

CITY COUNCIL
CITY OF NEW YORK

-----X

TRANSCRIPT OF THE MINUTES

of the

SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING AND MARITIME
USES

-----X

September 15, 2011

Start: 11:58 am

Recess: 2:55 pm

HELD AT: Council Chambers
City Hall

B E F O R E:

BRAD S. LANDER
Chairperson

COUNCIL MEMBERS:

Council Member Margaret S. Chin
Council Member Daniel J. Halloran III
Council Member Letitia James
Council Member Rosie Mendez
Council Member James Sanders, Jr.
Council Member Albert Vann
Council Member Jumaane D. Williams

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

Jenny Fernandez
Director of Intergovernmental and Community Relations
Landmarks Preservation Commission

Valerie Bowers
Board Member and Treasurer
Crown Heights North Association

Simeon Bankoff
Executive Director
Historic Districts Council

Elizabeth Finklestein
Director of Preservation and Research
Greenwich Village Society for Historic Preservation

Adam Rothkrug
Attorney
First American International Bank

Page Ayres Cowley
Architect
Page Ayres Cowley Architects

Nathaniel Smith
Engineer
Simpson Gumpertz & Heger

Patrick Yau
Executive Director
First American International Bank

Marybeth Betts
Director of Research
Landmarks Preservation Commission

Kurt Cavanaugh
Managing Director
East Village Community Coalition

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

David Mulkins
Chair
Bowery Alliance of Neighbors

Nicholas Nicholson
Chairman of the Board
Merchants House Museum

Joyce Mendelsohn
Author
"The Lower East Side Remembered and Revisited"

Mitchell Grubler
Chair, Landmarks Committee
Bowery Alliance of Neighbors

Jean Standish
Member
Bowery Alliance of Neighbors

Kay Webster
Co-Chair
Mithunda Colunga Community Garden

Kent Barwick
Activist
Preservation in a Livable City

Molly Garfinkel
Program Coordinator
City Lore

Christabel Gough
Secretary
Society for the Architecture of the City

Gregory Taylor
Concerned citizen

Leo Blackman
Concerned citizen, architect
Past board president of the Historic Districts Council

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

Aaron Sosnick
Community Activist, concerned citizen

Michelle Campo
Concerned citizen

Ralph Louis
Concerned citizen

Adam Woodward
Concerned citizen
Renovated separate federal style building

Frances Everhard
Concerned citizen

Gilda Purvin
Concerned citizen

Rob Hollander
Secretary, Chinatown Working Group
Creator, East Side Residents for Responsible
Development
Cofounder, Lower East History Project

Mark Silverman
General Counsel
New York City Landmarks Preservation Commission

CHAIRPERSON LANDER: Good morning.

We are enthusiastically now ready to start this meeting of the City Council's Land Use Subcommittee on Landmarks, Public Siting and Maritime Uses. I am Council Member Brad Lander, Chair of the Subcommittee, and I'm pleased to be joined today by my colleagues. Members of the Committee are Council Member James Sanders from Queens, Council Member Jumaane Williams from Brooklyn, Council Member Dan Halloran from Queens, and I think we'll be joined shortly by Council Member Rosie Mendez of Manhattan; we're also joined by two colleagues who are not on the Committee, Council Member Al Vann and Council Member Letitia James, both of Brooklyn, who have items on the calendar for today, and we expect to be joined by Council Member Rosie Mendez who has an item on the calendar, as well. I know there's some folks in the overflow room, as well, so hello to you and we'll try to get you in here as we move through the agenda. Most people, I think, are signed up here to testify on 135 Bowery. We're going to do that item last, so we can get the others which have much less testimony out of the

1 way first. We'll begin with the two historic
2 districts that are before us, Crown Heights North
3 II and then Wallabout, and then we'll move to the
4 three individual designations that are proposed
5 ending with 135 Bowery. And everyone who's signed
6 up to testify will have the opportunity to do so.
7 All right, so we will begin with the Crown Heights
8 North II Historic District, which is Intro No.
9 479, Land Use No. 479, 20125004 HHK, and I'm
10 pleased to invite Jenny Fernandez from the
11 Landmarks Preservation Commission up to present it
12 to us.
13

14 [pause]

15 JENNY FERNANDEZ: Thank you, Chair
16 Lander, Members of the Landmarks Subcommittee.
17 [pause, background noise] My name is Jenny
18 Fernandez, Director of Intergovernmental and
19 Community Relations for the Landmarks Preservation
20 Commission. I'm here to testify on the
21 Commission's designation of the Crown Heights
22 North II Historic District in Brooklyn. On
23 October 27, 2009, the Landmarks Preservation
24 Commission held a public hearing on the proposed
25 designation of the Crown Heights North II Historic

1 District. 15 people spoke in favor of
2 designation, including Brooklyn Borough President
3 Marty Markowitz, Council Members Letitia James and
4 Albert Vann, and representatives of Community
5 Board Eight, the 1100 Block Bergen Street
6 Association and Garden, Bedford Central
7 Presbyterian Church, Crown Heights North
8 Association Historic Districts Council, Landmark
9 West, Lincoln Civic Block Association, Municipal
10 Arts Society, New York Landmarks Conservancy, and
11 the Society for the Architecture of the City.
12 There was no testimony in opposition to the
13 proposed designation. On June 20, 2011, the
14 Commission voted to designate Crown Heights North
15 II a New York City Historic District. The Crown
16 Heights North II Historic District comprises more
17 than 600 buildings including single and two family
18 row houses, freestanding residences, flats,
19 buildings, institutional buildings, churches and
20 apartment houses, built primarily from the 1870s
21 to the early 1940s. Nearly all of these buildings
22 are excellent and well preserved examples of
23 architectural styles that flourished in Brooklyn
24 during this period, including the neo-Grec, Queen
25

