We're just  
19 going to continue the vote before we start the formal  
20 process of the testimony by the Administration.  
21 Council Member Jumaane Williams?

22 COUNCIL MEMBER WILLIAMS: I vote aye.

23 CHAIRPERSON GREENFIELD: Council Member  
24 Rosie Mendez?

25 COUNCIL MEMBER MENDEZ: Aye.

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2 CHAIRPERSON GREENFIELD: Thank you. As is  
3 our practice in the City Council we ask all those who  
4 are testifying from the Administration to please  
5 raise their right hands. Do you swear or affirm to  
6 say the truth in your testimony before the New York  
7 City Council today?

8 COMMISSIONER SRINIVASAN: Yes, I do.

9 CHAIRPERSON GREENFIELD: Thank you very  
10 much. Chair, you may begin.

11 CHAIR SRINIVASAN: Good morning, Chair  
12 Greenfield, Landmark Subcommittee Chair Koo and  
13 members of the City Council Land Use Committee. I am  
14 Meenakshi Srinivasan, the Chair of the Landmarks  
15 Preservation Commission. I'm here today with Sarah  
16 Carroll, our Executive Director, and Mark Silberman,  
17 our General Counsel. Thank you for giving us the  
18 opportunity to testify on two bills to amend the  
19 landmarks law, Intro 775, which would establish time  
20 periods for the Commission to take actions on items  
21 calendared for potential landmark designation, and  
22 Intro 837, which would require the agency to publish  
23 an online database of all designated items and items  
24 under consideration for designation. I will address  
25 each bill in turn, but first I would like to

1  
2 acknowledge our support for the goals of these bills,  
3 which seek to enhance efficiency, predictability and  
4 transparency in the Commission's processes. These  
5 are admirable and important characteristics of good  
6 government and we embrace them. In fact, we have  
7 implemented several reforms and policy changes to  
8 achieve these objectives. However, it's a threshold  
9 matter, because the bills seeks to regulate and  
10 dictate internal agency processes, we believe that  
11 the goals are best achieved through internal policy  
12 changes and if necessary, agency rule-making. Rule-  
13 making which requires public notice and hearing  
14 allowing stakeholders a voice has traditionally been  
15 the mechanism to regulate agency policies and  
16 procedures is more efficient way to implement binding  
17 requirements and is more agile in responding to  
18 stakeholder needs and changing conditions. In  
19 addition, we believe that both bills as currently  
20 drafted are unworkable and have the potential to  
21 undermine the landmarks law and the agency's ability  
22 to work efficiently. I'd just like to add that we're  
23 gratified to hear that the Council would consider  
24 changes to the bill. However, it's alright. I will  
25 continue with the testimony as drafted for the

1 original bill. With respect to Intro 775, our  
2 greatest concern is the five-year moratorium  
3 provision to re-calendar properties which would  
4 severely compromise the agency's ability to carry out  
5 its mandate to designate historically significant  
6 sites. We are also concerned that there is no  
7 provision to extend the deadlines for designation  
8 under certain circumstances. With respect to Intro  
9 837, we believe the bill is far too broad by treating  
10 properties identified in internal staff surveys or  
11 the subject of a request for evaluation by the public  
12 as considered for designation. Such properties are  
13 not the same as calendared properties that actively  
14 are for consideration for designation. This  
15 treatment in the context of an online database would  
16 potentially be misinterpreted and set unclear  
17 expectations for the public, and the requirement to  
18 create such a database would be expensive and take  
19 away resources from agency mandates, including  
20 ongoing designations and process I think of permit  
21 applications. I'd like to discuss now Intro 775 in  
22 more detail. The Landmarks Preservation Commission's  
23 authority to identify and designate historically,  
24 architecturally and culturally significant sites is  
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1  
2 one of our agency's primary functions and is at the  
3 core of our mission. We believe that establishing  
4 reasonable time frames would assist the agency in  
5 meeting its statutory mandate in a responsible  
6 manner. I want to affirm my commitment as Chair to  
7 advance proposed items through the designation  
8 process efficiently and fairly. Since assuming this  
9 position, I have been issued several reforms. In  
10 fact, every individual landmark that has been  
11 calendared under my tenure has been designated within  
12 a period of two months. Similarly, we designated  
13 Chester Court Historic District in two months, and  
14 the Mount Morris Historic District extension which  
15 was calendared in April is scheduled for a vote in  
16 late September, approximately five months from  
17 calendaring. This commitment applies equally to the  
18 agency's backlog of calendared properties. When I  
19 became Chair, I found that 95 properties had been  
20 calendared for more than five years, 85 percent of  
21 which have been calendared for more than 20 years.  
22 On July 8<sup>th</sup>, the agency released a detailed plan for  
23 addressing the 95 items. In summary, this plan sets  
24 out a process for notification and public input on  
25 the backlog properties and then advances its



1  
2 properties to Commission action within a timeframe of  
3 18 months. While these reforms address past  
4 practices, we understand the need to ensure that such  
5 reforms continue under different administrations and  
6 provide future accountability. However, as I already  
7 sated, we believe the goals of Intro 775 would be  
8 best addressed by the Commission, promulgating rules  
9 to establish time frames. As for the specific  
10 provisions of Intro 775 we have the following  
11 concerns on the details of the proposed legislation.  
12 First, regarding the timeframes from calendaring to  
13 action we believe the one year timeframe is  
14 reasonable for individual interior and scenic  
15 landmarks, but that three years instead of two is  
16 more appropriate for historic districts. Potential  
17 districts vary in size from less than 100 buildings  
18 to more than 1,000 and the extent of research and  
19 public outreach including the need to have multiple  
20 public hearings vary as well. The additional time  
21 will ensure a fair, transparent and if necessary,  
22 iterative process for property owners and other  
23 stakeholders. Furthermore, we believe that the  
24 requirement that a public hearing be held not later  
25 than halfway between calendaring and the action date

1 is overly prescriptive. The Commission determines  
2 the public hearing date based on various factors  
3 including accommodating property owners or a change  
4 of ownership, staff assignments and agency resources  
5 and the Commission schedule. In addition, one of my  
6 reforms with the respect to the designation process  
7 includes and conducting a significant amount of  
8 research prior to a public hearing. This allows for  
9 a potentially briefer time period between the public  
10 hearing and vote. Therefore, while overall  
11 timeframes may be reasonable, we believe the agency  
12 needs to have the flexibility to determine when to  
13 hold a hearing within that timeframe. Second, as  
14 noted earlier, we strongly oppose the five-year  
15 moratorium to reconsider an item for designation. If  
16 the Commission fails to meet the public hearing time  
17 frame or votes not to designate or fails to designate  
18 an item at the end of the timeframe. We believe that  
19 there's no public policy objective served by  
20 curtailing the Commission's ability to rehear an item  
21 that is meritorious and such provision interferes  
22 with our ability to carry out a legal mandate to  
23 protect historically significant sites. There may be  
24 several impediments to designation or lack of action,  
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1 including the need for more research or owner  
2 outreach, significant opposition or lack of political  
3 support, none of which relate to the merits of the  
4 item, and therefore, reconsideration may be warranted  
5 in the near future. Even when the Commission has  
6 voted not to designate, which is a vote on its  
7 merits, the Commission should be able to reconsider  
8 based on new information that was not previously in  
9 the record. Third and finally, we strongly believe  
10 that the legislation should include a provision to  
11 allow the Commission to extend the time frame for  
12 designations under certain conditions including  
13 accommodating an owner's needs. Now, moving to Intro  
14 837. We can concur that information on designated  
15 and calendared properties should be available to the  
16 public. I have introduced several reforms to  
17 increase transparency in all aspects of the agency's  
18 work, including providing a searchable database of  
19 all designated properties, putting designated  
20 properties on City Map, the city's online map portal,  
21 and having links to the Commission's designation  
22 reports. We're also posting all public hearing  
23 permit application presentations as well as the  
24 Commission decisions on these applications. We  
25

1  
2 launched the designation database in September of  
3 2014 and the permit presentations in March of 2015.  
4 We are also providing information on our website  
5 about recently calendared items. We support the goal  
6 of providing more information about properties under  
7 active consideration, but we'd like to clarify that  
8 the Commission formally considers a property for  
9 designation only when it votes to calendar a property  
10 at a public meeting. We believe that adding all  
11 calendared items to an online database of designated  
12 items along with any scheduled hearing or meeting  
13 dates and information on the significance of each  
14 item would enhance the public's knowledge of the  
15 Commission's work and would allow for a more robust  
16 discussion at the designation hearings. Calendared  
17 buildings should be added to the City Map and we're  
18 prepared to do this immediately. However, to be  
19 stressed again that many of these changes are already  
20 in place or are in the works and should not be the  
21 subject of legislation, but instead, can be  
22 accomplished by the agency's commitment to implement  
23 these changes with an agreed upon timeframe with the  
24 City Council. With respects to the specifics of the  
25 bill, we have serious concerns about the scope of

1  
2 properties covered by the definition of items under  
3 consideration for designation. As defined in the  
4 bill, this would include items officially calendared  
5 by the Commission, as well as properties or  
6 neighborhoods surveyed and buildings in districts  
7 from which a member of the public has submitted a  
8 request for an evaluation or an RFE. By treating  
9 surveyed or RFE properties as properties under  
10 consideration for designation, the bill manifests a  
11 misunderstanding of the Commission's process for  
12 identifying proposing items to be considered for  
13 designation. An RFE is a request by the public to  
14 evaluate a building or district to determine  
15 eligibility for possible designation. It is not an  
16 application or the first step in the designation  
17 process. Similarly, surveys are internal, non-final  
18 and non-public research documents and planning tools,  
19 and the agency constantly evaluates, analyzes and  
20 updates these surveys. While both are very effective  
21 tools to assist the commission in identifying  
22 meritorious buildings and districts, they neither  
23 automatically nor directly lead to designations and  
24 therefore should not be characterized as items under  
25 consideration. The process of identifying, analyzing

1 and prioritizing items for consideration is far more  
2 nuanced. To flag these properties on an online  
3 database would not enhance transparency but rather  
4 convey misinformation to the public, set unclear  
5 expectations and result in ambiguity about the  
6 Commission's intentions. It could also unnecessarily  
7 put such buildings at risk. While it doesn't happen  
8 very often, there have been instances in the past  
9 where property known or thought to be under  
10 consideration by the Commission has been modified or  
11 even demolished in an attempt to avoid designation.  
12 Finally, the requirement that the Commission create  
13 and maintain a database of RFE's and agency surveys  
14 and post a significant amount of information  
15 including copies of relevant documents related to  
16 each item would be extremely burdensome. We received  
17 over 2,000 RFE's and survey over 2,000--200 RFE's,  
18 excuse me, and survey over 2,000 properties each  
19 year. We see little justification for expanding  
20 scarce agency resources on compiling, uploading and  
21 maintaining updated information about properties that  
22 are not under active consideration. In conclusion,  
23 we support the underlying goals of Intro 775 and  
24 Intro 837, have been advocates for good government  
25

1  
2 practices and have implemented reforms related to  
3 designation timelines and the backlog as well as  
4 provided information to the public on calendared and  
5 designated properties. While we believe that changes  
6 in these areas are most appropriately accomplished  
7 through the agency rule-making process and in turn  
8 policies, we hope that our serious concerns regarding  
9 the moratorium, the lack of provision for the  
10 Commission's discretion to extend the timeframe for  
11 certain circumstances, under certain circumstances,  
12 and the requirement to maintain a database of items  
13 beyond those that are calendared will be given  
14 consideration and incorporated in any approved  
15 legislation, and we're open to working with the  
16 Council towards this end. Thank you for giving us  
17 the opportunity to testify for you today, and we're  
18 happy to take any questions.

19 CHAIRPERSON GREENFIELD: Thank you, Chair  
20 Srinivasan, and I want to thank you for your  
21 leadership of the Landmarks Preservation Commission.  
22 I know that in fact you do take this very seriously  
23 and you have invested a lot of time and effort to  
24 bring much needed reform and change for the agency,  
25 and we certainly applaud you for that. I'm going to

1 ask a couple of questions. Then I'm going to turn it  
2 over to my colleagues who are sponsoring this  
3 legislation, the prime sponsors, Council Members Koo  
4 and Council Member Garodnick, and then we're going to  
5 open it up for members to ask questions. I just want  
6 to remind folks that we need your help in maintaining  
7 quiet in the Council Chamber out of respect for our  
8 witnesses. We just ask that there be no cheering,  
9 booing or clapping. We want to hear your  
10 perspective. The best way to do that is to sign up.  
11 I just want to let folks know we're going to be  
12 closing the sign-up process at 12:30 p.m. so we have  
13 a better indication of who is testifying today and  
14 that way we can fit everybody in. If you have a  
15 conversation or need to make a phone call, please  
16 step outside. And finally, if you do interrupt the  
17 proceedings, we will ask the Sergeant at Arms to  
18 remove you. I want to first start off with Chair, and  
19 I want to thank you for your testimony, and certainly  
20 I recognize that Chair, no agency likes when the  
21 legislature does their job, which is to actually  
22 write legislation. The challenge that we would have,  
23 and I think you would have to recognize this, is that  
24 to my knowledge, you like every Chair will probably  
25



1 not serve forever. I imagine that at some point you  
2 will leave the LPC, and therefore, we cannot simply  
3 rely on your good graces to get the intended reforms  
4 that we want, and the reason for that is that if you  
5 look at the history, the reality is that for the last  
6 50 years we've had an LPC that has not been following  
7 the rules and regulations and trying to actually get  
8 every item done within an efficient manner. And so  
9 while we certainly respect the interest of the LPC  
10 and we certainly respect the Administration's  
11 position, which I think is a position that they  
12 always take, which is that the Council should not do  
13 its job in legislating. We're just going to have to  
14 reject that particular suggestion out of hand, quite  
15 frankly, simply because unless you have a way of  
16 assuring me that you will be around forever, and  
17 unless you've actually already introduced, which from  
18 what I understand have not been introduced. It's  
19 just not something that we can honestly consider, but  
20 what we can do is certainly take you up on your  
21 suggestions, and I think you'll be pleased to know  
22 that in my opening testimony today we recognized your  
23 two most significant objections, which is the one  
24 item which is the moratorium, which we're looking to  
25

1 shorten the time frame, and the second item which is  
2 exceptions under certain circumstances, and we're  
3 looking to do that as well. But I do want to ask you  
4 a question about the moratoriums. Your position is  
5 that you're completely opposed to moratoriums and  
6 from your perspective they don't--they're not  
7 helpful. Our concern, just to be perfectly frank, is  
8 that after Chair Srinivasan, there might be a new  
9 Chair who has a different view and may not be  
10 reformed minded, and that particular Chair might try  
11 to simply re-calendar items forever. How do we deal  
12 with that very legitimate concern?

14 CHAIR SRINIVASAN: Thank you, Chair  
15 Greenfield, and I understand your concerns regarding  
16 that. But I think to--first of all, I think that if a  
17 building or a district is calendared once these time  
18 frames are instituted, that the agency will in fact  
19 try and meet those deadlines. There may be rare  
20 instances where in fact they do not meet the deadline  
21 and that's when the moratorium or no moratorium would  
22 go into effect. The reasons why they may not meet  
23 the deadline vary, and I think in what we've seen  
24 historically is that if there's lack of support,  
25 particularly political support, and the designation

1 is not successful, it may not move forward. I think  
2 in instances like that, unless circumstances change,  
3 it just would not be prudent on the Commission to  
4 reinvent the wheel and re-calendar the property. So,  
5 I think there are three points I'd like to make. One  
6 is once the timeframes are instituted, the Commission  
7 will in fact be much more rigorous in trying to meet  
8 those deadlines, that's one. The second, that they  
9 will not re-calendar in the instance that it's not  
10 going to be successful in the process, and the third  
11 is that there may be few instances where they cannot  
12 meet that deadline, where it's actually warranted for  
13 them to come back within an earlier timeframe than  
14 the five-year moratorium as currently proposed. And  
15 those are instances where there may be a change of  
16 ownership and therefore a new owner of the property  
17 may have a different position. Council Members may  
18 change. There may be different types of support that  
19 may come out during the process which would all the  
20 political process to have a more favorable outcome.  
21 And finally, there may be additional information  
22 that's available after the sunset period that really  
23 warrants the commission to look at those designations  
24 again. In situations where the timeframe has passed  
25

1  
2 and the Commission hasn't acted, it very often is not  
3 based on the merits of the case, and therefore, we  
4 believe that meritorious buildings under certain  
5 circumstances should be brought again. And but I do  
6 believe that those would be in very, very rare  
7 instances.

8 CHAIRPERSON GREENFIELD: Yeah, so you  
9 know, once again, I believe you and I trust you, I  
10 honestly do, and you've proven yourself as Chair of  
11 not just the Landmarks Preservation Commission, but  
12 also previously under your tenure at BSA which was  
13 highly acclaimed. That if you were the Chair forever  
14 that we could trust that there would not be abuse in  
15 the system, but you know, when you talk about what  
16 the LPC has done in the past, the reality is that  
17 when I asked the previous Chair about items that were  
18 landmarked, in some cases for decades, he wasn't even  
19 aware of those items at the hearing that we held in  
20 this chamber approximately 18 months ago, and it  
21 required for me to ask him for a written letter to  
22 stipulate those items, and only then did we actually  
23 get the full list. So, you know, I apologize if I  
24 don't have complete faith in, to be clear, in your  
25 successors in the future who are to be named later,

1 and that really comes from the history of the agency.  
2 Nothing to do with you personally who I think are  
3 doing a great job, but the history of the agency is  
4 that if there is an excuse to postpone something the  
5 agency will do so, and like I said, we have 26 items  
6 dating back to 1966. That's crazy. Forty-nine years  
7 later we haven't had these items resolved, and to  
8 your credit, you're now working on that as well and  
9 we appreciate that. But you understand our  
10 reluctance to allow a large loophole where the  
11 Commission can simply re-calendar items forever and  
12 we can end up in the same situation, hopefully not us  
13 in 50 years. So now, hopefully our children and  
14 grandchildren will be doing this. But that is really  
15 certainly our concern. But as far as the exceptions,  
16 we've heard you loud and clear, and as I've indicated  
17 in our testimony, we do want to speak to you about  
18 certainly shortening the time period and carving out  
19 exceptions, and I think if we did that that would  
20 address both the issues of change and ownership, and  
21 also in terms of change of political leadership by  
22 shortening the timeframe. I do, I want to turn it  
23 over to Council Member Peter Koo and then we'll turn  
24 it over to Council Member Dan Garodnick.  
25

1  
2 COUNCIL MEMBER KOO: Thank you, Chair  
3 Greenfield. Thank you, Chair Srinivasan, coming here  
4 to testify. I'm curious to know, we have heard that  
5 there are many items that have been languished [sic]  
6 in the Landmark Commission for almost 50 years or 49  
7 years. Can you tell me some of the reasons why the  
8 low [sic] extreme [sic] have been taking? I know  
9 this is not your fault. I mean, how come the previous  
10 chairs, they didn't do anything for 49 years?

11 CHAIR SRINIVASAN: I'm going to--some of  
12 it's going to be speculation, but I think that the  
13 backlog was created for many reasons. One being that  
14 at the time when the law was instituted back in '65,  
15 I believe it sort of put together sort of conditions  
16 for the Commission, which was to calendar a whole  
17 bunch of properties, hold public hearings within six  
18 months and then after that have a period of no  
19 designations for three years, and this was obviously  
20 something that there was a lot of concern and the law  
21 was changed as a result of that. But if you look at  
22 the list of '95 you'll find several properties that  
23 were really put on the list in 1965 and then were not  
24 acted upon. I think it's worthwhile noting that over  
25 time my predecessors and Commissions before me have

1  
2 looked at items on the list and have brought them  
3 back and tried to designate them. So, we've often  
4 gone back, called [sic] the list and find, you know,  
5 looked at properties that should be revisited. I  
6 think possibly the reality is that a Commission would  
7 calendar a property. If it passed through that  
8 Administration a new Chair would be in place, and  
9 sometimes they did not want to question the validity  
10 or the merits of that item, so it was left on hold.  
11 But I think ultimately these were all things I could  
12 only speculate. As you know, my position is very  
13 different, which is that moving forward, we intend to  
14 have no backlog and we hope to address all the back  
15 log items.

16 COUNCIL MEMBER KOO: My second question,  
17 if you may [sic], other major cities they all have  
18 timelines for their landmark commissions, like  
19 Chicago, Miami, San Francisco, LA, and they are  
20 usually--our proposed legislation it has a longer  
21 timeline than theirs. So, why do you find it  
22 difficult for us to do this proposed legislation?

23 CHAIR SRINIVASAN: Alright, I guess there  
24 are two things. One is that yes, I have not had the  
25 benefit of looking at all the different codes amongst

1 municipalities, and if they have timelines, it  
2 probably also related to the entire legislative  
3 package and how things are put on the calendar and  
4 what is required. I think our position is not that  
5 timelines are problematic in and of itself. I  
6 believe that they make sense, and I think one can  
7 find reasonable timelines for the Commission to  
8 follow. I think my point was just that for historic  
9 districts that they vary in size that we should be  
10 given more flexibility. Instead of two years we  
11 should be allowed three years. And our other  
12 position was that of course that we should be  
13 adopting its rules because they're much more flexible  
14 and if these timelines over time are tested and are  
15 not effective, then we have the ability to modify  
16 them internally.

18 CHAIRPERSON GREENFIELD: Thank you. I  
19 would just add actually that compared to other major  
20 cities that do have timelines ours actually would be  
21 the most generous of those timelines. So we  
22 certainly have taken that into consideration. And in  
23 fact, when we look back over the last 15 years, 80  
24 percent of the designations have happened within  
25 those timelines for individual applications and



1 something like 92 percent have happened. Ninety-four  
2 percent actually have happened for historic  
3 districts. And as you pointed out, under your tenure  
4 100 percent of them have happened so far within those  
5 timelines. And certainly timelines are reasonable,  
6 but we hear your request on an extension for the  
7 historic district. I'm going to turn it over to  
8 Council Member Dan Garodnick to focus on his  
9 legislation.  
10

11 COUNCIL MEMBER GARODNICK: Thank you very  
12 much, Mr. Chairman and Madam Chair. Thank you for  
13 your testimony. I'm going to focus on 837 for the  
14 moment since I know that most interest and  
15 attention's going to be on 775. It sounds to me from  
16 your testimony that you do not have any issues with  
17 the idea of the Commission publishing an online  
18 database of items that are designated as landmarks,  
19 historic districts, interior landmarks, or scenic  
20 landmarks. That's okay by you.

21 CHAIR SRINIVASAN: That's fine.

22 COUNCIL MEMBER GARODNICK: Okay.

23 CHAIR SRINIVASAN: Yes, absolutely.

24 COUNCIL MEMBER GARODNICK: So the  
25 questions here is really about the items that are

1  
2 under consideration, as I heard your testimony. As  
3 the bill is drafted, initially drafted, as I noted in  
4 my opening we've made some--

5 CHAIR SRINIVASAN: [interposing] Right.

6 COUNCIL MEMBER GARODNICK: changes. So I  
7 want to just probe with you some of those changes.  
8 One of the elements of consideration that we had  
9 noted initially was a property or neighborhood that  
10 is being surveyed by the Commission. In your  
11 testimony you noted that you were concerned about  
12 that because that's essentially internal work  
13 product, which is not really ready for public  
14 disclosure. We're removing that from the bill. So,  
15 presumably, your objection to that provision will  
16 similarly evaporate. There also is the issue about  
17 items for which the public has requested  
18 consideration, which I think we generally refer to as  
19 the RFE. We have changed that to be a request from  
20 the public to a request from a Community Board with  
21 the notion that Community Boards represent an  
22 established entity for which the Landmarks Commission  
23 would most reasonably be expected to always respond.  
24 Does that change your view on the subject of the RFE  
25 requirement in this bill?

1  
2 CHAIR SRINIVASAN: Well, I just want to  
3 note that we always respond to our RFE's even though  
4 they're not posted on the website, but we make it a  
5 point not respond within 30 days, and if additional  
6 research or consideration needs to be given, then  
7 we'll let them know that it'll take a little longer.  
8 But we, as a rule we do--not as a rule, but as policy  
9 we always respond to RFE's. In terms of limiting  
10 that to Community Boards and their requests and  
11 recognizing that Community Board mean everyone within  
12 the area has collectively decided or agreed to--would  
13 like us to review something. I think that helps a  
14 little bit, but I'd like to just still clarify what  
15 the RFE process is and what it would mean for us to  
16 respond to that and have that online. The RFE  
17 process should really not be conflated with the  
18 designation process and I think we have to make sure  
19 that everyone understands that. It allows the  
20 commission to take a look and see whether it's  
21 eligible for possible designation, and moving from  
22 that status to actually being designated really does  
23 require a lot of research that we do not receive in  
24 the initial request even if we ask for additional  
25 information. So, I think from that perspective, what

1  
2 is understood by the public once you put this kind  
3 information online still could be misinterpreted.  
4 We're talking about very often historic districts  
5 which have, you know, 100 to 300 properties and that  
6 could require the agency allocating resources to do  
7 that. To be able to do that we have to look at it  
8 and sort of the priorities of the agency overall.  
9 So, I think that our position wouldn't really change  
10 from a substantive point of view, but I would say  
11 that having it limited to Community Board is  
12 obviously better than the original.

13 COUNCIL MEMBER GARODNICK: Okay. Well,  
14 thank you. I'll respectfully disagree.

15 CHAIR SRINIVASAN: Okay.

16 COUNCIL MEMBER GARODNICK: I think the  
17 public can handle the information, and I think that  
18 in light of the fact that all we're really asking is  
19 that it be posted that say Community Board Six in  
20 Queens or Community Board Eight in Manhattan or  
21 whatever has made the request. I don't think that  
22 there really is a huge burden on the Commission until  
23 perhaps the next part of the bill in which you say  
24 online what the status of the RFE is, but I don't

25

1  
2 think that the request itself should present any  
3 issues for you all.

4 CHAIR SRINIVASAN: And Council Member, I  
5 think we'd be willing to work with you on that.

6 COUNCIL MEMBER GARODNICK: Okay, good.  
7 And also, I, you know, I do think that it is fair to  
8 suggest that an item is under consideration by the  
9 Landmarks Commission once you have gotten an RFE from  
10 a Community Board. Whether you decide to weigh in on  
11 their--in their favor or not, it's hard to argue that  
12 it is not under consideration by the Landmarks  
13 Commission. In fact, if it is not under  
14 consideration, then we have a whole host of  
15 additional questions about why it is not under  
16 consideration by the Landmarks Commission, but I  
17 think, and as you said, it fairly is described as  
18 Landmarks Commission gets requests, it considers the  
19 request, and it acts in one way or another. Is that  
20 correct?

21 CHAIR SRINIVASAN: Well, it's--you know,  
22 it's interesting. The RFE's are. They are requests,  
23 but they're not applications that have processed. I  
24 think we do respond, but I think even if we determine  
25 that there may be some merit to it, that's one point,

1 and when it gets to the point of being under  
2 consideration by the Commission, which if it comes  
3 before the Commission is a very long gap, and-- or a  
4 short gap or a long gap, but it would depend on  
5 looking at it in the context of overall priorities of  
6 the agency.  
7

8 COUNCIL MEMBER GARODNICK: Right. It  
9 sounds like you are--

10 CHAIR SRINIVASAN: [interposing] I think  
11 we just--

12 COUNCIL MEMBER GARODNICK: [interposing]  
13 You're putting a lot of emphasis on the formal  
14 moniker of under consideration.

15 CHAIR SRINIVASAN: Right.

16 COUNCIL MEMBER GARODNICK: Which I  
17 understand that legally nothing is formally under  
18 consideration by LPC until it is on the calendar.

19 CHAIR SRINIVASAN: Right, exactly.

20 COUNCIL MEMBER GARODNICK: And maybe  
21 that's just a wording issue of the bill as to you're  
22 clearly considering it when you get an RFE, or else  
23 you would have no basis to respond in any direction  
24 within 30 days. But from a legal perspective, what I  
25 hear you saying is that it's not the official

1 consideration, which I think we can all appreciate.

2 Is that fair?

3  
4 CHAIR SRINIVASAN: Well, the Commission  
5 looks at it in the context of whether it meets the  
6 minimum standards under the statute, and you know,  
7 maybe this is sort of a semantic argument, but I  
8 think that I just want you to appreciate that we want  
9 to be careful on this and what we post and what it  
10 implies. So, even if we make a certain level of  
11 determination, it is limited based on the material  
12 that we've been presented. As you know, RFE's are--  
13 they range from a piece of paper to a document and it  
14 almost always requires additional research from the  
15 Commission to make a determination that is something  
16 that we can stand behind. So, I think these are--  
17 determination feels very final and so even in asking  
18 us whether this is under consideration, it's not  
19 under considerations 'til we really start researching  
20 it. So, it's kind of initial sort of gate, I think.

21 COUNCIL MEMBER GARODNICK: It--

22 CHAIR SRINIVASAN: [interposing] And  
23 really--

24 COUNCIL MEMBER GARODNICK: [interposing]  
25 Are you saying that it's the proc--

1  
2 CHAIR SRINIVASAN: [interposing] Let me  
3 just clarify. Also, if in fact we make our first  
4 step determination, then it really becomes a part of  
5 our internal studies and we look at it in the context  
6 of the other, you know, 2,000 properties that we are--  
7 -

8 COUNCIL MEMBER GARODNICK: [interposing]  
9 Right. So it may meet the procedural. It may  
10 satisfy the procedural hurdles of something--

11 CHAIR SRINIVASAN: [interposing] Right.

12 COUNCIL MEMBER GARODNICK: for which LPC  
13 can move forward and yet still not be something that  
14 you want to formally consider namely calendar and  
15 designate. Is that essentially--

16 CHAIR SRINIVASAN: [interposing] That is.

17 COUNCIL MEMBER GARODNICK: Okay. So, my  
18 conclusion is the same here, which is that there's  
19 very little downside to posting the existence of the  
20 request and to have the Landmarks Commission tag it  
21 as something which is understudy. You know, if it's  
22 calendared, it's calendared. You agreed to do that  
23 already, or designated, that is another desig--  
24 another, you know, opportunity for disclosure here.  
25 But again, as you noted in your testimony that is



1 something that LPC has no objection to doing. Okay,  
2 so it sounds to me that we have some semantic  
3 questions, and I think really the hang-up is about  
4 the terminology of "under consideration." You know,  
5 I think that the, you know, as a general appreciation  
6 of that, under consideration means if somebody sends  
7 you an application to look at, you're going to  
8 consider it and respond, but LPC deems under  
9 consideration to mean we have calendared it and we  
10 are into our formal legal process. So, if that's the  
11 way we need to sort out the language here, we will,  
12 because I think that the RFE's are the, you know,  
13 it's the only real point here that remains once we  
14 have removed surveys from the bill. So, we should  
15 talk about that further, and Mr. Chairman, I  
16 appreciate the time.

18 CHAIRPERSON GREENFIELD: Great. Thank  
19 you. And I will just add that certainly I think your  
20 legislation is a common sense reform and when you  
21 really look at it, you know, one of the questions  
22 that I think a lot of the public has is they want to  
23 sort of have an understanding of why LPC considers  
24 certain items and doesn't consider other items and  
25 where are these items being generated from. I think

1 Council Member Garodnick's legislation will help us  
2 answer a lot of those questions and would make the  
3 process more transparent. I have a couple of other  
4 quick questions and then I'm going to turn it over to  
5 some of my colleagues. I'm curious specifically  
6 about the timeframe issue. One of the things that  
7 you mentioned is that we don't want to conflate the  
8 RFE, the Request for Evaluation process with  
9 designation. I think some of the public debate I  
10 think has conflated the two. To be clear, under our  
11 legislation you would have an unlimited amount of  
12 time to engage in the RFE, right? Hopefully, if we  
13 can pass Council Member Garodnick's legislation we  
14 would actually know that the RFE is out there and  
15 you'd have an unlimited amount of time to do that and  
16 then you could bring it for calendaring and  
17 designation. It seems like, I'm just surmising that  
18 you may be doing that already from the very short  
19 timeframes that you're currently getting things done  
20 on an average two months or in some cases five  
21 months. Is that in fact become the practice of what  
22 the LPC is now doing? Which is to take the time in  
23 advance of the calendaring to actually research much  
24 if not all of the issues.

1  
2 CHAIR SRINIVASAN: Absolutely. I think  
3 what we have found that there's real merit to doing  
4 much of the leg work including research and analysis,  
5 outreach both to property owners as well as to  
6 Council Members and Community Boards and other  
7 stakeholders earlier on in the process. I think it  
8 allows us to gauge the success of such a designation,  
9 and those are one of the things that we consider as  
10 we move forward with designation for the Commission.  
11 We also take into consideration levels of threat and  
12 other kinds of conditions that are out there as well  
13 as other agency initiatives.

14 CHAIRPERSON GREENFIELD: Okay. And let's-  
15 -I want to talk about the question in terms of the  
16 timeline for the historic districts. I have a letter  
17 that I'm looking at from a homeowner in Douglaston  
18 who explains--a letter that I actually received  
19 yesterday, who explains that in Douglaston him and  
20 his neighbors have been involved in a seven-year  
21 fight on the Douglaston extension. He says that  
22 Community Board 11 has voted down. Seventy percent  
23 of the homeowners have been opposed to it. I mean,  
24 seven years, and this is something recent. We're not  
25 talking about going back to the 60's over here.

1  
2 Seven years for a homeowner to be in limbo seems like  
3 a really long time, and once again, I'm not taking a  
4 position of the merits of which way it should be  
5 voted upon, but I mean, wouldn't you agree that  
6 that's a very long process for, you know, 17 of these  
7 folks, regular New Yorkers who are now caught up in a  
8 process where they have to hire lawyers and go to  
9 hearings. I mean, that just seems like a really long  
10 time. Would you agree with that? And based on that,  
11 how did you come up with the three years' time period  
12 for designation?

