

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON LANDMARKS, PUBLIC SITING & MARITIME USES

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September 22, 2009  
Start: XX:XXam/pm  
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HELD AT: Council Chambers  
City Hall

B E F O R E: JESSICA S. LAPPIN  
Chairperson

COUNCIL MEMBERS:  
Annabel Palma  
Rosie Mendez  
Charles Barron  
Leroy G. Comrie, Jr.  
Elizabeth Crowley  
John C. Liu

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

Jenny Fernandez  
Director of Intergovernmental and Community Relations  
Landmarks Preservation Commission

Susan Borkow

CHAIRPERSON LAPPIN: I know,  
apparently I'm not, I don't--

[Pause]

CHAIRPERSON LAPPIN: All right, are  
we ready to go in the back, Madam Sergeant-at-  
Arms? Great. Good morning, everybody, welcome to  
the Land Use Subcommittee on Landmarks, Public  
Sighting, and Maritime Uses. I am the Chair  
Jessica Lappin joined today by Councilwoman  
Annabel Palma of the Bronx, Councilwoman Rosie  
Mendez of Manhattan, Council Member Charles Barron  
of Brooklyn, Council Member Leroy Comrie of  
Queens, and I also see Council Member-elect  
Jumaane Williams hanging out in the back, welcome.

We have only one item on the agenda  
today, it's 94 Greenwich Street House, which is  
item number 1208. I wanted to open the hearing on  
this item and welcome the representative from the  
Landmarks Commission to come in to testify, and  
please introduce yourself for the record and  
begin.

JENNY FERNANDEZ: Good morning,  
Madam Chair, Council Members. My name is Jenny  
Fernandez, Director of Intergovernmental and

1  
2 Community Relations for the Landmarks Preservation  
3 Commission. I'm here today to testify on the  
4 Commission's designation of the 94 Greenwich  
5 Street House in Manhattan.

6 On January 30th, 2007, the  
7 Landmarks Preservation Commission held a public  
8 hearing on the proposed designation. Twelve  
9 people spoke in favor of designation, including  
10 representatives of the Greenwich Village Society  
11 for Historic Preservation, Municipal Arts Society  
12 of New York, New York Landmarks Conservancy, and  
13 Historic Districts Council. In addition, the  
14 Commission received a number of communications in  
15 support of designation including a letter from  
16 Augustine Hicks Lawrence, III, a sixth generation  
17 descendent of the original owner. One of the  
18 property's owners who oppose designation appeared  
19 at the June 23rd, 2009, public meeting and  
20 requested a postponement of the vote.

21 The building had previously been  
22 heard by the Commission on October 19th, 1965, and  
23 June 23rd, 1970. On June 23rd, 2009, the  
24 Commission voted to designate the building a New  
25 York City landmark.

1  
2 The federal style row house at  
3 number 94 Greenwich Street in lower Manhattan was  
4 constructed circa 1799 through 1800 as an  
5 investment property, right after this block was  
6 created through landfill and Greenwich and Rector  
7 Streets had been laid out. At the time, this was  
8 one of the most fashionable neighborhood for New  
9 York's social elite and wealthy merchant class.  
10 The owner of number 94 was Augustine Hicks  
11 Lawrence, a prominent stock and insurance broker,  
12 banker, and commission merchant who served as  
13 director of a number of banks and companies, as  
14 well as an assistant alderman and aldermen in 1809  
15 through 1816.

16 What makes this house highly  
17 significant is that it is among only five  
18 surviving houses of Manhattan's most elite  
19 neighborhood of the post-Revolutionary War era.  
20 The others including the Watson House 1793-1806; 7  
21 State Street and Dickey House, 1809 through 1810;  
22 67 Greenwich Street both designated New York City  
23 landmarks.

24 Number 94 Greenwich Street is among  
25 the relatively rare extant Manhattan houses of the

1  
2 Federal period and style, and it's one of the  
3 oldest houses in Manhattan.

4 As constructed, the house was 3 1/2  
5 stories with a high peaked gambrel roof, probably  
6 with dormers, the outline of the original roofline  
7 is still visible on the Rector Street façade. It  
8 features Flemish bond brickwork and splayed  
9 lintels on the second and third stories. Those on  
10 the Rector Street façade are marble with double  
11 keystones, while the Greenwich Street façade has  
12 splayed brick lintels.