1 Anne, art deco and art moderne, as well as
2 Romanesque, renaissance, colonial gothic, and
3 medieval revival styles. The district is located
4 within Crown Heights North, Northwestern portion,
5 an area roughly bounded by Atlantic Avenue and
6 Eastern Parkway on the north and south, and by
7 Bedford and Albany Avenues on the west and east.
8 On its north, the district joins the Crown Heights
9 North Historic District, which was designated by
10 the Landmarks Preservation Commission in 2007, and
11 contains more than 450 buildings of similar age,
12 style and type. The District's only 19th Century
13 institutional building, the Brooklyn Methodist
14 Episcopal Church Home, an impressive example of
15 Romanesque revival architecture, was completed in
16 1889 on Park Place, east of New York Avenue.
17 Since the 1940s, Crown Heights North has become
18 home to a substantial African-American and
19 Caribbean-American community. Its residents,
20 since the 1950s, have included the legendary blues
21 singer and actress, Ethel Waters, and the
22 nationally prominent politician, Shirley Chisholm,
23 who was the first black woman to serve in the
24 United States Congress. Today, the Crown Heights
25

1 North II Historic District retains much of its
2 early 20th Century aura, and is a worthy
3 complement to the earlier designated and adjacent
4 Crown Heights North Historic District. The
5 Commission urges you to affirm this designation.
6

7 CHAIRPERSON LANDER: Thank you very
8 much. This district is represented both by
9 Council Member James and Council Member Vann, so
10 would the two of you like to make a statement or
11 ask any questions of the Commission, beginning
12 with--

13 COUNCIL MEMBER JAMES: [off mic]
14 I'll defer to Council--

15 CHAIRPERSON LANDER: Council Member
16 Vann.

17 COUNCIL MEMBER VANN: That is a
18 very intelligent Council Member. [laughter] No,
19 thank you for that, thanks, Tish. Let me first
20 commend Ms. Fernandez with, and through her to all
21 the Landmark Commission for the real
22 professionalism and the way that they engage
23 communities. We do a lot of business together,
24 and I've observed them in innumerable situations,
25 and I like, they respect the members of the

1 community, they respond to their questions,
2 whether erudite or common, with the same attention
3 and response. And I thank you and appreciate
4 that. Let me also say how much I am proud of the
5 Crown Heights community. They are very well
6 informed. They know what they want. The Crown
7 Heights North Association have been dogged in
8 determining and expecting the Commission to
9 respond right away. And, and you've done the best
10 that you can. This is part two of the
11 Landmarking, and I think there's another couple to
12 come. And we expect that in a couple of years, as
13 well. So, again, I want to thank all concerned
14 and I strongly affirm this recommendation for
15 landmarking.
16

17 CHAIRPERSON LANDER: Thank you very
18 much. Council Member James.

19 COUNCIL MEMBER JAMES: So in Crown
20 Heights North, members of the Crown Heights North
21 Association have labored for over 20 years to
22 protect their streets' dense and beautifully
23 varied architecture, that in my opinion represents
24 some of New York's finest architecture. This
25 designation that we will be voting on today, or

1 that the Committee will be voting on today, will
2 protect this community against rapacious
3 developers who unfortunately have destroyed the
4 character and fabric of significant parts of
5 Brooklyn. The 600 building district adjoins the
6 existing 472 building Crown Heights North
7 Association District, which was designated in
8 2007. And reading from the designation report,
9 the Crown Heights North II Historic District is
10 comprised largely of row houses, freestanding
11 residences, and apartment houses that were
12 constructed between the 1870s and the 1920s, and
13 designed by a number of prominent Brooklyn
14 architects in the neo-Greco, Queen Anne, art deco
15 and art moderne styles, as well as the Romanesque,
16 colonial, gothic and medieval revival styles. I
17 want to thank Chair Tierney and I want to thank
18 the entire staff of Landmarks Preservation, and I
19 believe Chair Tierney, excuse me, says it, said it
20 best, "The neighborhood is an exquisite mosaic of
21 remarkably well preserved examples of
22 architectural styles and building types, designed
23 by some of Brooklyn's best known architects. It
24 mirrors the architectural integrity, breadth and
25

1 depth of the existing historic district." Today
2 is a great day in Crown Heights North, and I
3 celebrate all of the individuals who are
4 responsible for preserving this wonderful gem in
5 Crown Heights. Thank you.

7 CHAIRPERSON LANDER: Thank you very
8 much, Council Member James. Does anyone on the
9 Committee, or either of the Council Members have
10 questions for the LPC? Seeing none, thank you,
11 Ms. Fernandez, for your testimony and for
12 presenting this to us. We do have two people
13 signed up to testify on this item: Simeon Bankoff
14 from the Historic Districts Council, and Valerie
15 Bowers from Crown Heights North. So if I can ask
16 you both to come on up together. We will be doing
17 testimony on the clock today, 'cause we've got so
18 many people signed up to testify on 135 Bowery, so
19 we'll give three minutes for each testimony, and
20 less than that is welcomed, as well.

21 SIMEON BANKOFF: You can go first,
22 Val, you live there. [laughs]

23 VALERIE BOWERS: [laughs] Right. -
24 - turn that on. Oh, good afternoon. [laughs] I,
25 I had my, my prepared speech for good morning, but

1 [laughter] since we were waiting, so it's good
2
3 afternoon.