13 CHAIR SRINIVASAN: Alright. Do I think  
14 seven years--I think seven years is a long period.  
15 And I don't know if you're aware that the Douglaston  
16 Historic District extension is a part of the 95  
17 properties in the backlog and obviously we've got a  
18 plan in place to address that. The three-year  
19 periods versus the two-year periods, so we did look  
20 at the last five years, and I believe the average is  
21 approximately 634 days in the last five years, and  
22 that, it is within two years, but I think that one  
23 thing at least for me and for my staff what we feel  
24 is that certain historic districts, especially if  
25 they're larger in size, you may have a public

1 hearing. You may get a lot of mixed testimony which  
2 requires additional research, and sometimes we may  
3 actually have to have another public hearing, and I  
4 think we just want to make sure that we have the  
5 ability that under those circumstances we can have a  
6 more flexible process. So, two years is kind of  
7 cutting it fine. So, it's really to address the fact  
8 that there may be unforeseen circumstances that would  
9 require extending the public hearing period.  
10

11 CHAIRPERSON GREENFIELD: Alright, fair  
12 enough. I'll point out though that on our 15-year  
13 search, 94 percent of historic designations have  
14 happened within two years, but I certainly hear your  
15 point for the exceptional cases to try to give them  
16 some more time. Final question is on resources.  
17 Some of the advocates have said that you need more  
18 resources. I know it's a trick question. I imagine  
19 every agency would like some more resources. I'm  
20 just curious what your thoughts are about that,  
21 bearing in mind obviously that this is not our  
22 finance hearing and we certainly in the spring of the  
23 upcoming year will hold hearings at this committee  
24 and we'll work on that issue as well, but can you  
25 share some of your thoughts on that?

1  
2 CHAIR SRINIVASAN: Alright. We've--we're  
3 trying to be very critical when we're looking at our  
4 resources, and yes, of course, it's always great to  
5 get more people on board, but while we were reviewing  
6 the timelines and the two legislations we looked at  
7 it in the context of what we can achieve right now  
8 with our current resources. So, I think in terms of  
9 775 with the modifications that we have recommended,  
10 if those are taken seriously and incorporated, then I  
11 think we'll be able to be fine. I think we'll be  
12 able to address new designations within that  
13 timeframe. We should be able to address the 95  
14 backlogged items since we set out that timeframe, and  
15 we still will be able to do other priorities within  
16 the same timeframe. In the instance of the other  
17 legislation, 837, I believe that with some of the  
18 changes that they're making or is being considered,  
19 including not uploading all the RFE's, that will  
20 reduce the amount of workload, but I still think in  
21 concept, the RFE's that we have and we have to upload  
22 and maintain and create a database for that would  
23 take additional resources. And I say that because  
24 part of the legislation talks about uploading what is  
25 considered relevant documentations and that varies in

1 size. Sometimes we have volumes of information and  
2 sometimes we have one piece of paper, but it does  
3 require us to continually upload that information.  
4 And so when we're thinking about our IT staff we know  
5 that that would be a burden as is right now.

7 CHAIRPERSON GREENFIELD: Great. So if  
8 you wouldn't mind on the second piece of legislation,  
9 Intro 837, if you think about what you think that  
10 would cost you and if you could just send us a note.  
11 I'm sure that the sponsor of the bill would be happy  
12 to adapt that and work on, as I would support,  
13 funding for any cost, and I would also just encourage  
14 you in general just to think about as the fall season  
15 starts and then we get into the budget season of what  
16 other needs you might have, and we certainly would be  
17 happy to support those needs. With that, we're going  
18 to turn it over to our colleagues. We're going to  
19 have a three minute clock on our colleagues and then  
20 if there's time we're going to do a second round for  
21 those who are interested. I'm going to turn it over  
22 Council Member Ben Kallos for what I'm sure will be  
23 interesting remarks and hopefully some questions as  
24 well.

1  
2 COUNCIL MEMBER KALLOS: Not sure if I can  
3 get to questions in three minutes, but thank you,  
4 Chair Greenfield.

5 CHAIRPERSON GREENFIELD: That's why we  
6 have a round two.

7 COUNCIL MEMBER KALLOS: Thank you, Chair  
8 Greenfield and Chair Koo and fellow committee members  
9 for your commitment to our important responsibility  
10 over land use and preserving our neighborhoods as  
11 well as their landmarks. Thank you to Manhattan  
12 Borough President Gale Brewer for your leadership and  
13 partnership, and unexpected thank you to Landmarks  
14 Preservation Chair, Meenakshi Srinivasan, for your  
15 well-spoken and poignant testimony in opposition to  
16 Introduction 775 with which I fully concur. Most  
17 importantly I want to just thank the 66 preservation  
18 groups including 10 citywide, 26 from Manhattan, 12  
19 from Brooklyn, 11 from Queens, five from Staten  
20 Island, and if you're here in opposition to Intro 775  
21 I just ask at this time that you please stand briefly  
22 in solidarity. It's your hard work, the work of the  
23 community and the people through the landmarks  
24 process enduring like this--  
25



CHAIRPERSON GREENFIELD: [interposing]

Council Member Kallos, is your sitting an indication that you're not in opposition of Intro 775? I just want to be clear the record reflects that. We thank you for your support for the legislation. You can continue your testimony.

COUNCIL MEMBER KALLOS: If I could have that quick time back. Through the landmarks process and hearings like today, the city has been able to preserve that which quintessentially makes New York New York and we're all richer for it, so thank you. Preservation versus development is a decade's old debate in this city, one that engenders passion on both sides. At the extremes we see a dismal picture of a city that trades its rich history and past in favor of communities raised for the parade of super scrapers that would block out the sun in the sky for all but the wealthiest of the wealthy, and yet this dismal future predicted in countless science fiction stories has been invaded by historic landmarks law, a model for our nation for which we celebrated and heralded on its 50<sup>th</sup> anniversary only to seek to undermine it days later. I strongly oppose Introduction 775. As we look to build newer and

1  
2 build more, we must also stay true to the spirit of  
3 the original landmarks law that as our city grows and  
4 changes preserving our most cherished historic places  
5 allows us to approach the future with a rich sense of  
6 the past. Introduction 775 does not solve the problem  
7 it seeks to address. It does not provide a realistic  
8 timeline or any certainty around the landmarks  
9 process. It is presented as a timeline bill. It  
10 would actually undermine the landmarks process with a  
11 broad sweeping moratorium. The legislation proposes  
12 a five-year moratorium on any designation that the  
13 LPC failed to vote on within an arbitrary timeline of  
14 one or two years. Owners in opposition would be  
15 encouraged to run the clock. The moratorium has no  
16 effect on the LPC, and thus, no incentive to follow  
17 the timeline. Instead, the moratorium punishes the  
18 applicants in the communities for inaction by the  
19 LPC. Ultimately, the five-year moratorium represents  
20 a five-year safe haven for unbridled development that  
21 would lay waste to communities leaving a legacy of  
22 super scrapers and big box stores in their wake.  
23 Counterintuitively, the legislation would be stronger  
24 without the moratorium. More to follow on the second  
25 round of questions.

[applause]

CHAIRPERSON GREENFIELD: Thank you.

Folks, folks, while I equally share your enthusiasm for every time Council Member Kallos speaks, unfortunately, here in the Council we have very strict rules for the decorum not to allow for clapping. What you can do is, if you're excited about something we encourage you to do the hand wave. So if you like it, it's quiet. You can do a hand wave. You're more than welcome to do it, preferably with a full hand so those of you who know what I'm referring to. But seriously speaking, we're still going to still stay on the clock and we're going to ask that you please not clap or make noise. That is the rules of the Council, and we're going to turn it over to Council Member Mark Levine.

COUNCIL MEMBER LEVINE: Thank you, Mr.

Chair, and thank you to you and the other sponsors of today's legislation, Council Member Koo and Garodnick for an intent I share which is creating the most transparent, effective and fair landmarks process we possibly can. I do fear that the consequence of this legislation, however, would be the effective reduction in the effectiveness of this critical

1 landmarks law which has served our city so well over  
2 the past 50 years. I fear that otherwise worthy  
3 designations would be killed because the clock simply  
4 ran out, maybe because there were insufficient staff  
5 resources at the Commission, maybe because a  
6 developer was very craft in delaying the process  
7 through whatever means they can. I worry that the  
8 five-year moratorium might in fact block projects  
9 which were rejected on the merits but because of  
10 technical reasons. And the net effect of this  
11 actually somewhat ironically could be a less  
12 transparent and open landmarks process, because today  
13 we know that projects are only accepted or rejected  
14 based on a very public deliberation process in which  
15 all of us have a chance to weigh in, but this bill as  
16 currently written would allow for cases where  
17 designation simply died without that kind of public  
18 review because the clock ran out, and I don't think  
19 that's in anyone interest. I do want to ask a  
20 question, and I want to ask you to elaborate on a  
21 point you made in your statements about the fact that  
22 you oppose a five-year moratorium because in some  
23 cases it was not a judgement on the merits that would  
24 reject a project. It could be lack of information or  
25

1  
2 other issues. Explain what you meant by that if you  
3 could.

4 CHAIR SRINIVASAN: Alright. Sometimes  
5 right now the items that have languished are  
6 meritorious but they haven't been brought to action  
7 because of several factors. So, those include lack  
8 of support from the property owner, potentially lack  
9 of support from the Council Member. And I think the  
10 Commission hesitates from bringing projects or  
11 designations which are not going to be successful all  
12 the way to the City Council. So that's one issue.  
13 So it's not really about the merits of the case. The  
14 other instances where we may not fall within the  
15 timelines if in fact there is a mutual agreement  
16 between the property owner and the Commission that  
17 more time is needed for something that they do, and  
18 so that's a situation where we may not meet the  
19 deadline, but it's not based on merit. And for that  
20 matter, may be successful in the near future. I think  
21 the third point is really in the situation where  
22 there's just additional information that should be  
23 taken to consideration that came after a certain  
24 period. I think some of the things we can think about  
25 is in the cultural significance of buildings or

1  
2 districts and that may be unearthed later and may  
3 change the shape and form and arguments presented for  
4 designation. And so, you know, our position is that  
5 if there are reasons why an item is being taken off  
6 the calendar or has--the time is expired, we should  
7 have the discretion to bring them back if it's based  
8 on merit.

9 COUNCIL MEMBER LEVINE: Thank you very  
10 much.

11 CHAIRPERSON GREENFIELD: Thank you,  
12 Councilman. I want to actually follow up on that  
13 argument that's been made. I just want to get your  
14 opinion on this. Some folks have been saying that  
15 developers have the ability to be able to run the  
16 clock on LPC. I don't really understand that. Do you  
17 understand that? Do you find that developers control  
18 your agenda instead of the Landmarks Preservation  
19 Commission? How does that work exactly?

20 CHAIR SRINIVASAN: I'm not sure exactly  
21 what they mean, but I'm going to just sort of  
22 speculate. There are situations where--you know, our  
23 instinct is obviously to get support from property  
24 owners. We have--if an item is designated we'll have  
25 an ongoing relationship for the rest of our lives.

1  
2 So and we also--that all weighs in the political  
3 process of getting support. So, it's important to  
4 us. I suspect maybe the criticism is that property  
5 owners will sort of keep on asking for delays for  
6 designation so they can run out the clock.

7 CHAIRPERSON GREENFIELD: Sure, but there  
8 are deadlines.

9 CHAIR SRINIVASAN: Right. And I think  
10 ultimately the Commission will have to make that  
11 decision--

12 CHAIRPERSON GREENFIELD: [interposing]  
13 Yeah.

14 CHAIR SRINIVASAN: of whether they're  
15 being stalled or not and whether it's legitimate  
16 stalling. If there are real reasons why the clock  
17 should be extended to accommodate a property owner,  
18 which we have the discretion to do right now. That's  
19 worked well for us because we've been able to get the  
20 building designated. We've got their support and  
21 we've got the council support. So, I'm not sure--

22 CHAIRPERSON GREENFIELD: [interposing]  
23 Absolutely, and I will add that based--

24 [cross-talk]

1  
2 CHAIRPERSON GREENFIELD: on your feedback  
3 and other feedbacks that's why we're going to look at  
4 those exceptions. When there are legitimate  
5 opportunities for landlords to ask to extend the  
6 clock. But I just think it's important for the  
7 record to reflect that, you know, we in the Land Use  
8 Committee have a 50-day clock on a zoning  
9 applications, which include the likes of building sky  
10 scrapers in New York. We've never ever had a  
11 landlord run out the clock on us. It doesn't work  
12 that way because we control the clock, not the  
13 landlords. With that, I will turn it over to Council  
14 Member Williams to followed by Council Member  
15 Rosenthal.

16 COUNCIL MEMBER WILLIAMS: Thank you, Mr.  
17 Chair. Thank you, Madam Chair for the testimony. I'm  
18 very proud to be on Intro 755. I'd like to be added  
19 on to Intro 837, and I'm actually very proud that the  
20 Chair has indicated that he is hearing some of the  
21 critiques and willing to make amendments to the bill,  
22 which I think is very valid. I definitely understand  
23 why we need to have all the land marking advocates in  
24 the LPC. I think it's a good thing. I understand what  
25 happened with Penn Station. We were able to save



1 Grand Central. At some points on this issue I feel  
2 the pendulum sometimes has swung too hard the other  
3 way. I was on the Landmarks Committee for four years  
4 last term, and to me, it was the meaning of Archaean.  
5 It seemed that people just weren't heard and that  
6 went both ways. There were people who really wanted  
7 to have their properties land marked that weren't  
8 heard and there were people who did not want their  
9 properties land marked that weren't heard. And I  
10 just felt that the process was really, really  
11 Archaean. And I'm glad that we're here at this point  
12 because for far too long many of us who are  
13 complaining about that process were just ignored, and  
14 I think people were just going to continue business  
15 as usual. I'm very happy that we have a Chair now who  
16 does want to discuss reform and does want to talk  
17 about this, because the last administration did not.  
18 I do agree with my Chair that we do have to codify  
19 some of these things because someone like you may not  
20 be here the next time, and then we're going to have  
21 to go through this all again. I wish that the turn  
22 out and the interest was here before we had the  
23 legislation so it could have helped introduce it in  
24 the correct form, but nobody was paying attention.  
25

1  
2 Everybody that just wants it just pushes back. We  
3 got to do this the way we're doing it. We have to--  
4 and just everybody gets kind of crazy. But the fact  
5 of the matter is there definitely needs to be reform.  
6 There are people who are waiting far too long on  
7 this. There were owners who had no idea that they  
8 were buying land marked properties and there's people  
9 not getting assistance when they need to make  
10 repairs, and I've seen historic districts where  
11 people were asking just not to be included even on a  
12 corner. Their buildings look nothing the historic  
13 district that they were in and they were still  
14 included. And I didn't understand some of the  
15 reasons of that. And I think we have to pay  
16 attention to owners a little bit more. I understand  
17 the need for land marking. I myself have places in  
18 districts that I'm trying to get land marked. So  
19 that's on the other side, and sometimes we have  
20 difficulty land marking things south of Eastern [sic]  
21 Parkway, but there's a lot of culture there. So, I'm  
22 not going to ask too many questions about these  
23 bills. I'm going to wait to see what we come up with,  
24 but I'm very proud to be on the bill. I'm very proud  
25 that we pushed this conversation this way. My

1  
2 question is about the cultural side of it, and I  
3 thank you for working with my two issues. We are  
4 trying to get land marked some of the--completing the  
5 quilt of Victorian Flatbush. Thank you for that  
6 work. The Jackie Robinson House I think falls under  
7 the cultural, the cultural side. Have there--what  
8 other properties have been land marked that were  
9 culturally significant? I'm still trying to figure  
10 that out because I would really like to see that  
11 property land marked.

12 CHAIR SRINIVASAN: Well most recently we  
13 designated Stonewall Inn, and I think it's the first  
14 time we designated a building purely on its cultural  
15 history, because the building otherwise--it's in a  
16 historic district, but the building otherwise is not  
17 meritorious necessarily from an architectural  
18 standpoint. We have also done--we adopted historic  
19 district in South Village which included areas  
20 including Little Africa. So, that has a cultural  
21 residence to it. We've looked at--yes, so, Charlie  
22 Parker [sic], Louis Armstrong. So there's several  
23 buildings that are homes or areas or places that are  
24 associated with important figures historically in New  
25 York. So, there--we've done a few cultural

1  
2 landmarks. I think the issue for us--right. And as  
3 Sarah's whispering in my ear, we've also looked at  
4 the cultural significance of neighborhoods when we  
5 have adopted historic districts. Does that-- I'm  
6 sorry, does that answer your question?

7 COUNCIL MEMBER WILLIAMS: Thank you very  
8 much. Thank you to the Chair and Council Member Koo  
9 and to the people and the advocacy groups who do the  
10 land marking. I think this is a very important  
11 conversation. I'm glad we're having it, and make no  
12 mistake about it, I don't think we'd be having it  
13 without Intro Number 775. Thank you.

14 CHAIRPERSON GREENFIELD: Thank you,  
15 Council Member Williams. We're going to ask Council  
16 Member Rosenthal to ask some questions followed by  
17 Council Member Reynoso.

18 COUNCIL MEMBER ROSENTHAL: Thank you so  
19 much, Chair Greenfield and Chair Koo. Thank you so  
20 much for holding this hearing. Commissioner and  
21 staff, thank you so much for coming. It's always  
22 great to see you. I actually just want to make a  
23 quick statement that as I've mentioned to the--many  
24 of the groups and the people from my district who  
25 have reached out to me, people from the Upper West

1  
2 Side. You know, I'm not a fan of this bill in the  
3 current form, and I--but I appreciate the intent of  
4 where you're going. And from the experience that  
5 we've had on the Upper West Side, so much of which  
6 has been land marked and is a historic district, is  
7 that, you know, had this bill been in effect, we  
8 would have lost the opportunity to have historic  
9 districts through much of the Upper West Side, and  
10 that would have been a real loss, you know. We would  
11 see--we would--as much as we are concerned about the  
12 lack of neighborhood and the lack--losing our unique  
13 character on the Upper West Side, we--it could have  
14 been much worse had we not done all the historic  
15 districts, especially along West End Avenue all the  
16 way up now to 110<sup>th</sup> Street. Thank goodness. So, for  
17 that reason, you know, I would have a hard time  
18 supporting the bill in the current form. You know, I  
19 would hope that, and we've talked about this before,  
20 but I would hope that there could be a budget  
21 solution for many years. For as long as I was on the  
22 Community Board for 20 years and now in my role in  
23 the council, you know, I've fundamentally believed  
24 that you need more staff. And I know you  
25 successfully got additional, eight additional staff

1  
2 people and that's terrific, but you know, frankly,  
3 Chair Greenfield, for all of the areas that you  
4 oversee, you know, for city planning, here at LPC I  
5 genuinely think more staff is the answer. That we  
6 need to get to more buildings. We need to be doing  
7 more planning. We need to be studying districts more  
8 closely, and we do that with more professionals. So,  
9 that's where I come down. I would hope the  
10 administration would be able to find the resources  
11 for you to have that. So, lastly, I just want to  
12 thank my groups who are here. I know WEPS is here.  
13 Landmark West is here, Neighborhood in the 80's,  
14 someone here from the Community Board, Community  
15 Board Seven. Thank you so much for the advice that  
16 you've been giving me over the last year and a half  
17 and for your interest in being here today. Thank  
18 you.

19 CHAIRPERSON GREENFIELD: Thank you  
20 Council Member Rosenthal. We're now going to ask  
21 Council Member Reynoso to ask some questions followed  
22 by Council Member Cohen.

23 COUNCIL MEMBER REYNOSO: Thank you,  
24 Chair, for the ability to speak and Chair Srinivasan,  
25 thank you so much for being here. I just want to

1  
2 ask, we kind of hinted at reasons why a project might  
3 not move through in a timely fashion, and I just want  
4 to use an example. In my district, Ridgewood, it's a  
5 historic district which I believe is eight different  
6 districts all within, you know, a ten block radius or  
7 whatever. They're very closely tied together. I  
8 think half of them have been passed. The other half  
9 haven't. It's been like 10 years since we've been  
10 trying to push every single portion of the Ridgewood  
11 Historic District. The federal government has  
12 already designated it. So has the state. Everyone  
13 except us. The community has been 100 percent  
14 supportive. There is political will. Everything is  
15 in place for us to just designate these historic  
16 districts, and it seems that we've been taking quite  
17 some time. I was a Chief of Staff to Council Member  
18 Donna Rina [sp?] and was a Ridgewood representative  
19 before that and was working on this for the last  
20 eight years, and it just hasn't happened. And when  
21 everything is in order and everyone supports it and  
22 we have the information we need, the state and the  
23 federal government have designated it, why would in  
24 that case we not move forward in a timely fashion?  
25 What hiccups would be in that situation? What

1  
2 hiccups do you have to not be able to push it in a  
3 timely fashion?

4 CHAIR SRINIVASAN: Thank you, Council  
5 Member Reynoso. When I came on board we did look and  
6 see what were historic districts that were  
7 outstanding, and in the case of Ridgewood there were  
8 several areas and pockets. Some of them have been  
9 done and as you noted some of them have not. So,  
10 there was one historic district which was calendared  
11 and had hearings. It was a very large district. It  
12 was 900 buildings, and as soon as I came on board we  
13 advanced that and we got that adopted. I think a  
14 portion of that is in your district and a portion of  
15 it is in Council Member Crowley's district. So we  
16 did that in December. I think when the Commission  
17 looks at these various promises or studies that we  
18 work with the community we ultimately have to make  
19 some choices in terms of how to prioritize them and  
20 we just want to be fair that we are able to devote  
21 time to all the 59 Council Community Board Districts  
22 and all five boroughs. So, these are hard choices  
23 that we have to make, but I think we try and be fair.  
24 It doesn't--



1  
2 COUNCIL MEMBER REYNOSO: [interposing] So,  
3 I'm sorry. I only have a limited time, I'm sorry.  
4 So you're saying, so fairness, so equity is important  
5 in this. So are you saying that projects, for  
6 example, in Ridgewood, you do one here and then you  
7 would do one in Manhattan and do one in the Bronx.  
8 Are--I just really want to get that answered, because  
9 I feel like things happen in Manhattan a lot quicker  
10 than they do in Ridgewood, Queens or Williamsburg,  
11 Brooklyn, because we also have another project that  
12 the owner is not cooperating and that Landmarks just  
13 doesn't want to take action. I want you to just do  
14 it. I just want you to start moving forward with a  
15 lot of these things. We want things land marked, and  
16 I guess there's a lot of reasons why you don't want  
17 to land mark them or you want to make sure everyone's  
18 on board, but in Ridgewood they are on board and  
19 Williamsburg they're not on board, but we don't get  
20 any of them done. And I want to give you the  
21 authority and the autonomy to do it as you see fit  
22 and not have to legislate it, but and when we see  
23 things like that in our local communities, you know,  
24 there's like a situation that we feel like we need to  
25 take action. While I dis--while I don't think the

1  
2 moratorium makes--is an appropriate thing to do, I do  
3 like everything else that we're looking at this piece  
4 of legislation, which I think you agree with. You  
5 seem to--you don't want to codify it, but you agree  
6 with half of the bill and then the moratorium is  
7 where you don't. But you're saying equity plays a  
8 role in how fast things get designated. I can't get  
9 my whole district designated if everyone agrees?

10 CHAIR SRINIVASAN: We do take into  
11 consideration equity in terms of how we allocate  
12 resources in different communities, and our intent is  
13 not to put all our resources to its one community  
14 versus others, and we do look at where we have in  
15 fact put our resources. In Ridgewood, which is sort  
16 of a large area and it covers portions of Queens,  
17 Brooklyn, we have in fact designated three historic  
18 districts. That doesn't mean that we shouldn't go  
19 back and look at it, but there are other  
20 neighborhoods where there have been no historic  
21 districts, and so we have to take that into  
22 consideration. So, but I would say that we intend to  
23 make our designation process obviously more  
24 efficient, and that may in the long run be able to  
25 allow us to get to places sooner and quicker.

1  
2 CHAIRPERSON GREENFIELD: Thank you,  
3 Council Member Reynoso. Council Member Cohen to be  
4 followed by Council Member Chin.

5 COUNCIL MEMBER COHEN: Thank you, Chair  
6 Greenfield. Thank you for your testimony. I'm a  
7 little bit of a loss, I guess. I just don't really  
8 understand like, how can something be on the calendar  
9 for four year--what are you doing and why isn't this  
10 room filled with people here with pitchforks and  
11 complaining that you're keeping on the calendar all  
12 this time. Like, something doesn't make sense here.  
13 In fact, as Council Member Kallos even demonstrated,  
14 most people think--don't want to change the process.  
15 So something is--there's some kind of disconnect I  
16 don't understand here. I mean, are people suing you?  
17 Are people bringing Article 78's to get you to hear  
18 their--whether their property should be designated or  
19 not? What is going on?

20 CHAIRPERSON GREENFIELD: Council Member  
21 Cohen, some of those people are dead for 49 years.  
22 But yes, please, Chair?

23 COUNCIL MEMBER KALLOS: I think she can  
24 handle it, David.

1  
2 CHAIR SRINIVASAN: Right. The only thing  
3 I would say is that--or one of the things I would say  
4 is that the implications of calendaring meant  
5 something very different long ago. So, when it first  
6 instituted in 1965 it was merely a list and a list  
7 that wasn't acted upon a public hearing may or may  
8 have not been held, but that was it. In the 80's  
9 there was a policy initiative made by the Landmarks  
10 Commission and the Buildings Department which were  
11 calendared properties. There would be a period  
12 should a building permit be filed where the  
13 Commission would have the ability within 40 days to  
14 look at that and make decisions accordingly. In other  
15 words, if the Commission felt that they needed to  
16 speed up the process they could do that. So that  
17 happened in the late 80's, and that has different  
18 implications on these properties. Subsequently, when  
19 this system was put up they actually identified these  
20 as calendared and have a C on them. So, over time  
21 the implications of this list have changed. I don't  
22 believe anybody's actually threatened us or has tried  
23 to sue us on this. I think that the fact that  
24 there's a backlog merely suggests that there has not  
25 been a lot of focus on trying to advance those

1  
2 properties, and so the Commission over the last  
3 several decades has--they've just been inactive, and  
4 I would only go back to the fact that when I came on  
5 board I did want to address that, and I think we're  
6 trying to address it in the spirit of good  
7 government.

8 COUNCIL MEMBER KALLOS: But if I own  
9 property that is on your calendar and I want to get a  
10 hearing, I mean, do I have to wait 40 years or will  
11 you hear it before then?

12 CHAIR SRINIVASAN: If property owners  
13 reached out to us and said, "Please proceed with this  
14 and move towards designation," I think the Commission  
15 would take that into consideration, and I think  
16 what's happened is that some of these properties,  
17 especially the ones that have been calendared for  
18 decades, there just hasn't been any push for us to do  
19 it either way, take it off the calendar or move to  
20 designation. I'm going to caveat that with the fact  
21 that I'm speculating little bit because I haven't  
22 been here for that long, but I've answered your  
23 question regarding that.

24

25

1  
2 COUNCIL MEMBER KALLOS: Just by in large,  
3 though, you're not aware of people particularly  
4 aggrieved by your calendar process?

5 CHAIR SRINIVASAN: Have people been really  
6 aggrieved? I don't know, it's hard to say.

7 COUNCIL MEMBER KALLOS: Thank you.

8 CHAIRPERSON GREENFIELD: Thank you,  
9 Council Member. Council Member Chin followed by  
10 Council Member Treyger.

11 CHAIRPERSON CHIN: Thank you, Chair, and  
12 Madam Chair, thank you for your testimony. I agree  
13 with your concern about Intro 775, and while I  
14 understand there's a desire for more efficient  
15 landmark designation process, I believe there might  
16 be unintended consequences that would outweigh the  
17 benefit, and that's why I have not signed on to 775.  
18 In my district, I represent lower Manhattan, so I  
19 have a lot of historic district, I have a lot of  
20 historic building, but if 775, if the rules were in  
21 place when the Landmark Preservation was created 50  
22 years ago, Greenwich Village, SoHo, even the  
23 Woolworth Building next door would have been land  
24 marked, because they took a long time to get it  
25 together. They would have surpassed the timeline and

1  
2 got the moratorium and couldn't come back, and who  
3 knows, it would be a whole different neighborhood.  
4 And we all know that land marking is a process that  
5 takes a lot of time and resources, and a lot of time  
6 I think even the land mark preservation, they're very  
7 frustrated and all of us, you know, if we want that  
8 district to landmark and its waiting a long time, we  
9 all get frustrated, but ultimately I think that the  
10 land mark law that's in place for this past 50 years  
11 had done a lot for our city. I mean, we're able to  
12 preserve all these beautiful historic neighborhoods  
13 throughout the city and especially in lower  
14 Manhattan, and we're still trying to fight to expand  
15 those districts, you know, like Tribeca. Tribeca  
16 would not be what it is now if it wasn't land marked.  
17 Same thing with the Village and the South Village. I  
18 mean, we're fighting to expand it more, so the  
19 moratorium is very disturbing. You know, if the time  
20 clock runs out and then you can't come back for  
21 another five years. So, I cannot support this at  
22 this time, and I hope that we could find some  
23 solution together so that we can continue to preserve  
24 the treasure that we have in our, you know, in our  
25 community. And I think the other part that you

1  
2 mentioned about the cultural aspect, I think that is  
3 critical, because for us, like in my district, the  
4 Low East Side, there are groups that are trying to  
5 put together a Low East Side Historic District and I  
6 also represent China Town, and I was very  
7 disappointed to hear that the buildings in China Town  
8 don't deserve to be land marked. So, we need time to  
9 sort of convince the Commission, but we also need  
10 time to really put ideas together, resources together  
11 to make a case why, you know, China Town should be a  
12 landmarks district, because it is on the National  
13 Registry. So, I think that 775 would not be helpful  
14 at this point, and I think the reform that you have  
15 put in place especially with clearing the backlog  
16 it's a big step forward, and I hope that you will  
17 also push for, you know, the cultural aspect of land  
18 marking to really help us. Thank you.

19 CHAIRPERSON GREENFIELD: Thank you,  
20 Council Member Chin. Council Member Treyger to be  
21 followed by Council Member Torres.

22 COUNCIL MEMBER TREYGER: Thank you, Chair  
23 Greenfield and thank you Chair of the Landmarks for  
24 being here. I want to just kind of harp on the term  
25 of equity. If we look at a map of where you see land



1  
2 mark structures, districts, historic districts you  
3 see the map begins to get more less condensed in my  
4 part of time. I don't see that many things  
5 landmarked in my part of Brooklyn. I think our  
6 offices have been in touch about that. So is one to  
7 assume that there is less history in Southern  
8 Brooklyn? Is one to assume that what occurred in our  
9 neighborhood--remember, I was a history teacher at  
10 one point, and there were quite a number of events in  
11 my part of town. I just want to bring to your  
12 attention the Chair Greenfield mentioned about  
13 there's some items on the calendar that have existed  
14 since 1966, I believe. One of them is in my  
15 district. A property, the Van Sicklen House.

16 CHAIR SRINIVASAN: Yes.

17 COUNCIL MEMBER TREYGER: In Gravesend.

18 CHAIR SRINIVASAN: And we're aware of  
19 that, yes.

20 COUNCIL MEMBER TREYGER: And that is the  
21 site where the original Lady Moody Home was there as  
22 well. And so, I would argue that there's a lot of  
23 history there and there's a lot of work that our  
24 offices are going to need to follow up on. I think  
25 our offices have also been in touch on the issue of

1  
2 the Coney Island Boardwalk, which is one of the most  
3 iconic structures around the world, not just here in  
4 New York City. So, I just want to say, and I agree  
5 with you, Chair when you said that prior to this  
6 administration there has been very highly problematic  
7 issues of process, resource--and still, a question of  
8 resources and time. But I think that one thing I  
9 think we all can agree in this room, and I think even  
10 the sponsors of the bill and the people in the  
11 audience is that we do need more resources in  
12 Landmarks Preservation Commission. We need--and that  
13 addresses the root of process and the root of the  
14 inequity issues that have existed for far too long,  
15 because I cannot accept that my part of New York that  
16 I represent and I grew up with doesn't have the same  
17 historical significance in other areas, and I can't  
18 accept that the wealth of some has the power to  
19 rewrite history for all. So, I am willing to work  
20 with your office and my colleagues here to make sure  
21 that we get the resources that you need to value the  
22 history of all New Yorkers in this city. Thank you.

23 CHAIRPERSON GREENFIELD: Thank you,  
24 Council Member Treyger. Council Member Torres to be  
25 followed by Council Member Gentile. Council Member

1  
2 Torres has stepped out for a moment, so we are going  
3 to turn to Council Member Dickens who has a statement  
4 that she'd like to make.

5 COUNCIL MEMBER DICKENS: Thank you,  
6 Chairs, and thank you for your testimony and your  
7 time. I'm Council Member Inez Dickens representing  
8 Historic Harlem, a place that holds and is a special  
9 place for a number of people as the center of  
10 creativity, artistry and musical inspiration for the  
11 black culture. Harlem is among the best known places  
12 in the entire world and its significance is great.  
13 This gives me great responsibility. Harlem's history  
14 is second to none and so are the landmarks here  
15 connecting us to a proud past, preservation  
16 attracting investments. Tourism creates big  
17 business. This is why when working with the  
18 Bloomberg Administration to rezone 125<sup>th</sup> Street  
19 seeking to attract development and jobs and renewal,  
20 I insisted that several safeguards be imposed that  
21 include firm height limits on 125th Street. Far more  
22 exacting density limits are mandated adjacent to the  
23 Mount Morris Park Historic District. At this time I  
24 want to acknowledge the former Chair of Landmarks and  
25 probably the first black to hold such a position,

1  
2 approved by Mayor Koch is with us today and that's  
3 Gene Norman [sp?]. Would you please stand, Gene?

