

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING AND MARITIME
USES

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December 17, 2009

Start: 9:55 am

Recess: 10:17 am

HELD AT: Hearing Room
 250 Broadway, 16th Floor

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

COUNCIL MEMBERS:

Jessica S. Lappin
Maria del Carmen Arroyo
Charles Barron
Leroy G. Comrie, Jr.
Elizabeth Crowley
John C. Liu
Rosie Mendez
Annabel Palma
Daniel R. Garodnick
Tony Avella
Simcha Felder

A P P E A R A N C E S

Jenny Fernandez
Director of Intergovernmental and Community Relations
Landmarks Preservation Commission

Robert Cunniffe
Owner
Herman and Malvina Schleicher House

2 CHAIRPERSON LAPPIN: Good morning.
3 Welcome to the Land Use Subcommittee on Landmarks,
4 Public Siting and Maritime Uses. I am the Chair,
5 Jessica Lappin. We're joined today by
6 Councilwoman Annabel Palma of the Bronx,
7 Councilwoman Rosie Mendez of Manhattan, Council
8 Member Charles Barron of Brooklyn, Councilwoman
9 Elizabeth Crowley of Queens, Council Member Leroy
10 Comrie of Queens and Council Member Tony Avella of
11 Queens.

12 We have one hearing on the agenda
13 and two items potentially for a vote this morning.
14 I wanted to ask Jenny Fernandez from the Landmarks
15 Commission to come up and speak. The item that
16 we're holding a hearing on this morning is the
17 Herman and Malvina Schleicher House which is
18 located in Council Member Avella's district. It
19 is item 1292.

20 Good morning, Ms. Fernandez.
21 Please introduce yourself for the record and
22 begin.

23 JENNY FERNANDEZ: Good morning
24 Chair Lappin and members of the Landmarks
25 Committee. My name is Jenny Fernandez, Director

2 of Intergovernmental and Community Relations for
3 the Landmarks Preservation Commission. I am here
4 today to testify on the Commission's designation
5 of the Schleicher House in Queens.

6 On February 10, 2009, the Landmarks
7 Preservation Commission held a public hearing on
8 the proposed designation of the Schleicher House.
9 Ten witnesses spoke in favor of designation,
10 including City Councilman Tony Avella,
11 representatives of the Historic Districts Council,
12 the Landmarks Conservancy, the Municipal Art
13 Society, the Poppenhusen Institute, the Queens
14 Historical Society and two tenants of the
15 building.

16 On October 20, 2009, the Commission
17 scheduled a vote to designate the building a New
18 York City landmark. At that public meeting, prior
19 to the Commission's vote, the owner spoke in
20 opposition to designation.

21 The Herman A. and Malvina
22 Schleicher House is located in College Point in
23 North Central Queens. It stands on an unusual
24 circular site that was created circa 1906 when the
25 original 14-acre estate was subdivided into

1 building lots and became part of the surrounding
2 street grid.

3
4 Morris A. Gescheidt, a German-born
5 painter and architect was responsible for the
6 building's neoclassical design. Two and a half
7 stories tall, this large red brick house has four
8 visible facades that display elements associated
9 with the Italianate and Second Empire styles,
10 including a mansard roof, segmental arch windows
11 and quoins.

12 Though relatively little is known
13 about the Schleicher family, census records
14 indicate that Herman had Prussian parents and was
15 a successful merchant involved in the sale of dry
16 goods, stationary and coal. He shared the house
17 with his wife Malvina, four children and three
18 servants.

19 Following his death in 1966, the
20 building was sold and at the turn of the century
21 was converted to the 11-room Grand View Hotel.
22 Divided into apartments in 1923, there are
23 currently seven units in the building.

24 Despite changes, the 1857
25 Schleicher House has many notable characteristics.

2 Not only is it one of the oldest houses in College
3 Point, but it is one of the earliest surviving
4 structures in New York City to feature a mansard
5 roof. The Commission urges you to affirm the
6 designation.