4 CHAIRPERSON LANDER: Fair enough.
5 Please just identify yourself for the record.

6 VALERIE BOWERS: Honorable,
7 honorable Chairs and Committee Members, my name is
8 Valerie Bowers, and I am a Board Member and
9 Treasurer of Crown Heights North Association. And
10 actually, you have stolen my thunder, Al Vann,
11 Councilman Al Vann, and Tish James, but I just
12 want to say I come here this morning to encourage
13 you to support LPC's designation of Crown Heights
14 North, Phase II. And your support will ensure the
15 continuation of this area as both a unique tourist
16 attraction and a vital neighborhood. And I have
17 this gentleman sitting next to me, he's been very
18 supportive as well, Simeon Bankoff. He's given us
19 a lot of, what do you call, what kind of stuff,
20 what do you call it?

21 SIMEON BANKOFF: I don't know.
22 Help? [laughter]

23 VALERIE BOWERS: Help. No, but,
24 he's told us what we needed to do--

25 SIMEON BANKOFF: Strategic advice.

1
2 VALERIE BOWERS: --and strategic
3 advice, there you go. And I feel that, that I, I
4 can't say that we're bosom buddies, but I feel
5 that we have a very nice relationship.

6 SIMEON BANKOFF: Yes.

7 VALERIE BOWERS: So, thank you all.

8 CHAIRPERSON LANDER: Thank you very
9 much.

10 SIMEON BANKOFF: Good afternoon,
11 Council Members, Simeon Bankoff, Historic
12 Districts Council. It's been my pleasure to work
13 with Val and Deborah and Denise and all the other
14 wonderful people at the Crown Heights North
15 Association, for it's been like seven years now, I
16 guess?

17 VALERIE BOWERS: Yes.

18 SIMEON BANKOFF: Yeah, and this has
19 been a real wonderful example of a good
20 partnership, between the community, between their
21 representatives, Council Member Vann, Council
22 Member James, and the Landmarks Preservation
23 Commission. The LPC did their own survey at the
24 request of the community, and has been working on
25 a phased approach to designation, moving a little

1
2 slower than we had wished, but still going and
3 really embracing all of Crown Heights North. It's
4 been a terrific process and I applaud everybody
5 involved, and I thank you all, and I urge you to
6 support.

7 CHAIRPERSON LANDER: Thanks very
8 much to both of you. We certainly love those
9 situations where the community organizers works
10 with the LPC, with the advocates and with the
11 Council Members. And I'm very happy to have
12 gotten to this point. No one else is signed up to
13 testify on Crown Heights North, so with that,
14 we'll close the public hearing on Crown Heights
15 North. Thank you. And we have been joined by
16 Council Member Rosie Mendez, from Manhattan, I
17 think. [background voices] Okay. We will now
18 move to the Wallabout District, which is Intro No.
19 478, 20125021 HKK. And as ask, Jenny Fernandez
20 from the Landmarks Preservation Commission to come
21 back up and present it to us.

22 [pause]

23 JENNY FERNANDEZ: Thank you, Chair
24 Lander. My name is Jenny Fernandez, Director of
25 Intergovernmental and Community Relations for the

1 Landmarks Preservation Commission. I am here
2 today to testify on the Commission's designation
3 of the Wallabout Historic District in Brooklyn.
4 On October 26, 2010, the Landmarks Preservation
5 Commission held a public hearing on the proposed
6 designation of the Wallabout Historic District.
7 15 people spoke in favor of designation, including
8 Council Member Letitia James, State Assembly
9 Member Joseph Lintel, Pratt University President
10 Thomas Schutte, a representative of Brooklyn
11 Borough President Marty Markowitz, Myrtle Avenue
12 Revitalization Project Executive Director Michael
13 Blaise Backer, several property owners and
14 residents, and representatives of the Historic
15 Districts Council, and the New York Landmarks
16 Conservancy. The owner of 118 through 122
17 Vanderbilt Avenue, built in 2008, argued against
18 including his building in the designation. There
19 was no testimony in opposition to the designation
20 of the district. On July 12, 2011, the Commission
21 voted to designate Wallabout a New York City
22 Historic District. The Wallabout Historic
23 District, consisting of approximately 55 buildings
24 on Vanderbilt Avenue, between Myrtle and Park
25

1 Avenues in Brooklyn, is an architecturally and
2 historically significant collection of mid-19th
3 Century houses. More than 60 percent of these
4 structures were constructed in a short span,
5 excuse me, span of years, between 1849 and 1855.
6 They provide an exceptionally rich and varied
7 portrait of mid-19th Century residential
8 architecture, and include one of the greatest
9 surviving concentrations of mid-19th Century wood
10 houses in the City. Designed in the Greek
11 Revival, gothic revival, Italianate and neo-Grec
12 styles, the majority of the houses within the
13 district retain numerous original details that
14 lent a cohesive quality to the streetscape.
15 Wallabout takes its name from a group of Walloons,
16 who settled on a bay on Brooklyn's East River
17 waterfront in the mid-17th Century. Located a few
18 blocks from the Wallabout Bay and the Brooklyn
19 Navy Yard, the district is also important for its
20 connections with New York City's rich maritime
21 heritage. From its earliest days the district was
22 home to ship captains, pilots, ferry masters,
23 mariners, boat builders and workers involved in
24 the shipping industry. In the 20th Century, the
25

1 blocks between Park Avenue and Flushing Avenue,
2 adjacent to the Navy Yard, became industrialized.
3 The majority of residents in the district were
4 either skilled tradesmen, or blue collared
5 workers, employed at the Navy Yard or nearby
6 factories. The Brooklyn Navy Yard was the largest
7 shipyard in the world during World War II and was
8 crucial to the American war effort. This
9 architecturally significant collection of early
10 wood and masonry houses, with its many historical
11 associations, particularly its connections to the
12 Navy Yard and New York's maritime industries,
13 represents an important part of the history of
14 Brooklyn and the City of New York. The Commission
15 urges you to affirm this designation.
16