13 By 1810, number 94 had become a  
14 boarding house for merchants and professional men,  
15 many of them prominent, and housed a porterhouse  
16 by 1837 and was listed as a hotel in 1841. The  
17 building was raised one full story prior to 1858  
18 and has a two-story rear addition, dating from  
19 1853-1873. The building remained in the  
20 possession of the Lawrence family descendents  
21 until 1921 and has housed a variety of commercial  
22 tenants. Despite alterations, the 94th Greenwich  
23 Street House is recognizable as a grand early  
24 Federal style row house made particularly notable  
25 by its height, corner location with two primary

1  
2 façades, and visible outline of the original  
3 gambrel roofline on the Rector Street façade, and  
4 its splayed marble lintels and double keystones--a  
5 feature typical of the earliest surviving Federal  
6 style houses in Manhattan.

7           The commission urges you to affirm  
8 the designation.

9           CHAIRPERSON LAPPIN: So thank you,  
10 Ms. Fernandez. I wanted to note for my colleagues  
11 this is in Council Member Gerson's district, he is  
12 not here, but he is very much in support. I  
13 believe, I don't know if each of you have a copy  
14 or if just I have a copy, but he did send a letter  
15 this morning reiterating his wholehearted support  
16 for the application that's before us today, and  
17 does believe very strongly that enriches the  
18 historic fabric of Greenwich Village.

19           You mentioned in your testimony  
20 that this building was considered in 1965 and then  
21 again in 1970, and then was voted upon on June  
22 23rd of 2009. So this is a property that you have  
23 been looking at for 45 years, is that right?

24           MS. FERNANDEZ: That's correct.

25           CHAIRPERSON LAPPIN: And what made

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you designate it now, just out of curiosity.

MS. FERNANDEZ: Basically, it's one of the very rare remaining Federal row houses and, as you know, a lot of times designations or proposed designations requires a lot of consensus building and sometimes when there's back and forth with owners, that may slow down the process. And so, obviously, there was that consensus to a certain point to move forward with this and the Commission had decided to look at it again and vote on it.

CHAIRPERSON LAPPIN: Okay. I know we're going to hear from one of the owners who opposes it, although--excuse me, Council Member--

[Off mic]

CHAIRPERSON LAPPIN: But there are two owners of this property and the other owner supports it, is that correct?

[Off mic]

MS. FERNANDEZ: No, that's not correct, there's one owner. There's two--one--

CHAIRPERSON LAPPIN: Okay. I'm sorry, ma'am, we're not going to--you'll have your chance to speak at that--



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[Off mic]

CHAIRPERSON LAPPIN: No, I'm not, I'm asking questions of the witness. I'm just a little confused then 'cause I'm looking at the designation report and it mentions--

MS. FERNANDEZ: It may--

CHAIRPERSON LAPPIN: --that one of the--yeah?

MS. FERNANDEZ: You may be referring to the descendent of Augustine Lawrence, Augustine Hicks Lawrence, he was a previous owner. That family owned the house until 1921 and he was in support of the designation, but he is not the owner at this time.

CHAIRPERSON LAPPIN: Any questions from my colleagues? Council Member Barron.

COUNCIL MEMBER BARRON: First, I wanted to thank you, I wasn't at the last meeting and I had a funeral to go to, but I understand that you did a fine job in making sure that the native population and Africans and slavery is included in the history of these landmarkings and this, too, I noticed that there's another great detail of that. And I just wanted to thank you

1  
2 very much, because that's very, very important to  
3 me, I think it's very, very important for this  
4 city to know the history and know that the  
5 enslavement of Africans and the taking of land  
6 from Native Americans was very much a part of a  
7 lot of these great landmarkings, and for you to  
8 make sure--you're doing the great job that you're  
9 doing to make sure that that's included in the  
10 historical backdrop. I just wanted to thank you  
11 very much for that and commend you.

12 MS. FERNANDEZ: Thank you.

13 CHAIRPERSON LAPPIN: Council Member  
14 Comrie.

15 COUNCIL MEMBER COMRIE: I'm  
16 unclear, I don't see a reaction from the Borough  
17 President or Community Board, was that reflected  
18 in the testimony?