7 CHAIRPERSON LAPPIN: Council Member
8 Avella, would you like to make a statement or ask
9 any questions?

10 COUNCIL MEMBER AVELLA: Thank you,
11 Madame Chair. Actually I'll wait until after the
12 public testimony.

13 CHAIRPERSON LAPPIN: Do any of my
14 colleagues have any questions for Ms. Fernandez?
15 Thank you very much. We have one person signed up
16 to testify who is the owner Robert Cunniffe.
17 Please introduce yourself for the record and
18 begin.

19 ROBERT CUNNIFFE: Hi, my name is
20 Robert Cunniffe. I recently bought the house on
21 September 23rd. I want to strongly object to it
22 being landmarked. I think it's an unfair burden
23 to place on an owner. If you want to landmark it,
24 I think the financial costs should at least be
25 shared. To my knowledge, any landmark help that I

2 would get with this building would be minimal,
3 maybe \$5,000, \$10,000. This building, if I had to
4 restore the outside to its original condition
5 would cost in the hundreds of thousands of
6 dollars, maybe upwards of a million dollars.

7 While it's true that when I first
8 found out about the building, some of the tenants
9 told me that it's been calendared for a landmark,
10 when I went to the old owner, she had told me that
11 she was against it. I guess through my ignorance
12 I thought without her signing off on it that it
13 would never happen.

14 I did appear before the Landmarks
15 Committee. There was a timing issue and I was not
16 really prepared. I wanted to voice my opinion; I
17 didn't want it to be landmarked.

18 I understand that Tony Avella is
19 going to say that a lot of historians or neighbors
20 had wanted this landmarked for many years, but it
21 was really brought to the forefront by some
22 tenants, possibly the two tenants that showed up
23 here. I think that's just a tactic by them. They
24 haven't showed up since and they've manipulated
25 the situation to pay \$1 a month from then until

2 now which we're trying to reverse, which is
3 another huge burden.

4 When you landmark a building
5 without helping out on its financial burden, I
6 think you just leave the building sitting there
7 because nobody can afford to renovate the
8 building. The Landmark, they can say they'll help
9 you with its decisions and looking back into the
10 history of a building, but nobody is going to
11 cough up the money. That's the bottom line.

12 I have no intentions of tearing the
13 building down. If it's going to cost \$500,000,
14 \$800,000, who is going to pay for it? I don't
15 think that's right. I think over the next few
16 years, I am a small contractor, I will restore the
17 building gradually and it will not be left the way
18 it was. But by putting this burden on my back
19 it's going to sit there. What am I supposed to do
20 if to redo the façade costs \$500,000? This is not
21 a corporation, I'm an individual. So if you wish
22 to landmark it, I think, as I said, I think
23 somebody should share in the financial costs.
24 Thank you.

25 CHAIRPERSON LAPPIN: When did you

2 purchase this property?

3 ROBERT CUNNIFFE: September 23rd.

4 CHAIRPERSON LAPPIN: Of 2009?

5 ROBERT CUNNIFFE: Yes.

6 CHAIRPERSON LAPPIN: I'm sure
7 you're aware, but the Commission held a public
8 hearing on the designation in February.

9 ROBERT CUNNIFFE: I didn't even
10 know of the building. I hadn't even looked at it.

11 CHAIRPERSON LAPPIN: I guess what
12 I'm saying is it's not as if this was just a
13 building that was being potentially considered by
14 the Commission. It's a building that not only had
15 been calendared but there had been a public
16 hearing on the item.

17 I mean I understand what you're
18 saying, but in terms of due diligence and
19 understanding what you were purchasing, this was
20 already something that had been discussed very
21 openly in public at a hearing of the Commission.
22 To that extent, from my point of view, when you
23 purchased the property you should have known that
24 it was going to be designated.