17 CHAIRPERSON LANDER: Thank you very
18 much, Ms. Fernandez. I note that you omitted the
19 very important fact that the district was the
20 boyhood home of Lipman Pike [laughter] who lived
21 at 123 Vanderbilt Avenue, the first Jewish
22 professional baseball player. And one of us. And
23 he, he was the National Association homerun
24 champion from 1871 to 1873, and the National
25 League homerun champion in 1877, inspiring young

1 Jewish boys in Brooklyn everywhere. [laughter]
2
3 And adding the need for the designation of the
4 District. Council Member James, do you--?

5 COUNCIL MEMBER JAMES: Thank you
6 for that historical fact. [laughter] So, this is
7 a twofer today, and I really want to, again, thank
8 Chair Tierney and Ms. Fernandez, and all of the
9 staff members, of Landmarks Preservation, who have
10 made this possible. And I just want to thank you,
11 as I, you know, I'm in my eighth year in office in
12 the City Council, and over 70 percent of my
13 district has been landmarked. And we're not, we
14 are not finished yet. And so I just want to thank
15 all of you for your hard work. Wallabout is a
16 section of Fort Green and Clinton Hill, north of
17 Myrtle Avenue, just up the hill from the Brooklyn
18 Navy Yard. Members of the Wallabout community
19 under the leadership of Gary Haddom [phonetic] and
20 Blaise Backer, as well as Dr. Schutte, the
21 President of Pratt Institute, have been working
22 for over 20 years for preservation of parts of our
23 neighborhood. And as many of you know, this area
24 consists primarily of wood framed structures from
25 before the Civil War, and is believed to be the

1 City's largest concentration of such buildings.
2 This neighborhood has already suffered from the
3 demolition of its historic buildings, as well as
4 out of scale construction. And there are quite a
5 few out of scale buildings which unfortunately we
6 were not successful in, in objecting to as we went
7 before the Board of Standard and Appeals, which
8 obviously needs some reform. But the loss of more
9 of our past, the fabric of our historic
10 neighborhoods, will be prevented with this
11 historic district. We are grateful that Landmarks
12 staff saw the historic value in this special
13 neighborhood, representing the values of the
14 community, and of these fearless modest homes,
15 built for working and middle class families, and
16 that the integrity of this collection of
17 structures will serve as an example for more
18 historic districts of this nature. I hope to work
19 further with Landmarks as we go on to preserve a
20 greater part of the neighborhood that I represent-
21 -For Green, Clinton Hill, Prospect Heights, Crown
22 Heights, parts of Vinegar Hill, and Bedford-
23 Stuyvesant. And I urge my colleagues to vote in
24 support of both designations today. And I thank
25

1 the Committee, and I thank the public for
2 attending. Unfortunately, I must leave, but I am
3 confident that the Committee will do the right
4 thing; if not, I will be back. [laughter]

5 CHAIRPERSON LANDER: Thanks very
6 much, Council Member, and I just want to add my
7 thanks to you and also in absentia to President
8 Schutte and Gary Haddom from Pratt. That's alma
9 mater, and I know they've worked hard to, to help
10 get this district done as well.

11 COUNCIL MEMBER JAMES: And I forgot
12 to give you thanks on all Jewish boys who play
13 baseball. [laughter]

14 CHAIRPERSON LANDER: Do you or does
15 any other member of the Committee have any
16 questions for the Commission on this designation?
17 All right, thank you, we do have one person signed
18 up to testify: Simeon Bankoff from the Historic
19 Districts Council.

20 [background voices]

21 SIMEON BANKOFF: Good afternoon,
22 Council Member, Simeon Bankoff, Historic Districts
23 Council. I would like to begin by thanking
24 Council Member James for her very strong and
25

1 passionate advocacy for this District. It would,
2 this likely would not have happened, had not she
3 had been a very strong partner of Gary and Blaise,
4 and Dr. Schutte over at Pratt. HDC has always
5 been long been interested in Wallabout, and I
6 would like to just state for the record that we
7 are very much in favor of the designation of this
8 district. That being said, and as someone just
9 reminded me, wise minds around the table thought
10 this district might never happen, because we'd
11 known about it for years. That being said, I
12 would like to state for the record that this is a
13 shamefully small historic district. It is not
14 entirely one block, when the original proposal was
15 at least three. I am thankful that the Landmarks
16 Commission did include a particular house on the
17 corner of Flushing and, on Flushing and
18 Vanderbilt, that was originally not in, which is
19 terrific, it was a very old house. But we hope
20 that the Commission has a chance to, in looking at
21 the other things in Council Member James'
22 district, including Fort Green, which I know that
23 they are looking at right now, and Clinton Hill,
24 which I hope they look at, they look at both the
25

1 industrial Wallabout, some of the industrial
2 buildings, as well as additional extensions to
3 this district, and I look forward to being before
4 you, to speak in support of those.
5

6 CHAIRPERSON LANDER: Thanks very
7 much, Simeon, and I know that the folks in
8 Wallabout, you know, valued the support and help
9 that you and HDC were able to give them, in this,
10 in this process, so thank you for that, too.
11 Thanks very much. With no one else signed up to
12 testify, we'll close the public hearing on the
13 Wallabout District, and move to the three
14 individual landmark items on the calendar before
15 us today. We'll start with Land Use No. 480, the
16 Fisk-Harkness House, 20125001 HKM, in Speaker
17 Quinn's district. Ms. Fernandez, please come back
18 up.