19 [Off mic]

20 UNKNOWN VOICE: ...times they don't  
21 weigh in on them.

22 COUNCIL MEMBER COMRIE: Okay. So  
23 just to follow up, how many property owners are  
24 there for the parcel?

25 MS. FERNANDEZ: It's one family and

1 the owner is here today.

2 COUNCIL MEMBER COMRIE: Okay.

3 MS. FERNANDEZ: The primary owner.

4 COUNCIL MEMBER COMRIE: And the  
5 property is now a commercial/residential property  
6 or--the pictures are real dark so it's kind of  
7 hard to make out what the building is.

8 MS. FERNANDEZ: I apologize for the  
9 quality of the photos, but it is residential on  
10 the upper floors.

11 COUNCIL MEMBER COMRIE: Oh, thank  
12 you, they gave me some better photos.

13 MS. FERNANDEZ: Okay, good.

14 [Pause]

15 COUNCIL MEMBER COMRIE: And the  
16 reason for the designation is because of the type  
17 of stone that was used?

18 MS. FERNANDEZ: It is one of the  
19 rare surviving early Federal style houses in  
20 Manhattan.

21 COUNCIL MEMBER COMRIE: Yeah, I  
22 heard that, but what does that mean? That the  
23 stonework is different, that the type of stone, or  
24 I see a couple of window inlays, I guess you would  
25

2 call that? I don't see any decorative animals or  
3 gargoyles or was the doorways, but I don't see--  
4 were the doorways arched or...?

5 MS. FERNANDEZ: That would be, and  
6 you mentioned gargoyles and other things, those  
7 would be of a different typology--

8 COUNCIL MEMBER COMRIE: Right.

9 MS. FERNANDEZ: --these Federal  
10 style buildings were not overly ornate in their  
11 design. This is an excellent representation of  
12 that typology and that style and, for fear of  
13 repeating myself, but it is one of the rare  
14 surviving--

15 [Crosstalk]

16 COUNCIL MEMBER COMRIE:  
17 [Interposing] I'm sorry to make you repeat  
18 yourself.

19 MS. FERNANDEZ: Oh no, it's--

20 COUNCIL MEMBER COMRIE: I don't  
21 mean to do that. But I'm doing it anyway. Okay.  
22 And is it the outside of the building or the  
23 entire building that's going to be designated?

24 MS. FERNANDEZ: It's not an  
25 interior landmark, it's just exterior.

2 COUNCIL MEMBER COMRIE: Just the  
3 exterior.

4 MS. FERNANDEZ: Yes.

5 COUNCIL MEMBER COMRIE: Okay.  
6 Great. Okay. That's all the questions I have,  
7 Madam Chair, thank you.

8 CHAIRPERSON LAPPIN: Thank you,  
9 Jenny. Stick around in case we have some follow-  
10 up questions for you.

11 MS. FERNANDEZ: Sure.

12 CHAIRPERSON LAPPIN: Okay. Thank  
13 you.

14 MS. FERNANDEZ: No problem.

15 CHAIRPERSON LAPPIN: I'm not going  
16 to call the next witness, who is the owner Susan  
17 Borkow, am I pronouncing your name correctly?  
18 Great, please come introduce yourself for the  
19 record. [Pause] If you can push the button on  
20 the microphone, perfect.

21 SUSAN BORKOW: Now can you hear me?

22 CHAIRPERSON LAPPIN: Thank you.  
23 And just state your name for--

24 MS. BORKOW: [Interposing] I'm  
25 finding it hard from there to hear all of you, it

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may just be the room.

CHAIRPERSON LAPPIN: Maybe.

MS. BORKOW: My name is Susan

Borkow, I am an owner of the property, along with my brother Dr. Myles Behrens, the two of us own it as tenants in common, and we have owned it since the 70s. My father purchased it in the 50s. So though we had been privy to some information which indicated that when we bought it, we knew it was up for landmarking, that is not true. It was not up for landmarking at the time and we did not buy it, we inherited it, basically. So landmarking was a surprise to us.