25 ROBERT CUNNIFFE: Fair enough. But

2 you're talking a lay person. I mean you guys have
3 a lot of funds and experience in this. I only
4 looked at the building I think it was in May. I
5 signed a contract that was supposed to close in
6 June. Maybe it's due to my own ignorance, but I
7 didn't know what had gone before. When I had
8 spoken to this person Eva Rohan, she had said
9 yeah, it's landmarked. She's 80-years-old. She
10 said yeah, it's landmarked but I'm not going to
11 agree to it. I didn't realize that it didn't need
12 her permission.

13 CHAIRPERSON LAPPIN: I guess if I
14 were going to purchase a property or when I have
15 purchased property and the owner didn't hide this
16 from you; the owner said it's in the landmark
17 process. So not only had there been a public
18 hearing but the person you purchased it from
19 notified you of this and then you didn't do
20 whatever the research was that you should have
21 done to know what you were purchasing.

22 The one other thing I wanted to ask
23 about is that I understand that over the summer
24 you did apply for some interior work and the
25 commission issued a notice of review and said that

2 they have no objection to the work.

3 ROBERT CUNNIFFE: That's only
4 interior work and the reason that was done is
5 because the gas had been disconnected from the
6 street. No permits can pass the DOB without being
7 signed off on Landmarks. We just needed to get a
8 gas line because the tenants have had no gas. I
9 think it was October 23rd we finally finished with
10 the bureaucracy of the DOB, the plumbing
11 department to get the gas turned on.

12 Yes, as you say, I didn't do my due
13 diligence. As I said, I'm only a lay person.
14 When I found out about this, I asked the owner.
15 It was the tenants that actually told me it was
16 landmarked. I asked the owner and she kind of
17 rolled it off. I was unaware, I didn't know.

18 CHAIRPERSON LAPPIN: I hear you,
19 but when you purchase a property and you have that
20 kind of information you should find out what that
21 means. And maybe at this point you should still
22 and I want to make sure you are aware that when
23 this building is landmarked, you don't have to
24 restore it to what its original condition was.
25 When it's landmarked that is the condition that is

2 considered moving forward. So you have to
3 maintain it in the condition that it is today, not
4 what it was in 1906. So when you do work in the
5 future that will be the standard you are held to,
6 what the condition is of the façade today.

7 ROBERT CUNNIFFE: Correct me if I'm
8 wrong, that's not actually accurate.

9 CHAIRPERSON LAPPIN: It is
10 accurate, so I am correcting you.

11 ROBERT CUNNIFFE: Well the old
12 owner has gone over the façade with basically an
13 aluminum wrap. Now apart from doing small
14 repairs, if I wanted to fix that properly, then I
15 have to go through Landmarks. A lot of it is
16 wrapped with aluminum.

17 CHAIRPERSON LAPPIN: It's being
18 landmarked in the condition that it is today. You
19 don't have to go back and make it look like it did
20 in 1906. I mean it seems to me, and I think you
21 take this advice, you throw it away, but it seems
22 to me you should consult. I mean I know you have
23 met with the Commission but I think it would be
24 helpful for you to talk to them a little bit more
25 and understand what this means for you. They have

2 some excellent resource materials and maybe for
3 you to understand a little bit more of what the
4 obligations are because they're not as onerous as
5 you seem to believe that they are.

6 ROBERT CUNNIFFE: You say if I had
7 to do some repairs, I can repair a piece of
8 aluminum. If the window falls out, let's call it,
9 a change from the soffit to the window. If the
10 window falls out, that window has to be replaced
11 as is original as what Landmarks will allow me to
12 do it.

13 CHAIRPERSON LAPPIN: You're going
14 to have to go to Landmarks for permission but not
15 as an original window. I mean they understand
16 that you're going to purchase what's available on
17 the market today.