4 [applause]

5 COUNCIL MEMBER DICKENS: It's alright,  
6 please, I'm asking the Chair if it's alright. I have  
7 concerns for Intro 775, because had this bill been in  
8 effect when the Mount Morris Park District was being  
9 looked at 41 years ago, there would not know be a  
10 Mount Morris Park Historic District or extension, nor  
11 a Saint Nicholas Historic District, which is home to  
12 the famous Striver's Row where I live. Also, there  
13 would not be a Hamilton Heights or its extension.  
14 Although all these places are highly worthy of  
15 protection, they took longer than two years to go  
16 through the Landmark Designation Process. As a  
17 result, they would have fallen afoul of Intro 775.  
18 However, I must be honest. I was on this bill and I  
19 got off. I agree with the spirit of the bill, but I  
20 feel that the timeframe should be adjusted. The bill  
21 imposes a somewhat unrealistic 18 month timeframe in  
22 which to consider every property on the Landmarks  
23 docket. The proposed timeframes for hearings and  
24 final votes cannot be considered reasonable because a  
25 majority of the Landmarks designating in the district

1  
2 I represent fail to win such protection within the  
3 limited timeframe proposed. I personally own not one  
4 but six Landmarks buildings, and I understand the  
5 struggle and frustration that homeowners face. The  
6 cost, time and process it takes to try and get your  
7 building approved for landmark and renovated are  
8 arduous. In reality I will probably not own a  
9 landmarks building again because of the additional  
10 cost to wait for architects and to get several  
11 Commissioners to make a decision on what type of  
12 window, the type of paint and the color and the  
13 material. I have removed myself from the bill  
14 because of my community, a coalition of numerous  
15 preservation groups, Valerie Jo Bradley and Save  
16 Harlem Now and the Manhattan Borough President Gale  
17 Brewer, but we need to reconsider this legislation.  
18 Amendments, they need to make to this legislation in  
19 order to make it effective and make an impact without  
20 destruction to the Landmarks buildings. Thank you.

21 CHAIRPERSON GREENFIELD: Thank you,  
22 Council Member Dickens, and in fact folks, you cannot  
23 clap, I'm sorry. I'm sorry. Please. In fact, we do  
24 plan on making amendments and we will submit it to  
25 you and we hope you will reconsider your position at

1  
2 that time. Council Member Torres to be followed by  
3 Council Member Gentile.

4 COUNCIL MEMBER TORRES: How are you,  
5 Commissioner?

6 CHAIR SRINIVASAN: Very well, thank you.

7 COUNCIL MEMBER TORRES: I just want to  
8 just get more clarity on your position. I take it  
9 that you support the notion of deadlines but you take  
10 issue with the deadlines provided for on Intro and in  
11 the current into under consideration, is that?

12 CHAIR SRINIVASAN: Yes, I think we  
13 support the idea of timelines for the designation  
14 process, and in general we feel that the one year  
15 period is reasonable and a three year period would be  
16 recommended for historic districts, but we believe  
17 that that should be done through our rule process  
18 versus legislation.

19 COUNCIL MEMBER TORRES: Also even if we  
20 were to revise to better reflect the changes you're  
21 recommending, you would continue opposing it?

22 CHAIR SRINIVASAN: Our preference would  
23 be to do it through our rules, but of course we'd be  
24 willing to work with the Council in improving the  
25 bill.

1  
2 COUNCIL MEMBER TORRES: And do you  
3 believe you're sufficiently resourced to meet the  
4 deadlines provided under the current introduction or?

5 CHAIR SRINIVASAN: As currently without  
6 the changes? I mean our feeling is that if it is as  
7 currently drafted it would be very, very problematic  
8 just in terms of staff resources and other issues  
9 that I have raised before.

10 COUNCIL MEMBER TORRES: There was a New  
11 York Times article indicating that the deadlines  
12 provided in the law, LPC is able to follow 90 percent  
13 of the time. So, that seems to suggest some ability  
14 to adhere to the deadlines. Was that an accurate  
15 statistic or?

16 CHAIR SRINIVASAN: I think the statistic  
17 is probably generally accurate. There have been  
18 instances in the past where they have not been able  
19 to meet the deadlines, but then the deadlines were  
20 not in place at that time, and so I think that's  
21 correct. Alright, but I think there are two other  
22 issues here. One is that the bill also addresses the  
23 backlog, so that's an additional amount of work, but  
24 I think we can sort of work through that,

1  
2 particularly if the moratorium is modified or removed  
3 in some way that would give us more flexibility.

4 COUNCIL MEMBER TORRES: You said  
5 modified, so what kind of modification of the  
6 moratorium would you like to see?

7 CHAIR SRINIVASAN: As we note in our  
8 testimony, we would prefer that it be removed  
9 altogether.

10 COUNCIL MEMBER TORRES: Altogether. Is--  
11 and I'd be curious to hear the rationale for the  
12 moratorium, but I would assume that the reason for  
13 the moratorium is that without one, the deadlines are  
14 self-defeating. Would that be a correct analysis,  
15 or?

16 CHAIR SRINIVASAN: I think that if they're  
17 deadlines that are instituted, the Commission and not  
18 only myself, I think any future Chair would want to  
19 make sure that they meet the deadlines. I think the  
20 moratorium is really--or the elimination of the  
21 moratorium would just provide a safety net for those  
22 few instances where we cannot meet the deadline, but  
23 it's warranted that we should be designating those  
24 properties.



1  
2 COUNCIL MEMBER TORRES: Okay. I see my  
3 time has expired, so.

4 CHAIRPERSON GREENFIELD: Thank you,  
5 Council Member. Council Member Gentile to be  
6 followed by Council Member Mendez.

7 COUNCIL MEMBER GENTILE: Thank you, Mr.  
8 Chairman, and thank you, Commissioner. Commissioner,  
9 if I understand your testimony correctly, the 95  
10 properties that you say have been calendared for five  
11 years or more and some as long as 20 years or more  
12 will be dealt with within an 18 month period based on  
13 the plan that you released on July 8<sup>th</sup>, am I correct  
14 about that?

15 CHAIR SRINIVASAN: That is correct.

16 COUNCIL MEMBER GENTILE: So, if that  
17 being the case, you can accomplish that feat with the  
18 current resources that you have available to you?

19 CHAIR SRINIVASAN: The intent of the plan  
20 that we released would result in a few outcomes.  
21 We're looking at the 95 properties and we're  
22 welcoming testimony over four hearings during the  
23 fall. We anticipate that there may be properties on  
24 that list that do not warrant designation. For  
25 example, we know that one of them has been

1  
2 demolished. There may be some that we may not take  
3 any action on, and then there'll be some that we can  
4 advance towards designation, and we'd like to do and  
5 make these decisions during this 18 month period. I  
6 think that we totally understand that the next year  
7 or the next one and a half years is going to be very-  
8 -it's going to be very active for us, and we're  
9 willing to deploy our resources in the most efficient  
10 manner to try and meet those deadlines.

11 COUNCIL MEMBER GENTILE: So, in the event  
12 you do not get additional resources you can still  
13 accomplish this goal?

14 CHAIR SRINIVASAN: We believe we can, yes.

15 COUNCIL MEMBER GENTILE: Okay. And you  
16 also mentioned, you gave some reasons why you thought  
17 the public hearing being held halfway between the  
18 calendaring that's proposed in this bill is not  
19 feasible. What if there were revision to the bill  
20 that would give you some flexibility recognizing some  
21 of the problems you brought up in that regard?

22 CHAIR SRINIVASAN: I think that will be  
23 very helpful and we would strongly recommend that it  
24 shouldn't be broken up into a six month period for  
25 public hearing and then a six month period for vote,

1  
2 and that the Commission had the discretion to decide  
3 where the public hearing should take place. And I  
4 think one of the things I pointed at in my testimony  
5 was that different Chairs may choose to do their  
6 research and analysis differently. We think the  
7 better way to do it is to do the research before the  
8 public hearing, and as a result of that we're able to  
9 both inform the Commission at the time of public  
10 hearing about our research as well as property owners  
11 so that they can weigh in during the public hearing  
12 process and be more informed, and similarly, that  
13 information could go out to other stakeholders. So,  
14 in that one year period, we may find ourselves  
15 actually having a public hearing in seven months, but  
16 then because the research would have been done ahead  
17 of time; moving to designation could take place very  
18 quickly.

19 COUNCIL MEMBER GENTILE: I see.

20 CHAIR SRINIVASAN: So, that's the reason  
21 why we believe the flexibility allows us to address  
22 different kinds of designations if warranted.

23 COUNCIL MEMBER GENTILE: Okay, thank you.  
24 Thank you, Mr. Chair.

1  
2 CHAIRPERSON GREENFIELD: Thank you,  
3 Council Member Gentile. Council Member Mendez?

4 COUNCIL MEMBER MENDEZ: Thank you, Mr.  
5 Chair, and good afternoon, Chair. Thank you for  
6 being here and answering all our questions. I have a  
7 series of questions that I'll get out first. I'm  
8 glad to hear that you're not in favor of this bill as  
9 written. Neither am I. I just want to say, 1989 I  
10 started working on a land marking when I lived in  
11 Brooklyn of McCarren Park and Pool. I was proud that  
12 in 2007 I got to vote on it, but you know, there's 18  
13 years lapsed and there should be something in between  
14 to get these up for consideration earlier, but I  
15 think this bill is just way too restrictive and  
16 aggressive in taking everything off the calendar.  
17 So, I'll throw all my questions out right now. This  
18 bill contemplates a five-year moratorium after a  
19 designation is voted down by the LPC in order to  
20 protect land owners from harassment. So, has the LPC  
21 ever had an immediate reapplication by a non-owner  
22 after a designation has been voted down?

23 CHAIR SRINIVASAN: Not to my knowledge,  
24 but I'm going to just confer with my staff for a  
25 moment. I think there's one instance where the

1  
2 Commission may have taken that decision and it was  
3 re-calendared, but I'm not sure what the period of  
4 time was between--

5 COUNCIL MEMBER MENDEZ: [interposing]

6 Okay, if--

7 CHAIR SRINIVASAN: earlier decision.

8 COUNCIL MEMBER MENDEZ: If you can go  
9 back and find out for sure and let us know the  
10 details that would be great. When I first joined  
11 this council there was a lot of staff reduction and  
12 the then Subcommittee Chair Jessica Lappin [sp?]  
13 worked really hard on initiative to get more staff  
14 and researchers, and then we got a lot more items  
15 before us for designation. Is there any co-relation  
16 between headcount and any reduction in headcount in  
17 past years with the backlog from years ago?

18 CHAIR SRINIVASAN: If it's okay can I  
19 confer with my staff for a moment?

20 COUNCIL MEMBER MENDEZ: Sure.

21 CHAIR SRINIVASAN: I think at this point  
22 I don't want to sort of venture in analysis. I'll  
23 write [sic] you an answer unless we've done a little  
24 more analysis on that. But I think just one of the  
25 issues about staff resources and general comment,

1  
2 first of all, of course agencies always would like to  
3 get more staff. It allows us to be more efficient,  
4 but I think there are a couple of other issues that  
5 are there including the fact that we have a  
6 Commission that is unpaid and has--in it [sic], we  
7 have about 38 to 40 hearings every year and along  
8 with that, we have a very large permit application  
9 agenda as well. So some of the issues related to  
10 advance and designations don't take into account the  
11 Commission schedule and how much we can sort of  
12 advance given that work load as well.

13 COUNCIL MEMBER MENDEZ: Thank you. Mr.  
14 Chair, can I get once last question out or no?

15 CHAIRPERSON GREENFIELD: No, unfortunately  
16 we have another panel waiting, so--

17 COUNCIL MEMBER MENDEZ: [interposing]  
18 Thank you.

19 CHAIRPERSON GREENFIELD: Thank you very  
20 much. We're actually going to have to limit it to  
21 one round of questions because we have other panels.  
22 We have apartment 100 people who have signed up to  
23 testify, so we want to make sure everyone has the  
24 opportunity. Chair, I want to thank you once again  
25 for your leadership. I want to thank your staff for

1  
2 their hard work for coming out here. Like we said,  
3 we've taken your suggestions seriously, and we  
4 certainly will amend the legislation and we'll work  
5 with you to try to find a middle road that you can  
6 work with and support and we thank you for that and  
7 wish you continued success. We're going to call up  
8 now--

9 CHAIR SRINIVASAN: [interposing] Thank  
10 you.

11 CHAIRPERSON GREENFIELD: the--we're going  
12 to call up now actually the first panel that will be  
13 speaking against the legislation and that's a panel  
14 of elected officials, Manhattan Borough President  
15 Gale Brewer, Assembly Member Deborah Glick and  
16 Assembly Member Jo Anne Simon. While they're coming  
17 up we're actually going to allow for folks who  
18 haven't yet voted on the matters before us today to  
19 vote.

20 COUNCIL CLERK: Council Member--

21 CHAIRPERSON GREENFIELD: [cross-talk] Just  
22 to be clear, we're not voting on the bills that we  
23 are discussing today. We're voting on the previous  
24 items that had already had hearings.

25 COUNCIL CLERK: Council Member Gentile?

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COUNCIL MEMBER GENTILE: I vote aye.

COUNCIL CLERK: Torres?

COUNCIL MEMBER TORRES: I vote aye.

CHAIRPERSON GREENFIELD: Is anyone here from Assembly Member Simon or Glick's office? You can please come on up. Can the clerk give us the updated roll on the matters that we are voting on today?

COUNCIL CLERK: Current vote on all items now stands at 18 in the affirmative, 0 in the negative and no abstentions with the exception of pre-considered Land Use item Number 20165028 SCK is now 17 in the affirmative, 0 in the negative and 1 abstention.

CHAIRPERSON GREENFIELD: Thank you very much. Because we do have a 100 people or so who are signed up we're going to ask those who are giving testimony to try to limit the remarks to two minutes a piece, and we're going to ask Council Members to limit their questioning to two minutes a piece as well. Borough President Gale Brewer, it's always great to see you back here in esteemed chamber as our former Council Member, and we're really thrilled to



1  
2 have you. Thank you so much for joining us today.  
3 Whenever you're ready.

4 GALE BREWER: thank you very much. I am  
5 Gale Brewer, Manhattan Borough President. I want to  
6 thank the opportunity to talk about Intro 775 and 837  
7 and in the Greenfield part of dry sense of humor, I  
8 want to thank you for bringing us all together, Mr.  
9 Chair. Most of you know how important historic  
10 preservation is to me. I represent New York County,  
11 the densest county in the United States and without  
12 the Landmark Law, preserving historic areas of  
13 Manhattan from the Greenwich Village to Harlem and  
14 buildings like Grand Central Station to the  
15 cloisters, this county would like more like an  
16 impenetrable wall of street and glass boxes than the  
17 mix of old and new that makes our borough so special.  
18 So, as you can imagine, I believe that the Landmarks  
19 Law can be improved, but we need to be very careful  
20 that in an effort to make it more efficient we don't  
21 weaken it. Having said that, and as you know, I love  
22 to say that I would land mark everything, I strongly  
23 believe in a balance between development and historic  
24 preservation, and I think you know that we have been  
25 spending, with Council Member Dan Garodnick, and I

1 appreciate his comments earlier, a lot of time on  
2 East Midtown where we've worked with developers and  
3 bids to come up with, I hope, a way of saving the  
4 potential landmarks and working with developers. So,  
5 I'm a proponent of transparent and predictable  
6 government operations. So, I share the goals of the  
7 Chair and Subcommittee Chair Koo on improving  
8 transparency and process at LPC, but reasonable  
9 timelines can and should be a part, yes, of  
10 predictability, but I don't think we should ever  
11 allow a backlog consisting of items up to four  
12 decades old to accumulate on the calendar. In fact,  
13 as Borough President, I have met with both sides of  
14 the issue over a dozen times with discussions going  
15 up to three hours because I believe good government  
16 should be about balancing these interests. There's a  
17 lot of space between an item being calendared for 40  
18 years and a timeframe of 12 to 24 months with a five-  
19 year bar on reconsideration for anything that goes  
20 over this timeframe whether or not a decision was  
21 ever reached on the merits, and those are my  
22 principle concerns with the timelines proposed by  
23 Intro 775. So, I know I'm out of time. I will just  
24 summarize by stating that not dissimilar from what  
25

1 many of the questions that came here before us. We  
2 can all talk about the interest of being efficient,  
3 but we cannot eliminate the LPC's ability to deal  
4 with a more complex or negotiation intensive  
5 applications, historic districts and individual  
6 landmarks. I know that some of the Council Members  
7 from different locations indicated they had a long  
8 time in coming in terms of historic districts, and I  
9 can tell you particularly in communities of color it  
10 takes longer to put that material together. You need  
11 that time. And I really appreciate, and I'm  
12 obviously concern about the Intro 775 aspect that  
13 would require LPC to clear its entire calendar within  
14 18 months. That was brought up several times and I'm  
15 concerned about the five-year timeframe. I want to  
16 just mention 837, which I am proud to co-sponsor with  
17 Council Member Dan Garodnick, and I appreciate the  
18 fact that he mentioned some changes that I fully  
19 support and we look forward to working to get those  
20 changes instituted and then have a bill that I hope  
21 people can support. I just want to mention one last  
22 thing which is that an example is what Community  
23 Board Five went through with the Rizzoli Book Store  
24 at 31 West 57<sup>th</sup> Street. There Board Five submitted a  
25

1  
2 request for evaluation many years ago. They waited  
3 seven years for a response only to learn in the press  
4 that their request had been denied. So that helps, I  
5 think, make a case for Intro 837 in particular. I  
6 have much more extensive testimony which has been  
7 submitted.

8 CHAIRPERSON GREENFIELD: Thank you.

9 GALE BREWER: And I look forward to your  
10 input. Thank you very much.

11 CHAIRPERSON GREENFIELD: Thank you  
12 Borough President Gale Brewer. I just want to thank  
13 you for the work that you have done. As you noted,  
14 in fact, we are in fact having testimony today and a  
15 public hearing on Intro 837, which as you noted was a  
16 result of work that you've done with some of the  
17 folks and advocates and we're grateful for that work  
18 and we're happy to be hearing that today. Why don't  
19 we allow the staff member who's here to testify so  
20 that way we can give a moment for the Assembly Member  
21 to gather her testimony in the meanwhile? So, would  
22 you like to just identify yourself and tell us who  
23 you're representing, which I assume is Assembly  
24 Member Glick.

1  
2 MARIAM ABDUL: Yes. Thank you for the  
3 opportunity to testify today. I am here presenting  
4 testimony--I'm sorry? I'm here providing testimony.

5 CHAIRPERSON GREENFIELD: You might want to  
6 just speak up a little bit or bring the mic a little  
7 bit closer, thank you.

8 MARIAM ABDUL: Thank you for the  
9 opportunity to testify today. My name is Mariam  
10 Abdul [sp?] and I'm here to testify on behalf of  
11 Assembly Member Deborah Glick and residents who live  
12 and work in the 66<sup>th</sup> Assembly District, which  
13 includes Tribeca, SoHo, the West Village, and the  
14 East Village who are against the proposed  
15 legislation. While this legislation claims to be  
16 aimed at increasing the efficiency of the Landmarks  
17 Preservation Commission, it would do so at the  
18 expense of the historic preservation of this city.  
19 The Assembly Member urges you not to pass Intro 775.  
20 The Landmark Law was established in 1965 and created  
21 to protect the architectural, cultural and historic  
22 fabric of communities. The passage of Intro 775  
23 would jeopardize these protections moving forward.  
24 While it is a good idea to try to create a more  
25 efficient bureaucratic system at LPC, this is not the

1 way in which it can be accomplished. Instead, this  
2 legislation would aid in the destruction of many  
3 historic buildings in New York City by automatically  
4 disregarding historic sites if rigid arbitrary  
5 timelines are not met. This is of great concern to  
6 all of us who admire the historic and architectural  
7 history of this city. In the Assembly Member's  
8 district alone there are a number of historic  
9 buildings currently being threatened by real estate  
10 developers who want to convert these neighborhoods  
11 and buildings into high-rise luxury towers. If  
12 stalling long enough to surpass a deadline was an  
13 option, the Assembly Member has no doubt that  
14 developers would start to intentionally slow down the  
15 LPC review process in hopes that the application is  
16 dismissed for no valid reason other than a missed  
17 deadline. New Yorkers fought hard against Robert  
18 Moses' efforts to destroy the cultural heritage of  
19 our community and we continue to do so. Not only is  
20 Intro 775 a failed attempt to streamline the landmark  
21 process it would do more damage than is intended. I  
22 urge you not to pass Intro 775. Thank you.  
23  
24  
25

1  
2 CHAIRPERSON GREENFIELD: Thank you very  
3 much for your testimony and thanks for keeping within  
4 our two minute limit. Assembly Member Jo Anne Simon?

5 ASSEMBLY MEMBER SIMON: Thank you. First  
6 I'd like to thank the Land Use Committee Chair, David  
7 Greenfield, and the members of the committee for this  
8 opportunity to testify in connection with Intro 775  
9 which proposes to establish a maximum time period  
10 within which the Landmarks Preservation Commission  
11 may act on any item calendared for consideration. I  
12 also would like to thank Council Member Koo for the  
13 courtesies extended by his office today. Since  
14 January of this year I've been fortunate to represent  
15 the city's first historic district Brooklyn Heights  
16 as well as the historic districts of Boerum Hill,  
17 Carroll Gardens, Cobble Hill, Dumbo, Fulton Ferry  
18 Landing, Park Slope, Vinegar Hill, and a small part  
19 of the Prospect Heights Historic District. And while  
20 our area is certainly blessed there are a fair number  
21 of historic properties that remain endangered. I  
22 agree with many of the points made in the letter of  
23 September 5<sup>th</sup> sent by Manhattan Borough President  
24 Gale Brewer and eight members of the Council, and I  
25 support the stated goals of transparency and

1 predictability in the land marking process. However,  
2 I share the concerns that the proposed bill would not  
3 further these goals, but would instead curtail the  
4 preservation of historic properties and do so in an  
5 inequitable manner. Eliminating the legendary  
6 backlog of applications for historic designation by  
7 capping the timeframe within which a decision must be  
8 made and a five-year ban on reconsideration for any  
9 item on which the Commission is unable to rule within  
10 the proposed deadlines seems contrary to the pursuit  
11 of the twin goals of transparency and predictability.  
12 Rather goals and time table that are demanding yet  
13 sufficiently elastic to accommodate the realities of  
14 historic records research, the involvement of the  
15 public as well as outside architects and engineers  
16 and unexpected circumstances are needed. As a  
17 community leader and preservationist for many years I  
18 know firsthand the frustration of those seeking  
19 designation only to wait for lengthy periods of time  
20 without a decision on the merits. I understand the  
21 Commission's decisions or lack the decisions that can  
22 feel opaque. I just got distracted by that, I  
23 apologize. The proposed bill would not--would fail  
24 to provide the relief that's sought and might  
25



1  
2 exacerbate current problems. The land marking  
3 process is and ought to be labor intensive. The lack  
4 of progress towards eliminating the back log may not  
5 simply be a matter of willful delay, but an  
6 insufficiency of resources with which the Commission  
7 can fairly be expected to make significant process.  
8 Certainly in Boerum Hill where I live it was  
9 neighbors working together as volunteers. They  
10 didn't have money to hire anybody. We know that  
11 story. This is 33 years ago--43 years ago, and it is  
12 a district that wouldn't have been designated if  
13 these types of timeframes were in gear. And I am  
14 urging the Council to either vote this down or make  
15 significant changes so that the public goals for  
16 process and for accuracy in land marking can be  
17 achieved. Thank you.

18 CHAIRPERSON GREENFIELD: Thank you very  
19 much. And in fact, we did say before that we would  
20 be making considerable changes to the legislation and  
21 taking your comments into account. Council Member  
22 Kallos has some questions. Just to remind members  
23 we're all on the two minute clock now.

24 COUNCIL MEMBER KALLOS: Thank you. Just  
25 wanted to ask our Borough President and Assembly

1  
2 Member whether the moratorium would actually  
3 incentivize the LPC to abide by the timeline or what  
4 the moratorium would actually do.

5 GALE BREWER: Well, I mean, I'm obviously  
6 concerned and don't think the moratorium is a good  
7 idea. I can think of some examples. You know, we  
8 just land marked or historic districted [sic], if  
9 that's a term, West End Avenue, the third part of  
10 West End Avenue, and LPC unfortunately did not  
11 include the entire Bloomberg list of buildings. So  
12 there are quite a few buildings that were not  
13 included. So, if there was a five-year, which is what  
14 we are proposing by this bill, then during the next  
15 five years these buildings could turn into glass  
16 steel high rises. So, I think--and what I would like  
17 to see is them being reconsidered in a much more  
18 timely fashion. Historic districts in general, as I  
19 said earlier, take longer in many instances,  
20 particularly in communities of color where there  
21 isn't, as Jo Anne indicated, where there isn't a lot  
22 of support in terms of resources to hire the  
23 architects and the engineers to do the work.

24 COUNCIL MEMBER KALLOS: Council Member  
25 Mendez asked a question about whether or not the

1  
2 moratorium might protect owners from harassment, and  
3 the LPC testified first that they had no such  
4 instances and perhaps just one in their entire 50  
5 year history. Have you ever heard of a landlord  
6 complaining of reapplications and needing protection  
7 for a five-year moratorium from having the community  
8 try to land mark their precious property?

9 GALE BREWER: Well, what I have seen is  
10 situations where--I mean, it's my experience that  
11 most owners, co-op owners, my wonderful friends in  
12 the clergy, nobody wants to be land marked, and so  
13 it's always a challenge. And so I want to have as  
14 little--I want to have the professionals make the  
15 decisions and not the owner and not people who are  
16 not experts in the profession.

17 COUNCIL MEMBER KALLOS: Thank you.

18 CHAIRPERSON GREENFIELD: Council Member  
19 Torres?

20 COUNCIL MEMBER TORRES: How are you,  
21 Madam Borough President? Always a pleasure to see  
22 you.

23 GALE BREWER: It's always nice to see you.

24 COUNCIL MEMBER TORRES: So, I think you  
25 share the goal of the legislation which is to promote

1  
2 greater predictability and government operations, but  
3 you obviously have concerns about the substance. If  
4 Council Member Greenfield and Council Member Koo were  
5 to hand you the piece of legislation and said we want  
6 you to revise it, what kind of revisions would you  
7 suggest?

8 GALE BREWER: I mean, I think that we have  
9 to work with the preservation groups and LPC to come  
10 up with realistic timelines. Obviously five years is  
11 not a good timeline. I can give an example of the  
12 backlog which I shared with the Chair which is that  
13 to the credit of my staff and Land Use and to the LPC  
14 staff, we looked at the 90 items that LPC originally  
15 wanted to cast to the wind and not have any  
16 discussion because they felt they were older, five  
17 years or more, and didn't need to be discussed and  
18 maybe not something that should go on the calendar.  
19 Well, needless to say, everyone here was upset. I  
20 was too, and we sat down with REBNY, with LPC and the  
21 preservation community and we came up with a series  
22 of hearings geographically based so that people can  
23 have a hearing on a theater or historic item or  
24 whatever. There are 90 items and there's a schedule  
25 for hearings. That took 18, 19 months. When we're

1  
2 all done, it'll be that kind of time period. So, you  
3 have to see, and historic districts as I indicated  
4 many of them talk, maybe not Council Member Mendez's  
5 what, I don't know, 25 years or whatever, but  
6 particularly in communities of color they take  
7 longer. On the West Side, West Side was able to hire  
8 Andrew Dolkart [sp?] who did a lot of the West End  
9 evaluation and then LPC did their own on some of the  
10 side streets. It's very time consuming. So, you  
11 need to have deadlines that are realistic that in my  
12 opinion follow a focus on preservation.

13 COUNCIL MEMBER TORRES: And what would be  
14 the right deadline for historic districts and  
15 landmarks?

16 GALE BREWER: Well, I think, I mean  
17 certainly you need more time for historic districts.  
18 You need less times in terms of the five years, and  
19 you have to figure out. I think for historic  
20 districts you need a lot more than two to three  
21 years. So, I'd like to work with the preservation  
22 community to come up with more time frame. It is  
23 very, very time consuming to put these patterns  
24 together. I don't have a problem with timelines, but  
25 they have to be realistic.

1  
2 COUNCIL MEMBER TORRES: Can I ask, LPC  
3 testified earlier that three years was sufficient?

4 CHAIRPERSON GREENFIELD: They testified  
5 three years, and our analysis shows that 94 percent  
6 of all historic districts are in fact completed under  
7 two years.

8 COUNCIL MEMBER TORRES: Okay, but you  
9 disagree with LPC? You think LPC--

10 GALE BREWER: [interposing] Well, I think  
11 three years might be possible. I'd like to have some  
12 input from the preservation community, and I can tell  
13 you that communities of color take longer.

14 COUNCIL MEMBER TORRES: Okay, thank you.

15 CHAIRPERSON GREENFIELD: Okay.

16 ASSEMBLY MEMBER SIMON: If I could add  
17 something? I think that part of the issue that  
18 you're addressing is what's the correct time frame,  
19 but I think that part of our concern is that if the  
20 time frame is too restrictive, i.e., if it's too  
21 strictly construed and there is no wiggle room for to  
22 take care of different circumstances that that would  
23 unfairly prejudice people. It may very well be that  
24 94 percent of the applications are cleared in three  
25 years, and that may be a good goal, but that doesn't

1  
2 mean that if somebody isn't done in three years  
3 because it is a particularly difficult circumstance  
4 or because it's a community that's disadvantaged in  
5 the process that that should be shut down and then  
6 that there should be a moratorium on re-application.  
7 So, I think what we need to do is a better job of  
8 assessing what actually is realistic and work with  
9 the community to boost essentially like a market  
10 assessment of what it is that it means to make an  
11 application and what you need to go through to create  
12 fair timeframes for the evaluation of these  
13 applications.

14 CHAIRPERSON GREENFIELD: We certainly hear  
15 you and we'll take that into consideration. I just  
16 want to point again that our legislation places no  
17 time limit from the time that an application is  
18 received as an RFE until the time the application is  
19 calendared, and a part of the practice of this  
20 Commission is that they're using that time, an  
21 unlimited amount of time, to actually review that.  
22 But I'm glad we share the same goals, and we  
23 certainly--the reason we're having the hearing is  
24 because we wanted this feedback and that's why we're  
25 going to stay here until hear a 100 or so folks who

1  
2 are testifying. Hopefully we'll get that input and  
3 we will make appropriate changes. I want to than all  
4 of you for your service and your leadership and thank  
5 you for coming out here today. We're very grateful  
6 and look forward to seeing you again soon. And Gale,  
7 you don't have to wait for this occasion to come  
8 visit. You're always welcome back here in the New  
9 York City Council.

10 GALE BREWER: I just love being here with  
11 all my friends and you, Chair, thank you very much.

12 CHAIRPERSON GREENFIELD: Absolutely.  
13 Thank you very much.

14 ASSEMBLY MEMBER SIMON: Thank you very  
15 much.

16 [applause]

17 CHAIRPERSON GREENFIELD: Alright, folks,  
18 our next panel is going to be a panel in favor.  
19 We're actually going to ask the Sergeant of Arms to  
20 make the seating arrangements a little bit larger so  
21 that we can seat six people at a time. And our next  
22 panel in favor is David Cohen of 32 BJ, John Wund of  
23 the New York City Buildings Trade, Alexandra Hanson  
24 from NYSFAH, Michael Slattery from REBNY, Alan  
25 Washington from the Downtown Brooklyn Partnership.



1  
2 And Dennis Katzman [sp?], if you could join us as  
3 well. Thank you. If you have written statements  
4 that you have copies of, please give them to the  
5 Sergeant at Arms. We're going to start from left to  
6 right. So, sir, in the pink shirt, if you can tell  
7 us who you are and get us started, we'd appreciate  
8 it. You need to press the small button so that we can  
9 hear you. Thank you.

10 ALAN WASHINGTON: Sure, good afternoon.  
11 Excuse me. Thank you, Mr. Chairman, Council Members,  
12 Committee Members. My name is Alan Washington, and  
13 I'm the Director of Real Estate and Planning at the  
14 Downtown Brooklyn Partnership and on behalf of the  
15 partnership I am here today to voice our support for  
16 Intro 775. As you may know, Downtown Brooklyn  
17 Partnership is a not for profit organization that  
18 serves as the primary champion for downtown Brooklyn  
19 as a business, cultural, education, residential, and  
20 retail destination. As part of the partnership's  
21 diverse activities, we encourage the adaptive re-use  
22 of neighborhood assets that support the overall  
23 growth of downtown Brooklyn. At the same time, we are  
24 equally sensitive to preserving the character of  
25 historic buildings within our neighborhood and making

1  
2 sure growth does not occur at the expense of  
3 neighborhood treasures. As such, efficient review of  
4 landmark application for designation is important to  
5 the balanced approach we strive to achieve in  
6 downtown Brooklyn. The legislation being considered  
7 today is timely, well thought out and logical.  
8 Enacting a series of timelines for the LPC to  
9 designate new landmarks will go a long way to  
10 improving the efficiency of the designation process.  
11 A timeframe for individual landmarks and a longer  
12 timeframe for historic districts that will provide  
13 ample time for LPC review while at the same time  
14 providing property owners with an expected timeline  
15 to better manage their projects is critical.  
16 Moreover, the legislation wisely proposes a  
17 moratorium, the final length to be determined, as  
18 well as an opportunity to address a backlog of  
19 applications. Again, timeframe to be considered. We  
20 believe all these regulations will greatly improve  
21 the efficiency of the designation process and  
22 moreover by implementing a standardized set of  
23 procedures that will apply to future Commissions is  
24 critical for the ongoing continuity and transparency

1  
2 of our city. It is for these reasons that we are  
3 here to support Intro 775.

4 CHAIRPERSON GREENFIELD: Thank you, Alan.  
5 You can just pass over the microphone so the next  
6 individual can testify. Introduce yourself, please.  
7 Thank you.

8 JOHN WUND: Good afternoon. My name John  
9 Wund, and I am speaking on behalf of the Building and  
10 Construction Trades Council of Greater New York, an  
11 organization consisting of local affiliates of 15  
12 national and international unions representing  
13 100,000 working men and women in New York City. I  
14 want to start by thanking the Land Use Committee  
15 Members and Chair, Council Member Greenfield, for  
16 this hearing regarding Intro 775, which would ensure  
17 a more effective Landmarks Preservation Commission.  
18 This legislation would create sensible timelines that  
19 would make sure that the LPC is consistently making  
20 decisions on individual landmarks and historic  
21 districts. In the past 10 years, 90 percent of the  
22 historic district designations were completed in a  
23 time provided under the new guidelines. This bill  
24 would prevent the loss of good jobs lost from the 10  
25 percent falling through the cracks of the Commission

1  
2 and would expect the same level of efficiency it  
3 currently operates under. This legislation would  
4 also prevent the land marking process to be misused  
5 as a way to stop alterations of buildings that aren't  
6 truly landmarks. This prevents minor repairs and  
7 causes costly delays. The BCTC of Greater New York  
8 stands behind this common sense legislation and hope  
9 that the committee and City Council guarantee the  
10 continued productivity of this important Commission.  
11 Thank you.