It was objected to in '65 and successfully so. And there was a hearing in '07, but we could have spoken had we known what was going on, but it was all very new to us and we didn't speak, though I was there. And the next hearing, which was in this year, we were told no testimony was allowed, even though I was there and wanted to speak, and no testimony was allowed and the vote was taken at that meeting and the vote was to designate it a landmark, though I would have certainly challenged it.

2           Somebody said, why now after all of  
3 this time, and the why now, I believe, has more to  
4 do with the fact that this was not a single  
5 building just standing there, there are three  
6 buildings in a row and in '07 the thrust was to  
7 landmark all three of them because it was so  
8 unusual to have three such old buildings together.  
9 And in '09, all of a sudden the other two dropped  
10 off because the owners of the other two did  
11 construction, in the meantime, which made them  
12 less desirable. We did \$250,000 worth of  
13 construction, honoring your desire to have the  
14 gambrel roof and have the lintels and all the  
15 rest, and we did not, though we could have, done  
16 anything to disturb them.

17           And I want to say since, if I  
18 cannot change your minds about landmarking it, I  
19 want you to at least be generous in dealing with  
20 us because we could have destroyed it and we  
21 didn't, and we didn't out of respect for what you  
22 were about. And if we choose, for instance, we  
23 have sold our air rights, we have maybe 20 feet  
24 that we could go up on the roof, we may choose to  
25 add something to the roof, we don't want it to be

1 multiply more expensive than it would have been to  
2 do it without landmarking involved, and we don't  
3 want aggravation about doing it because right now,  
4 this building is by no means a representative of a  
5 1785 or 1790 building.  
6

7 It has plate glass all the way  
8 around and a deli and a pizza place and it has  
9 nothing to do with the past. So the top has  
10 representations that are desirable for those who  
11 are into landmarking, but the building itself is  
12 not representative of the time.

13 So we are concerned, one of our  
14 reasons for not wanting it to be landmarked was  
15 the costs involved if it is landmarked in doing  
16 anything with it. And one of the things that  
17 might be something we would do someday is to add  
18 on the roof, and it's not necessarily going to be  
19 something that will destroy the roofline, but up  
20 there, there could be an apartment. Anyway, so I  
21 would like to at least--

22 [Off mic]

23 CHAIRPERSON LAPPIN: First of all,  
24 I want to thank you for being so thoughtful in the  
25 work that you have done and for supporting the



1  
2 history and the spirit of the building and of the  
3 neighborhood, I really want to thank you for doing  
4 that because, as you pointed out, you didn't have  
5 to. So what I take from that is that you have a  
6 lot of pride in this building and that you  
7 certainly did the work in a way that reflected  
8 that.

9 The designation report--I just want  
10 to make clear for the record as well, does very  
11 clearly state that in terms of the commercial  
12 space it's non-historic continuous metal and glass  
13 storefronts, so that is indicated in the  
14 designation report.

15 MS. BORKOW: I don't know that that  
16 would have been the case in '07.

17 CHAIRPERSON LAPPIN: But I just  
18 want to make sure you're aware and we can make  
19 sure you have a copy--

20 [Crosstalk]

21 MS. BORKOW: [Interposing] Oh yes,  
22 I am and I have read it.

23 CHAIRPERSON LAPPIN: But I think  
24 that's important to note because, as you said,  
25 that's not historic, they agree with you that it's

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not historic.

And I think your comments about wanting to do other work in the future are duly noted, certainly by me and we can talk to the Commission about that as well to make sure. My guess is since you have a good track record on this issue--and it's a good thing you've already sold your air rights, I'm actually glad to hear that you have already done that.

I guess I would ask, do my colleague--Council Member Comrie, I figured you'd--you may have a question?

COUNCIL MEMBER COMRIE: I don't understand, so she can sell her--

[Pause]

CHAIRPERSON LAPPIN: She already has sold her air rights.

COUNCIL MEMBER COMRIE: So how does that affect the--

[Off mic]

CHAIRPERSON LAPPIN: If she had not sold her air rights, then it could have been an issue, but she's already sold them, so it's not an issue.