18 ROBERT CUNNIFFE: I did speak to
19 Mr. Tensing and he did explain to me obviously
20 it's not going to be wood that's dated from back
21 then but I could not put back what's there right
22 now as an aluminum window. They're all aluminum
23 windows. It would have to go back to match as
24 closely as possible to its original window.

25 CHAIRPERSON LAPPIN: Council Member

2 Barron, do you have a question for the owner?

3 Tony, do you want to say anything at this point
4 while we wait for Council Member Barron?

5 COUNCIL MEMBER AVELLA: No, after
6 the public testimony is finished.

7 CHAIRPERSON LAPPIN: Sure. We were
8 waiting for you.

9 COUNCIL MEMBER BARRON: I
10 understand that you're a lay person but did you
11 have a lawyer?

12 ROBERT CUNNIFFE: Yes, I did.

13 COUNCIL MEMBER BARRON: You had a
14 lawyer, right?

15 ROBERT CUNNIFFE: Yes, a regular
16 lawyer that closes on the purchase of property.

17 COUNCIL MEMBER BARRON: Lawyers are
18 usually familiar with this Landmarking process. I
19 just get a feel, I don't know you, but I get a
20 feel that you're not as innocent and ignorant as
21 you're professing to be when you have a lawyer.

22 ROBERT CUNNIFFE: I didn't say I
23 was ignorant, sir. I just said I don't know about
24 this process.

25 COUNCIL MEMBER BARRON: Don't

2 interrupt me. I'm telling you what I feel.
3 Ignorant means you don't know. It doesn't mean
4 anything negative. I'm not saying you're stupid.
5 I just said ignorant. Ignorant means you just
6 don't know something. So you are professing
7 ignorance to this process of landmarking, correct?

8 ROBERT CUNNIFFE: Somewhat.

9 COUNCIL MEMBER BARRON: Well
10 somewhat, I don't know what somewhat means. I'm
11 just saying to you that I just find it interesting
12 that you have a lawyer and lawyers usually are
13 fundamentally aware of the landmarking process.
14 Anyway, you did have a lawyer.

15 ROBERT CUNNIFFE: Yes, a real
16 estate lawyer.

17 COUNCIL MEMBER BARRON: Thank you
18 very much.

19 CHAIRPERSON LAPPIN: Thank you very
20 much, sir.

21 ROBERT CUNNIFFE: Thank you.

22 CHAIRPERSON LAPPIN: Jenny, would
23 you like to come back and speak to anything that
24 was stated?

25 JENNY FERNANDEZ: The question of

2 replacing windows, for example, if the original
3 windows were wood framed, et cetera, the
4 configuration of materials of the windows,
5 whenever windows that have been replaced with
6 something else such as vinyl windows or aluminum
7 windows, if those need to be replaced again, the
8 Commission does urge to recall what was there but
9 it doesn't have to be an all wood window, this
10 just to get a staff level approval. This means,
11 in order to meet the rules, it would have to
12 either recall the original configuration and
13 materials of the windows, or they have looked at
14 different materials that are substitute materials
15 for that sort of thing.

16 If the owner of the house does not
17 wish to conform to that and wants to propose
18 something else, they always have the opportunity
19 to present before the Commission any sort of
20 proposal. If they want to use aluminum wood
21 windows, which is something that has been approved
22 by the Commission in the past and just prepare a
23 presentation for different materials. The
24 Commission has approved different things.
25 Everyone has the opportunity, if something doesn't

2 meet the rules, they can certainly present before
3 the Commission and have something looked at.

4 CHAIRPERSON LAPPIN: Thank you, Ms.
5 Fernandez. Council Member Avella, would you like
6 the last word?

7 COUNCIL MEMBER AVELLA: No, the
8 Chair has the last word. I thank the chair and
9 the committee for hearing this item today. Just a
10 couple of points, first of all, this has been a
11 long-awaited designation by the community and
12 probably for decades because I remember even
13 before I was elected that this location has been
14 talked about for a long, long time.