19 [pause]

20 JENNY FERNANDEZ: Thank you, Chair
21 Lander, Members of the Committee. My name is
22 Jenny Fernandez, Director of Intergovernmental and
23 Community Relations for the Landmarks Preservation
24 Commission. I'm here today to testify the
25 Commission's designation of the Fisk-Harkness

1 House in Manhattan. On March 23, 2010, the
2 Landmarks Preservation Commission held a public
3 hearing on the proposed designation of the Fisk-
4 Harkness House, located at 12 East 53rd Street, in
5 Manhattan. A representative of the Historic
6 Districts Council spoke in favor of designation,
7 and written testimony in favor of designation was
8 submitted by the Metropolitan Chapter of the
9 Victorian Society in America. Commission staff
10 met several times with the owner and owner
11 representatives, and worked with them on proposed
12 changes to their building. The owners chose not
13 to attend the public hearing. On June 28, 2011,
14 the Commission voted to designate the building in
15 New York City individual landmark. The Fisk-
16 Harkness House is a townhouse originally
17 constructed in 1871, and substantially altered in
18 1906 to the designs of architect Rally C.
19 Gildersleeve [phonetic], who transformed the
20 building into a grand, five story American
21 basement plan house, with an asymmetrical neo-
22 Tudor gothic style limestone façade. Gildersleeve
23 practiced architecture in New York City and New
24 Jersey between 1892 and 1915, and is best known
25

1
2 for the Tudor inspired buildings he designed for
3 the campus of Princeton University. This
4 townhouse is a rare survivor of the period when
5 the area around 5th Avenue and Midtown was
6 residential, and included mansions and expanded
7 row houses. The house has been the home of the
8 Laboratory Institute of Merchandising, a college
9 of fashion merchandising and business, since 1965.
10 The Commission urges you to affirm this
11 designation.

12 CHAIRPERSON LANDER: Thanks very
13 much. Any questions from Members of the Committee
14 on the Fisk-Harkness House? All right, seeing
15 none, thank you. We don't have anyone signed up
16 to testify on this one, so unless someone speaks
17 up now, we'll close the public hearing on Fisk-
18 Harkness House. And move to Land Use No. 481, 154
19 West 14th Street, and Manhattan Community Board 2,
20 also in the Speaker's District. 20125003, HKM.
21 Ms. Fernandez, you can continue.

22 JENNY FERNANDEZ: Thank you, Chair
23 Lander. My name is Jenny Fernandez, Director of
24 Intergovernmental and Community Relations for
25 Landmarks Preservation Commission. I'm here today

1 to testify on the Commission's designation of the
2 154 East 14th Street building in Manhattan. On
3 June 22, 2010, the Landmarks Preservation
4 Commission held a public hearing on the proposed
5 designation as a landmark of the 154 West 14th
6 Street building in Manhattan. Three people spoke
7 in favor of designation, including representatives
8 of New York Assembly Member Deborah Glick, the
9 Greenwich Village Society for Historic
10 Preservation, and the Historic Districts Council.
11 Commission staff had conversations with the
12 owner's representatives, the owner chose not to
13 attend the public hearing. On June 28, 2011, the
14 Commission voted to designate the building a New
15 York City individual landmark. The 154 West 14th
16 Street building is a twelve story loft structure
17 constructed in 1912 through 1913. Arranged in a
18 tripartite base shaft capital composition, with
19 large window areas, it is a striking and unusual
20 example of a large loft building, partly clad in
21 terra cotta. It is also an early example of the
22 use of boldly polychromatic lace terra cotta in
23 New York City. The terra cotta was manufactured
24 by the New York Architectural Terra Cotta Company,
25

1
2 the City's only major producer of architectural
3 terra cotta. 154 West 14th Street building
4 incorporated secessionist, art nouveau, arts and
5 crafts and mission revival style motifs in its
6 design. The Commission urges you to affirm this
7 designation.

8 CHAIRPERSON LANDER: Thank you very
9 much. I know that this is part of sort of an
10 effort to look at 14th Street more broadly, as
11 well. There were dialogues with Pratt about their
12 buildings, so I appreciate this is a lovely
13 building, and also part of a broader effort to
14 preserve some of what's there on 14th Street. So,
15 thank you very much. We do have one--any
16 questions for Members of the Committee for Ms.
17 Fernandez on 154 West 14th Street? Elizabeth
18 Finklestein from the Greenwich Village Society for
19 Historic Preservation.

20 [pause]

21 ELIZABETH FINKLESTEIN: Good
22 afternoon, my name is Elizabeth Finklestein from
23 the Greenwich Village Society for Historic
24 Preservation. I just wanted to say for the record
25 that we are thrilled that the Landmarks

1
2 Preservation Commission designated this building,
3 and we encourage you to uphold the designation
4 today. And just for the record, I've submitted
5 the testimony and the historical background on the
6 building that we read at the Landmarks
7 Preservation Commission's public hearing on the
8 item. Thank you.