12 CHAIRPERSON GREENFIELD: Thank you.

13 DAVID COHEN: Good afternoon, Chairman  
14 Greenfield and Committee Members. I'm David Cohen  
15 representing SEIU 32 BJ. SEIU 32 BJ represents  
16 145,000 men and women in 11 states along the east  
17 coast from Boston down to Miami. We have 70,000  
18 members here in New York City and on Long Island.  
19 The members are the backbone of the property  
20 industry, building workers, security officers,  
21 office, school, theater, stadium, and window  
22 cleaners. Our membership is a microcosm of America  
23 hailing from 64 different countries and speaking 28  
24 different languages. 32 BJ supports the efforts of  
25 the property industry to increase employment,

1 economic growth and expansion of affordable housing  
2 in New York City and we also recognize the importance  
3 of safeguarding historic and cultural landmarks  
4 through the Landmarks Preservation Commission. We  
5 support the legislation before the committee as it  
6 provides a common sense approach to ensuring  
7 predictability and timeliness in the land marking  
8 process. By formalizing the current practice, the  
9 legislation will strengthen accountability of the  
10 system without proposing any new or excessive burdens  
11 on the Commission. Including timeframes for public  
12 hearings and designation within, the legislation  
13 gives all parties confidence that administrations  
14 both present and future will act in a timely manner.  
15 The inclusion of a five-year moratorium following a  
16 decision of the Commission to not designate a  
17 property gives building owners a clear window to make  
18 improvements to their properties. We applaud the  
19 current Administration's efforts to significantly  
20 reduce the backlog of calendared properties and are  
21 encouraged to hear that the Commission has a plan to  
22 deal with a major portion of the remaining individual  
23 landmarks during the next 12 to 24 months. In  
24 addition to this, an analysis by the Historic  
25

1  
2 District Council shows that over the last 10 years,  
3 as the Chair said, 90 percent of historic district  
4 designations were completed in two years or less.  
5 This result combined with a proactive approach taken  
6 by the Administration demonstrates that the  
7 timeframes contained in this legislation are  
8 realistic and achievable. Thank you.

9 CHAIRPERSON GREENFIELD: Thank you very  
10 much.

11 MICHAEL SLATTERY: I'm Michael Slattery  
12 representing the Real Estate Board of New York.  
13 We're here to support both Intro 837 and Intro 775.  
14 For the information requested for 837 to be helpful  
15 to all parties, it should be provided in a way that's  
16 useful. Since LPC's research is likely to be  
17 voluminous we should work to find a way to make  
18 compliance workable. Greater transparency will  
19 enhance the performance of LPC for the benefit of all  
20 New Yorkers. Intro 775 is a reasonable bill that  
21 proposes common sense reforms that will standardize  
22 the process and help home and business owners with  
23 improved predictability. We know well about the  
24 problems about the back log calendar and no need to  
25 repeat that here. However, the current LPC

1 Administration has considered and designated  
2 properties at historic district in an expeditious yet  
3 reasonable manner. As examples to Park Avenue and  
4 Chester Court Historic District were designated  
5 within six months of being calendared. Further, 90  
6 percent of the 40 historic districts designations  
7 over the past 10 years have taken a total of two  
8 years or less to complete. This bill would  
9 standardize a timeline of one year for consideration  
10 of individual landmarks and two years on  
11 consideration of historic districts. Given the  
12 restrictions put on properties while they are being  
13 considered for land marking, it is good public policy  
14 to ensure that LPC makes a timely decision whether or  
15 not a property merits permanent protection. Intro  
16 775 would offer some regulatory relief to property  
17 owners whose building the LPC Ops not to designate by  
18 placing a five-year moratorium on reconsideration as  
19 a landmark. This would restore to owners the  
20 opportunity to make decisions about their properties  
21 without the costly delays associated with the  
22 calendared property. The indefinite stay as a  
23 calendared property is unfair to owners and a  
24 reasonable timeline to review is long overdue. Once  
25

1  
2 again, we commend the Administration for its recent  
3 efforts to address chronic issues and improve the  
4 efficiency of the land marking process. Intro 775  
5 and 837 will propose sensible measures that  
6 standardize the process, improve predictability for  
7 owners and ensure LPC's recent efforts will carry on  
8 into the future. Thank you.

9 CHAIRPERSON GREENFIELD: Thank you very  
10 much.

11 ALEXANDRA HANSON: Good afternoon. My  
12 name is Alexandra Hanson. I'm Policy Director for the  
13 New York State Association for Affordable Housing or  
14 NYSAFA. AS the trade association for New York's  
15 affordable housing industry, our 400 members include  
16 developers, lenders, investors, attorneys,  
17 architects, and others active in the financing,  
18 construction and operation of affordable housing. On  
19 behalf of NYSAFA I would like to thank Chair  
20 Greenfield and the Members of the Committee on Land  
21 Use for the opportunity to submit comments today on  
22 Intro 775. NYSAFA supports measures to facilitate  
23 the development and preservation of affordable  
24 housing through smart public investment and planning.  
25 Intro 775 is a sensible reform that will prevent



1 buildings from languishing for years or decades in  
2 the backlog of properties being considered for  
3 landmark status by the Landmarks Preservation  
4 Commission. Intro 775 is necessary because there is  
5 currently no requirement for LPC to review closed  
6 landmarks or districts in a timely manner, and  
7 although LPC has recently been issuing landmarks  
8 decisions more efficiently, they have not always done  
9 so in the past. To minimize their existing backlog,  
10 LPC is already putting a plan in place to deal with  
11 the significant portion of the backlog of proposed  
12 individual landmarks while in analysis by the  
13 Historic Districts Council showed that from 2004 to  
14 2015, 90 percent of historic district designations  
15 were completed within two years or less. This  
16 legislation would simply memorialize LPC's current  
17 practice into law and ensure that future Commissions  
18 are held to today's standards. Land marking serves  
19 as an important function in protecting New York  
20 City's architecturally, historically and culturally  
21 significant buildings and areas. However, analysis  
22 by REBNY has shown that housing production,  
23 particularly affordable housing production is  
24 drastically lower in landmarked areas. It's essential  
25

1  
2 that New York City balance the need to preserve its  
3 culturally and historically significant sites with  
4 the ability to meet the demands of its continued  
5 growth, including the need for affordable housing,  
6 and Intro 755 does just that. The legislation  
7 preserves the ability of LPC to continue to confer  
8 landmark status on buildings and districts that meet  
9 the requirements for landmark designation while also  
10 allowing for properties that do not meet the  
11 threshold to potentially come available for other  
12 uses such as affordable housing for low, moderate and  
13 middle income New Yorkers. To clear rational  
14 timeline outlined in Intro 775 would provide clarity  
15 and predictability for building owners which is  
16 essential for the development process the five-year  
17 moratorium on re-calendaring a property if LPC  
18 chooses not to designation it will also help prevent  
19 landmarks from becoming used as a back door zoning  
20 mechanism to stop otherwise allowable development.  
21 Thank you.

22 CHAIRPERSON GREENFIELD: Thanks very  
23 much.

24 DENISE KATZMAN: Denise Katzman. I'm a  
25 business manager and I support historic preservation.

1  
2 NYC is a worldwide beautiful [sic] icon due to its  
3 historic architecture. Intro 775's 18 month and  
4 five-year timeline is a neglect and an abandonment of  
5 NYC's diverse history. I'm just wondering about the  
6 Council people that support it in its current  
7 incarceration [sic]. Would you do the same to your  
8 loved ones? Because literally it is a death map  
9 [sic].

10 CHAIRPERSON GREENFIELD: Denise, I  
11 apologize. Are you--you're against the bill, is that  
12 correct?

13 DENISE KATZMAN: I'm, yeah, against it in  
14 its current--

15 CHAIRPERSON GREENFIELD: [interposing]  
16 Okay, so you checked off in favor, though, and this  
17 panel's in favor, so we're going to ask you to hold  
18 your testimony for the next panel.

19 DENISE KATZMAN: No, I did--I was asked  
20 to do two separate ones, and then I had one that  
21 included both of them.

22 CHAIRPERSON GREENFIELD: I'm sorry? I  
23 understand that. But our process here, we have folks  
24 who check the box in favor or against--

1  
2 DENISE KATZMAN: [interposing] Well,  
3 alright.

4 CHAIRPERSON GREENFIELD: So, if you don't  
5 mind, we're going to hold your testimony until the  
6 next panel. That way, the Council Members here can  
7 address those who are in favor. Then we'll do those  
8 who are opposed. So, if you don't mind just--you can  
9 stay there, and we'll just get to you in just a few  
10 moments, okay? Thank you very much. Council Member  
11 Kallos to start us off.

12 COUNCIL MEMBER KALLOS: Thank you. Open  
13 question to the panel. Is there any example of a  
14 landlord being harassed by applicants where there  
15 were continued applications over and over again that  
16 necessitates creating a five-year moratorium to  
17 protect the vulnerable landlords form the community  
18 that would seek to create a historic district and  
19 preserve their larger community?

20 MICHAEL SLATTERY: I think that's a  
21 misleading question. The problem is that probably  
22 those properties are never acted on so they're never  
23 de-calendared. So the reason why there are few issues  
24 there is because they just stay on the calendar  
25 forever, so.

1  
2 COUNCIL MEMBER KALLOS: IN a situation  
3 where there's a timeline, do you believe that  
4 landlords require protection once the time is voted  
5 down and the community out there is going to just  
6 keep reapplying, and otherwise--

7 MICHAEL SLATTERY: [interposing] Yes.

8 COUNCIL MEMBER KALLOS: And do you believe  
9 the community has more resources than your landlords  
10 in these situations?

11 MICHAEL SLATTERY: Yes.

12 [laughter]

13 COUNCIL MEMBER KALLOS: So, if you  
14 believe a--

15 MICHAEL SLATTERY: [interposing] If  
16 you're an individual prop--

17 COUNCIL MEMBER KALLOS: [interposing]  
18 group of--

19 MICHAEL SLATTERY: If you own an  
20 individual building and you've got an entire  
21 community against you, I'd say the community is in a  
22 more favorable position in adequate [sic] case.

23 COUNCIL MEMBER KALLOS: And so the  
24 landlord often has a building which means they have  
25 assets.

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MICHAEL SLATTERY: Excuse me?

COUNCIL MEMBER KALLOS: When you're dealing with a landlord that's a person with a building or multiple buildings and they have assets and funding and perhaps support in terms of people who are invested in their properties, is that correct?

MICHAEL SLATTERY: I'm not sure I understand the question.

COUNCIL MEMBER KALLOS: I'm asking whether or not people who own buildings have money.

MICHAEL SLATTERY: Some do, some don't. Some people lose buildings. Some buildings don't make money. It's not uniformly across where everyone makes money in buildings.

COUNCIL MEMBER KALLOS: And so you believe communities acting and volunteering their time have more money ostensibly [sic] to devote to a land marking process than a building does to defend?

MICHAEL SLATTERY: Well, I thought some--

COUNCIL MEMBER KALLOS: [interposing] Do you have historic--can you show me through history, you have an example where the community was so over

1  
2 funded that they were able to overpower a large  
3 corporation owning a piece of land?

4 MICHAEL SLATTERY: The answer is when you  
5 look at the rate of designation in Manhattan, 28  
6 percent, 70 percent in some communities, I'd say the  
7 communities' effectiveness of properties designated  
8 against the will of owners is strong.

9 CHAIRPERSON GREENFIELD: Thank you. I  
10 actually have a follow up question to Council Member  
11 Kallos. I wasn't aware of this. Is it true, panel,  
12 that everybody in real estate is rolling and cash and  
13 makes money? It's a guaranteed way to make a profit  
14 is simply to buy a building. Maybe some of these  
15 folks who have some experience can explain to us how  
16 that works. Maybe, Council Member Kallos, maybe you  
17 and I are in the wrong business. Perhaps we should  
18 go into this guaranteed business where everybody  
19 makes money as a real estate owner. Can you testify  
20 about that, panel, please?

21 MICHAEL SLATTERY: Well, I think, you  
22 know, 2008 and 2009 were good examples where people  
23 didn't make money and clearly not everybody makes  
24 money.

1  
2 CHAIRPERSON GREENFIELD: Did they lose  
3 money pray tell?

4 MICHAEL SLATTERY: I think they did.

5 CHAIRPERSON GREENFIELD: They did.

6 MICHAEL SLATTERY: But that's not  
7 something that you want to go talking about.

8 CHAIRPERSON GREENFIELD: Got it. We  
9 don't want to advertise that. Council Member Torres?

10 COUNCIL MEMBER TORRES: Thank you  
11 everyone for testifying. So, I think we all agree  
12 that part of what it means to professionalize and  
13 modernize government is to have predictability in  
14 government operations, right? And I suspect NYSAFA,  
15 REBNY, the Building Trades, you have familiarity with  
16 the Land Use processes of the city. Do you know of  
17 and land use process apart from land marking that has  
18 no deadline, no standards, no predictability?

19 MICHAEL SLATTERY: Not that I'm aware of.

20 COUNCIL MEMBER TORRES: Right. So what  
21 we're looking to do is simply have uniform  
22 predictability across land use process.

23 MICHAEL SLATTERY: I think we need to  
24 focus on a little bit about what has been raised here  
25 and that is that before an item is calendared there's



1  
2 a long gestation period. Sometimes that period is  
3 longer than others. Again, depending upon the  
4 community's capacity to do the work timely, to be  
5 able to fund additional work. So, generally those  
6 items shouldn't be brought to be calendared for  
7 consideration until they are really prepared to go.  
8 And so putting a timeline on it at that point where  
9 you believe there's sufficient evidence to act and to  
10 make a decision, putting a timeline in is reasonable.

11 COUNCIL MEMBER TORRES: And there's a  
12 debate around the effect on affordable housing. So,  
13 I think the preservationist community would argue  
14 that the process as it is is preservative of  
15 affordability. NYSAFA seems to think otherwi--I  
16 mean, what is your thoughts on the relations between  
17 the status quo and affordability?

18 ALEXANDRA HANSON: Well, I mean, I think  
19 certainly the numbers in the REBNY report in regards  
20 to the number of units that were developed in land  
21 marked districts really speaks to the fact that it's  
22 very, very difficult to develop affordable housing in  
23 these areas. You know, I think, you know, and  
24 certainly again this is really about providing  
25 predictability to the process and about coming up

1  
2 with a timeline so that people are actually able to  
3 sort of understand what they're facing in terms of  
4 development.

5 COUNCIL MEMBER TORRES: I don't know if  
6 you have the data, but what's the median income in  
7 these neighborhoods? I'm just curious what's the  
8 demographics, the median income?

9 MICHAEL SLATTERY: I think what we have  
10 looked at is that it appears as if the median incomes  
11 in historic district neighborhoods are higher than  
12 the surrounding neighborhoods or in the boroughs in  
13 general.

14 COUNCIL MEMBER TORRES: So you can ensure  
15 that no very low income or extreme low income units  
16 are actually being built in these neighborhoods?

17 MICHAEL SLATTERY: No, I think what our  
18 report was suggesting was looking at the level of  
19 production over a 10 year period and trying to  
20 highlight that, where the affordable housing is being  
21 built and where it wasn't being built, and it really  
22 wasn't being built in historic districts.

23 ALEXANDRA HANSON: And to just sort of  
24 give some numbers on that, between 2003 and 2012 over  
25 200,000 units, residential units were produced in the

1 city, 17 percent of which were affordable. However,  
2 in land marked districts there were only 100  
3 affordable units. So, I think, again, that goes to  
4 show the difficulty and those were both on city  
5 sponsored land. So, land that the city already had.  
6 You know, it really speaks to the difficulty of  
7 developing affordable housing in these areas.

8  
9 COUNCIL MEMBER TORRES: Can I? I know my  
10 time is expired. Can I just--

11 CHAIRPERSON GREENFIELD: One final  
12 question.

13 COUNCIL MEMBER TORRES: One final  
14 question. Because I want--if you have a higher income  
15 neighborhood where it's hard to build affordable  
16 housing for the poorest New Yorkers, the status quo  
17 pretty much ensures that if you're a poor New Yorker,  
18 you're never going to really have a chance to live in  
19 that neighborhood?

20 ALEXANDRA HANSON: Yeah, it certainly  
21 makes it much, much more difficult.

22 COUNCIL MEMBER TORRES: Okay.

23 CHAIRPERSON GREENFIELD: I just have one  
24 follow-up question regarding something that Council  
25 Member Kallos said as well. Do you-- you know, it

1 was already pointed out. It was already pointed out  
2 that we would essentially be creating a new process  
3 with deadlines and so you can't compare that process  
4 to the old process where there were no deadlines, so  
5 there was no need to recalendar an item when your  
6 calendar an item forever. I'm just curious what you  
7 think. You think it's fair that after the Commission  
8 makes a decision to immediately recalendar an item  
9 after a decision was already made? And I'll open  
10 this up to the panel for whoever wants to answer that  
11 question.  
12

13 MICHAEL SLATTERY: No, I think if there's  
14 a decision made and the decision is unfavorable there  
15 seems to be no reason to bring that back unless  
16 there's some unique circumstances that may not have  
17 been made aware of at the time of the action.

18 CHAIRPERSON GREENFIELD: Council Member  
19 Kallos has a follow-up question.

20 COUNCIL MEMBER KALLOS: I just want to  
21 follow up on that question Council Member Torres  
22 asked. In your response you cited new construction.  
23 Do you have any numbers on the amount of affordable  
24 housing that is in the Landmarks buildings or  
25 Landmarks districts that is being preserved by these

1  
2 historic districts that are rent stabilized or rent  
3 regulated that would otherwise be vacated and then  
4 replaced with luxury development?

5           MICHAEL SLATTERY: The answer to that  
6 question is we actually do have some recent  
7 information from a study regarding rent regulations  
8 and we're not prepared to release it, but I say to  
9 you that it's not favorable to your question.

10           CHAIRPERSON GREENFIELD: Council Member  
11 Torres would like make a statement was well.

12           COUNCIL MEMBER TORRES: Yeah, I would say  
13 I hear your point, right, but if you have a community  
14 where you cannot build affordable housing or  
15 extremely low income or very low income New Yorkers,  
16 it's much harder to do under the status quo than it  
17 would be under a more flexible process. So, your--  
18 that's all I would say.

19           CHAIRPERSON GREENFIELD: I have one final  
20 question just to wrap this all up. All of you here  
21 work in the real estate industry in one fashion or  
22 another. Are you aware of any other government  
23 agency that is entitled 49 years to make a decision  
24 on any application? Just think, I mean, literally  
25 anything that you can think of. Is there another

1  
2 government agency that gets 49 years, an indefinite  
3 amount of time to make a decision on any government  
4 action? Anyone?

5 JOHN WUND: Not that I know of.

6 DAVID COHEN: I do not.

7 ALEXANDRA HANSON: No.

8 ALAN WASHINGTON: No.

9 CHAIRPERSON GREENFIELD: I want to thank  
10 this panel for your testimony. We're actually--we're  
11 going to call up the next panel in two minutes, which  
12 is a panel against. I don't want to miss their  
13 testimony, and like you I need to stretch my legs.  
14 So we're going to take a two minute break, and then  
15 we are going to reconvene in two minutes with a panel  
16 against and we're going to continue this hearing.  
17 Thank you.

18 [break]

19 UNIDENTIFIED: Your attention please, can  
20 everyone begin finding seats again? Once again, if  
21 you could please find seats. We will be resuming  
22 momentarily. So once again, please find a seat.  
23 Find a seat. Quiet, please.

24 CHAIRPERSON GREENFIELD: Thank you,  
25 folks. We're going to continue the public hearing on

1  
2 Introduction 775 and 837. We're going to call up the  
3 following people to testify. Denise, you're welcome  
4 back up. Tara Kelly, Friends of the Upper East Side  
5 Historic District, Tim Hartung from Ennead  
6 Architects, David Burney from the American Institute  
7 of Architects, Charles Platt from the Municipal Art  
8 Society, Simeon Bankoff from the Historic Districts  
9 Council, and Andrea Goldwyn from the New York  
10 Landmarks Conservancy. If you have written testimony  
11 that you'd like to distribute to the Council Members,  
12 if you can please give it to the Sergeant of Arms who  
13 would then be happy to distribute it to us. Thank  
14 you. Okay, just for clarity sake, the folks from  
15 MAS, would all of you like to testify together or is  
16 it just one person testifying? Okay, just wanted to  
17 clarify that. Thank you very much. Whenever you're  
18 ready you may begin. I think you might need that  
19 microphone to help amplify your voice. Thank you  
20 very much.

21 CHRISTY MACLEAR: Thank you for the  
22 opportunity today to testify on Intro 775, a bill we  
23 believe will have long lasting negative impact on our  
24 city. I'm Christy MacLear, a member of the Municipal  
25 Art Society Board of Directors and the Chair of the

1  
2 Organization's Preservation Committee. MAS is a  
3 nonprofit membership organization that advocates for  
4 intelligent urban planning, design and preservation.  
5 I am joined by architects Judith Salsman [sp?] and  
6 Charles Platt who have over 75 years combined  
7 experience in building and restoring landmark  
8 buildings. The 120 year old Municipal Art Society  
9 was the organization that led the charge to create  
10 the Landmarks Preservation Commission in the 1960's,  
11 one of the most far reaching in the nation after the  
12 devastating loss of Penn Station. We are a group of  
13 civic leaders and proud New Yorkers who want to  
14 ensure that we will continue to protect the buildings  
15 and districts that are of value to our great city,  
16 but now to our future and what is at hand. MAS  
17 supports efforts to bring greater transparency and  
18 accountability to LPC's work, but we do not support  
19 the legislation being discussed today. While we have  
20 concerns about many elements of the bill, we would  
21 like to focus on what we see as the most dangerous  
22 section, the proposed five-year moratorium on  
23 reconsiderations of potential landmarks. The  
24 original 1965 version of the Landmarks Law had a  
25 three-year moratorium, a provision with Ada Louise



1  
2 Huxtable in the New York Time editorial called the  
3 law's weakness in a, as she said, "editorial joker in  
4 the final revision." She went on to say this about  
5 the moratorium, "This extremely questionable solution  
6 is no more than an ironic guarantee of speculative  
7 destruction as usual under the protection of the  
8 preservation law itself." In 1973 the City Council  
9 itself recognized the moratorium was antithetical to  
10 the ideals of the Preservation Commission and amended  
11 the law and the moratorium provision was eliminated.  
12 Inserting the new moratorium to the law today will  
13 only go backwards in time and endanger the very  
14 intent of the law. We advise you to remove this  
15 provision from consideration. Regarding to Intro--

16 CHAIRPERSON GREENFIELD: [interposing] I'm  
17 going to have to wrap up your testimony. If you have  
18 a formal testimony you can submit it. Do you have  
19 written testimony?

20 CHRISTY MACLEAR: We do, and we've  
21 submitted it.

22 CHAIRPERSON GREENFIELD: Okay, I didn't  
23 actually get one. So, Sergeant--oh, you're making  
24 copies, thank you. But can you just wrap up your  
25 testimony, please? Thank you.

1  
2 CHRISTY MACLEAR: Sure. In regards to  
3 837, an online database, which seems like an  
4 excellent idea, but we ask that the Councils work  
5 with LPC to ensure the database is not too far  
6 reaching and doesn't impose undue burden on the  
7 agency. Thank you for the opportunity to testify.

8 CHAIRPERSON GREENFIELD: Thank you very  
9 much.

10 TARA KELLY: Good afternoon, Chairs. I'm  
11 Tara Kelly representing Friends of the Upper East  
12 Side Historic Districts. The bill before you today  
13 has been proposed to resolve concerns about the  
14 efficiency and transparency of the Landmarks  
15 Preservation Commission. We ourselves have shared  
16 these concerns, however, we fear that setting strict  
17 timelines and instituting a moratorium on  
18 reconsideration will only prevent the Commission from  
19 performing its mission. While the Council's own  
20 dataset shows that only 10 percent of historic  
21 districts have exceeded the threshold of 24 months  
22 from calendaring to designation since 1998, a look  
23 back to the creation of the Landmarks Law 50 years  
24 ago demonstrates that nearly one-third of all  
25 districts would have not made it through the proposed

1  
2 timeline. This percentage rises to 43 percent on the  
3 Upper East Side. If timelines had been in place,  
4 three of our seven districts would not have been  
5 designated. More critically a statistic is 1,372  
6 buildings or 83 percent of the Upper East Side  
7 historic structures would not be protected. Even in  
8 the best of circumstances when LPC performs as  
9 efficiently as the Council's recent data shows,  
10 there's still several important reasons why all  
11 proposed items cannot meet a hard deadline.

12 Calendaring and designation of an individual landmark  
13 or district is an incredibly thoughtful process.

14 Considerable research must be completed, engagement  
15 of property owners must take place and public support  
16 must be garnered, all this done with extremely  
17 limited resources. There are any number of reasons  
18 why this process could be delayed. Indeed, the LPC  
19 works almost exclusively with exceptions. These  
20 buildings are unique by their very definition.

21 Reasonable timelines can provide predictability for  
22 property owners and preservation advocates alike  
23 ensuring an expeditious process and preventing items  
24 from languishing on the calendar for decades.

25 However, these timelines do not need to be

1  
2 established by altering the law. Furthermore, any  
3 timeline no matter the duration or mechanism must  
4 include an option for reconsideration. In a letter  
5 to Council Member Arthur Katzman [sp?] on the subject  
6 of LPC oversight in 1987, our founding President  
7 Helena Rosenthal wrote, "Please do not let anyone  
8 tamper with the Landmarks Law." I'll conclude there  
9 and you can read along on your printed copy.

10 CHAIRPERSON GREENFIELD: Thank you very  
11 much.

12 ANDREA GOLDWYN: Hey, good day, Chair  
13 Greenfield, Chair Koo, Members of the City Council.  
14 I'm Andrea Goldwyn for the New York Landmarks  
15 Conservancy. Thank you for the opportunity to speak  
16 about policies and procedures at the Landmarks  
17 Preservation Commission. We share your interest in  
18 the designation process that is transparent and  
19 predictable, and we're pleased to hear that you're  
20 considering modifications for the bill. We do have  
21 some suggestions we feel would achieve your goals  
22 while providing the agency the flexibility necessary  
23 to execute its mission. We do not oppose timelines,  
24 but believe that those in the bill should be extended  
25 and should include exceptions for unforeseen events.

1 We suggest you consider at least a year to both  
2 individual and district deadlines and that the bill  
3 be amended to allow LPC to use the time as it sees  
4 fit. For instance, calendaring earlier to leave more  
5 time for research and hearings. We believe the  
6 exceptions are necessary due to unexpected  
7 circumstances that cannot be avoided. More community  
8 outreach may be needed. A building owner could fall  
9 ill. A new Council Member may want more time. New  
10 architectural historical details could be discovered,  
11 such as the discovery site was an Underground  
12 Railroad location or there could be another super  
13 storm that may require LPC to put its resources into  
14 damage assistance. We do not support the five-year  
15 moratorium. We believe it could create incentives  
16 for delay and disruption of the clear and transparent  
17 process that is the underlying goal of this  
18 legislation. If enacted, the Council could be  
19 preventing an agency from fulfilling one of its core  
20 missions. As you know, LPC has put forth a  
21 transparent plan for public hearings on all the 95  
22 backlog sites. We fear that 18 months is too short  
23 of a period to address those and the remaining  
24 backlog. As we all want to see it cleared, we  
25

1  
2 encourage you to listen to LPC and extend the  
3 deadline. And the bill should stipulate that the  
4 public process for the 95 be applied to the entire  
5 backlog. Regarding 837 we appreciate the goals of  
6 adding transparency to the designation process.  
7 We're concerned that completion of the task put forth  
8 in such a short period without additional resources  
9 would be an onerous burden for an agency that's  
10 already underfunded. We request more time to read  
11 through the changes to the bill that were presented  
12 today. Thank you.

13 CHAIRPERSON GREENFIELD: Thanks very  
14 much.

15 SIMEON BANKOFF: Good afternoon. I'm  
16 Simeon Bankoff, Executive Director of the Historic  
17 Districts Council. For the past 45 year, HDC has  
18 worked with local community groups to preserve,  
19 protect and enhance the historic buildings of New  
20 York City. As part of our work, we work extensively  
21 with the Landmarks Preservation Commission advocating  
22 for it, arguing with it, and working in partnership.  
23 No one on any side of this issue is pleased with the  
24 circumstances of the agency backlog which has led to  
25 this hearing. However, this bill, Intro 775 as

1  
2 currently written is an extreme threat to the  
3 continued function of the agency as part of city  
4 government. It creates untenable conditions for the  
5 Landmarks Commission to properly function, rewards  
6 bureaucratic inaction and risks undermining popular  
7 community-driven campaigns. Placing a moratorium on  
8 designation activities once a time line is exceeded  
9 is punitive. It creates an impediment to positive  
10 forward [sic] agency activity and prevents the LPC  
11 from using a valuable resource, time, in their  
12 consideration of the narrative for proposal. This is  
13 the net effect of creating an unfunded mandate.  
14 Without the resource of having time to study and  
15 consider a decision, the agency must allocate  
16 resources to fit its consideration within a set  
17 window. Moreover, is a moratorium good government  
18 practice? Imagine the effects of a similar  
19 moratorium on another city review agency. For  
20 example, if the Department of City Planning did not  
21 adhere to the uniform Land Use review process  
22 timeline and their proposal is rejected, would that  
23 proposal then be--could that proposal be revisited  
24 when the agency decided, or would the agency, in this  
25 case City Planning, need to wait five years? What

1  
2 demonstrable public good comes from erecting barriers  
3 to an agency's actions in this way? We speak from  
4 real experience when we say New Yorkers want more  
5 landmarks and more historic districts. When  
6 communities ask for reform of the LPC, and I was  
7 listening to the Council Members talk about reforms,  
8 they're asking for a streamlined process that will  
9 result in more designations and more protected  
10 properties, not less. I have an extended testimony  
11 that--

12 CHAIRPERSON GREENFIELD: [interposing]  
13 Which I have in front of me and we're going to read.  
14 Thank you very much.

15 DAVID BURNEY: Good afternoon. My name  
16 is David Burney. I'm the interim Executive Director  
17 of the American Institute of Architects, New York  
18 Chapter, but I'm here to offer testimony on Intro 775  
19 on behalf of the AIA New York Chapter and also the  
20 AIA Chapter in the Bronx, in Brooklyn, in Queens, and  
21 in Staten Island. The five AIA chapters represent  
22 almost 6,000 registered architects in associated  
23 design and construction professionals. So, I believe  
24 we're sort of uniquely positioned to au pine on this  
25 bill because on the one hand our members represent



1 many of the property owners who have business before  
2 LPC and who share some of the frustration in the past  
3 with some of the timelines, but on the other hand, we  
4 strongly support the Landmark Preservation Law, and  
5 we believe that the importance of the heritage, our  
6 architectural heritage and our cultural history needs  
7 preservation. So, while we applaud the bill's  
8 intentions, we do believe that some of the provision  
9 will have grave and unintended consequences and that  
10 the bill as written will compromise our city's  
11 Landmarks Law. We're sympathetic to the desire of  
12 Council to focus on the protocols of the LPC, but we  
13 note that the Landmarks Preservation Commission even  
14 today put forward a sensible and implementable plan  
15 to address backlogged properties on the agenda. In  
16 terms of the specific provision of the bill, in  
17 terms of stipulated timeline on the judgements, we  
18 believe that a one-year timeframe as proposed by LPC  
19 is reasonable for individual, interior and scenic  
20 landmarks, but that three years instead of two is  
21 more appropriate for the historic districts. And  
22 also, furthermore that the requirement that a public  
23 hearing be held not later than halfway between  
24 calendaring and the action date is over prescriptive.  
25

1  
2 In terms of the moratorium, we again strongly oppose  
3 the five-year moratorium to reconsider an item for  
4 designation. We believe that that will interfere  
5 with the LPC's ability to carry out its legal mandate  
6 to support historically significant properties.

7 Thank you.

8 CHAIRPERSON GREENFIELD: Thank you.

9 TIM HARTUNG: Hello, thank you. I am Tim  
10 Hartung, a partner at Ennead Architects. Over the  
11 course of the past 45 years, first as Polcheck [sic]  
12 partnership and for the past five years as Ennead. It  
13 has been our great privilege to restore, renovate,  
14 modify and expand some of the most venerable of the  
15 city's landmarks. These include Carnegie Hall, City  
16 Center, American Museum of Natural History, New York  
17 Hall of Science, the Public Theater, Brooklyn Museum  
18 to name a few, buildings that might have suffered  
19 incentive interventions or worse, Penn Stations fate  
20 had the Commission not illuminated their significance  
21 and had the law not protected them. We have also  
22 created new buildings in historic districts whose  
23 designations have recognized the essential character,  
24 the cultural identity of these places rather than  
25 simple architectural virtuosity. Most of our work

1 with historic structures has been subject to review  
2 an approval by New York City Landmarks Commission.  
3 Essential convictions regarding our responsibility to  
4 help institutions realize the full potential of their  
5 cultural and educational missions and more fully  
6 connect with the public realm has driven all of our  
7 design work. Some of our designs have been  
8 controversial soliciting critical commentary from the  
9 community's in which they are situated. Some have  
10 uniformly celebrated. Whether challenged or  
11 embraced, these designs benefitted from the careful  
12 timely review of the Commission and none would have  
13 been realized without it. We have an overarching  
14 respect for the landmarks process and the LPC's  
15 mission not to preserve the past in amber but to  
16 safeguard our collective future, and perhaps more  
17 important than the fate of any individual landmark to  
18 ensure balance of the character of our city. As  
19 architects, we do not pretend to be politicians,  
20 social scientists, economist, urban historians or  
21 social critics. Our focus is the design of our  
22 environment. What we make is a statement of who we  
23 as a culture are. As we move through our city at  
24 once, habituated to it and distracted we often pass  
25

1  
2 by the architecture. Sometimes though we feel the  
3 power of an individual building or the serenity of a  
4 neighborhood with all our senses, even if mediated by  
5 our individual preconceptions and distractions. It  
6 is these moments that we savor and the New York City  
7 Landmarks Preservation Commission first illuminates  
8 and then protects. We are our history as much as we  
9 are our as yet undefined future. Our individual  
10 landmarks or our--

11 CHAIRPERSON GREENFIELD: [interposing]

12 Tim, I'm going to have you--ask you wrap up--

13 TIM HARTUNG: [interposing] historic  
14 districts link past and future, heighten our  
15 consciousness of our common culture and reinforce our  
16 humanity and our memory. Thank you.