15 In respect to two of the comments
16 that the owner has made, and I understand his
17 situation and I think we all agree that at some
18 point we should do more for owners of historic
19 buildings because we want to encourage people to
20 support designations. So at some point we should
21 be able to do more for them financially.

22 But in reference to some of the
23 pointed comments that the chair made, once it's
24 calendared, it is then put on the DOB website and
25 I think it's incumbent upon anybody, especially

2 somebody who is a contractor to recognize the fact
3 that this property is being designated for
4 landmark status.

5 The other thing that the owner
6 mentioned about the tenants is two totally
7 separate issues. The issues of the tenants are
8 totally a separate issue. This is regarding
9 landmarking the façade of the building. The
10 inside of the building and the tenant issues have
11 nothing to do with the designation. The tenants
12 have actually supported designation, but it's two
13 separate issues.

14 Again, I want to thank the chair
15 and the committee and I would urge approval of
16 this designation. Thank you.

17 CHAIRPERSON LAPPIN: Thank you very
18 much. The hearing on this item is closed. Can
19 somebody call Councilwoman Mendez on the 14th
20 Floor please so that she knows that the hearing is
21 over? Because she's chairing her own subcommittee
22 meeting and she wanted to be notified. Is there
23 any discussion on either of the items that are on
24 the agenda today? I would recommend a favorable
25 vote on both items. To remind the committee, that

2 is the Con Ed solo site and the landmark item that
3 we heard today.

4 CHRISTIAN HYLTON: Christian
5 Hylton, Counsel to the committee. Chair Lappin?

6 CHAIRPERSON LAPPIN: Aye.

7 CHRISTIAN HYLTON: Council Member
8 Barron?

9 COUNCIL MEMBER BARRON: Aye.

10 CHRISTIAN HYLTON: Council Member
11 Comrie?

12 COUNCIL MEMBER COMRIE: Aye.

13 CHRISTIAN HYLTON: Council Member
14 Palma?

15 COUNCIL MEMBER PALMA: Aye.

16 CHRISTIAN HYLTON: Council Member
17 Crowley?

18 COUNCIL MEMBER CROWLEY: Aye.

19 CHRISTIAN HYLTON: By a vote of
20 five in the affirmative, none in the negative and
21 no abstentions, Preconsidered LU 20105219 and LU
22 1292 are approved and referred to the full Land
23 Use Committee.

24 CHAIRPERSON LAPPIN:
25 Congratulations, Council Member Avella. We'll

2 keep the vote open until the beginning of the Land
3 Use Committee meeting. This is our last meeting
4 of 2009. I don't believe we have any Land Use
5 meetings scheduled yet for 2010. We have to wait
6 for the Charter meeting on January 6th, so
7 everybody will have to keep their eyes peeled in
8 terms of scheduling in the New Year.

9 It's been a great year. I wish
10 everybody a very, very happy holiday season and a
11 wonderful, happy, healthy, prosperous and blessed
12 2010. With that, I'm going to close this meeting.
13 And as I mentioned, keep the vote open until the
14 beginning of the Land Use Committee.

15 [Pause]

16 CHRISTIAN HYLTON: Council Member
17 Mendez?

18 COUNCIL MEMBER MENDEZ: I vote aye.

19 CHRISTIAN HYLTON: The vote now
20 stands at six in the affirmative, none in the
21 negative and no abstentions.

22 CHRISTIAN HYLTON: Council Member
23 Arroyo?

24 COUNCIL MEMBER ARROYO: Yes.

25 CHRISTIAN HYLTON: The vote now

2 stands at seven in the affirmative, none in the
3 negative and no abstentions.

4 CHRISTIAN HYLTON: Council Member
5 Liu?

6 COUNCIL MEMBER LIU: I vote yes.

7 CHRISTIAN HYLTON: The vote now
8 stands at eight in the affirmative, none in the
9 negative and no abstentions.

C E R T I F I C A T E

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

Signature 

Date December 30, 2009