2 [Pause]

3 CHAIRPERSON LAPPIN: No, she sold  
4 them to somebody else to develop in another  
5 parcel.

6 COUNCIL MEMBER COMRIE: Okay, all  
7 right.

8 [Off mic]

9 COUNCIL MEMBER COMRIE: Okay, all  
10 right, 'cause you can do either or.

11 CHAIRPERSON LAPPIN: Right, but she  
12 already sold her--

13 COUNCIL MEMBER COMRIE:  
14 [Interposing] I'm sorry, because you can do either  
15 or, you can sell air rights to build on top of  
16 your building, you can sell the air rates to  
17 another building so they can go higher, correct?  
18 Am I--

19 [Crosstalk]

20 CHAIRPERSON LAPPIN: [Interposing]  
21 I don't think you sell them to develop your own  
22 property.

23 FEMALE VOICE: There are  
24 restrictions when your landmarked of how far you  
25 can sell those air rights. Usually I think you

1  
2 may be able to go caddy corner or usually it's the  
3 adjacent buildings, so they're slightly different,  
4 but it wouldn't apply now 'cause it's already been  
5 sold in this case.

6 COUNCIL MEMBER COMRIE: Okay.

7 MS. BORKOW: If you sell--

8 FEMALE VOICE: And so she still has  
9 unused FAR, which means she can still build a  
10 little higher and that would not be an issue with  
11 a landmarked building.

12 MS. BORKOW: It's just--

13 FEMALE VOICE: It just needs to be  
14 approved by--

15 MS. BORKOW: Well--

16 FEMALE VOICE: --and they've done  
17 it in the past, they've--

18 MS. BORKOW: It's the approve--

19 [Crosstalk]

20 FEMALE VOICE: --additions.

21 MS. BORKOW: --and the regulations  
22 and the restrictions and whatever that we would  
23 like to be eased for us if that happens because we  
24 have been more than good to you folks. And when I  
25 say, you folks, it's to all of us in the city, I

1 realize that, it's not you versus us, it's that a  
2 landmarking is a taking of sorts of your property,  
3 and you no longer have the free use of your  
4 property as you would have, had it not been  
5 landmarked.  
6

7 FEMALE VOICE: I don't think I  
8 agree with that statement because if it was a  
9 taking, it would be a constitutional issue, it is,  
10 as far as I consider it, a preservation and it  
11 does make certain things that cannot be done, but  
12 there are still things that can be done. And you  
13 have taken in the past the care to upgrade the  
14 building and keep it with some of the  
15 architectural and historical details and putting  
16 an addition or two or whatever is required under  
17 zoning, I don't see it would be an issue, I've  
18 seen Landmarks Preservation Commission approve  
19 additions, as long as it's in keeping with the  
20 current architecture of the building.

21 MS. BORKOW: Under ordinary  
22 circumstances, if you own a building, you may do  
23 whatever you wish with it, that would be its  
24 highest and best use; and in this case,  
25 landmarking has something to say about what would

1  
2 be its highest and best use and how we can use it.  
3 In that sense it is a taking, we no longer are  
4 freely able to do what we please with our  
5 building, which would be the normal situation.  
6 That's what I mean by a taking.

7 [Off mic]

8 CHAIRPERSON LAPPIN: I think the--  
9 did you want to say something as Counsel to the  
10 Committee just on the record make clear.

11 FEMALE VOICE 1: Yes, I would like  
12 to say that the Grand Central case has made clear  
13 that this is not a taking in the legal sense,  
14 although you may be limited as to what you can do.

15 MS. BORKOW: Right, it may not be  
16 technically constitutionally a taking, but it is  
17 in effect a taking of our rights to use our  
18 building as we would ordinarily.

19 CHAIRPERSON LAPPIN: Sure, Council  
20 Member.

21 COUNCIL MEMBER COMRIE: I have a  
22 question, you said that you were never given an  
23 opportunity to make a verbal objection to the  
24 landmarking of the building. At what specific  
25 meeting was this when the landmarks commission--

2 MS. BORKOW: Yes.

3 COUNCIL MEMBER COMRIE: --had their  
4 public hearing?

5 MS. BORKOW: That was during the  
6 summer, but it was no testimony was to be taken at  
7 that, and it wasn't allowed.