17 CHAIRPERSON GREENFIELD: Thank you, Tim.

18 Council Member Kallos?

19 COUNCIL MEMBER KALLOS: Thank you for our  
20 distinguished panel. I didn't get a chance to finish  
21 my earlier opening statement. I'd like to finish it,  
22 so I implore you to forgive me for not asking  
23 questions, though I assure you I would know most of  
24 the answers based on our close working together.  
25 Continuing from my opening statement,

1  
2 counterintuitively the legislation would be stronger  
3 without the moratorium. What the moratorium judicial  
4 interventions are limited to the remedy of the five-  
5 year moratorium prescribed by the bill. Without a  
6 moratorium, any designation not voted on within the  
7 proposed timeline would be subject to an article 78  
8 proceeding where the courts could order the LPC to  
9 take a vote on the designation. In one case, the  
10 community would be punished with a moratorium, while  
11 in the other case, the community would have the due  
12 process guaranteed to them by the constitution with  
13 the certainty of a final determination through a  
14 vote. Intro 775 would also violate the constitution  
15 we are sworn to uphold. As an ex post facto law  
16 specifically prohibited by Article One Section Nine  
17 by imposing an 18 month timeline on the existing  
18 backlog of 95 landmarks that were applied for under a  
19 different legal framework. The LPC has presented a  
20 plan for addressing the backlog within 18 months, and  
21 we as a Council must provide them with the funding  
22 and support they and the community need to take on  
23 what had been a longstanding problem. If the  
24 arbitrary timelines of Introduction 775 had been  
25 included in the original landmarks Law 50 years ago,

1 half the city's land marked properties and nearly a  
2 third of our historic districts would not be  
3 protected today. We would not have the historic  
4 district from Motthaven [sp?], Bedford Stuyvesant,  
5 Park Slope, Hamilton Heights, Mount Morris Park, SoHo  
6 or Jackson Heights. We have lost so much of the  
7 cross section of cultural, ethnic and racial  
8 diversity that makes our city great. We have a  
9 constitutional duty against ex po factor laws and to  
10 protect due process so that each property and  
11 proposed historic district is given a fair  
12 opportunity for evaluation and then guarantee of a  
13 decision with a vote by the LPC. So, again, I thank  
14 my colleagues and those who have come here to testify  
15 and must vote against Intro 775 as written and hope  
16 you will join me and the community in opposition.

18 CHAIRPERSON GREENFIELD: Thank you,  
19 Council Member Kallos. I just want to have the record  
20 reflect that we have some really qualified counsel  
21 that works for the Land Use Division and they have  
22 thoroughly researched this issue, and no one has come  
23 up with the rather specious argument that you make  
24 about an ex post facto constitutional argument.  
25 Perhaps if you'd like to have someone send us a legal

1  
2 memo on that issue we'd be happy to review it, but  
3 honestly this is the first time of hearing that  
4 argument, and it seems a little farfetched just to be  
5 perfectly frank.

6 COUNCIL MEMBER KALLOS: When we make a  
7 law effecting previous applications applied for under  
8 a previous legal framework that is on its face, ex  
9 post facto. The existing applications had one legal  
10 framework. We're seeking to impose a new legal  
11 framework on things that were applied for a long time  
12 ago.

13 CHAIRPERSON GREENFIELD: I think that's a  
14 misinterpretation of the constitution, but I welcome  
15 that memo and I assure you that if you send it my way  
16 I will publicly publish it and scrutinize it, and I'm  
17 willing to have a conversation about that at the  
18 proper time for this new argument that you are  
19 raising, but certainly grateful for that. Council  
20 Member Torres has some questions as well.

21 COUNCIL MEMBER TORRES: Thank you for your  
22 testimony. I just want to-- I'm going to ask the  
23 same questions that I asked to the Borough President.  
24 Do you oppose the notion of legislating timelines or  
25 do you object to the precise timelines in the law?

1  
2 : Well, we feel strongly that the idea  
3 of a timeline, particularly one that if the agency  
4 wishes to impose it within itself makes a bit of  
5 sense. What we really are opposed to is a  
6 moratorium. We feel that a moratorium of any kind is  
7 in a way almost a pocket veto and doesn't give the  
8 proper quality, doesn't give the proper level of  
9 decision-making that is necessary. So that  
10 timelines, and we can have a long conversation about  
11 timelines. I heard that some of my colleagues in the  
12 real estate industry were quoting some of my  
13 statistics. I can quote statistics back that them.

14 COUNCIL MEMBER TORRES: What are your  
15 preferred timelines?

16 SIMEON BANKOFF: I do not--we do not have  
17 a--we do not actually have preferable timelines. We  
18 do think, however, that one year for an individual  
19 landmark is way too short just because you have a  
20 situation where you want to have as much outreach and  
21 chances to have more testimony, more public  
22 testimony, more public give and take with the owner,  
23 and I've gone back into the research and found cases  
24 where the Landmarks Commission and I hope that former  
25 Chairs Kent Burwick [sp?] and Gene Norman [sp?] can



1  
2 talk about times when they have actually held several  
3 hearings on important items like Grand Central to  
4 allow further discussion and that simply took longer  
5 than a year.

6 COUNCIL MEMBER TORRES: You disagree with  
7 LPC, which would--

8 SIMEON BANKOFF: [interposing] I disagree  
9 with LPC with their thinking that a year is the  
10 ideal.

11 COUNCIL MEMBER TORRES: And you mentioned  
12 to--you mentioned Grand Central?

13 SIMEON BANKOFF: Grand Central did take  
14 longer than a year between calendaring and  
15 designation.

16 COUNCIL MEMBER TORRES: So, I'm a lay  
17 person. I suspect--

18 SIMEON BANKOFF: [interposing] It's okay.

19 COUNCIL MEMBER TORRES: You have formal  
20 expertise. It baffles me that it would take more  
21 than a year to land mark something that is  
22 demonstratively worthy of land mark status.

23 SIMEON BANKOFF: Well, Penn Central did  
24 not feel that way, the owners at the time, and there  
25 were three, I believe, perhaps more hearings where

1 the owners had an opportunity to explain their views.  
2 They brought in their experts. They brought in  
3 lawyers. The Landmarks Commission spoke, other  
4 experts spoke about Grand Central. Looking at it  
5 from the point of view from now, of course the LPC  
6 designated Grand Central, of course they dedicated  
7 Rockefeller Center. Remember that Rockefeller Center  
8 was only designated as a land mark in the late 80's.  
9 The Landmarks Commission was created in 1965 and for  
10 20 years the Rockefeller Center was not considered  
11 worthy of land marking.  
12

13 COUNCIL MEMBER TORRES: As far as--okay.

14 TIMOTHY HARTUNG: I just wanted to add  
15 one thing. I mean, it does seem on the face of it,  
16 oh, let's have timelines, it's actually sensible, but  
17 I think as I was saying earlier there are grave  
18 unintended consequences for that. The process the  
19 LPC goes through is far more nuanced. There are many  
20 reasons why complicated issues, particularly as our  
21 districts take longer. So, the idea of a tight--the  
22 idea of timeline targets I think is very good. The  
23 idea of absolute timelines with no escape and then  
24 moratoriums I think is very bad.  
25

1  
2 CHAIRPERSON GREENFIELD: Thank you. So,  
3 you know, Simeon, I just want to follow up on your  
4 testimony which I actually--while you were chatting I  
5 read the whole testimony. So, I'm just trying to  
6 genuinely understand. You don't like the timeline  
7 that we propose, but you support the concept of  
8 timelines. So, tell us what is a reasonable timeline  
9 in your view?

10 SIMEON BANKOFF: First off, I want to say  
11 that there are no people in the preservation advocacy  
12 movement who have ever requested timelines to my  
13 knowledge. That has never been a specific request  
14 for reform.

15 CHAIRPERSON GREENFIELD: It's not--no,  
16 Simeon, I appreciate that. It's just very--

17 SIMEON BANKOFF: I just--I want to--

18 CHAIRPERSON GREENFIELD: [interposing] No,  
19 I understand that.

20 SIMEON BANKOFF: state, you know, where  
21 that's coming from.

22 CHAIRPERSON GREENFIELD: I just want a  
23 very specific question which is you said and many  
24 people--

25 SIMEON BANKOFF: [interposing] Right.

1  
2 CHAIRPERSON GREENFIELD: on the panel have  
3 said they support it. Other advocates have actually  
4 given us specific suggestions.

5 SIMEON BANKOFF: Sure.

6 CHAIRPERSON GREENFIELD: I'm genuinely  
7 curious because we would like to be responsive to the  
8 community's arguments and needs, but you're not  
9 giving us a timeline.

10 SIMEON BANKOFF: Well, then, Council  
11 Member, I will answer in an appropriate manner which  
12 is I support the notion of the Landmarks Commission  
13 adopting rules for timelines and if those timelines  
14 don't work out it's much easier to change rules than  
15 going through a legislative process. That--

16 CHAIRPERSON GREENFIELD: [interposing]  
17 What timeline would you support for those rules?

18 SIMEON BANKOFF: I would have to actually  
19 look at it. I would say probably no less than two  
20 years for an individual landmark and four years for  
21 historic district.

22 CHAIRPERSON GREENFIELD: Okay.

23 SIMEON BANKOFF: Off the top.  
24  
25

1  
2 CHAIRPERSON GREENFIELD: That's helpful.  
3 If you change your mind you can get back to us on  
4 that.

5 SIMEON BANKOFF: But however, that's the  
6 thing.

7 CHAIRPERSON GREENFIELD: I do want to--I  
8 do want to have a--

9 SIMEON BANKOFF: I feel that the agency's  
10 in the best position to create rules that could then  
11 be changed.

12 CHAIRPERSON GREENFIELD: So we're--the  
13 agency made that argument and the reason we're going  
14 to agree to disagree on that point is that they've  
15 had 50 years to make rules and they haven't made  
16 those rules yet. And so therefore it make sense for  
17 the legislature to step in, but I did want to get a  
18 little more clarity on another issue that you raised,  
19 and this is really just trying to understand the  
20 perspective. So many of you have testified, and this  
21 is open to the group, many of you have testified that  
22 the LPC has in fact delineated [sic] a scheduled  
23 approximately 18 months, less than 18 months at this  
24 point where they will go through this backlog. Our  
25 legislation gives them 18 months, which is according

1  
2 to their testimony sufficient time. So, why the  
3 objection to our legislation which would simply  
4 codify something that the LPC already says they can  
5 do?

6 UNIDENTIFIED: I think the primary  
7 objection is not simply that timeline, but it's in  
8 conjunction with having a moratorium so that if the  
9 timeline is not met then you have five years where  
10 there is no potential for this to be reheard. In  
11 addition, the LPC spoke to the fact that they would  
12 like to see some extenuating circumstances within  
13 that timeline, although they believe they can meet  
14 it. So, I think if you look at the--no moratorium  
15 and extenuating circumstances then timeline becomes  
16 more reasonable.

17 CHAIRPERSON GREENFIELD: Okay. I  
18 certainly--I certainly hear that. And then Simeon,  
19 back to your testimony, which you'll be happy to know  
20 I read in its entirety. You know--

21 SIMEON BANKOFF: [interposing] You're a  
22 fast reader, Council Member.

23 CHAIRPERSON GREENFIELD: What's that?

24 SIMEON BANKOFF: You're a fast reader,  
25 Council Member.

1  
2 CHAIRPERSON GREENFIELD: I am in deed. I  
3 am a voracious reader. So one of the things you  
4 actually mention is you discuss the Department of  
5 Health, but you know, the Department of Health  
6 actually does have a moratorium. When they go in and  
7 they inspect a restaurant they can't come in the next  
8 day and inspect the restaurant. They actually have  
9 to have a time frame, right? I mean, so it seems--

10 SIMEON BANKOFF: [interposing] But the  
11 question is, if the Department of Health for example  
12 announced that they were going to inspect a  
13 restaurant and then didn't manage to inspect a  
14 restaurant within a period, would there then be a  
15 moratorium of five years that they would not be  
16 unable to--

17 CHAIRPERSON GREENFIELD: [interposing] I  
18 mean, that's not the equivalent. I hear you. But  
19 that's not the equivalent argument because what's  
20 happening is LPC is actually reviewing these land  
21 mark applications and then they're deciding not to do  
22 something. It's the same thing as a DOH inspector  
23 going into a restaurant and deciding that everything  
24 is fine.

1  
2 SIMEON BANKOFF: I'm sorry, Council  
3 Member. Could you elaborate in how they are  
4 reviewing which applications and deciding not to do  
5 what?

6 CHAIRPERSON GREENFIELD: Well, we're  
7 discussing under our proposed legislation. They would  
8 have a timeframe and therefore they would have to  
9 make decisions within that timeframe. The other  
10 thing I don't understand is that you use DCP as an  
11 example but DCP also has timelines and timeframes,  
12 so--

13 SIMEON BANKOFF: [interposing] They do,  
14 but they don't have a moratorium, do they?

15 CHAIRPERSON GREENFIELD: Why should--why  
16 should LPC exempt?

17 SIMEON BANKOFF: The point in the  
18 testimony actually is if DCP ended up per chance to  
19 exceed the timeline within the ULURP process, would  
20 they then be allowed to bring back the proposal or  
21 would they have to wait five years?

22 CHAIRPERSON GREENFIELD: Okay, so you're--  
23 okay.

24 SIMEON BANKOFF: Because my understanding  
25 that they would not have to wait five years.



1  
2 CHAIRPERSON GREENFIELD: So you're okay  
3 with the timeline concept but you're not okay with  
4 the moratorium? I just want some clarity on the  
5 testimony.

6 SIMEON BANKOFF: Sure, I understand. And  
7 actually that's why I--I'd broken my testimony. I was  
8 addressing the moratorium. Another one of my  
9 colleagues would be addressing the timeline issues,  
10 but as I said it is--the notion of a timeline is not  
11 abhorrent. I feel that this might not be the proper  
12 tool and we can agree to disagree on that, but the  
13 idea of a moratorium married to a timeline is  
14 extraordinarily damaging.

15 CHAIRPERSON GREENFIELD: Okay. We  
16 certainly hear that. Would it satisfy you if we  
17 shortened the timeline?

18 SIMEON BANKOFF: If you shorten the  
19 timeline or you shorten--

20 CHAIRPERSON GREENFIELD: [interposing]  
21 Shorten the moratorium, I'm sorry.

22 SIMEON BANKOFF: No, I think any kind of  
23 moratorium is really not the right message to be  
24 sending as a matter of public policy.

1  
2 CHAIRPERSON GREENFIELD: Let me ask you  
3 this, on a matter of public policy, if an item has  
4 been heard and considered and calendared and had a  
5 hearing and LPC decides to vote it down for example,  
6 why is it unfair to say that that item should not be  
7 reheard the next day?

8 SIMEON BANKOFF: I'm sorry. If the  
9 Landmarks Commission actually voted to not designate  
10 something they would not actually then recalendar it.  
11 That makes no sense from the point of view of an  
12 organization. Why wouldn't APC decide to rehear  
13 something it had just rejected?

14 CHAIRPERSON GREENFIELD: it also makes no  
15 sense for an organization to have an item on the  
16 calendar for 49 years, and so I agree with you that  
17 what we've seen happen historically has been things  
18 that in some cases make no sense, but that's why  
19 we're trying to legislate it. But I certainly hear  
20 your arguments and I certainly appreciate the  
21 arguments, and we, as you know, we have taken it,  
22 will continue to take it into consideration. I want  
23 to thank the entire panel for your testimony today. I  
24 want to thank you for the work that you do. We are  
25 incredibly grateful for your leadership. We know how

1  
2 important preservation is in this city, and we  
3 appreciate that you're at the forefront of those  
4 activities. We're actually going to now have to move  
5 into the anti-chamber [sic], the Committee Room,  
6 because this room has been scheduled for an event in  
7 an hour which we need to allow them to set up for.  
8 So, we're going to take a five minute break and we  
9 are going to reconvene in the Committee Room next  
10 door. Thank you very much.

11 [break]

12 CHAIRPERSON GREENFIELD: Joe, because you  
13 appear to be ready, we're going to start with you.  
14 Thank you.

15 JOSEPH ROSENBERG: Okay, thank you. Good  
16 afternoon. I'm Joseph Rosenberg, Director of the  
17 Catholic Community Relations Council representing the  
18 Archdiocese of New York and Diocese Brooklyn on local  
19 legislative and policy matters. Intro 775 would  
20 reduce uncertainty regarding the land marking of  
21 properties and bring clarity to a process that  
22 currently is at time vague and amorphous. Passage of  
23 this legislation would create a definitive timeframe  
24 for certain aspects of the LPC process thereby  
25 improving upon the existing system. The details of

1 these modifications of the existing practice are  
2 however best left to those with the most experience  
3 and expertise with these issues, namely the LPC, the  
4 City Council and important stakeholders. We would  
5 support whatever procedural enhancements that result  
6 from such a collaboration and where the city as a  
7 whole would be a beneficiary. That being said, it is  
8 important to make several points regarding the land  
9 marking of church properties. As the owner of more  
10 than 100 buildings either designated individually as  
11 landmarks or located within designated historic  
12 districts, the Catholic Church is tremendously  
13 affected by landmarks laws and regulations. Such  
14 designation imposes substantial cost on owners.  
15 There's a particular struggle for religious  
16 institutions that are forced to maintain seriously  
17 obsolete or underutilized buildings. No significant  
18 source of public or private funding exists to address  
19 the increased cost imposed on the church to meet the  
20 requirements of landmark status. Church architecture  
21 in particular incorporates carved stonework and  
22 stained glass that is extremely costly to maintain  
23 and repair. Such costs are borne exclusively by the  
24 strained resources by the Parish which are  
25

1  
2 financially hard-pressed to operate their core  
3 charitable and social missions serving the  
4 communities. Mechanisms to provide financial  
5 flexibility for landmarked buildings have been  
6 provided in a few areas of the city where unused  
7 development rights can be transferred across a wide  
8 geographic zone, enabling owners to realize value for  
9 their air rights. This approach may be incorporated  
10 into a possible rezoning for East Midtown, but there  
11 are thousands of landmarked buildings which would  
12 benefit from a citywide application of such transfer  
13 rights, and we encourage the city and the Council to  
14 advance these much needed improvements. We support  
15 the implementation of reforms to the land marking  
16 process, many of them contained in the bill before  
17 you. We also applaud LPC's current initiative to  
18 reduce the backlog of properties on their calendar.  
19 Both plans include important and vital reforms that  
20 can begin to address the challenges confronting  
21 religious institutions when their properties are  
22 facing land mark designation. Thank you.

23 CHAIRPERSON GREENFIELD: Thank you very  
24 much. Mr. Palatnik?

25

1  
2 ERIC PALATNIK: Good afternoon. Erick  
3 Palatnik. I'm writing--

4 CHAIRPERSON GREENFIELD: [interposing] Can  
5 you just make sure that the red dot is in fact--

6 ERIC PALATNIK: There we go. The red  
7 dot, that sounds better. Good afternoon. Erick  
8 Palatnik. I'm writing or speaking in support of Intro  
9 Number 775, and on behalf of 11 out of 17 homeowners  
10 who are located in the proposed Douglaston Historic  
11 District, which has been held in a calendared status  
12 since 2008. At the time of the original proposal in  
13 2008, those in favor and opposed to the designation  
14 focused on the issues such as whether the historical  
15 significance of the district outweighed the  
16 homeowner's desire to maintain autonomy over their  
17 home. Since then, the bone of contention has  
18 shifted. The issue is no longer about whether  
19 Douglaston's Historic District should be expanded,  
20 but rather it has evolved into whether landmarks has  
21 been fair to the homeowners by imposing a ubiquitous  
22 cloud of uncertainty over the future of their homes.  
23 We respectfully contend that it has not been fair to  
24 these homeowners. On March 18<sup>th</sup>, 2008, LPC voted in  
25 favor of a motion to calendar Douglaston.

1  
2 Subsequently, in May of 2008 Community Board 11,  
3 which is a very vigorous Community Board, one of the  
4 toughest ones in the city and the strongest on  
5 protecting Land Use rights, I would suggest, as is  
6 evidence by the case Douglaston Civic Association  
7 versus Gavin, which is a Landmark/Land Use case in  
8 New York City. Community Board 11 voted against the  
9 calendaring and the designation of a landmark  
10 district here. After six years and calls of emails  
11 to Landmarks by the homeowners, the property still  
12 remain in a calendared status. Consequently, in  
13 2014, six years later, the homeowners submitted a  
14 petition to the Landmarks Preservation Commission to  
15 further document their opposition to their homes  
16 being land marked. The homeowners said that their  
17 properties were held in bondage and they asked and  
18 implored that the Landmarks Preservation Commission  
19 to echo Councilman Vallone and Community Board 11,  
20 all who stood in support of removing these properties  
21 from their calendar. Now, it's more than six years  
22 later. The homeowners remain restless and  
23 discouraged. Many are elderly. This has caused a  
24 cloud on their title. They've been unable to sell  
25 their homes, unable to gain financing, and unable to

1  
2 otherwise use their homes and use them as they  
3 should. We're respectfully requesting that you  
4 support the legislation that's been proposed by the  
5 two Councilmen in front of me, Councilman Koo and  
6 Councilman Greenfield. We feel it's a fantastic  
7 pieces of legislation and will relieve a lot of  
8 uncertainty for homeowners, specifically the  
9 homeowners in Douglaston.

10 CHAIRPERSON GREENFIELD: Thank you.

11 Melissa?

12 MELISSA CHAPMAN: Good afternoon, Chair  
13 Greenfield and Council Member Koo, and all the other  
14 guests here today. My name is Melissa Chapman, and  
15 I'm the Senior Vice President for Public Affairs at  
16 the Brooklyn Chamber of Commerce. I'm delivering  
17 testimony on behalf of Carlos Scissura, President and  
18 CEO of the Brooklyn Chamber. Brooklyn Chamber is a  
19 membership-based assistance organization that  
20 represents the interest of over 2,100 member  
21 businesses as well as other businesses across the  
22 borough of Brooklyn. The Brooklyn Alliance is a not-  
23 for-profit economic development organization of the  
24 Chamber that works to address the needs of businesses  
25 through direct business assistance programs. We



1 stand in support of Intro 775. This is a common  
2 sense piece of legislation that will add  
3 predictability to the land marking process and  
4 prevent backlog which can prove very costly and  
5 burdensome to business and homeowners alike. This  
6 proposed legislation would require LPC to eliminate  
7 its backlog of buildings that have been calendared  
8 for a hearing but have not yet had a vote within 18  
9 months of when the bill is enacted. Further, if the  
10 LPC chooses not to designate the building, Intro 775  
11 proposes an institution of a five-year moratorium.  
12 We believe that this is a fair approach to the issue.  
13 In July of 2015, the LPC released a plan to address  
14 the agency's backlog of buildings and sites that were  
15 under consideration for designation. The plan allows  
16 public notice comment on backlogged properties and  
17 efficient public hearing process that will ensure  
18 timely decisions to backlog items. We are of the  
19 view that Intro 775 would memorialize LPC's current  
20 practice into law and ensure that future mayoral  
21 administrations continue to act in a timely manner.  
22 Calendaring a building for review indefinitely places  
23 significant and costly burdens on building owners and  
24 a streamlined predictable land marking process is  
25

1 needed. In the case of the business owner, this type  
2 of stagnation could provide them from making--I'm  
3 wrapping up--from making necessary changes to improve  
4 the location in which they conduct business and  
5 creating an appealing interior/exterior that is more  
6 reflective of their individual brand and mission.  
7 Thank you for your consideration and the opportunity  
8 for testifying on this issue.  
9

10 CHAIRPERSON GREENFIELD: Thank you.

11 MARY ANN ROTHMAN: Good afternoon. My  
12 name's Mary Ann Rothman and I'm the Executive  
13 Director of the Council of New York Cooperatives and  
14 Condominiums. We are a membership organization and  
15 our members are committed to our city and they're  
16 important contributors to their neighbors. To their  
17 neighborhoods, I'm sorry. We strongly support  
18 preservation of structures and areas that are  
19 magnificent or unique or ones that are sterling  
20 representatives of eras passed. We're justifiably  
21 proud when our homes are designated as landmarks or  
22 calendared for perspective designation despite the  
23 additional cost the designation brings. In fact,  
24 compliance with land marking requirements essentially  
25 begin from the moment of calendaring as the

1 Commission then has review power over any requests  
2 for a DOB permit, a practice not to be found in any  
3 other public process in our city. And sadly, some  
4 buildings have lingered in calendar status, not for  
5 months or even years, but for decades. We're very  
6 optimistic after hearing today's testimony that this  
7 level of delay and uncertainty is becoming a  
8 phenomenon of the past. The current Landmarks  
9 Preservation Commission is making great strides in  
10 clearing the enormous backlog on this calendar. Its  
11 established logical and viable procedures designed to  
12 simplify and streamline the landmarks process. The  
13 passage of Intro 775 will codify these procedures as  
14 a guide for future Administrations. Clearer  
15 timeframes will be a great help to our members, those  
16 who wish to have their homes land marked as well as  
17 those who might oppose the inclusion of their  
18 building in a proposed land marked district. Intro  
19 775 outlines opportunities for all views to be  
20 presented and provides for a date certain by which a  
21 clear determination will be made. Thank you.

22  
23 CHAIRPERSON GREENFIELD: Thank you very  
24 much. Eric, I want to ask you specifically about the  
25 Douglas Historic District extension. I think we heard

1 testimony today, I think everybody would agree that  
2 seven years is certainly too long for historic  
3 district designation, and as you point out, this has  
4 some very really impacts on individual homeowners.  
5 These are not big fancy landlords. They don't have  
6 big buildings. These are just folks who own homes.  
7 Can you tell us about the opposition from that  
8 community and what hardships has it created? For  
9 example, do they have problems getting mortgages?  
10 Are they having problems selling the house? I mean,  
11 can you explain to us from the perspective of an  
12 individual homeowner?  
13

14 ERIC PALATNIK: I'd be happy to. We  
15 represent the 11 property owners who are primarily  
16 elderly. They're all over the age of 75. Many are  
17 approaching 90. One of their biggest problems is  
18 they're trying to get their estates in order for  
19 their children. Some of these homes have been paid  
20 off throughout the years, but they're recognizing  
21 that the homes are going to eventually be sold upon  
22 their death. It places a clouded title over the  
23 death, as any perspective--on their estate. If  
24 there's any perspective purchaser who comes to look  
25 at the property to buy it is presumably going to be a

1  
2 young family that's going to want to do work to the  
3 home as most young families do, and they're going to  
4 be scared off when they see it's in a calendared  
5 status. Specifically, others have gone for  
6 refinancing to banks. They've been denied by the  
7 banks. Again, the banks are unsure about the status  
8 of the homes and they've refused to issue mortgages  
9 or reissue mortgages based upon the calendared  
10 status. In addition to that, there's just the  
11 general feeling of unease of walking around with a  
12 sense of not knowing what's happening to something  
13 that you've worked your whole life to create, and not  
14 knowing when the government is going to come in and  
15 take action and when the government will not take  
16 action. Other problems that we're encountering or we  
17 have a few clients that are ill and are infirmed, and  
18 they have a third party managing, that's managing  
19 their properties for them and managing their homes  
20 for them. And again, they don't have the opportunity  
21 to really get involved in what's going on, and having  
22 a third party have to explain everything to them  
23 places a burden on it for them. So, you have the  
24 financing issues. You have the family issues. You  
25 have health issues, and plus you have just one's own

1  
2 piece of mind walking around knowing that our  
3 greatest accomplishment that we all, I imagine we all  
4 aspire to is to own a home. I know I'm building one  
5 right now and I've worked my whole life to do it.  
6 So, to have that feeling that the government can come  
7 in at any time and control your life without giving  
8 you any definitive certainty is very unsettling for  
9 all these homeowners, very unsettling.

10 CHAIRPERSON GREENFIELD: Thank you very  
11 much. Joe, let me ask you a question. You know,  
12 there are some folks that have the impression that  
13 the Catholic Church is rich and you have unlimited  
14 amount of funds. There was some questioning before  
15 that seemed to indicate that. How would you respond  
16 to that in terms of the issues that you guys face  
17 when you're in landmarks limbo?

18 JOSEPH ROSENBERG: Well, the Church has  
19 tremendous fiscal treasures on it, and one of the  
20 prime missions is the charitable one, and the  
21 interest in providing food pantries, help for  
22 immigrants, items of that nature in the social  
23 services. Recently, the Archdiocese merged a lot of  
24 churches because it's very difficult to keep them  
25 open when they only have congregations of 20 or so.

1  
2 The main problem that we run to in the terms of land  
3 marking is that many instances a lot of these  
4 properties are obsolete. They're underutilized. It  
5 becomes almost a taking of the property, and as you  
6 all know, the cost of maintaining properties of this  
7 nature are tremendously expensive. There's no public  
8 funding of any kind. So it is a tremendous pressure  
9 church. It really taxes the finances and prevents or  
10 certainly compromises the ability of the church to  
11 really focus on many of its other core charitable  
12 missions.

13 CHAIRPERSON GREENFIELD: Thank you very  
14 much. I want to thank the panel for your testimony  
15 today. We certainly appreciate it, and we're now  
16 going to call up a panel in opposition to our  
17 legislation, Gene, I think its Norman, Kate Wood,  
18 Kent Barwick [sp?], Andrew Berman, and James Rouse.  
19 Hopefully I'm pronouncing those names correctly. If  
20 you can please join us, we'd appreciate that. Is he  
21 not here? We appear to be missing some folks. If you  
22 can just identify yourself just so we know who's not  
23 up here, and then we can invite some other folks.  
24 Sir, we'll start with you. What's your name?

25

1  
2 JAMES ROUSE: James Rouse from the  
3 American Planning Association.

4 CHAIRPERSON GREENFIELD: Okay, thank you.

5 ANDREW BERMAN: Andrew Berman.

6 CHAIRPERSON GREENFIELD: Thank you,  
7 Andrew. And you are Kate? Good. So Kent and Gene  
8 are not here. So, we are going to move on to the  
9 next two folks, Mitchell Grubler, Queens Preservation  
10 Council, and Claudette Brady, the Bed-Stuy Society.  
11 Thank you very much. You may begin.

12 JAMES ROUSE: Thank you, Chair  
13 Greenfield, Council Member Koo. My name is James  
14 Rouse. I am President of the New York Metro Chapter  
15 at the American Planning Association. Full  
16 disclosure, some of your committee members are  
17 familiar with me as the Director of Capital Programs  
18 for Bronx Borough President Ruben Diaz, Junior. The  
19 following testimony is not intended to reflect the  
20 views of the Borough President nor his office. The  
21 Metro Chapter is a professional advocacy organization  
22 representing over 1,400 planners and policy makers in  
23 and around New York City and are affiliated with the  
24 National Organization representing over 41,000  
25 professionals and students. We offer insights on



1  
2 policy matters affecting housing, transportation and  
3 the environmental. We take particular interest in the  
4 proposal before you today to limit the time period  
5 for which a landmark application may be considered.  
6 We have watched over the past few years as studies  
7 and reports have circulated claiming that the  
8 increasing number of designated landmarks and  
9 landmarked districts has caused a shortage of  
10 affordable housing. We disagree with this position  
11 and believe that land marking has been greatly  
12 beneficial to the preservation of neighborhoods. We  
13 believe that the shortage of affordable housing is  
14 attributable to other factors. While we agree that a  
15 landmark application should not encumber a property  
16 indefinitely, one year is not enough time to properly  
17 consider the merits. Many of the city's most  
18 renowned historic buildings, the Empire State  
19 Building among them, took more than year to complete  
20 the land marking process. If enacted, the one-year  
21 limit could incentivize property owners to drag out  
22 the process so that the one-year clock expires. We do  
23 not find the legislation necessary and believe such  
24 revisions to the land marking process are best left  
25 to the Landmarks Preservation Commission. If the

1  
2 City Council is to move forward, however, a possible  
3 alternative to consider is a two-year time limit with  
4 a pre-certification phase analogous to the ULURP  
5 process by which an application is reviewed for  
6 completeness before the time clock has started.  
7 Allocating additional staff and resources to the  
8 Commission would also serve to expedite the process  
9 and ensure that reviews were conducted within  
10 reasonable timeframes. The Chapter would like to  
11 offer technical expertise on the matter and thank you  
12 for this opportunity to comment.

13 CHAIRPERSON GREENFIELD: Thank you.  
14 Andrew?

15 ANDREW BERMAN: Good afternoon. I'm  
16 Andrew Berman, Executive Director of the Greenwich  
17 Village Society for Historic Preservation. We firmly  
18 oppose Intro 775, an unnecessary bill granting  
19 enormous advantage to demolition-minded developers  
20 while restricting efforts to preserve and protect New  
21 York's historic landmarks and neighborhoods. Had  
22 this bill been in effect over the last 50 years, more  
23 than half of our city's land marked structures would  
24 not have met its deadlines and might easily have been  
25 destroyed, including Grand Central Station, the

1 Woolworth Building, Rockefeller Center, and historic  
2 districts in Greenwich Village, the Grand Concourse,  
3 Bedford Stuyvesant, West Harlem, Jackson Heights, and  
4 Park Slope. The problem of proposed landmarks  
5 languishing for years without final votes currently  
6 affects 95 structures or 0.3 percent of all buildings  
7 ever considered for land marking in New York City.  
8 This is now being addressed by the Landmarks  
9 Preservation Commission making this bill's rationale  
10 mute. By contrast, the number of worthy landmark  
11 structures, which this bill would have kept from  
12 being designated is over 17,000 or more than 170  
13 times greater than the tiny problem this bill  
14 purports to solve. Intro 775 provides no additional  
15 resources to the Commission, but imposes a five-year  
16 moratorium on reconsideration if deadlines are not  
17 met during which time demolition can proceed. Rather  
18 than promoting speedy action or predictable  
19 timelines, it encourages obstruction and delay by  
20 resistant developers for the first time enabling them  
21 to run out the clock. The slowest designations are  
22 typically larger districts or more controversial  
23 sites, often in underserved communities. Rather than  
24 promoting careful consideration or consensus  
25

1 building, Intro 775 will likely discourage the  
2 Commission from taking up such proposals. In  
3 reality, very few buildings remain under  
4 consideration for land marking for extended periods  
5 of time without designation. The few which have will  
6 soon be decided by the LPC and the burden these  
7 properties bear is quite minor. Building permits  
8 might take slightly longer to secure while the LPC  
9 reviews those applications for no more than 40 days.  
10 But the twin bully-men [sic] of huge backlogs and  
11 overburdened property owners are being used to  
12 justify a draconian overreaching measure which will  
13 gut one of New York's most successful laws, one which  
14 helps stabilize communities, promote investment and  
15 preserve and protect what many love most about New  
16 York. Don't throw the baby out with the bath water.  
17 Vote no on Intro 775.