9 CHAIRPERSON LANDER: Thank you very
10 much. Thanks for your partnership with, with the
11 City and with us, in preserving the Village. We
12 have no one else signed up to testify on Land Use
13 481, so we will close the public hearing on that
14 item. We will move to Land Use No. 482. [pause]
15 Oh, sure, sure, sure, great. Okay. We have to, I
16 see, all right, 'cause we have people here for
17 that. We would need a fourth member, though. She
18 went down to Lower Manhattan. All right, and
19 let's let Margaret know--we're going to take a
20 kind of a two or three minute semi-formal recess,
21 in the hopes that when Council Member Mendez comes
22 back, we can vote the items that we've heard so
23 far, so people that are here for them, will see
24 the vote and can go about your business.
25 Hopefully that'll also free up some seats in here,

1 so the folks in the overflow room can come in.
2
3 And then, Council Member Chin will join us and
4 we'll proceed to Land Use 482 to 135 Bowery. So,
5 should we make it a--Okay, so we'll stand in a
6 momentary recess, until Council Member Mendez
7 joins us. [pause, break in audio] Yeah, yeah.
8 All right, great, we are resuming the meeting from
9 recess. Thank you. And what we're going to do
10 now is proceed to vote on the items that we've
11 heard thus far. And we'll join them, a couple of
12 them together: Land Use Nos. 478, 479, 480 and
13 481. And the Chair recommends a vote of aye on
14 all the items.

15 COUNSEL: Christian Hylton, Counsel
16 to the Committee. Chair Lander.

17 CHAIRPERSON LANDER: Aye.

18 COUNSEL: Council Member Sanders.

19 COUNCIL MEMBER SANDERS: In honor
20 of Pike, aye. [laughter]

21 COUNSEL: Council Member Mendez.

22 COUNCIL MEMBER MENDEZ: Aye on all.

23 COUNSEL: Council Member Williams.

24 COUNCIL MEMBER WILLIAMS: Aye.

25 COUNSEL: By a vote of four in the

1
2 affirmative, none in the negative, no abstentions,
3 LU 479, 478, 480 and 481 are approved and referred
4 to the full Land Use Committee. [applause]

5 CHAIRPERSON LANDER: And we will
6 hold the roll open until I guess we have to vote
7 on the other item, so if Council Member Halloran
8 returns, he can cast his vote. All right, so
9 that's great. If you were there for one of those
10 items, and not for 135 Bowery, you could go now,
11 you don't have to. But there are a number of
12 folks from 135 Bowery who are in the overflow room
13 who I know would like to come in. If you want to
14 testify on 135 Bowery, please make sure you've
15 filled out an appearance card, with the Clerk, and
16 whichever room you're in we'll get you in to
17 testify. And we will move to that item now.
18 We've been joined by Council Member Margaret Chin
19 from Lower Manhattan, and we will now proceed to
20 hear Land Use No. 482, 135 Bowery, also known as
21 the Hardenbrook Somarindyck House, and we'll
22 invite Jenny Fernandez from Landmarks Preservation
23 Commission back up for the last time to present it
24 to us.

25 [pause]

1 JENNY FERNANDEZ: Thank you, Chair
2
3 Lander. My name is Jenny Fernandez, Director of
4 Intergovernmental and Community Relations for the
5 Landmarks Preservation Commission. I'm here today
6 to testify on the Commission's designation of the
7 Hardenbrook Somarindyck House, 135 Bowery, in
8 Manhattan. On July 13, 2010, the Landmarks
9 Preservation Commission held a public hearing on
10 the proposed designation as a landmark, of the
11 Hardenbrook Somarindyck House. Eight people spoke
12 in favor of designation, including representatives
13 of Council Member Margaret Chin, Historic
14 Districts Council, Bowery Alliance of Neighbors,
15 and Lower East Side History Project. Three
16 representatives of the owner opposed designation.
17 In addition, the Commission received a number of
18 communications in support of designation. The
19 Commission met numerous times with the owner and
20 provided information on the impact of designation
21 to the building, and what alterations would be
22 approvable through the LPC application process.
23 The owners remained opposed to designation. On
24 June 28, 2011, the Commission voted to designate
25 the building a New York City individual landmark.

1 The Hardenbrook Somarindyck House, a federal style
2 row house at number 135 Bowery in Lower Manhattan,
3 was built circa 1817 and for 150 years the
4 property was associated with the prominent
5 Hardenbrook and Somarindyck families, serving as
6 the family residence of John A. Hardenbrook, his
7 wife and later their daughter, Rebecca Hardenbrook
8 Somarindyck. Hardenbrook was a broker, one of the
9 24 men who signed the Buttonwood Agreement in
10 1792, that established the New York Stock and
11 Exchange Board, predecessor to the New York Stock
12 Exchange. He became an important merchant and
13 then a soap and candle manufacturer, with his
14 business next door at number 133. At this time,
15 the Lower Bowery was a fashionable address for New
16 York's social elite and wealthy merchant class.
17 This building remained in the Somarindyck family
18 until 1944. For over six decades, from 1841 to
19 1907, number 135 Bowery was the location of the
20 nationally significant business of the Wilson
21 Family, saddlers, harness and trunk makers, and
22 purveyors of firemen's equipment, and was for many
23 years the family residence as well. Despite some
24 alterations over time, it is notable as a grand
25

1
2 early federal style row house, due to its original
3 form and materials, with its three-and-a-half
4 story height, and 22 foot width, high peaked roof,
5 with two pedimented dormers and end chimney, and
6 fun façade with Flemish bond brickwork, now
7 painted. The Hardenbrook Somarindyck House is
8 among the oldest of the relatively rare extant and
9 substantially intact Manhattan houses of the
10 federal period and style. Many such houses were
11 raised with additional stories in the later 19th
12 Century. And as significant as a rare surviving
13 house from the period of the Lower Bowery's
14 history, as an elite neighborhood in the post-
15 Revolutionary War era, the Commission urges you to
16 affirm this designation.

17 CHAIRPERSON LANDER: Thank you very
18 much for that presentation to us. There are quite
19 a lot of people signed up to testify on this item,
20 so we will listen to them. But I want to know
21 first if any members of the Committee have
22 questions for Ms. Fernandez. Council Member
23 Williams.