8 COUNCIL MEMBER COMRIE: Was that  
9 where? Where was that meeting being held?

10 MS. BORKOW: That was at Landmarks  
11 Preservation's office.

12 COUNCIL MEMBER COMRIE: And that  
13 was--

14 CHAIRPERSON LAPPIN: [Interposing]  
15 Yeah, my guess is that was the vote, not the  
16 hearing. I see Jenny shaking her head, that  
17 they'd had the hearing on the item in 2007, the  
18 way sometimes we will have hearings on one day and  
19 vote on another day, then the actual vote was  
20 taken in 2009.

21 COUNCIL MEMBER COMRIE: Were you  
22 aware of the 2007 hearing?

23 MS. BORKOW: I was there.

24 COUNCIL MEMBER COMRIE: Did you  
25 testify at that time?

2 MS. BORKOW: I did not testify.

3 COUNCIL MEMBER COMRIE: Why not?

4 MS. BORKOW: I didn't testify

5 because I was new to the whole subject of this and  
6 I didn't know.

7 COUNCIL MEMBER COMRIE: You didn't  
8 hire a lawyer at that particular time?

9 MS. BORKOW: I'm sorry, what?

10 COUNCIL MEMBER COMRIE: How long  
11 have you owned this building?

12 MS. BORKOW: We have--

13 COUNCIL MEMBER COMRIE: Your  
14 parent--you said your--

15 MS. BORKOW: My father--

16 COUNCIL MEMBER COMRIE: --father  
17 purchased it in--

18 MS. BORKOW: --bought it in--

19 COUNCIL MEMBER COMRIE: --the 50s?

20 MS. BORKOW: --about 1950, Dr.

21 Behrens--

22 [Crosstalk]

23 COUNCIL MEMBER COMRIE: And you  
24 inherited it in the 70s and you've always lived at  
25 the same address?



2 MS. BORKOW: I don't live there.

3 COUNCIL MEMBER COMRIE: No, no,  
4 what address do you--you lived at the same--the  
5 notice from Landmarks came where? How did you  
6 find--

7 MS. BORKOW: [Interposing] Oh, to  
8 my home, I guess.

9 COUNCIL MEMBER COMRIE: And you've  
10 lived at that home for how long?

11 MS. BORKOW: Well I lived at one  
12 for 35 years and we sold it two years ago and  
13 moved into the city where I am now but they--

14 COUNCIL MEMBER COMRIE:  
15 [Interposing] So in 2007 you got a notification  
16 from Landmarks that there was a hearing in time  
17 to--

18 MS. BORKOW: [Interposing] Yes, and  
19 I went to it.

20 COUNCIL MEMBER COMRIE: But you  
21 didn't hire a lawyer.

22 MS. BORKOW: At that time, no, I  
23 did not hire a lawyer.

24 COUNCIL MEMBER COMRIE: And were  
25 you aware of the procedures for Landmarks?

1  
2 MS. BORKOW: None, none at all, not  
3 at all, nor was anything given to me telling me  
4 about it.

5 COUNCIL MEMBER COMRIE: But you  
6 didn't hire a lawyer.

7 MS. BORKOW: I didn't hire a  
8 lawyer.

9 COUNCIL MEMBER COMRIE: Did you go  
10 to advice from somebody to find out what--

11 MS. BORKOW: --I spoke to people,  
12 but I didn't--we never started with the feeling  
13 that we wanted to be landmarked because we didn't  
14 want the restrictions and the cost.

15 COUNCIL MEMBER COMRIE: I  
16 understand that, but you didn't go to anybody for  
17 some advice with some expertise in the matter  
18 before the hearing in 2007.

19 MS. BORKOW: No.

20 COUNCIL MEMBER COMRIE: And you  
21 didn't consult with anyone in either Landmarks  
22 Commission or in the community about the issues of  
23 landmarking.

24 MS. BORKOW: After the fact, I  
25 spoke with some people in the office.

2 COUNCIL MEMBER COMRIE: After the  
3 hearing.

4 MS. BORKOW: After the hearing.  
5 And that hearing was the last hearing until today.

6 COUNCIL MEMBER COMRIE: And that  
7 building right now has commercial properties on  
8 the bottom and do you have condos, apartments  
9 or...?