18  
19 CHAIRPERSON GREENFIELD: Thank you,  
20 Andrew. Kate Wood, Landmark West.

21 KATE WOOD: I just want to point out that  
22 Gene Norman and Kent Barwick who weren't able to stay  
23 long enough to testify are past Chairs of the  
24 Landmarks Preservation Commission. I'm Kate--

1  
2 CHAIRPERSON GREENFIELD: [interposing] I  
3 wish they would have been here. I would have loved  
4 to know why they let items languish for decades, but  
5 thank you for pointing that out.

6 KATE WOOD: Well, I will give them some  
7 credit. I'm Kate Wood. I'm President of Landmark  
8 West, and on behalf of our Upper West Side  
9 constituents and the millions who visit our historic  
10 neighborhood from each year from across the globe,  
11 Landmark West strongly opposes this bill. It would  
12 strip the Landmarks Preservation Commission of the  
13 authority and discretion it needs to fulfill its  
14 mandated purpose. Your predecessors on the City  
15 Council viewed the establishment of the LPC for the  
16 purpose of preservation as "a public necessity  
17 required in the interest of the health, prosperity,  
18 safety, and welfare of the people of New York." The  
19 Landmarks Law has been phenomenally successful in the  
20 past 50 years. The success has been aided in no  
21 small part by the prescient decision of your  
22 predecessors in 1973 when they recognized the danger  
23 of an arbitrary moratorium on designations and ended  
24 it. Intro 775 is poised to turn back the clock 40  
25 years. Please don't let it happen. Landmark West is

1  
2 actively pursuing the designation of more than a  
3 dozen Upper West Side sites. Several of those sites  
4 have been heard by the LPC and have not been acted on  
5 for decades. Are we frustrated? Yes. Are there  
6 valid reasons for the LPC's inaction? In our  
7 experience, no. The obstacles holding these  
8 designations back boil down to owner opposition and  
9 political pressure. A case in point is the former IRT  
10 powerhouse, a colossal structure that commands an  
11 entire city block designed by the same architects as  
12 the late great Pennsylvania Station. The owner, Con-  
13 Ed has blocked designation for more than 30 years.  
14 If Intro 775 had been in place when this majestic  
15 building was first calendared, it would be gone along  
16 with Grand Central Terminal and Radio City Music  
17 Hall, items that the Chairs that I just--the past  
18 Chairs that I mentioned, Kent Barwick and Gene  
19 Norman, went to the mat for many, many years ago.  
20 Significant losses we think you would agree. I just  
21 want to conclude by saying that Landmark West agrees  
22 that significant reform is needed to make the  
23 landmarks process transparent, effective and  
24 accountable to the people of New York City. Laws  
25 that penalize the public while rewarding

1  
2 obstructionists do not constitute reform. Intro 775  
3 is currently written specifically the removal items  
4 from the calendar if the LPC fails to act, and the  
5 subsequent moratorium guarantees neither transparency  
6 nor predictability. Passage would guarantee that the  
7 public will lose architectural and scenic treasures.  
8 Its passage will guarantee a return to the bad ol'  
9 days 50 years ago--

10 CHAIRPERSON GREENFIELD: [interposing]

11 Kate, please wrap up.

12 KATE WOOD: when buildings like Penn  
13 Station were lost to both the present and the future.  
14 Thank you.

15 CHAIRPERSON GREENFIELD: Thank you.

16 Claudette?

17 CLAUDETTE BRADY: Good afternoon. My name  
18 is Claudette Brady. I am one of the founders of the  
19 Bedford Stuyvesant Society for Historic Preservation.  
20 We are a group of volunteers who have for the last 10  
21 years worked towards the designation of historic  
22 districts in Bedford Stuyvesant. As volunteers  
23 without a 501C3 or funding from the public, we do--  
24 we, I'm sorry. We would like to see timelines on  
25 LPC's decision. However, we believe that those

1  
2 timelines should be dictated by LPC through their  
3 rules and not through legislation. The agency has the  
4 ability to determine their staffing requirements and  
5 their ability to flow, I'm sorry, to move along their  
6 processes as they see fit and not by legislation.  
7 Additionally, we are opposed to the five-year  
8 moratorium. When we look at laws sometimes, we ask  
9 whether laws are discriminatory or not, and we  
10 generally decide that laws are not discriminatory  
11 when they do not say this group is excluded or that  
12 group is excluded. Well, the five-year moratorium  
13 becomes discriminatory in the fact that communities  
14 of color and communities with less resources will be  
15 penalized more so when if they moratorium is put into  
16 place, because we do not have the resources. We  
17 would not have the man power to fight the blockage or  
18 the monies coming in from outside resources in big  
19 real estates to push back or delay designation. So,  
20 in that sense, when you put in moratoriums and you  
21 put in timelines, you are in effect--

22 CHAIRPERSON GREENFIELD: [interposing] You  
23 can wrap up.

24 CLAUDETTE BRADY: You are in effect  
25 giving the advantage to the power, to the power



1  
2 brokers, to the people with the money. You are  
3 taking away. You are making the playing field less  
4 level for those of us in the outer boroughs in  
5 smaller communities with less resources whether human  
6 or capital.

7 CHAIRPERSON GREENFIELD: Thank you,  
8 Claudette. Mitchell?

9 MITCHELL GRUBLER: I'm Mitchell Grubler.  
10 I Chair the Queens Preservation Council. In Queens  
11 we are not only proud of our landmarks and historic  
12 districts, but the Queens Preservation Council  
13 surveys our historic buildings and neighborhoods and  
14 formulates lists of potential designations because we  
15 want more of them. While we recognize the interest  
16 on the part of the Council to make the Landmarks Law  
17 better and make the agency operate more efficiently,  
18 this bill in its current form will result in the  
19 opposite effect. With the input of the United  
20 Preservation Community, the agency has taken the  
21 appropriate steps to correct with public hearings the  
22 back log of properties awaiting decisions on  
23 designation. This is being appropriately done on the  
24 agency level and does not require Council  
25 legislation. We all want the Commission to make

1  
2 decisions in as timely a manner as possible, but by  
3 their very nature each historic building and district  
4 is unique with special merits and challenges.  
5 Sometimes research and investigations, writing the  
6 legally required designation reports and political  
7 wrangling, and this Council knows well about  
8 political wrangling, involved getting a designation  
9 done time. To prohibit the Commission from taking  
10 action for years afterward if they do not act quickly  
11 enough is a back door way to block designations and  
12 take a big step backward. The Landmarks Law has  
13 served the city well for 50 years and preserved many  
14 of our most beloved neighborhoods and buildings.  
15 Please leave it alone.

16 CHAIRPERSON GREENFIELD: Thank you,  
17 Mitchell. I appreciate your testimony. I have to  
18 say, though, I don't really understand and I'm  
19 really, you know, trying to understand your  
20 perspective in terms of when you say that the  
21 Commission should engage in rule-making. I mean, you  
22 realize the only reason that we're having this  
23 conversation is because we in the Council actually  
24 brought this up, and we were the ones who highlighted  
25 this issue which is why we're actually having a

1  
2 hearing to address the issue. So, isn't it  
3 reasonable from our perspective to be concerned about  
4 the fact that the history of the LPC doesn't lend  
5 itself to following those rules?

6 MITCHELL GRUBLER: It is taking steps to  
7 correct that. We are--we in the preservation  
8 community are all prepared for the public process,  
9 which is the public hearings on those 95 backlogged  
10 items.

11 CHAIRPERSON GREENFIELD: Okay, I hear you.  
12 I think we're going to obviously agree to disagree.  
13 Our perspective is that it is the role of the  
14 legislature to step in, which is what we've done, and  
15 quite frankly had we not stepped in, those 95 items  
16 would not have been reviewed at this particular  
17 point. So, I think we just have a different  
18 perspective and the question that we have really is  
19 while we trust the current LPC we're worried about  
20 future administrations. But I did want to get other  
21 questions.

22 : I would disagree with you on the 95  
23 items being reviewed.

24 CHAIRPERSON GREENFIELD: Yeah.  
25

1  
2 CLAUDETTE BRADY: The 95 items are being  
3 reviewed because of the public outcry, because  
4 preservationists across the city got together and  
5 came up with a process and presented it to the  
6 Commission on how we should handle the 95.

7 CHAIRPERSON GREENFIELD: That was after.  
8 That was after we raised the issue. And we certainly  
9 appreciate--

10 CLAUDETTE BRADY: [interposing] I  
11 disagree with that.

12 CHAIRPERSON GREENFIELD: Okay.

13 CLAUDETTE BRADY: The issue was raised  
14 immediately by the preservation community--

15 CHAIRPERSON GREENFIELD: [interposing]  
16 Alright.

17 CLAUDETTE BRADY: Before this--

18 CHAIRPERSON GREENFIELD: Once again, we'll  
19 agree to disagree. I'm just curious, either one of  
20 you can take this, either Kate or Andrew. I'm trying  
21 to really understand the assertion, which to me  
22 doesn't really make sense, that how you work  
23 backwards and apply a new rule to old rules, right?  
24 Obviously if you have new rules, right, take any  
25 building in New York and you now apply the new rules,

1  
2 the Commission has very clearly testified that  
3 they're capable of keeping those rules. It seems  
4 like a little unfair to turn around and say, "Well,  
5 if we had this old in effect, we wouldn't have had  
6 this designation." The answer is, if we had the old  
7 rule in effect, we would have had the designation  
8 within that timeframe, and the LPC is telling us  
9 right now. They testified today that they have the  
10 ability to do that within the timeframe that they're  
11 recommending, which is one year for individual  
12 landmarks and three years for historic landmarks. I'm  
13 not really sure I understand the argument. I mean,  
14 going forward, why would we assume that we would have  
15 a problem if LPC says they can work within that  
16 timeframe?

17 ANDREW BERMAN: Well, it's clearly not a  
18 one to one correlation, but if you look at why--

19 CHAIRPERSON GREENFIELD: [interposing]  
20 You said there were 1,700, I think it was your  
21 testimony that said there were 1,700 items that would  
22 not have gotten land marked. That's--

23 ANDREW BERMAN: Seventeen thousand,  
24 actually.

25

1  
2 CHAIRPERSON GREENFIELD: Seventeen  
3 thousand, I'm sorry. That's, I mean, that's  
4 ridiculous Andrew, you know that, because the rules  
5 weren't in effect. So you can't go backwards and say  
6 well, we had a rule then. I think if you have a  
7 rule, people would follow the rules.

8 ANDREW BERMAN: Okay. So what my  
9 testimony said was if this had been in effect, that's  
10 what would have happened. However, to address your--

11 CHAIRPERSON GREENFIELD: [interposing] Or  
12 they would have actually followed the rules.

13 ANDREW BERMAN: To address your point,  
14 the reason why certain designations take longer  
15 typically is one of a variety of reasons. There's  
16 political resistance, because as we all know, not all  
17 decisions are actually made on the merits. There's  
18 politics involved. There's money. There's  
19 influence. Sometimes the Commission is actually  
20 trying to get the support of the owner even though  
21 they're not required to and they take extra time to  
22 do that. Sometimes there's a great deal of debate  
23 about what the boundaries of a district should be.  
24 They could just say, you know what, this is what we  
25 think is right and we're just going to do it, but

1  
2 typically they don't. They take a lot of time  
3 whether we agree with it or not struggling over how  
4 those lines should be drawn. If you could say to me,  
5 "You know what, we're going to make it so that the  
6 LPC doesn't have to consider any of those things  
7 anymore, they're just going to make the decisions  
8 based on the merit. They're not going to feel  
9 political pressure. They're not going to listen to  
10 what the property owner is saying to them one way or  
11 the other." Then, there would be less of an issue  
12 with imposing these strict deadlines on them, but  
13 those real world issues are--

14 CHAIRPERSON GREENFIELD: [interposing]  
15 Andrew--

16 ANDREW BERMAN: part of what makes these  
17 take--

18 CHAIRPERSON GREENFIELD: [interposing]  
19 and those real world issues--

20 ANDREW BERMAN: [interposing] if I could  
21 just finish my point.

22 CHAIRPERSON GREENFIELD: YES.

23 ANDREW BERMAN: Those real world issues  
24 are part of what make these take so long, and until  
25 those real world issues go away, ultimately I think

1  
2 it's in the best interest to allow the Commission the  
3 latitude to take extra time when they need to in  
4 order to get it done and get it done right, and I  
5 would think that that's something that you would  
6 agree with, because if not, one of two things is  
7 going to happen. They're either going to make the  
8 decisions without listening to the property owners,  
9 and the property owners may be unhappy with that, or  
10 they're simply going to say, "You know what? We're  
11 not going to touch this one because it's too  
12 controversial and it won't fit--

13 CHAIRPERSON GREENFIELD: [interposing]  
14 Andrew--

15 ANDREW BERMAN: within the deadline."

16 CHAIRPERSON GREENFIELD: The reality is  
17 that right now there are plenty of government  
18 agencies that have to make difficult decisions, and I  
19 can tell you this on a personal level. I chair Land  
20 Use, the most controversial items are actually not  
21 the landmark items. In general, we have wide support  
22 for landmarks here in the City Council. The  
23 controversial items are the zoning items, and those  
24 zoning items, to build sky scrapers in places like  
25 midtown Manhattan, we have 50 days, and guess what



1  
2 Andrew, when we have a deadline we always stick to  
3 the deadline. So, I don't think it's fair to say  
4 that if there's a deadline, somehow 17,000 buildings  
5 wouldn't have been applied. That's not an  
6 intellectually honest argument. We have to look  
7 forward. Let me just finish your point as you  
8 finished your point, right? We have to look forward,  
9 and the Commission is telling us they can do it  
10 within a year. There's no reason not to trust the  
11 Commission who is saying we can get this done within  
12 a year, just as how we have a very strict time in the  
13 ULURP process and we follow their process as well.  
14 And the final point that I would add is that the RFE  
15 process allows for unlimited time, which is also  
16 something that I don't think you've been clear about,  
17 which is that within the RFE process, for the request  
18 for evaluation, we're not telling them that from that  
19 point they have to get an item on the calendar with x  
20 amount of time. They can take as much time as they  
21 want. The minute they calendar it, then we're  
22 running a clock similar to every other agency. I  
23 think we're going to agree to disagree. I just don't  
24 think that your agency that you're vouching for over  
25

1 here, LPC should be exempt from the same deadlines  
2 that every other agency has. Kate, did you want to--

3 ANDREW BERMAN: I'd just like to make two  
4 very quick points.

5 CHAIRPERSON GREENFIELD: yes.

6 ANDREW BERMAN: A ULURP is different than  
7 a land marking application in that ULURPs have to  
8 follow an objective criteria in terms of their  
9 evaluations. Landmark designations are entirely  
10 subjective, and that's why by their very nature  
11 they're more open-ended. Secondly, I absolutely  
12 agree with you that they have unlimited time prior to  
13 calendaring during that RFE process. They also have  
14 zero protections during that time period, and that's  
15 why it's--I don't think it's fair to say that just  
16 because that pre-period is left open that you're not  
17 affecting the process. That pre-period is the period  
18 during which the buildings get demolished.

19 CHAIRPERSON GREENFIELD: So you're--just  
20 to be clear. Your position is you're against all  
21 timelines.

22 ANDREW BERMAN: I think timelines could be  
23 considered as long as they allow the Commission to  
24

1  
2 continue to consider. They might have to be called  
3 back to a public hearing for a vote to justify why--

4 CHAIRPERSON GREENFIELD: [interposing] Who  
5 would support timelines--

6 [cross-talk]

7 CHAIRPERSON GREENFIELD: with exceptions  
8 and what would those timelines be?

9 ANDREW BERMAN: If you want to sit down  
10 with me and you and I come up with those timelines,  
11 I'd be more than happy to do that.

12 CHAIRPERSON GREENFIELD: There's, I mean,  
13 in all--

14 ANDREW BERMAN: [interposing] I'm not  
15 drafting--

16 CHAIRPERSON GREENFIELD: [interposing] in  
17 all fairness--

18 ANDREW BERMAN: [interposing] I'm not  
19 drafting the bill.

20 CHAIRPERSON GREENFIELD: In all fairness  
21 there a lot of advocates, Andrew. This is the  
22 opportunity to actually weigh in. So, I'm asking you  
23 a question.

24 ANDREW BERMAN: I certainly--  
25

1  
2 CHAIRPERSON GREENFIELD: [interposing] If  
3 you don't have an answer, send me a letter.

4 ANDREW BERMAN: I certainly think they  
5 should be longer--

6 CHAIRPERSON GREENFIELD: [interposing] no  
7 problem.

8 ANDREW BERMAN: than the ones that are  
9 being proposed.

10 CHAIRPERSON GREENFIELD: Great.

11 ANDREW BERMAN: But I also think they  
12 have to allow the Commission to continue to consider  
13 when circumstances allow.

14 CHAIRPERSON GREENFIELD: And we're  
15 certainly going to carve that out. I think we made  
16 that clear from our testimony and my testimony today,  
17 and I would look forward to some specific timelines.  
18 Feel free to either send us a letter or an email once  
19 you decide on what you think appropriate timelines  
20 are, but in all fairness, this is the forum to  
21 actually get that done. Kate, I think you wanted to  
22 weigh in on this as well.

23 KATE WOOD: Just briefly to say that if  
24 the thrust of this bill were to create a high-speed  
25 route for buildings and districts that deserved to be

1  
2 landmarked to be landmarked, we would be all for it.  
3 And if the Council were to consider a timeline bill  
4 to ensure that that did not include the moratorium  
5 nor the opportunity for items to simply fall off the  
6 calendar, not based on merits, we would be  
7 considering--we would consider that as well.

8 CHAIRPERSON GREENFIELD: So, just to be  
9 clear about, you would like to see--can you just  
10 clarify on what you would like to see from your  
11 perspective in this bill?

12 KATE WOOD: I just--if the thrust of this  
13 bill were the timelines and not the moratorium, nor--

14 CHAIRPERSON GREENFIELD: [interposing] The  
15 thrust of the bill is the timelines.

16 KATE WOOD: But the provisions of the  
17 moratorium and the opportunity for items to fall off  
18 the calendar if the Commission fails to act, those  
19 are the provisions that penalize the public that are  
20 supposed to benefit from the Landmarks Law.

21 CHAIRPERSON GREENFIELD: So, Kate, let me  
22 ask this question. Do you think it's fair that once  
23 the LPC has in fact calendared an item and had a  
24 hearing on an time, whether they decide to vote it  
25 down or to do no action, do you think it's then fair

1  
2 to allow for the opportunity to simply the next day  
3 bring it back on the calendar?

4 KATE WOOD: I don't think that they would  
5 do that, but I think that the--

6 CHAIRPERSON GREENFIELD: [interposing] I'm  
7 asking your--

8 KATE WOOD: I think that the reason the--  
9 the reason that--

10 CHAIRPERSON GREENFIELD: [interposing]  
11 Yes.

12 KATE WOOD: so many of these items are in  
13 limbo from our experience--

14 CHAIRPERSON GREENFIELD: Kate, just to be  
15 clear, I'm not asking about the limbo.

16 KATE WOOD: is owner opposition and  
17 political influence.

18 CHAIRPERSON GREENFIELD: Based [sic] on  
19 that [sic].

20 KATE WOOD: And if you can introduce a  
21 bill that will address those issues, we would be so  
22 excited.

23 CHAIRPERSON GREENFIELD: And I think this  
24 bill--I think the bill does address those issues, and  
25 I'll explain to you why it does is because in fact in

1  
2 my experience, and I can tell you this as the  
3 Chairman of the Land Use Committee, when you have  
4 deadline things get done. The idea of somehow, you  
5 know, running out the clock, it doesn't exist in a  
6 deadline world, because in the end of the day the  
7 process moves and I can tell you this from zoning  
8 which happens all the time, I tell developers every  
9 single day, "You don't like this, well vote it down."  
10 And so obviously you have to depend on the good will  
11 of whoever's running LPC, and I certainly have  
12 confidence in the current Administration, but it's  
13 the same thing as depending on the good will of  
14 whoever happens to be running the City Council. We  
15 tell developers all the time we want to see changes.  
16 If you're not making the changes, we're going to vote  
17 it down. There's no reason to believe that would be  
18 different here in terms of the process. I actually  
19 think deadlines help rather than hinder, but I  
20 certainly appreciate your testimony, and I appreciate  
21 the whole panel's testimony, but Council Member Koo  
22 has a question he'd like to ask as well.

23 COUNCIL MEMBER KOO: I have a question for  
24 the lady sitting next to Mitchell, forgot [sic] your  
25 name [sic]. I want to make sure I heard you right.

1  
2 You said the moratorium actually will hurt minority  
3 and property owners. Can you explain it to me?

4 CLAUDETTE BRADY: Okay, so laws that are  
5 sometimes seem to help everyone, alright. For  
6 instance, let's--this is Land Use, let's talk about  
7 zoning for instance. So, zoning laws are by effect  
8 neutral laws, right? They are non-discriminatory.  
9 However, HUD has recently found that zoning laws are,  
10 because when you zone West Chester at, you know, a  
11 quarter mile or quarter acre lot, it inherently says  
12 certain kind of people will not be able to live  
13 there, alright? So when you put a five-year  
14 moratorium, for my colleagues on the West Side or in  
15 Greenwich Village, they have the resources. This is  
16 an organization who has the time and the resources to  
17 kind of babysit this process through the five years.  
18 In a community like Bedford Stuyvesant or Mott Haven  
19 in the Bronx or East New York where we do not have  
20 staff who can babysit a process through five years,  
21 we lose. It gets lost in the way because we don't  
22 have the resources either financially or human  
23 resources to maintain the incentive or the community  
24 participation that's needed to get let's say a  
25 district through. I mean, we saw that in Bedford



1  
2 Stuyvesant, and this is not because of a moratorium,  
3 but the Stuyvesant Heights extension was calendared  
4 in 1993. It sat for 20-something years, because that  
5 community suffered other things within that time, a  
6 crack epidemic, you know, other things that impacted  
7 that community that sort of took the focus off land  
8 marking that district. So, in communities that have  
9 other pressures land marking sort of falls to the  
10 wayside. And because--and that change, that five-  
11 year moratorium will be felt or will affect buildings  
12 in certain communities far more than it will in other  
13 communities.

14 CHAIRPERSON GREENFIELD: Thank you very  
15 much. I want to thank the panel so much for your  
16 testimony, and we are now going to call up our next  
17 panel which is a panel in favor, Michael Starchick  
18 [sp?], perhaps, Michael Starchick if you're here,  
19 Nancy Ploger [sp?] from the Manhattan Chamber, Andrew  
20 Hollawack [sp?] from the New York City Building  
21 Congress, and Jacob Morris who's apparently in favor  
22 and opposed. So, we'd be happy to hear your  
23 testimony as well. Andrew here? Nancy here? Is  
24 Michael here? So, is it just Jacob? Are you Jacob?  
25 So why don't we bring up some more folks who are

1  
2 opposed just to keep the process moving. Denise  
3 Katzman, if you're still here we'd like to bring you  
4 back up. Judy Richheimer, Chelsea Reform Dems,  
5 please comeback up. Franklin Lowe, representing  
6 himself and his family, please come back up, and  
7 Carroll Krump [sp?] if you are here and can please  
8 join us. So Carroll's not here. Franklin is not  
9 here. Judy--Franklin is here, okay, thank you. And  
10 Denise is here. So, we are going to ask Faith  
11 Steinberg [sp?] if you're here to please join us, and  
12 Nolan Myerson if you're here to please join us as  
13 well. Faith is not here? Okay, I think we're doing  
14 okay for this panel. Nolan, we're going to start  
15 with you if you're ready, but just you need the  
16 microphone. Who do I have here? We're going to  
17 start, if you don't mind we'll just do it in order.  
18 Nolan, we'll start with you, please.

19 NOLAN MYERSON: Thank you.

20 CHAIRPERSON GREENFIELD: You are Nolan,  
21 yes? If you could just identify yourself when you  
22 start the testimony so we know for the record, thank  
23 you.

24 NOLAN MYERSON: Okay, so Nolan Myerson  
25 representing the University Mews 39 East 12<sup>th</sup>,

1 Street. Also, I served on the Board of Trustees for  
2 14 years for the Village of Roslyn, a very strong  
3 historic district board there. Comments really  
4 quick, what I heard on the previous room basically  
5 from the Brooklyn Business District, I heard  
6 developers, I heard REBNY, and I heard unions, and  
7 what I heard from all of that was basically money.  
8 All interests can be reduced to money by that  
9 particular group. Who is speaking for the buildings  
10 themselves, what the buildings mean to those who walk  
11 past them who are people like myself who are moved by  
12 the structures or for the cultural significance for  
13 those structures? When we had moratoriums in the  
14 Village of Roslyn, under the definition of moratorium  
15 it's the suspension of activity, all activity, not  
16 just one-sided activity. I totally agree with a  
17 proposal for a three-year period, but I believe if  
18 you're going to have a moratorium that the moratorium  
19 should include a temporary preservation designation  
20 on the property so that nothing gets done and so that  
21 the people who instituted the moratorium then roll up  
22 their sleeves and get to work and figure out what  
23 needs to be done, and if that means suddenly  
24 streamlining the process to fast track it because  
25

1  
2 they couldn't do it in the three years, they should  
3 do it at least within the next 18 months, and it  
4 should be revisited. And you ask the question should  
5 it immediately come back to the Council? No, it  
6 shouldn't come back to the Council. There should be  
7 a moratorium and then they have to streamline it to  
8 get the process completed and out of the way. I  
9 totally believe in getting this done so the gentleman  
10 from, what was it, Douglaston would not be suffering  
11 for seven years. That's basically it. Thank you for  
12 your time and thank you for listening.

13 CHAIRPERSON GREENFIELD: Thanks, Nolan.  
14 Sir?

15 FRANKLIN LOWE: Me?

16 CHAIRPERSON GREENFIELD: Yes.

17 FRANKLIN LOWE: Yeah, my name is-- Yes,  
18 my name is Franklin Lowe. I live and own property at  
19 the end of the Chelsea Historic District that would  
20 happy to be within it. I urge them vote no on Intro  
21 775. 775 is a bill not about good governance which  
22 would require more funding and staffing for the  
23 Landmarks Commission. In my own dealings with  
24 Landmarks they did not have the staff to inspect  
25 landmark violations in landmarked buildings on 9<sup>th</sup>

1 Avenue between 19<sup>th</sup> and 20<sup>th</sup> Street. But 775 is  
2 rather a big back door payday for the real estate  
3 industry. I suspect that if one were to follow the  
4 money, we would be shocked at how small a  
5 contribution it would take to tip the balance and  
6 advise legislation such as Intro 775, which would  
7 eviscerate the current Landmarks Law. One moment.  
8 The real estate industry has not been these last  
9 decades exactly visionary, but operates with the  
10 demolish and building mentality. We must be  
11 cognizant as to why so many people want to come to  
12 New York. It is in part because so many iconic  
13 structures have been fortuitously spared and  
14 preserved. An example is the High Line for which the  
15 real estate industry was foaming at the mouth for yet  
16 another piece of buildable land and did not have the  
17 vision to realize that it gave far greater added  
18 value to what was already there and very far greater  
19 value than anything that they could have constructed  
20 in the High Lines place. Another example of failure  
21 to landmark and allowing the up-zoning of Chelsea  
22 Market for the benefit of Jamestown and not the  
23 community of the city. It is fallacious to compare  
24 New York City to other cities such as Chicago, San  
25

1  
2 Francisco and Miami, because it is far larger and  
3 older than these cities, and therefore, has a much  
4 more complex history. 775 seems to address past  
5 issues and false comparisons as opposed to current  
6 practice at LPC.

7 CHAIRPERSON GREENFIELD: [interposing]  
8 Frank, I'm going need you to wrap up, please.

9 FRANKLIN LOWE: I urge you to vote no or  
10 table Intro 775.

11 CHAIRPERSON GREENFIELD: Thank you very  
12 much. Jacob?

13 JACOB MORRIS: Thank you, Mr. Chairman.  
14 I come to this because of the Rose Reading Room.  
15 That's very specific activity, and by the way, I  
16 think that timelines do focus both minds and  
17 bureaucracies. So, in my particular case which I  
18 feel brings something unique to understanding of  
19 what's going on here. I and a very prominent  
20 architectural historian requested to designate the  
21 Rose Reading Room of June 2011, June of 2011. This  
22 request to designate one of the five greatest reading  
23 rooms on the planet from one of the five greatest  
24 libraries on the planet, the New York Public Library  
25 Central Branch, and this was in response to the crazy

1  
2 Central Library plan that 350 million dollar Central  
3 Library Plan which was going to rip out the stacks  
4 underneath the Rose Reading Room which was  
5 structural. So, and subsequent to that I got the  
6 unanimous support by resolution of Community Board  
7 Five and the Historic District Council. The Rose has  
8 never been calendared to date. So the RFD [sic]  
9 process is fundamentally flawed. So, hopefully  
10 you'll get a copy of this opinion letter specifically  
11 on this point from the Committee on Open Government--

12 CHAIRPERSON GREENFIELD: [interposing] If  
13 you give it to our Sergeant at Arms, we will get a  
14 copy.

15 JACOB MORRIS: Right. So, basically this  
16 opinion letter, which is, you know, has a legal  
17 foundation and could be the basis for legal action,  
18 states that the Landmark Commission in that part of  
19 the process, which is a critical part of the process,  
20 the request for designation, is violating the law, is  
21 violating the open meetings law. So, clause number  
22 one in the proposed legislation basically is  
23 fundamentally flawed paragraph.

24 CHAIRPERSON GREENFIELD: Right. I'm going  
25 to--

1  
2 JACOB MORRIS: [interposing] So, I  
3 requested--

4 CHAIRPERSON GREENFIELD: [interposing] ask  
5 you to wrap up.

6 JACOB MORRIS: I request that you guys  
7 look at that.

8 CHAIRPERSON GREENFIELD: We'll take a  
9 look at it if you give a copy to the Sergeant at  
10 Arms. Denise?

11 DENISE KATZMAN: Hi, Denise Katzman. I'm  
12 a business manager. NYC is a worldwide beautiful  
13 [sic] icon due to its historic architecture. This  
14 bill's five-year timeline is a negligent abandonment  
15 of NYC's diverse history, and where there were more  
16 council people up there, but now we have CM  
17 Greenfield and Koo, I questioned would you all love  
18 to do the same to your loved ones? Because you're  
19 abandoning them. And I do believe in timelines. I  
20 do believe in codifying. I do it in my business, but  
21 not when it is a death sentence. Historic  
22 preservation is "an as-of-right of all tax payers."  
23 The LPC's backlog is due to willful underfunding.  
24 This is definitely about getting a sustainable budget  
25 for the LPC, because an entity like REBNY, no matter



1  
2 what they say, they would love to destroy the LPC and  
3 have it their way, because they are aligned with the  
4 current illegal activities of Silver and Skelos. And  
5 this should not be the legacy of any CM's. The  
6 correct legacy must be to seek viable financial  
7 incentives to secure LPC's future, and the city's  
8 that were mentioned prior, they're well-funded.  
9 That's the bottom line where their budgets are. Intro  
10 837 gives the needed transparency to have a competent  
11 government and landmarks give viable economic value  
12 to communities. Thank you.