24 COUNCIL MEMBER WILLIAMS: I just
25 want to make sure that was correct, you said the

1
2 representative of Council Member Chin voted in
3 favor of the submission?

4 JENNY FERNANDEZ: There, no vote at
5 the time, but a representative testified at the
6 public hearing.

7 COUNCIL MEMBER WILLIAMS: In favor
8 of.

9 JENNY FERNANDEZ: In--yes.

10 COUNCIL MEMBER WILLIAMS: Thank
11 you.

12 CHAIRPERSON LANDER: Ms. Fernandez,
13 on the, on the federal buildings project, I know
14 this is part of a broader effort that the
15 Commission has taken the, that the, to look at
16 sort of--can you give us some sense of, sort of
17 the volume, how many, roughly how many federal
18 style buildings you are looking at? Have brought
19 for preservation? How many we've done so far?

20 JENNY FERNANDEZ: The Commission
21 undertook a survey of federal era buildings,
22 starting in the very Lower East Side, up until
23 about 23rd Street, and from river to river. And
24 over that time has designated quite a number of
25 federal style row houses and buildings. So, I

1 don't know the exact number at this moment, but it
2 is a project that, an initiative that the
3 Commission has taken on and has been working on
4 over the past few, few years.

6 CHAIRPERSON LANDER: Okay. Thank
7 you. Any other questions from, for the LPC? You
8 guys will continue to be here, and let me reserve
9 the possibility that we'll call you back to answer
10 specific questions on the designation report.

11 Okay, thanks very much. So, we've got quite a lot
12 of people signed up to testify. We've been
13 rejoined by Council Member Halloran. So, let's go
14 back to the vote on the other items, the four
15 items that we had heard so far, all of which the
16 Chair recommended approval of.

17 [pause]

18 COUNSEL: Council Member Halloran.

19 COUNCIL MEMBER HALLORAN: In, may I
20 explain, excused to explain my vote?

21 CHAIRPERSON LANDER: Absolutely.

22 COUNCIL MEMBER HALLORAN: I am
23 very, very, very, very, very much in favor of
24 these districts, and I know the Council Members
25 are. However, as I indicated at my prior, at the

1
2 prior meeting of this body, because the Landmarks
3 Preservation, because Landmarks Preservation has
4 refused to come to my district, and refused to
5 landmark my historic districts, I am voting no on
6 every landmark item that comes before this body,
7 until they decide to get their heads out of their
8 rear ends. So, I regrettably, and with no, by no
9 means an insult to these communities, who I think
10 deserve these landmarks, I vote no.

11 COUNSEL: Vote now stands four in
12 the affirmative, one in the negative, no
13 abstentions.

14 CHAIRPERSON LANDER: Okay, so we
15 will now resume the 135 hearing. What we're going
16 to do, we've got, I don't know, probably 40 people
17 it looks like, about, signed up to testify. We
18 will, we will ask people to, to be on the three
19 minute clock, so we can get through as many as we
20 can. And I'm going to ask a panel of five
21 representatives of the owner to come up first and
22 give their testimony. And then we will proceed to
23 the others, which at least, I think, are all in,
24 in support of the designation. So let me call
25 Adam Rothkrug, Page Cowley, Nathaniel Smith,

1 Patrick Yu or Yau, excuse me, and Nicholas
2
3 Nicholson, who are representatives--[background
4 voice] Nicholas Nicholson will go, you're in,
5 okay, you're in the other stack? Okay. All
6 right, so the four representatives of the owner to
7 come up.

8 MALE VOICE: Yeah, bring those up.

9 [pause, whispering]

10 CHAIRPERSON LANDER: Thank you.

11 [pause]

12 ADAM ROTHKRUG: Chairman Lander and
13 Members of the Committee, good morning. My name
14 is Adam Rothkrug and I'm here this afternoon
15 representing the First American International
16 Bank, owners of the building at 135 Bowery. After
17 reviewing the limited information provided by
18 Landmarks in support of their original filing, and
19 hiring their own Historic Preservation architects
20 and engineers, First American decided to oppose
21 the proposed landmarking for several reasons, each
22 of which should have individually disqualified the
23 building for consideration, and when combined make
24 a compelling case against designation. As will be
25 highlighted in testimony today, these reasons

1 include the lack of historical or architectural
2 basis and supporting evidence; the dilapidated,
3 unsafe condition of the building, which makes it
4 virtually impossible to maintain or restore in a
5 viable manner; the procedural history of the
6 application rushed through after the owner had
7 legally completed demolition of the interior of
8 the building and spent hundreds of thousands of
9 dollars on a complete set of plans and filings,
10 and was prepared to commence construction; and the
11 negative impact that proposed landmarking will
12 have on the surrounding properties and community,
13 as it will undoubtedly result in the current shell
14 being left vacant, and scuttle the owner's plans
15 to provide affordable office space, a badly needed
16 commodity in Chinatown. As will be noted by
17 Patrick Yau of First American, he has experience
18 with landmarking, and even previously supported
19 the landmarking of a building that he owned after
20 learning that it had historic and architectural
21 significance and importance. First American's
22 commitment to providing a contextual building that
23 reflects the surrounding area has been stated
24 throughout the course of this process, and is
25