10 MS. BORKOW: No, rentals.

11 COUNCIL MEMBER COMRIE: Rentals.

12 MS. BORKOW: Yes.

13 COUNCIL MEMBER COMRIE: Okay.

14 MS. BORKOW: And the bottom is--

15 COUNCIL MEMBER COMRIE:  
16 [Interposing] And can I ask you what the rental  
17 prices are in the building?

18 MS. BORKOW: Well, one is a rent-  
19 controlled apartment for 7532 a month.

20 COUNCIL MEMBER COMRIE: Seventy  
21 five thirty-two?

22 MS. BORKOW: That's right, and he  
23 doesn't pay his rent on a regular basis, right.

24 COUNCIL MEMBER COMRIE: How big is  
25 that apartment?

2 MS. BORKOW: You want it? Somebody  
3 might want it.

4 [Off mic]

5 COUNCIL MEMBER COMRIE: Hey, when  
6 we have 24 hour meetings...

7 [Off mic]

8 MS. BORKOW: But that young man who  
9 lives there was born in the building, his parents  
10 lived there, his grandmother lived there, he grew  
11 up there and so I've kind of left him alone  
12 because he knows so much about the building that  
13 he's good to have around in a sense.

14 COUNCIL MEMBER COMRIE: Okay. And  
15 how much are your commercial properties [off mic]?

16 MS. BORKOW: How much? Well  
17 there's one commercial tenant.

18 [Off mic]

19 COUNCIL MEMBER COMRIE: I mean I'm  
20 [off mic].

21 MS. BORKOW: Do you want to--

22 COUNCIL MEMBER COMRIE: No, but I  
23 mean--

24 [Crosstalk]

25 COUNCIL MEMBER COMRIE: --I'm just

1  
2 trying to figure out why you didn't hire a lawyer  
3 when there was something so important to your  
4 building. If it was a financial need--

5 MS. BORKOW: Oh.

6 COUNCIL MEMBER COMRIE: --or just a  
7 not being knowledgeable need. I mean I'm trying  
8 to figure out a reason to help you here, but I'm  
9 not--other than the 7532 a month, I'm clear you're  
10 losing money on that, but I'm trying to figure out  
11 why would someone that's had an institutional  
12 property for 50 years, you didn't move, so you got  
13 the proper notification, would not try to find  
14 some assistance in dealing with a city agency.  
15 Some advice, some consultation, I mean, the  
16 hearing happened, I guess you were waiting for a  
17 second hearing to articulate your need. And I  
18 understand that you tried to keep the building in  
19 a manner that is contiguous to having a Federal  
20 style building, but if you were against  
21 landmarking, why didn't you do something more  
22 aggressively to try to stop it.

23 MS. BORKOW: Because my sense of  
24 integrity kept me from doing that, because we  
25 weren't developing it into some huge something or

1  
2 other, first of all, it's just like 20 feet wide  
3 on a corner. And we made a choice to sell the  
4 development rights in 2006, which was right before  
5 that. And this was not--it sounds like it's great  
6 to have a building or whatever, but I told you one  
7 of the rents was what 7532--

8 COUNCIL MEMBER COMRIE: Right.

9 MS. BORKOW: --and the others were  
10 reasonable but it was something that was--my  
11 brother is a doctor with no time at all to do  
12 this, I do this for us both and I was involved in  
13 other things as well, which kept me from doing  
14 this as a business. It is a business, it should  
15 be done as a business, I am prepared to do that  
16 more now than I was before. And so here's where  
17 we are.

18 COUNCIL MEMBER COMRIE: Okay. All  
19 right. Thank you, I'm sorry to be--I don't mean  
20 that--I was just trying to get to some point where  
21 I could make a comfortable vote on this issue.  
22 Thank you, thank you.

23 CHAIRPERSON LAPPIN: Thank you.

24 MS. BORKOW: Thank you.

25 CHAIRPERSON LAPPIN: I want to note

1  
2 we've been joined by Councilwoman Elizabeth  
3 Crowley and Council Member John Liu.

4 Thank you very much for your time,  
5 I'm glad we had the opportunity to hear your  
6 thoughts on this.

7 There are no other witnesses signed  
8 up to testify so I'm--would like to say one more  
9 thing before I close the hearing?