13 CHAIRPERSON GREENFIELD: Thank you very  
14 much.

15 JUDY RICHHEIMER: Press this? Okay.  
16 Judy Richheimer. The Chelsea Reform Democratic Club  
17 or CRDC is dedicated to smart development in our  
18 neighborhood, but we are equally committed to  
19 protecting Chelsea's architectural heritage. To  
20 highlight just a few of our preservation causes, we  
21 gave early support to land marking the High Line and  
22 the Hopper-Gibbons House and stood in strong  
23 opposition to the General Theological Seminaries Plan  
24 to erect on its campus an entirely non-contextual  
25 building and we also opposed the Jamestown plan to

1 just about destroy Chelsea Market. We are  
2 particularly struck by the fact that ours was among  
3 those neighborhoods that likely would not have earned  
4 historic district status had the timeframe proposed  
5 by Intro 775 been in place when Chelsea was first  
6 considered the designation. It's difficult to imagine  
7 this neighborhood without its historic streets. We  
8 doubt that the Chelsea that would have emerged  
9 without landmark protection could have inspired the  
10 civic dedication that creates a High Line Park, or  
11 for that matter, fuels groups like CRDC. As a  
12 Democratic political club, we are concerned with  
13 labor and workplace issues. There's something  
14 profoundly disrespectful towards the researchers,  
15 historians, archivists, lawyers, and others who work  
16 with such dedication for LPC. When we treat them as  
17 recalcitrant teenagers who need artificial deadlines  
18 in order to function. And please consider this, had  
19 those folks been feather betting, why then would  
20 virtually every preservation group in the city be in  
21 opposition to the proposed deadlines? But let's be  
22 honest, this bill could not possibly advance the  
23 cause of preservation. Instead, whether through  
24 faulty thinking or design, it strengthens the hand of  
25

1  
2 big real estate, the player in our city that already  
3 holds most of the cards. We stand with our local  
4 preservation groups, Save Chelsea and its many  
5 counterparts throughout New York, and ask you to  
6 vote--

7 CHAIRPERSON GREENFIELD: [interposing]

8 Judy, I'm going to have to ask you to wrap up.

9 JUDY RICHHEIMER: no on Intro 775. Thank  
10 you.

11 CHAIRPERSON GREENFIELD: Thank you very  
12 much. I want to thank the entire panel for your  
13 testimony. I just do want you to know that we are  
14 very committed to working with you to in fact  
15 increase resources for the LPC and we'll certainly  
16 reach out and have those conversations next year when  
17 we start the budget process. Our next panel is  
18 Chenault Spence, Bryce Pyer [sp?], apologies if I'm  
19 not pronouncing everything correctly, Christen Theodos  
20 [sp?], Anne McDermott [sp?], Barbara Zay. If any of  
21 you are here, please come on up. Bryce Pyer, are you  
22 here? Apparently not. Barbara Zay, are you here?  
23 Okay. Anne McDermott? Christen [sic] Theodos? So,  
24 Anne McDermott is not here? Christen Theodos is not  
25 here? You are here, okay. Chenault Spence, are you

1 here? Okay. A couple more? How about Kelly  
2 Carroll, are you here? Can you come on up, please?  
3 Michelle Birnbaum, are you here? Please come on up  
4 as well. Michelle? Whenever you're ready we're  
5 going to start with Michelle, please, thank you.  
6

7 MICHELLE BIRNBAUM: I didn't catch what  
8 you said.

9 CHAIRPERSON GREENFIELD: We're going to  
10 start with you, Michelle, whenever you're ready.  
11 Thank you very much.

12 MICHELLE BIRNBAUM: that was important  
13 that I heard that then. Okay, thank you. Good  
14 afternoon now, Chair Greenfield and Chair Koo.  
15 Thanks for hearing my testimony. My name is Michelle  
16 Birnbaum and I'm President of Historic Park Avenue,  
17 the entity that filed the request for evaluation to  
18 have Park Avenue from 79<sup>th</sup> Street to 86<sup>th</sup> Street in  
19 Manhattan to become a historic district. The RFE was  
20 filed in 2010 and the designation was made in April  
21 2014. The community outreach effort prior to the RFE  
22 filing took four years starting in 2006. Community  
23 meetings, flyers, letters of notification seeking  
24 support were hand delivered to every resident of  
25 every building within those blocks. Applications to

1  
2 have Park Avenue listed on the state and national  
3 registries of historic places took additional intense  
4 effort. Intro 775, which would establish a maximum  
5 period of time for the LPC to address filings could  
6 possibly make sense if the Commission were large  
7 enough to accommodate such a demand. Overseeing more  
8 than 33,000 properties, the LPC is the City's  
9 smallest agency with the fewest resources and the  
10 smallest staff. To make a time demand of this kind  
11 without increasing the number of Commissioners and  
12 the number of hearings per week and without  
13 increasing the support and research staff is implying  
14 that the reason the LPC has a backlog is be the  
15 Commissioners and staff are not working quickly  
16 enough or inefficient. We all know that this is not  
17 the case. I think--and even at that point the  
18 Commission is really welded in its timeframe. In  
19 most cases, but we could not guarantee that for  
20 obvious reasons. I think self-policing and self-  
21 monitoring would be the best way for them to handle  
22 the situation. It's an enormous amount of research,  
23 paperwork and community outreach that goes into each  
24 request for evaluation, and once filed, there is  
25 enormous amount of additional research and clerical

1  
2 work that the Commission undertakes during the  
3 consideration process. With the current number of  
4 Commissioners and the current size of the support  
5 staff and only one hearing day a week, it makes it  
6 impossible for the LPC to consistently meet the time  
7 demands. I would like to jump and just say that  
8 property is very valuable this day. Everybody is  
9 pushing the envelope with respect to potential  
10 development sites. It's a very serious time as  
11 decisions are being made that will dramatically  
12 impact our city's preservation future. We have an  
13 agency formed for the purpose--

14 CHAIRPERSON GREENFIELD: [interposing]  
15 Michelle, I'm going to have to--

16 MICHELLE BIRNBAUM: [interposing] of  
17 protecting these sa--

18 CHAIRPERSON GREENFIELD: [interposing]  
19 ask you to wrap up, please.

20 MICHELLE BIRNBAUM: and are vulnerable to  
21 destruction but worthy of protection. How does it  
22 make sense that a government agency gets its hands  
23 tied rather than be given a helping hand to perform  
24 its duties.  
25

1  
2 CHAIRPERSON GREENFIELD: Thank you. You  
3 are? Yes, please. Just introduce yourself.

4 CHENALT SPENCE: I'm Chenalt Spence, Co-  
5 Chair of the Landmarks Committee of Community Board  
6 Two Manhattan. Our district is the heart and soul of  
7 Landmarks. A large part of the district is  
8 landmarked and there are a number of individual  
9 landmarks, some of which are somewhat redundantly  
10 located within the designated neighborhoods, the  
11 Greenwich Village Historic District and its several  
12 additions and pending additions. There are town  
13 houses both elegant and modest and tenements, some  
14 with detailing from when multiple dwellings were  
15 treated with the respect of often fanciful  
16 decoration. In contrast to this beautifully  
17 preserved area extends far West Village, unprotected  
18 by landmarks and out of date zoning where development  
19 has eradicated its soul. The once gritty but no more  
20 meat packing district is a comfortable amalgamation  
21 of the old and the new, the ultimate new being the  
22 new Whitney Museum. SoHo and NoHo are guardians of  
23 the tribute to light manufacturing and distinctive  
24 cast iron facades build for the ages. The beauty of  
25 these neighborhoods and the quality of life and the

1  
2 high property values attest to the strength of the  
3 landmark designation. For this very reason, the  
4 reason that all this exists, was the deliberate and  
5 careful deliberation for designation, and to varying  
6 degrees this has happened within reasonable times. I  
7 have here the--which is attached--the full resolution  
8 from the Community Board which in some details spells  
9 out our rationale. I'd like to read three parts of  
10 it.

11 CHAIRPERSON GREENFIELD: Sir, you're  
12 running out of time, but we do have it for the  
13 record. So, if you don't mind just wrapping up your  
14 testimony.

15 CHENAULT SPENCE: I'm sorry, I--sorry, I  
16 don't hear you.

17 CHAIRPERSON GREENFIELD: We have it for  
18 the record, but you're running out of time, so if you  
19 don't mind--

20 CHENAULT SPENCE: [interposing] But it's  
21 a two-page that says--

22 CHAIRPERSON GREENFIELD: [interposing] We  
23 have it.

24 CHENAULT SPENCE: Yeah.  
25



1  
2 CHAIRPERSON GREENFIELD: Yes. So if you  
3 can just wrap up your testimony, please.

4 CHENAULT SPENCE: I'll read the  
5 conclusion of it. We have commented a bit on the  
6 deal of what timeframes should be for consideration.  
7 The important number seven on the second page, the  
8 five-year limit and reconsidering serves no useful  
9 purpose and invites destruction or alteration of  
10 possibly worthy properties that are ineligible for  
11 reconsideration. Thank you.

12 CHAIRPERSON GREENFIELD: Thank you very  
13 much. Kirsten?

14 KIRSTEN THEODOS: Hi, good afternoon. My  
15 name is Kirsten Theodos. Last year my East Village  
16 neighborhood, the nearly 150-year old town and  
17 village synagogue was officially designated as city  
18 landmark. Built as a German Baptist Church in 1866  
19 it converted to a Ukrainian Church in 1926 before  
20 becoming the Town and Village Synagogue in 1962. This  
21 historic building is a physical representation of the  
22 cultural diversity of New York City and is an example  
23 of a historic building that sat in landmark limbo.  
24 Had Intro 775 been passed, the Synagogue would have  
25 been demolished for luxury condos as the property was

1  
2 being marketed as a development site prior to the LPC  
3 voting on it. Legally instituting hard timelines  
4 across the board without taking into account the  
5 historic complexity and merit of each considered site  
6 is not going to streamline the LPC. The LPC needs  
7 the necessary time to properly evaluate and determine  
8 if such properties contribute to the development of  
9 the cultural and heritage values of New York City.  
10 Intro 775 is not a landmarks bill. It is a landlord  
11 developer bill that would encourage delaying tactics  
12 and obstructionism. What is even more disconcerting  
13 is the false pretense that Intro 775 is aiming to  
14 establish a timeline of predictability, but what it's  
15 doing, what it's really doing is clearing a  
16 calendared backlog of almost 100 buildings in  
17 historic districts at which point five years should  
18 be ample time to demolish all of these historic sites  
19 into oblivion. The reality is the LPC has been  
20 processing 90 percent of designation applications  
21 within proposed timeframes, which eliminates the need  
22 for laws that will endanger complicated cases that  
23 could take longer. The fact REBNY is the driving  
24 force behind Intro 775 poses a huge problem and a  
25 conflict of interest. The cultural fabric of New

1  
2 York City is at stake when the Landmarks Subcommittee  
3 Chair is lending a sympathetic ear to landlords and  
4 developers and introducing a REBNY bill. Demolition  
5 of our historic properties is irreversible. For all  
6 New Yorkers today and future generations to come, it  
7 is my hope that this council votes no on Intro 775,  
8 the REBNY bill.

9 [applause]

10 CHAIRPERSON GREENFIELD: Thank you,  
11 Kirsten. Folks, once again, waves are okay, clapping  
12 is not. Yes, please?

13 BARBARA ZAY: Hi there. Barbara Zay of  
14 the Historic Districts Council. I just wanted to say  
15 that the portions of our testimony that I was  
16 planning to read today have largely been covered in  
17 other testimony and in question periods, but we do  
18 want to thank the City Council for considering our  
19 written testimony thoroughly, and my colleague Kelly  
20 Carroll would like to say something.

21 CHAIRPERSON GREENFIELD: Thank you.  
22 Kelly?

23 KELLY CARROLL: Thank you, and good  
24 afternoon, and thank you Council Member Greenfield  
25 and Council Member Koo for being with us till late in

1 the afternoon. I would like to speak about the issue  
2 of calendaring because this really seems to be at the  
3 meat of this whole problem, it's that things that are  
4 sitting on the calendar. One potential reason for  
5 this bill is the idea that being placed on the  
6 Landmarks Preservation Commission's calendar somehow  
7 impedes property development and the private property  
8 owners of their basic rights. This is not the case.  
9 Placing a property on the agency's calendar to be  
10 considered does not grant the agency any protective  
11 powers, and this current legislation does not remedy  
12 that. There's no reason which properties cannot be  
13 bold or sold when calendared, and there's no  
14 demonstrable proof that being calendared impacts  
15 property value or the ability of a new property owner  
16 to alter a property as they see fit. A real world  
17 example of this is the 18<sup>th</sup> Century Lady Moody House  
18 in Gravesend. Originally heard by LPC in 1966, the  
19 Lady Mood House was brought forward again for  
20 consideration in 2004. At that time the owner  
21 objected because of their concerns of designation and  
22 her sale with the property. The property sold in  
23 2006 for 600,000 dollars and is being asked again for  
24 869,000 dollars now. Other examples of calendaring  
25

1  
2 not affecting property values are transactions in  
3 Bed-Stuy, Crown Heights North and the Upper West  
4 Side. These large swaths of areas remain under  
5 consideration by LPC for years, and the case of Bed-  
6 Stuy for decades. Yet, these are all neighborhoods  
7 where home prices have dramatically risen. Currently  
8 properties which are calendared that are marked with  
9 a C and a BIS, which causes an application for  
10 buildings permits to be passed along to LPC before  
11 being approved. The LPC then has 40 days from the  
12 permit application to perform necessary public  
13 notifications for a hearing, and then they can hear  
14 the property and vote on its designation or not and  
15 the building permit is issued. By any standard this  
16 is not a hardship. Buildings Department has a 40 day  
17 window in which to issue a permit and this practice  
18 does not impact that timeline. Thank you.

19 CHAIRPERSON GREENFIELD: Thank you all  
20 very much. I want to thank this panel. I'm going to  
21 call up the next panel, Ebenezer Smith, Anita Isola  
22 [sp?], Christabel Gough, Ivan Mrakovicic, Hall Braum  
23 [sp?]. If you're here, please come on up. Is Ivan  
24 here?

25 IVAN MRAKOVICIC: Yes.

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CHAIRPERSON GREENFIELD: And Christabel?

CHRISTABEL GOUGH: Yes.

CHAIRPERSON GREENFIELD: Okay. Anita?

Anita's not here. Is Ebenezer here? Hal?

UNIDENTIFIED: Hal left, but here's his testimony.

CHAIRPERSON GREENFIELD: Okay. Thank you. You can give it to the Sergeant at Arms. Thank you very much. Lynn Ellsworth, are you here?

LYNN ELLSWORTH: Yes.

CHAIRPERSON GREENFIELD: Can you join us, please? Mark Diller, are you here?

MARK DILLER: Yes.

CHAIRPERSON GREENFIELD: Can you please join us? Thank you very much. Sir, could you please start us off? Thank you.

IVAN MRAKOVICIC: Good afternoon, Council Member Greenfield, Council Member Koo. My name is Ivan Mrakovicic. I'm not a native New Yorker. I'm the past Chairman of Community Board Nine Queens, Central Queens, also President of the Richmond Hill Historical Society, and a Director of Rand Engineering and Architecture DPC. I'm here to speak--well, I support your Introduction 837, but I, we're

1  
2 opposed to 775. As the President of Richmond Hill  
3 Historic Society and as an architect, I can speak  
4 firsthand about how difficult and arduous the  
5 landmarks process is already. The existing--the  
6 introduction of 775 posed limitation is unwelcome and  
7 counterintuitive if we value the preservation and  
8 worthy portions of New York City. Landmarks and  
9 landmark districts are a vital part of what makes New  
10 York City an attractive place to visit and to live  
11 in. A failure to foster further landmarks plays into  
12 the special interest of developers while reducing the  
13 streetscapes and fabric that make New York City so  
14 special. I urge you to reject this portion of the  
15 proposal and work towards strengthening and  
16 augmenting landmark's resources, and help us preserve  
17 the hard-fought intent of the Landmarks Law. The  
18 communities and architecture that make New York City  
19 so special are itemized in books like these. They're  
20 not seen in the crappy condo boxes that are popping  
21 up and proliferating throughout New York City. Thank  
22 you.

23 CHAIRPERSON GREENFIELD: Thank you, Ivan.  
24 Yes, sir, you're up next.

25

1  
2 EBENEZER SMITH: Good afternoon, Mr.  
3 Chairman. My name is Ebenezer Smith. I am the  
4 District Manager of Community Board 12. I was asked  
5 to be here to advise out of--

6 CHAIRPERSON GREENFIELD: [interposing]  
7 What's your--sorry, sir. Community Board 12 in which  
8 borough?

9 EBENEZER SMITH: Yes, Manhattan. I'm  
10 sorry.

11 CHAIRPERSON GREENFIELD: Thank you.

12 EBENEZER SMITH: Yes, Community Board 12  
13 Manhattan. So, I was asked to be here to advise that  
14 at the dula [sic] called meeting of the Executive  
15 Committee of Community Board 12 Manhattan held on  
16 Tuesday, September 8, 2015. The Executive Committee  
17 vote to support by a vote of 11 in favor, zero in  
18 opposition and one abstention. The Historic District  
19 Council opposition to Intro 775 as outlined in the  
20 memorandum dated August 26, 2015, [inaudible] in our  
21 letter as well to support the Manhattan Borough  
22 President Gale Brewer calling the City Council at its  
23 consideration of option for improvement, the historic  
24 designation process encourage that each follow a  
25 fair, balanced and transparent process that seeks to



1  
2 encourage not to hinder designation and is informed  
3 by meaningful input from historic preservation and  
4 stakeholders. Therefore, we ask that the City  
5 Council review Intro 775 to ensure that it has a  
6 fair, balanced and transparent process that seek  
7 encourage and that hinder the designation as its  
8 informed also by historic preservation stakeholders.  
9 Thank you.

10 CHAIRPERSON GREENFIELD: Thank you very  
11 much.

12 CHRISTABEL GOUGH: Hello, I'm Christabel  
13 Gough from the Society for the Architecture of the  
14 City. Our group has been monitoring the proceedings  
15 of the Landmarks Preservation Commission since 1983  
16 and we oppose 775. Having watched the real estate  
17 industry's multiple previous attempts to gut the  
18 Landmark Law, including REBNY's proposals to the  
19 Treasures [sic] and Revision Commission in 1989. The  
20 industry fueled reports of the Cooper Committee, the  
21 Historic City Committee, and Mayor Koch's proposal  
22 notice the mayor's initiatives. All of these  
23 attempts failed in the face of widespread and  
24 passionate public opposition. Save the law that  
25 saves landmarks was the slogan. The provision in 775

1  
2 preventing the LPC from designating a property for  
3 five years if it misses an arbitrary deadline is an  
4 industry favorite that some be like [sic] returns  
5 once again in the current proposal despite numerous  
6 past defeats. IN the midst of the incredible boom of  
7 property values and real estate investment in New  
8 York City, it is amazing that the industry still  
9 continues to argue that landmarks preservation  
10 creates conditions of which it cannot thrive. We  
11 urge the council to abandon 775. It is a misguided  
12 attempt to institute changes that have been found  
13 unnecessary again and again over decades of civic  
14 legislative and judicial review. Harmon Goldstone,  
15 the second Chairman of the LPC noted in an interview  
16 that the industry originally tempered its opposition  
17 to enactment of any landmarks law because the major  
18 players believed the law was unconstitutional and  
19 would be overturned. The Supreme Court thought  
20 otherwise and the law was validated by Penn Central.  
21 After that, the Council wisely felt free to repeal  
22 the section of the original law that included a  
23 moratorium. Thank you.

24 CHAIRPERSON GREENFIELD: Thanks very  
25 much. Lynn?

1  
2 LYNN ELLSWORTH: Great. You can hear me?  
3 Great. I'm Lynn Ellsworth. I'm Chair of the Tribeca  
4 Trust. We are a civic organization. We have recently  
5 faced a situation with about 33 buildings slated for  
6 demolition that succeeded in mobilizing our  
7 neighborhood. IN our last campaign, more than half  
8 the voters who turned out in the last Mayoral  
9 election came out to support the Trust's initiative.  
10 WE are opposed to this legislation for three reasons.  
11 First, it seeks to clear the decks in the crudest  
12 possible way for the destruction of historic fabric  
13 in the interest of developers and not the wider  
14 public good. Second, we do not appreciate the way in  
15 which that intent is hidden behind this false  
16 language about the need for efficiency and affordable  
17 housing. Third, we find the analysis about the need  
18 for reform in the Landmarks Law to be superficial in  
19 the extreme and anchored in an anti-regulatory spirit  
20 that clearly comes from the Real Estate Board of New  
21 York, making for these kinds of hearings to be more  
22 like a witch hunt against the Landmarks Law. If we  
23 are to reform the Landmarks Law, I think then the  
24 process would need to be much different than what  
25 we're seeing today. As it stands, the legislation

1  
2 reads like yet another attempt by REBNY to weaken the  
3 capacity of the city to regulate landmarks issues  
4 itself. That lobby fails to understand the immense  
5 intergenerational value to our society that is  
6 embedded in historic fabric. We hope that this City  
7 Council is not so fooled and that the city can be  
8 seen as more than just unbuilt FAR for REBNY. On the  
9 second bill, the posting of RFE's, we see that as  
10 very problematic in Tribeca. If our neighborhood is  
11 any example, if you were to post that it's an  
12 immediate incentive for the property owner,  
13 especially in Tribeca where we have the biggest  
14 property owners in the city, AV Rosen related  
15 companies. They will demolish. That's what will  
16 happen if you do that. Thank you.

17 CHAIRPERSON GREENFIELD: Thank you, Lynn.  
18 Mark?

19 MARK DILLER: Thank you. My name is Mark  
20 Diller. I am a member of Community Board Seven and  
21 of its-- Community Board Seven on the Upper West Side  
22 of Manhattan and I was Preservation Committee. I'm a  
23 past Chair, but I'm not acting today in an official  
24 capacity. Our board has passed a resolution that  
25 supports the goals of the Intro 775, but opposes in

1 the strongest terms the moratorium that's attached to  
2 it. It appears as though the motivation for the  
3 legislation proceeds from a fact that's hard to  
4 defend, these 49 years of the 95 calendared but not  
5 acted upon applications. It's hard to defend that as  
6 a fact. What then should be the right response? The  
7 moratorium we believe is not the right response. And  
8 in fact, our experience at Community Board Seven is  
9 anything but one of reticence and delay by the LPC.  
10 We in fact typically cannot--they typically schedule  
11 their hearings before we can have a full board vote.  
12 So, most of the time the typical condition is that we  
13 respond to an application with just the committee  
14 action. Obviously that's not optimal, but that's the  
15 situation we present. We even meet during the hiatus  
16 to make sure that our committee at least has an  
17 opportunity to reach every example. There are  
18 principal reasons why a portion of--and the most  
19 recent example actually is the West End Avenue  
20 Historic District was in effect split and certain  
21 properties split off. The notion--and many of the  
22 Commissioners who agreed with the designation of only  
23 a portion of the proposed district also observed in  
24 their remarks that they were worthy buildings that  
25

1  
2 were worthy for a different reason. Under 775 they  
3 would then be prohibited from being considered. I  
4 suggest to you that Intro 837 is actually a good  
5 alternative to the moratorium. 837 could provide a  
6 suitable substitute by having a report that tell you-  
7 -I see my time is up, but if I could just finish the  
8 one thought. Having a report, much like the report  
9 that the United States Judiciary Committee requires  
10 of United States District Courts that require them to  
11 tell them how about their backlog. No one wants to  
12 be on that list, and that's the way you could shame  
13 action into a resolution.

14 CHAIRPERSON GREENFIELD: Thank you very  
15 much. Thank you all for your testimony. The next  
16 panel is Jeffery Kroessler, Jared Odeski [sp?], Linda  
17 Eskenas, perhaps, from Richmond Terrace. Sorry about  
18 that. Staten Island New York--Barnett Sheppard  
19 [sp?], David Hardcastle [sp?]. David, are you here?  
20 Is David Hardcastle here? He is not. Barnett  
21 Sheppard, are you here Barnett? No. Is Linda, you  
22 are here? Is Linda here? Are you Linda, ma'am?  
23 Okay. Is Jared Odeski here? Jeffrey Kroessler, are  
24 you here?

25 JEFFREY KROESSLER: That's me.

1  
2 CHAIRPERSON GREENFIELD: Great. Sarah  
3 Appman [sp?], are you here? Sarah? Thank you.  
4 Bruce Rosen, are you here? Thank you, Bruce. Eileen  
5 Harmon, are you here? Eileen. Harry Schwartz, are  
6 you here? Thank you, Harry. Leslie Doyle, are you  
7 here? Please join us, Leslie. Jeffrey? You may  
8 being when you're ready.

9 JEFFREY KROESSLER: Good afternoon. My  
10 name is Jeffrey Kroessler, I'm Chair of the  
11 Preservation Committee of the City Club. The City  
12 Club was founded in 1892 to champion the cause of  
13 good government. We do not consider Intro 775 to be  
14 good government. A couple of remarks. First, on the  
15 affordable housing question, why is land marking  
16 being tarred with this? There is not one example of  
17 the Landmarks Commission impeding the construction of  
18 affordable housing in a historic district, and in  
19 fact, they have accepted affordable housing in  
20 Greenwich Village Historic District at Saint Luke's  
21 in the Fields [sic]. Secondly, there are examples  
22 where the Landmarks Commission has reconsidered  
23 issues after being rejected. The City Council  
24 rejected the 1893 Jamaica Savings Bank on Jamaica  
25 Avenue because the City Council Member objected.

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2 After that Council Member left office, it was  
3 reintroduced and the new Council Member approved it.  
4 Now, there was no moratorium in place. It just had  
5 to wait for circumstances to change. So, the third  
6 point I'd add is on the Douglaston extension, which  
7 seems to make the point that all of the  
8 preservationists are arguing is a flaw in this bill.  
9 The owners in that district are running out the  
10 clock, and you are using them as the poster child as  
11 why this bill is necessary. Owner consent is not  
12 part of the law, and yet the Landmarks mission works  
13 to get owner consent, which is why it takes time.  
14 They could have just designated this over the owner's  
15 objections, but they did not. The idea of this bill  
16 says it's to improve the Landmarks Commission. In  
17 fact, it will make it impossible for the Landmarks  
18 Commission to do its work, and I think that's the  
19 point.

20 CHAIRPERSON GREENFIELD: That is  
21 certainly not the point, but we appreciate your  
22 testimony, Jeffrey. Sir? Can you speak into the  
23 microphone if you don't mind? Thank you.

24 HARRY SCHWARTZ: The Morning Side Heights  
25 Historic District Committee appreciates the chance--



CHAIRPERSON GREENFIELD: [interposing]

Sir, I apologize. Can you just for the record state your name?

HARRY SCHWARTZ: Okay, Harry Schwartz.

CHAIRPERSON GREENFIELD: Thank you, Harry.

HARRY SCHWARTZ: And our Morning Side Heights Historic District Committee appreciates the chance to testify one of the most important and contentious issues that Landmarks have faced since the inception of the City's Landmarks Preservation controls. I'm Harry Schwartz, and our committee of several hundred members is based in Morning Side Heights, a beautiful, distinctive and historic community that extends from 110<sup>th</sup> to 125<sup>th</sup> Street, from Riverside Park to Morningside Park. It's truly ironic that as New York celebrates the 50<sup>th</sup> anniversary of its visionary Landmark Preservation legislation it's considering procedures that would have blocked the designation of 53 historic districts had they in effect 50 years ago. Our committee has been seriously discussing historic district in Morningside Heights with the Landmarks Preservation Commission for several years. Once calendared, we

1  
2 believe that it can be designated without applying  
3 the time limits proposed in Intro 777 [sic], as have  
4 80 percent of the historic districts already  
5 designated. The proposed limits are unnecessary,  
6 arbitrary and inflexible. They will discourage the  
7 consideration of worthy historic districts that are  
8 complicated and involve interests. Intro 777 as  
9 written has the potential to harm the designation of  
10 sites now waiting designate decisions. Even worse, it  
11 will not enable future sites to benefit from the full  
12 investigation of the Commission that are often  
13 necessary to determine if they want designation.

14 CHAIRPERSON GREENFIELD: Thank you,  
15 Harry.

16 HARRY SCHWARTZ: Okay, we have copies of  
17 our testimony.

18 CHAIRPERSON GREENFIELD: Yes, I think we  
19 got those. Thank you. Linda?

20 LINDA ESKENAS: Yes, Linda Eskenas, North  
21 Shore Waterfront Greenway West Brighton Restoration  
22 Society, Preservation League of Staten Island and  
23 Richmond Terrace Conservancy. Landmarks is crucial  
24 to the present and future success and economy of New  
25 York City. Our city and country were born out of an

1  
2 age of enlightenment and the idea that people have  
3 inalienable rights in their communities and their  
4 lives and their future. People come to New York City  
5 from all over the world to be a part of that and see  
6 it. We are a city of historic neighborhoods where  
7 people have come to fulfil their hopes and dreams.  
8 They have built this city and we must preserve it.  
9 Sadly, intro 775 would destroy landmarks and the New  
10 York City that people come to visit and live in.  
11 Under Intro 775, approximately 54 percent of the  
12 landmarked buildings now protected, more than 17,800  
13 buildings would not have been designated and no doubt  
14 these buildings and their communities would be  
15 destroyed. One of these extraordinary places is  
16 Greenwich Village, one of the greatest places to  
17 visit and live in in the world, as well as Chelsea,  
18 Park Slope, Boerum Hill, Radio City Music Hall,  
19 Carroll Gardens, Grand Central Station, great  
20 historic neighborhoods in all of the boroughs.  
21 Parts of our city are now unrecognizable,  
22 unattractive refrigerator-like buildings blocking air  
23 and light, dangerously loaded with glass which would  
24 be extremely dangerous if we had a tremor. Intro 775  
25 is totally unnecessary if it was supposed to deal

1  
2 with the buildings that were not land marked for five  
3 years or more. These will be heard by 2016. This  
4 does nothing to deal with the real problem, which is  
5 that landmarks is not--is the most underfunded agency  
6 in New York City.

7 CHAIRPERSON GREENFIELD: Linda, if you  
8 could wrap up your testimony.

9 LINDA ESKENAS: Thank you. Intro 777  
10 would encourage and enable unscrupulous owner  
11 developers to prevent landmarks designation until the  
12 many unrealistic and leave imposed deadlines to be  
13 passed. It was the small owners who saved New York  
14 by rescuing and restoring historic houses themselves.  
15 These became the beautiful neighborhoods we have  
16 today. This has restored New York and brought  
17 thousands and small businesses in response to the  
18 need for goods and services. This creates a great  
19 economy, sustainable in any market, not draining New  
20 York City with all property being in the hands of a  
21 few billionaire developers who would destroy--

22 CHAIRPERSON GREENFIELD: [interposing]  
23 Linda?

24 LINDA ESKENAS: historic neighborhoods and  
25 buildings to build tall structures--

1  
2 CHAIRPERSON GREENFIELD: [interposing]  
3 Linda, I apologize, but we have other folks who--

4 LINDA ESKENAS: [interposing] all of us.

5 CHAIRPERSON GREENFIELD: need to testify.

6 LINDA ESKENAS: Let us work instead--

7 CHAIRPERSON GREENFIELD: [interposing]

8 Thank you.

9 LINDA ESKENAS: to save New York City and  
10 vote down this horrendous bill.

11 CHAIRPERSON GREENFIELD: Thank you,  
12 Linda. Bruce?

13 BRUCE ROSEN: Thank you. Bruce Rosen,  
14 lifelong New Yorker speaking for myself. I'm really  
15 kind of concerned because this comes across as a  
16 micro-managed unfunded mandate unconnected from the  
17 budget process for an agency that has long been  
18 nickel and dimed and has tremendous responsibilities  
19 and also made as analogous through REBNY and its  
20 friends, CPC [sic], the Partnership Against New York  
21 to ULURP a clock that doesn't start until the  
22 documents are certified to be complete and accurate.  
23 So, it's a different kind of situation. But to speak  
24 to REBNY. REBNY in the first ten-year housing plan  
25 had promised to do 2,200 units of affordable housing.

1  
2 They took a site which was very difficult to build, a  
3 former site spite [sic] and divel [sic] creek bed.

4 They didn't do it, and they didn't seek anything else  
5 and have never done anything, but they represent  
6 groups that are always there for a hang-out, a hand-  
7 out, a zoning bonus, a tax exemption and alike.

8 There is--it raised the question of Ridgewood as an  
9 example of why it took so long. Ridgewood in the late  
10 70's and the early 80's did not want a city  
11 designation. It wanted, it sought, it got federal  
12 designation because it provided the tax exemptions  
13 that people wanted. When it saw how the process  
14 worked that it was fair and the damage that's sort of  
15 to be done when people came in and didn't care for  
16 the buildings, then they saw and the got the  
17 designations. I think your concern should be over  
18 portfolios that are given to for-profit and not for  
19 profit groups of historic or potentially historic  
20 buildings or not where development does not take  
21 place, be it new construction, rehabilitation,  
22 operations of whatever site they might be on, because  
23 then you'd be focusing on what's really needed.

24 Thank you.

1  
2 CHAIRPERSON GREENFIELD: Thanks, Bruce.  
3 Leslie?

4 LESLIE DOYLE: Thank you. I'm Leslie  
5 Doyle, Co-President of Save Chelsea, and Save Chelsea  
6 is strongly opposed to Intro 775, a bill that would  
7 establish a maximum period for--of time for Landmarks  
8 Preservation Commission, LPC, to take any action on  
9 any item calendared for consideration of landmark  
10 status. Chelsea, a neighborhood now enduring massive  
11 over-development, without its three historic  
12 districts, Chelsea, West Chelsea, and La Martine  
13 [sic] Place would have over time lost many  
14 significant historic sites and buildings throughout  
15 the area, many historic sites and buildings greatly  
16 contributing to making Chelsea such a popular  
17 destination today. This includes classic Greek  
18 Revival row houses from the 19<sup>th</sup> Century that  
19 recently designated Hopper Gibbons House, a rare  
20 Manhattan stop on the Underground Railroad, as well  
21 as the famed Starrett-Lehigh and Terminal Warehouse  
22 building, only landmarked as of 2008 and standing  
23 virtually in the shadow of the impending Hudson  
24 development just to the north. The Intro 775 bill  
25 would prohibit the landmark designation of any

1  
2 property under consideration by the LPC for more than  
3 a year or any district under consideration for more  
4 than two years. Under this legislation, if the LPC  
5 misses the deadline, the property in question would  
6 be barred from reconsideration of landmark status for  
7 a period of five years, giving building owners and  
8 developers ample time to demolish the property, a  
9 syndrome with which Chelsea is well acquainted. The  
10 city, excuse me, the far better investment would be  
11 to bolster the resources of the existing New York  
12 City Landmarks Preservation Commission, which is one  
13 of the city's smallest agencies, especially that's  
14 now celebrating 50 incredibly productive years.  
15 Please do not support this potentially harmful bill  
16 which imposes unrealistic and possibly punitive  
17 timeframes. Thank you.

18 CHAIRPERSON GREENFIELD: Thank you all  
19 for your testimony. I just want to again reiterate  
20 that we certainly support your call to increase  
21 resources to LPC. The next panel that we're calling  
22 up is Caroline Binney Manisk [sp?], Leslie Hendricks,  
23 Lauren Snedicker [sp?], Sean Corsandi [sic], and  
24 Brian Webber. Brian are you here? No Brian. Sean,  
25 are you here. Sean--Lauren, are you here? Leslie,



1  
2 are you here? Caroline, are you here? Michelle  
3 Arbuli [sp?] from the Historic Districts Council are  
4 you here? Daniel Allen, are you here? Cynthia  
5 Bismart [sp?], are you here? Joyce Mendleson [sp?],  
6 are you here? Is Joyce here? Peter Bray, are you  
7 here? Please join us. Thomas Collins, are you here?  
8 Please join us. Markna Iknomo Polous [sp?] from  
9 LESBI [sic] are you here? David Mulkins, are you  
10 here? Please come on up. Josette Amato, are you  
11 here? Please join us. Thank you. Josette, if  
12 you're ready, we're going to start with you.  
13 Whenever you're ready. Thank you. Yeah, yeah,  
14 please.