10 MS. BORKOW: Yes, I would.

11 CHAIRPERSON LAPPIN: Sure.

12 MS. BORKOW: Because at the last  
13 meeting when there was no testimony allowed and  
14 all of a sudden the other two buildings fell off  
15 this proposal, which was totally--all those people  
16 who testified in '07, so many of them testified  
17 about the fact that it was three buildings in a  
18 row and you don't find that and you can't have  
19 that and you must designate these because of that.  
20 All of a sudden we're designating only one and the  
21 other two have fallen off. And I guess I object  
22 to that because when last this was heard, it was  
23 proposed as three buildings, and I mean all the  
24 articles had pictures of the Pussycat Lounge,  
25 which is the third of the buildings and all of a

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sudden, it's been eliminated.

CHAIRPERSON LAPPIN: I hear you, but I guess I would say I don't think that makes your building less important. It would have been better to have three, but I wouldn't personally say then we shouldn't have one. But I hear what you're saying.

MS. BORKOW: Okay.

CHAIRPERSON LAPPIN: Thank you very much for your time.

MS. BORKOW: Thank you.

CHAIRPERSON LAPPIN: We're going to close the hearing on this item and I'm going to ask for the Counsel to call for a vote. And I recommend a favorable vote.

CAROL SHOTTEN: Carol Shotten [phonetic], Counsel to the Subcommittee. Chair Lappin.

CHAIRPERSON LAPPIN: Aye.

MS. SHOTTEN: Council Member Barron.

COUNCIL MEMBER BARRON: Aye.

MS. SHOTTEN: Council Member Comrie.



2 COUNCIL MEMBER COMRIE: Aye.

3 MS. SHOTTEN: Council Member Liu.

4 COUNCIL MEMBER LIU: Yes.

5 MS. SHOTTEN: Council Member Palma.

6 COUNCIL MEMBER PALMA: Aye.

7 MS. SHOTTEN: Council Member

8 Mendez?

9 COUNCIL MEMBER MENDEZ: Aye.

10 MS. SHOTTEN: Council Member

11 Crowley.

12 COUNCIL MEMBER CROWLEY: Aye.

13 MS. SHOTTEN: Council Member

14 Comrie.

15 [Off mic]

16 [Pause]

17 COUNCIL MEMBER COMRIE: I just--

18 [Pause]

19 [Off mic]

20 COUNCIL MEMBER COMRIE: I have a  
21 problem with the process where she wasn't given an  
22 opportunity to--where she wasn't given an  
23 opportunity to testify at the second hearing,  
24 where she wasn't given the knowledge that the  
25 first hearing in 2007 would be her only actual

1  
2 verbal opportunity and I have some problems with  
3 the process. And so it bothers me that we're  
4 voting for a property when the owner didn't really  
5 have an opportunity to make a full and informed  
6 decision.

7 I understand that it is the  
8 obligation of the owner to step up and find out  
9 what's going to happen when an agency is getting  
10 ready to do something with their property. So I  
11 have some inherent problems with just blakently  
12 voting aye on this situation, but since the rest  
13 of the Committee has voted already, I can happily  
14 vote no and walk away from it.

15 MS. SHOTTEN: Okay.

16 COUNCIL MEMBER COMRIE: But I think  
17 that at least there's some issues that we really  
18 need to talk about so....

19 CHAIRPERSON LAPPIN: Fair enough.

20 MS. SHOTTEN: By a vote of six in  
21 the affirmative, one in the negative, and no  
22 abstentions, the aforementioned item is approved  
23 and referred to the full committee.

24 CHAIRPERSON LAPPIN: Meeting  
25 adjourned.

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LANDMARKS, PUBLIC SITING &  
MARITIME USES

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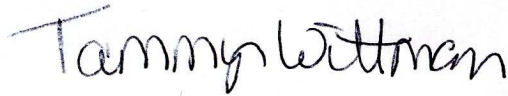
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FEMALE VOICE: Thank you.

3

C E R T I F I C A T E

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

A handwritten signature in black ink that reads "Tammy Wittman". The signature is written in a cursive style with a large initial 'T'.

Signature\_\_\_\_\_

Date October 2, 2009