15 JOSETTE AMATO: Good afternoon. My name  
16 is Josette Amato, and I'm the Executive Director at  
17 the West End Preservation Society, a non-profit  
18 founded in 2007. Our mission is to--thank you--to  
19 preserve and protect Manhattan's West End Avenue.  
20 The goal of a more definitive and transparent process  
21 in landmarks designation is one that we share.  
22 However, Intro 775 does not move preservation forward  
23 as it should. The backlog of properties is being  
24 addressed by the LPC. The time limits stated are too  
25 narrow, and until this morning provided no acceptable

1 grounds for extension, and it imposes a band for  
2 failure to meet the target date. For these reasons  
3 we cannot support it. This bill treats all individual  
4 sites and all historic districts as equal. They are  
5 not. According to the Council's own data sites were  
6 not designated within this timeframe. We fall into  
7 that percentage. Had this law been in place none of  
8 our three recent extensions would have made the cut.  
9 We could now see future historic districts limited  
10 not by their merits, but by their deadlines. Should  
11 we not hear on the side of caution to ensure more  
12 designation rather than cross our fingers and hope  
13 for the best? The punitive provision is more  
14 dangerous. Should LPC miss its imposed deadline,  
15 sites remain off their radar for five years. In our  
16 historic districts we would have lost a minimum of 10  
17 buildings during that period. If owners view  
18 designation unfavorably, they now have five  
19 unfettered years to remove, replace or demolish that  
20 which made the property noteworthy. If New York is  
21 to be a world city that honors our history, culture  
22 and values preservation, we respectfully request that  
23 you vote no on Intro 775. Thank you for considering  
24 our comments.  
25

1  
2 CHAIRPERSON GREENFIELD: Thank you.  
3 You're up next.

4 DANIEL ALLEN: My testimony says Council  
5 Members but I guess it's just Council Member now. My  
6 name is Dan Allen, and I'm the President of the  
7 Historic Districts Council. I'm also a practicing  
8 preservation architect with a long history of dealing  
9 with designated properties, the Commission and its  
10 knowledgeable staff. The introduction of this bill  
11 represents a real threat to what is arguably the best  
12 legislation for the protection of historically  
13 significant neighborhoods and individual properties  
14 that has ever been enacted. It's a bad idea and  
15 should be rejected. As someone involved in the  
16 designation of my former neighborhood, Sunnyside  
17 Gardens in 2007, I know firsthand that the process  
18 takes time. Research, community outreach and  
19 education are critical, and much of this work is done  
20 by one of the smallest and least funded agencies in  
21 our city government. One only needs to look at the  
22 number of important individual landmarks and historic  
23 districts that would be dust today if this law was  
24 enforced. The artificial time limits imposed on an  
25 already overworked agency would be disastrous. The

1  
2 preferred tactic for those who seek to demolish  
3 historic buildings for personal gain would become the  
4 tactic of running out the clock, like winning side on  
5 a soccer match. Once these arbitrary time limits are  
6 exceeded it becomes open season on historic buildings  
7 and individual landmarks. I urge you not to let that  
8 happen. If I have a little bit of time I'd like to  
9 point out, are you sensing a pattern here? Nearly  
10 every preservation group across this great city has  
11 stood up against this bill. The only people who seem  
12 to be for it are the Real Estate Board. Thank you  
13 very much.

14 CHAIRPERSON GREENFIELD: Thank you.

15 PETER BRAY: Good afternoon. My name is  
16 Peter Bray. I'm the Executive Director of the  
17 Brooklyn Heights Association. We take particular  
18 interest in this proposed legislation because this  
19 anniversary year is also the 50<sup>th</sup> anniversary of  
20 Brooklyn Heights designation as New York City's first  
21 historic district. The BHA has grave concerns with  
22 Intro 775. In our view, the specific timeframes of  
23 this legislation imposes on the landmark designation  
24 process will not fulfill its stated objective of  
25 making the process more efficient or accountable.

1  
2 Rather as currently written the bill would limit the  
3 Landmarks Preservation Commission's ability to  
4 execute the Landmarks Law. We have several specific  
5 objections. First, Intro 775 will enable the  
6 alteration or destruction of many landmark-worthy  
7 buildings and districts by prohibiting the  
8 reconsideration for five years. The legislation  
9 creates a powerful incentive for property owners with  
10 the financial, legal and political resources to  
11 obstruct the land marking process, to demolish or  
12 significantly alter their property. Second, the  
13 legislation will endanger properties that require the  
14 LPC to expend a greater amount of resources in the  
15 designation process. The LPC is already a severely  
16 under--is already severely underfunded to handle its  
17 existing workload. So out of necessity it will be a  
18 force to ignore more complicated or controversial  
19 properties. With adequate funding we believe that  
20 the LPC could work within more reasonably established  
21 timeframes. Third, the legislation is supposedly  
22 intended to fix a process that is not broken while  
23 ignoring the chronic underfunding of an agency with  
24 the smallest operating budget of any city agency.  
25 The legislation imposes accountability without

1  
2 providing the commensurate resources to meet that  
3 mandate. This is a formula for failure and one that  
4 masks what we believe is the legislation's true  
5 purpose. We also find it ironic that--

6 CHAIRPERSON GREENFIELD: [interposing]  
7 Peter, I'm going to ask you to wrap up, please.

8 PETER BRAY: Okay. That it's being  
9 introduced on this 50<sup>th</sup> anniversary of the Landmarks  
10 Law with a record amount of development activity  
11 that's taken place in New York today. In our  
12 opinion, this law fails in all respects to honor the  
13 city's efforts over the last 50 years to respect its  
14 past and maintains its future appeal. We urge to  
15 reject this legislation. Thank you.

16 CHAIRPERSON GREENFIELD: Thank you, Peter.

17 THOMAS COLLINS: Yes, good afternoon. My  
18 name is Thomas Collins. I'm a member of the Committee  
19 to Save New York Public Library. At this moment,  
20 heritage sites at home and abroad are being  
21 demolished with shocking impunity. The ongoing  
22 desecration of the Temple of Bel in Palmyra and Paul  
23 Rudolph's Orange County Government Center in Goshen  
24 ought to serve, ought to give this council pause as  
25 it considers a bill which would cripple the very law

1 responsible for saving New York City's most cherished  
2 buildings. Regrettably, culture vandalism is not  
3 confined to uncivilized places in Syria and Upstate  
4 New York. The recent loss of the Bancroft building,  
5 the Hoffman Auto Showroom, Lenox Lounge, and Ritoli  
6 [sp?] Bookstore ought to serve as a wake-up call to  
7 our city's elected officials. Yet instead of passing  
8 reforms to prevent such tragedies in the future, the  
9 prime sponsors of this bill are up in arms over a  
10 handful of properties on the Landmarks Preservation  
11 Commission's calendar. Thankfully, LPC has announced  
12 a public review process to clear its backlog. So,  
13 why is this bill necessary? Our city's landmarks are  
14 more than a collection of beautiful old buildings.  
15 They are the social deposit--they are the deposit of  
16 social relationships whose very material forms  
17 express the prevailing cunfullon [sic] of their  
18 areas. Our landmarks connect us to our past and  
19 enrich our lives. In *Invisible Cities*, Italo Calvino  
20 [sp?] wrote that the city does not tell its past, it  
21 contains it like the lines of a hand. At a time when  
22 our city desperately needs greater landmark  
23 designation in areas like Harlem, this bill would  
24 hinder community led efforts to preserve the historic  
25

1  
2 character of our neighborhoods. I implore you to  
3 consider other alternatives that would improve  
4 transparency at LPC while offering greater protection  
5 for our city's rich cultural heritage. Thank you.

6 CHAIRPERSON GREENFIELD: Thank you,  
7 Thomas. David?

8 DAVID MULKINS: Yes. Hi. While many  
9 commentators have rightly concentrated on how  
10 difficult the bill would make the land marking  
11 process and how it would open up additional ways to  
12 stall or derail landmark considerations, I would like  
13 to concentrate on the larger precarious context in  
14 which historic buildings and neighborhoods have to  
15 exist in this town. Unlike sensible cities like  
16 Paris or Prague which do not allow high rise towers  
17 in historic neighborhoods, because they recognize the  
18 lucrative attractions those areas have for tourists.  
19 New York City's most historic areas have only spotty  
20 or partial protection with some of its oldest most  
21 important historic areas besieged by jarring towers  
22 of glass and steel. Tourism is New York City's  
23 fastest growing industry and the areas that tourists  
24 flock to for adventure, fun and fascination are the  
25 city's low rise historic neighborhoods, but despite



1  
2 these area's proven value to our economy, the city  
3 sits on its hands and allows them to be consumed and  
4 disrupted by international real estate developers.  
5 They tear down historic buildings, and when they do  
6 they are invariably replaced by atrociously designed  
7 cheap eye-sores built to maximize height, bulk and  
8 profit. The ferocious pace of real estate  
9 development in our oldest, most historically valuable  
10 neighborhoods should sound alarm bells with this  
11 council and move them to preserve and protect more  
12 historic buildings and wider historic districts and  
13 to make the process smooth, timeframe appropriate,  
14 and the staff and resources adequate to hand the  
15 workload of nominations. Thank you.

16 CHAIRPERSON GREENFIELD: Thank you, and  
17 thank the panel, and we'll call our next panel up.  
18 Arlene Simon from Landmark West if you're here.  
19 Arlene here?

20 ARLENE SIMON: I'm here.

21 CHAIRPERSON GREENFIELD: Great. Michael  
22 Harvey Adams, are you here?

23 MICHAEL ADAMS: I'm here. Michael Henry  
24 Adams.

25

1  
2 CHAIRPERSON GREENFIELD: Oh, sorry about  
3 that, Henry. Paul Graziano, are you here? Thank  
4 you. Michael White, are you here? Michael White?  
5 Is that you, Michael?

6 MICHAEL WHITE: I'm Michael, yes, thank  
7 you.

8 CHAIRPERSON GREENFIELD: Dale Depson  
9 [sp?], Dale, are you here? Is Dale here? Valerie Jo  
10 Bradley, are you here? Valerie? Leslie Jill Hanson,  
11 are you here? Leslie? Theodore Grunewald, are you  
12 here? You can join us please, Theodore. Arlene,  
13 whenever you're ready.

14 ARLENE SIMON: I do want to say thank you  
15 so much Council Member Greenfield for being here,  
16 because otherwise we might be talking to ourselves.  
17 So, I do want to say thank you so much. I know your  
18 Mr. Koo has left. Too bad. I'm going to cut to the  
19 chase. My name is--

20 CHAIRPERSON GREENFIELD: [interposing]  
21 You're wel--first of all, Arlene, you're welcome. I  
22 just want to do point--I do want to point out that I  
23 am the Chair of the Committee, and obviously for me  
24 it's important to be here, but the reality is that  
25 unfortunately the Council schedules multiple hearings

1  
2 and events at the same time. We can't just have one  
3 hearing per day, and so therefore other members do  
4 have other obligations. It's just in all fairness.

5 ARLENE SIMON: Thank you so much.

6 CHAIRPERSON GREENFIELD: But I  
7 appreciate--I certainly appreciate your recognition  
8 of me being here and I thank you for that, Arlene.  
9 Please.

10 ARLENE SIMON: Hopefully it might--my  
11 name is Arlene Simon. I founded the organization  
12 Landmark West in 1985, 30 years ago, when it became  
13 clear to me that a groundswell grassroots movement  
14 was necessary to have a prayer of preserving the  
15 beauty, character and quality of life for my  
16 neighborhood. My home for over 50 years it's the  
17 Upper West Side. We started with a five-year  
18 campaign to create the Upper West Side Central Park  
19 West Historic District. Everyone told us getting  
20 this district designated would be like catching  
21 lightning in a bottle. Well, we did. I'm going to  
22 go cut to the chase and be able to just tell you why  
23 I'm here. After 30 years of my appearing before the  
24 Landmarks Preservation Commission various Council  
25 Members and other city agencies, I think I'm

1  
2 qualified to offer substantive observation on the  
3 direction of the city is taking regarding public  
4 participation and meaningful input in the public  
5 process. Intro 775 is designed to shut down  
6 meaningful public process. It would position the LPC  
7 and the developers they too often their--they too  
8 often treat as clients to discard volumes of research  
9 and public testimony at the end of an arbitrary  
10 timeline. It would block the public from appealing  
11 denial by default for an even more arbitrary five  
12 years. It would create a fig leaf of due process  
13 when there is no real intent to designate. I--

14 CHAIRPERSON GREENFIELD: I'm going to have  
15 to ask you to wrap up, Arlene. Thank you.

16 ARLENE SIMON: I'm almost 79 years old and  
17 grew up in three rooms in Brooklyn. Mr. Greenfield,  
18 I just want to make sure I'm one of yours. I grew up  
19 in three rooms in Brooklyn, Bed-Stuy and then  
20 Brighton Beach. I'm allowed to be cynical and  
21 outraged. I would regale you with a list of  
22 grievances about the steady erosion of the public  
23 process in New York City, but I won't. In an age  
24 otherwise characterized by transparency, when it  
25 comes to landmarks the overall direction is clear.

1  
2 Push down as much as possible, as far as possible  
3 from public view and comment [sic] from Landmarks  
4 Commissioners, even City Council Members view and  
5 comment and decision-making. The aggressive anti-  
6 public stamp of Mayor de Blasio and the current  
7 Landmarks Chair is unmistakable and regrettable.  
8 This Commission has allowed itself to become an  
9 adjunct--

10 CHAIRPERSON GREENFIELD: [interposing]  
11 Arlene, I'm going to have to ask you to wrap up,  
12 please.

13 ARLENE SIMON: to the community. I don't  
14 think I had two minutes when--

15 CHAIRPERSON GREENFIELD: [interposing] You  
16 go two minutes. There was a clock there.

17 ARLENE SIMON: When you were talking to  
18 me was that counted as my--

19 CHAIRPERSON GREENFIELD: [interposing] No.

20 ARLENE SIMON: two minutes? It's not easy  
21 to stand up to REBNY or Con-Eddison or the  
22 Archdiocese. Not every mayor, perhaps no mayor can.  
23 I'm going to end by telling you what I said to the  
24 Landmarks Commission. Council Members, I tell you  
25 what I told pro-bono Landmarks Commissioners at a

1  
2 public hearing in December of 2014 when it was clear  
3 they were being railroaded by their Chair. You are  
4 not potted plants. The warm glow and professional  
5 status and satisfaction you derive from your position  
6 does not mean you have to check your professional  
7 judgement and independent voice of the door.  
8 Suffering in silence is not part of your job. You  
9 must stand up, speak up for what you believe is  
10 right. You will feel better for it. The public will  
11 benefit from it. Once you're gone, gone--

12 CHAIRPERSON GREENFIELD: [interposing]  
13 Arlene--

14 ARLENE SIMON: [interposing] your actions  
15 and failures to act here will endure forever.

16 CHAIRPERSON GREENFIELD: Arlene, I thank  
17 you--

18 ARLENE SIMON: [interposing] Make your  
19 service count in the long run.

20 CHAIRPERSON GREENFIELD: Thank you very  
21 much.

22 ARLENE SIMON: I'm from Brooklyn, can you  
23 tell?

24 CHAIRPERSON GREENFIELD: I appreciate  
25 that. I love Brooklynites. Michael?

1  
2 ARLENE SIMON: Hopefully, you're  
3 listening.

4 MICHAEL WHITE: Michael White, Citizens  
5 Defending Libraries, Noticing New York. The public  
6 is well aware of the big picture here. New Yorkers  
7 are achingly aware that our public assets, the public  
8 realm and the public commons is under siege.  
9 Countrywide we see the spectacle of big money going  
10 up against the public interest and the public  
11 interest being shortchanged. In New York that takes  
12 place with real estate and there's much at stake. We  
13 see it as Citizens Defending Libraries protecting our  
14 libraries, but there's parks, there's hospitals,  
15 there's public housing. The public is aware that  
16 what is being proposed here is a rule change because  
17 the real estate industry ever wanting more is not  
18 getting everything that it wants. So, it's changing  
19 the rules. It's not about fixing anything. I think  
20 Simeon Bankoff was very clear that when the public is  
21 asked for changes with respect to landmarks, they've  
22 asked for changes that would result in more land  
23 marking, and this would result in less. Your citing  
24 the Landmarks Commission which has often been  
25 underfunded and otherwise impeded. This would be an

1 inducement to underfund it and impede it further, and  
2 you can't prevent that because one City Council  
3 legislature can't bind a future one to ensure proper  
4 funding to meet these mandates in the future. This  
5 is a handout to the real estate industry and the  
6 public understands that.  
7

8 CHAIRPERSON GREENFIELD: Thank you,  
9 Michael. Sir?

10 MICHAEL ADAMS: Good evening, Council  
11 Members. Earlier--

12 CHAIRPERSON GREENFIELD: [interposing] Can  
13 you identify yourself first?

14 MICHAEL ADAMS: My name is Michael Henry  
15 Adams. Earlier, the Chair of the Landmarks  
16 Preservation Commission said to you that, you know,  
17 these time limits were just fine, and what did she  
18 mean by that? She simply meant that she will do even  
19 less in the future than her predecessors have done in  
20 communities like Harlem in the past. Unfortunately,  
21 just one negative consequence of the elitism and  
22 inequality in New York is the way the Landmarks  
23 Preservation Commission has largely overlooked  
24 minority neighborhoods. They fail to provide places  
25 like Washington Heights, Inwood, Mott Haven, East



1  
2 Harlem, East New York, Bushwick or Sandegrown [sp?]  
3 with a sort of comprehensive protection offered to  
4 more affluent white sections of the city, and Harlem  
5 acclaimed as the African-American cultural capital, a  
6 mere 3.7 percent of buildings are city-recognized  
7 landmarks. By contrast, in Greenwich Village two-  
8 thirds of the buildings are. In every borough and  
9 district people are hard at work to remedy this  
10 protracted, deliberate and discriminatory oversight.  
11 But just imagine those of you on the Council only  
12 able to enter after the City Charter change and  
13 following that struggle, once you held power the  
14 rules were all of a sudden changed, changed to make  
15 it much harder for you to deliver services to your  
16 constituents that white representatives have long  
17 provided for theirs. This is what's at stake now.  
18 Intro 775 is a new and dire threat to providing equal  
19 landmarks protection in black and brown neighborhoods  
20 in New York. Contending to address the problem of a  
21 backlog of landmarks in limbo, this bill puzzles us  
22 in Harlem. Our issue has always been how do we get  
23 buildings in our area on the calendar in the first  
24 place? Affecting less than three--excuse me.  
25 Affecting less than 0.3 percent of all the buildings

1  
2 ever considered for landmark designation, calendar  
3 hold-overs amount to fewer than a 100 buildings. 775  
4 would impose deadlines that would prevent, which  
5 would have prevented 17,000 buildings worthy of  
6 designation from having been landmarked.

7 CHAIRPERSON GREENFIELD: Michael, I'm  
8 going to have to ask you to wrap up--

9 MICHAEL ADAMS: [interposing] Now, you  
10 asked the question earlier--

11 CHAIRPERSON GREENFIELD: [interposing]  
12 please.

13 MICHAEL ADAMS: of several people--

14 CHAIRPERSON GREENFIELD: [interposing]  
15 Michael? I'm going to have to ask you to wrap up.

16 MICHAEL ADAMS: Yes, I'm closing. I'm  
17 closing.

18 CHAIRPERSON GREENFIELD: Thank you.

19 MICHAEL ADAMS: You asked the question  
20 earlier, what kind of time limits do we feel are  
21 adequate? In Harlem where I come from and Bushwick  
22 and in other black and brown neighborhoods, we think  
23 we should have the same kind of time deadlines they  
24 had on the Upper East Side, on the Upper West Side,  
25 in Greenwich Village and in Park Slope, all those

1  
2 affluent white neighborhoods that are protected while  
3 ours are not.

4 CHAIRPERSON GREENFIELD: Thank you,  
5 Michael.

6 MICHAEL ADAMS: This is wrong, wrong,  
7 wrong.

8 CHAIRPERSON GREENFIELD: Thank you. And  
9 the good news is that this legislation would give  
10 everyone the exact same time limits. Theodore?

11 MICHAEL ADAMS: No, you won't because  
12 they already are protected.

13 UNIDENTIFIED: Michael--

14 CHAIRPERSON GREENFIELD: Michael--

15 MICHAEL ADAMS: [off mic]

16 UNIDENTIFIED: Michael--

17 CHAIRPERSON GREENFIELD: Michael, we've  
18 managed to get through a whole hearing with some  
19 decorum and we appreciate it. We heard you out.  
20 We'd appreciate it if you'd maintain that decorum.  
21 Thank you very much. Sir?

22 THEODORE GRUNEWALD: Theodore Grunewald,  
23 I'm Vice President of the Committee to Save the New  
24 York Public Library and Founder of the Coalition to  
25 Save Manufacturers Hanover Trust. Good afternoon. In

1  
2 this 50<sup>th</sup> anniversary year of the Landmarks Law it's  
3 important to remember that the impulse to protect  
4 both the masterpieces of the city's architectures  
5 such as Grand Central together with the identifiable  
6 character of its brownstone lined streets such as in  
7 Bedford Stuyvesant came about as a result of people  
8 power, the established right of the people to protect  
9 their heritage of history and architecture to enjoy  
10 democratic vistas of great landmarks and historic  
11 districts freed to be enjoyed by all regardless of  
12 economic station, to visit the homes of inspiring  
13 figures of the past, and to know that some of New  
14 York's unique and irreplaceable old buildings and  
15 cityscape will be there for our descendants to enjoy.  
16 These rights are being threatened by the real estate  
17 industry seeking deregulation in order to maximize  
18 its stupendous profits. The proposed Intro 775 does  
19 nothing to further the aims of the people of New  
20 York. While the stated goals of this bill are a  
21 transparent and a timely process, the reality is that  
22 this bill supplies neither. Not only are there no  
23 requirements for public hearings or any public  
24 process in the latter portion of this bill, but the  
25 imposition of an arbitrary 18-month calendar clearing

1  
2 deadline, the five-year designation moratorium  
3 combined with the lack of any increased staffing or  
4 funding to an already overburdened agency will when  
5 taken together hamstring the Commission's ability to  
6 fulfil its mission to the public and set up the  
7 Commission for certain failure. As written, Intro  
8 775 reads more as a product of the Bloomberg  
9 Administration than it does a reflection of the will  
10 of the people that swept into office Mayor de Blasio.  
11 The public must ask whether Intro 775 is indeed  
12 intended to fulfil the purposes of the Landmarks Law  
13 or rather to frustrate them. The intent of the  
14 Landmarks Law is equity. We elected Bill de Blasio  
15 to protect the people's interest--

16 CHAIRPERSON GREENFIELD: Theodore, I'm  
17 going to have to ask you to wrap up, please.

18 THEODORE GRUNEWALD: not to fulfil the  
19 real estate industry's long cherished fantasies of  
20 de-regulation. Thank you.

21 CHAIRPERSON GREENFIELD: Thank you,  
22 Theodore. Paul?

23 PAUL GRAZIANO: Hi. Thank you, Councilman  
24 Greenfield for having this hearing. Unfortunately  
25 Councilman Koo had to leave. My name is Paul

1  
2 Graziano. I'm an urban planning and historic  
3 preservation consultant, and Councilman, it's funny  
4 that the Douglaston District has become the  
5 flashpoint today or one of the flashpoints. I am the  
6 author of the Douglaston Historic District extension,  
7 and my friend, Mr. Palatnik, I must respectfully  
8 disagree with a number of things that he said. I  
9 can't speak about the mortgage issue or those things,  
10 but I can state unequivocally that this process that  
11 happened, this is a great example of what would  
12 happen with the process. The only reason this has  
13 not gone forward was that--this was adopted under  
14 former Councilman Avella [sp?]. There was  
15 overwhelming support from the community and there was  
16 about a 50/50 split of the homeowners at the time.  
17 This is 2008. In 2009, former Councilman Dan  
18 Halleron [sp?] became the Council Member, and he  
19 philosophically opposed land marking, and he stated  
20 unequivocally, "I will not allow any designations to  
21 go through in my district." And from that point on,  
22 none did. So, it's very hard when the Councilperson  
23 states on the record, "I won't let any designations  
24 go through," when there's been support for an area  
25 that was supposed to be designated. To add to that,

1  
2 this document is the Broadway Flushing Historic  
3 District. It's a national register district. Ten  
4 years later, not a single building has been  
5 designated, and there have been multiple RFE's, which  
6 are by the way Land Use-wise, similar to your Pre-  
7 cert [sic]. So, it can sit in limbo forever and ever  
8 and ever. Meanwhile, it is. It's an amorphous  
9 situation where people can have things waiting and  
10 waiting and it could never be moved on until it's  
11 certified under ULURP. So, it's a similar situation  
12 of what you're trying to propose with your program.  
13 So, my concern is we're not even getting to the  
14 starting gate, let alone the bill that you're  
15 proposing which I think would ultimately be even  
16 worse. So--

17 CHAIRPERSON GREENFIELD: Thank you, Paul

18 PAUL GRAZIANO: You're very welcome.

19 CHAIRPERSON GREENFIELD: Thank you to the  
20 panel. I'll call up our next panel. Botia Luten  
21 [sp?] if you're here. Botia, are you here? Roberta  
22 Nucime [sp?], Roberta are you here? Lo van der Valk,  
23 are you here? Lo van der Valk, please come on up.  
24 Hilda Rigier, Victorian Society of New York. Hilda,  
25 are you here? Doctor Howard Yourow, Howard Yourow,

1 are you here? Is anyone else that submitted a slip?

2 Did you submit a slip? We don't have your slip.

3 When did you submit the slip?

4 UNIDENTIFIED: I was here at 10:30. I  
5 submitted it at 10:30.

6 CHAIRPERSON GREENFIELD: Okay, if you can  
7 resubmit a slip right now, we'll be happy to let you  
8 testify. Is there anyone else that submitted a slip  
9 but hasn't yet testified? Hearing none, this will be  
10 our last panel. Lo van der Valk, you can start us  
11 off, please.

12 LO VAN DER VALK: Yes. My name is Lo van  
13 der Valk, I'm President of Carnegie Hill Neighbors.  
14 We're located in a small part of the Upper East Side  
15 from 86<sup>th</sup> to 98<sup>th</sup> Street and from Fifth Avenue to  
16 Third Avenue. We very much concur with the position  
17 taken by the HDC and its collegial other groups that  
18 this is a bad idea, and we hope that the proposed  
19 legislation would be strongly changed or abandoned.  
20 We think that--and Landmarks Chair Meenakshi  
21 Srinivasan emphasized that getting approval for a  
22 landmarks district or an individual landmark requires  
23 a lot of comple--it involves a complexity and working  
24 with the community to achieve consensus and an amount  
25



1  
2 of research required, and the hardest of this is the  
3 needed consensus. Finally, I--and that's what takes  
4 the time and that's why a moratorium is a bad idea,  
5 and that's why deadlines are probably bad ideas,  
6 although they could be good guideposts. Finally, we  
7 agree with what you have stated earlier that added  
8 funding would be desirable for the Landmarks  
9 Commission. I thought this afternoon that one of the  
10 most enlightening exchanges as the one that you Mr.  
11 Greenfield had with Andrew Berman contrasting the  
12 changes that can be made in zoning in rather quick  
13 order with the changes for designation, achieving  
14 designation which require a great deal of consensus  
15 and that the Landmarks Commission is sensitive to  
16 that even though the law does not require it, and  
17 that is what really delays the process to a great  
18 degree. Thank you very much.

19 CHAIRPERSON GREENFIELD: Thank you, sir.

20 HOWARD YOUROW: Thank you, Mr. Chairman.

21 Howard Yourow, Friends of the Hall of Fame for Great  
22 Americans at Bronx Community College and Four Borough  
23 Neighborhood Alliance. Very simply to salute the  
24 fantastic stream of testimony in opposition to 775  
25 which we have heard for the last lothies [sic] these

1  
2 may hours. There were many, many arguments. There--  
3 it's a terrific group of preservationists who have  
4 presented them to you. My only addition, if you  
5 will, is to want to note that we're sitting and  
6 debating 775 in the context of a very strong assault  
7 on preservation in general. The forces of opposition  
8 are in a very strong position at the moment. Of  
9 course, developers wish to develop. They have an  
10 Administration in power right now upstairs that is  
11 not particularly strongly motivated on preservation  
12 ethos, and the Administration and those private  
13 interests have friends on the City Council as well.  
14 So, I would especially salute the testimony that has  
15 pointed that in fact 775 is a very thinly veiled  
16 attempt to dismantle the landmarks process and part  
17 of a larger context in which we find ourselves at a  
18 moment in the city's history where the preservation  
19 movement because of its success in the last 50 years,  
20 because of its strength is now under serious attack.  
21 So, we will continue to oppose 775 and legislation  
22 which would set us back rather than move us forward  
23 as far as historic preservation is concerned. Thank  
24 you.

1  
2 CHAIRPERSON GREENFIELD: Thank you,  
3 Howard. Anne, you can join us please at the witness  
4 table. Hilda, whenever you're ready.

5 HILDA RIGIER: I'm Hilda Rigier,  
6 President of the Victorian Society in New York. The  
7 Victorian Society of New York opposes Intro 775. Our  
8 organization is the founding chapter of the Victorian  
9 Society in America established in 1966 to preserve  
10 structures built in this country in the 19<sup>th</sup> and  
11 early 20<sup>th</sup> centuries. Designations by the New York  
12 City Landmarks Preservation Commission are vital to  
13 our local efforts. Intro 775 would seriously  
14 interfere with the designation work of the LPC by  
15 limiting the time allowed for research and  
16 deliberation. The proposal would prohibit landmark  
17 designation of any property under consideration by  
18 the LPC for more than a year or any historic district  
19 under consideration for more than two years without a  
20 final decision by the LPC. After automatically being  
21 jettison [sic] from consideration when that time has  
22 elapsed, the property would not be eligible for  
23 reconsideration for five years. A lot can happen in  
24 five years, demolitions, inappropriate alterations,  
25 stripping of decorative elements. The rationale

1  
2 offered for Intro 775 is that it would ensure a  
3 predictable process within appropriate timeframes.  
4 If such legislation had been in effect since the  
5 establishment of the LPC in 1965, nearly half of New  
6 York's individual landmarks and historic districts  
7 would not have been designated. How many of these  
8 historic properties might have been destroyed or  
9 inappropriately altered is anyone's guess. Is that--

10 CHAIRPERSON GREENFIELD: [interposing]

11 Yes, if you can just wrap up your testimony, Mrs.  
12 Rigier. Thank you.

13 HILDA RIGIER: Intro 775 should be  
14 rejected now and not sent to the full City Council.  
15 I'd also like to point out that the former Chair of  
16 the LPC, Kent Barowick [sp?] was here in the morning.  
17 He came back this afternoon, and he was not  
18 recognized, and he was here in the room at the time,  
19 but he was called initially.

20 CHAIRPERSON GREENFIELD: He was. He was  
21 actually called, Mrs. Rigier, but he was out of the  
22 room when we called him.

23 HILDA RIGIER: But he came back this  
24 afternoon.

1  
2 CHAIRPERSON GREENFIELD: No, I  
3 understand.

4 HILDA RIGIER: And--

5 CHAIRPERSON GREENFIELD: The point is  
6 that we did call him. He just was not here when we  
7 called him. So, just want the record to reflect  
8 that. Thank you for your testimony, Ms. Rigier.  
9 Anne?

10 HILDA RIGIER: Rigier.

11 CHAIRPERSON GREENFIELD: Rigier, I'm  
12 sorry. Thank you for your testimony, Mrs. Rigier.

13 ANNE MCDERMOTT: My name is Anne  
14 McDermott. I was born and raised in Brooklyn. I  
15 live in Manhattan now. Like most wonderful things in  
16 life, great cities don't just happen. They have to  
17 be planned, and those charged with protecting and  
18 managing them have to be intentional about preserving  
19 the architectural treasures they contain. The  
20 Landmarks Commission grew out of an epic tragedy, the  
21 loss of Penn Station. When I was 10 years old in  
22 1969 I walked through the current Penn Station with  
23 my father who was born in the West Village, and he  
24 told me how he sold newspapers there as a boy during  
25 the depression, and for the life of me, I couldn't

1 figure out where in that maze of tunnels and  
2 fluorescent lights he could have sold those  
3 newspapers. Then I saw a picture of the original  
4 Penn Station with the glorious, beautiful, cavernous,  
5 Romanesque waiting room, and I said, "Oh, that's  
6 where he sold the newspapers." Now, not the really  
7 ugly place that I know as Penn Station. Those of us  
8 alive today are called upon to protect architectural  
9 treasures for future generations. Look at Paris and  
10 how it's preserved and protected and cherished as one  
11 of the world's most beautiful cities because of the  
12 intention of the law makers. Last year, I started  
13 working at 120 Park Avenue, directly across the  
14 street from 51 East 42<sup>nd</sup> Street next to Grand  
15 Central, a building I'd passed hundreds of times and  
16 never really saw the beauty and the value of it  
17 because I couldn't see the top from the ground floor.  
18 There are heads sculpted into the side of that  
19 building in the style of Grand Central, the Bozart  
20 style, which will never be created again in a  
21 building in this city as far as I can see. That  
22 spectacular building is now being dismantled pipe by  
23 pipe, brick by brick to make way for One Vanderbilt,  
24 another unimaginative glass tower monstrosity like  
25

1  
2 the ones that dot our skyline like giant Pez  
3 dispensers in the sky. Can somebody say 342 [sic]  
4 Park Avenue? As someone born in Brooklyn and having  
5 worked in Manhattan the last 35 years, I absolutely  
6 hate what is happening to my home, this city, and I  
7 urge the City Council to vote no on Intro 775 and use  
8 the power vested in them to represent the people, not  
9 the real estate industry, to protect our city and its  
10 architectural treasures.

11 CHAIRPERSON GREENFIELD: Thank you very  
12 much. I want to thank all of you for your testimony.  
13 I want to thank all of you who came out today. This  
14 was very helpful. Like we said, we're going to  
15 certainly take it into consideration as we revise the  
16 bill. This concludes at 5:00 p.m. the hearing of the  
17 Land Use Committee on Tuesday, September 8<sup>th</sup>. The  
18 Land Use Committee is hereby adjourned.

19 [gavel]

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COMMITTEE ON LAND USE



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 September 20, 2015