1 reiterated today in writing to this Subcommittee.
2 Page Cowley, a registered architect, active as a
3 preservationist, with extensive experience dealing
4 with landmark and historic buildings, will testify
5 with respect to the information and findings that
6 she made after extensively reviewing all of the
7 available records. Her testimony will include
8 evidence as to the numerous alterations to the
9 existing building that resulted in the current
10 unstable mess of a roughly connected structures
11 built at different times, with evidence of fire
12 damage, walls that have partially collapsed,
13 variety of legal and illegal alterations that have
14 fatally compromised the original construction, as
15 well as the structural integrity of the building,
16 and removed the vast majority of architectural,
17 historical significance that may have existed.
18 The building has replacement windows, an aluminum
19 storefront with a roll down gate, a patched
20 together alleyway enclosure, and even the
21 brickwork appears not to be original to the
22 building, essentially a veneer that is barely
23 attached to the sidewalls. A fire escape was
24 added sometime after the turn of the Century, and
25

1 obscures more than half of the front of the
2 building, and also is barely attached to the
3 brickwork. Thereafter, Nathaniel Smith of the
4 engineering firm, Simpson Gumpertz & Heger, also
5 experienced in historic restoration, will provide
6 testimony as to the condition of the existing
7 structure, including evidence of prior changes,
8 fire damage, potential problems in upgrading the
9 existing structure, to a building that meets
10 current construction and safety standards. In
11 this regard, it should be noted that the DOB
12 records and personal inspection of the building
13 indicate unsafe building orders, numerous
14 alterations, numerous violations and complaints
15 related to the use and structure [time bell] of
16 the building.

18 CHAIRPERSON LANDER: That's all
19 right.

20 ADAM ROTHKRUG: Prior to its
21 demolition, the DOB records indicated that the
22 second floor had been illegally altered to consist
23 of between 16 and 30 separate small booths, which
24 according to various accounts, operate as illegal
25 massage facility and/or a brothel. The building

1 has been vacant and open to the elements for the
2 past five years, resulting in additional damage to
3 the structure, and raising serious doubts as to
4 whether or not it can be restored, even if cost
5 was no object. Finally, Patrick Yau of First
6 American International Bank will provide testimony
7 with respect to the history of the Bank's
8 involvement with this building, which was
9 purchased in December 2007, intended to be
10 developed with a modest seven story building
11 designed to contain affordable office space for
12 local businesses and professionals, consistent
13 with First American's charter, as a government
14 certified community development financial
15 institution. The Bank was pursuing, continues to
16 pursue eligibility for new market tax credits as a
17 community development project, with the intention
18 of providing quality, below market office space.
19 This commitment, along with a commitment to ensure
20 that the building is designed to maintain and
21 reflect the historical context of the Bowery,
22 again has been memorialized in a separate letter
23 submitted to your Subcommittee. The Bank paid
24 over \$5 million for this building, and spent
25

1 hundreds of thousands more demolishing the
2 interior of the building, and to design a new
3 building all before there was any hint of
4 landmarking. And as noted the building was left
5 exposed to the elements with water running through
6 it after heavy rains, causing further damage to
7 the structure that was intended to be demolished.
8 Restoring the current structure to meet code
9 requirements for proposed commercial use are just
10 not feasible. Records of the Department of
11 Buildings indicate that plans were filed with the
12 Department of Buildings in 2008, and after
13 extensive delays in the Department, full plans
14 were approved in October 2009, and after an
15 amendment again in February 2010. Shortly
16 thereafter, before construction commenced, First
17 American was shocked to receive notification of
18 the potential landmarking. The information
19 provided at the time of original notification was
20 sparse and did not include any of the details
21 later uncovered by First American's professionals.
22 The landmark report still contains little more
23 detail than the names of the families that owned
24 the building while it was used as a store, a
25

1 history similar to numerous buildings in the area,
2 with no outstanding characteristics. The research
3 by Page Cowley was much more extensive and
4 detailed and reflect that the numerous
5 modifications to the original building, the loss
6 of original details, which has not been addressed
7 by Landmarks. The engineering analysis indicated
8 the prohibitive cost to restore or recreate these
9 elements involving the replacement of almost every
10 single structural element of the building. And
11 cost analysis was provided as well. As an aside,
12 just this morning, and looking through the records
13 that we had, I uncovered a email that was sent by
14 a person that lived in the building from 1967 for
15 several years. And in response to an inquiry
16 about the building, this is from Jane Doyle. She
17 said, "The building was in pretty poor shape when
18 we lived there, I can't imagine the DOB issuing
19 building permits. For example, the hallway is
20 actually the space between 135 and 132, very
21 narrow. The sidewalls are one course of brick.
22 If you tried to put a nail in the wall, the brick
23 would tumble down below. We attempted to put a
24 door through the south brick wall into what became
25

1 the bathroom, and the entire section of wall came
2 down, so we had a very tall doorway. The windows
3 did leak, though they may have been replaced by
4 now. Snow would come through them. The chimney
5 collapsed, and Mr. Fish, who owned the building
6 then, paid for cement and asked for Tom and Ray to
7 repair it. So, this is on record going back to
8 the '60s, that this building was not in terrific
9 shape. First American remained confident that a
10 full and fair analysis of the building would
11 result in the building being removed from
12 calendaring and even voluntarily agreed to not
13 take any action while Landmarks reviewed the
14 information provided. Unfortunately, it appears
15 that once it was on the radar, it was too late to
16 back down. Thereafter, the owner offered to work
17 with Landmarks to achieve a design, an
18 incorporated historical design elements, and even
19 portions of the existing façade that could be
20 saved, but received not real encouragement or
21 support from Landmarks. As noted, First American
22 remains committed to erecting a structure that
23 will be in context with the surrounding area, and
24 reflective of the history of the Bowery. There is
25

1 simply no historical or architectural basis to
2 justify the landmark designation. The reality is
3 that while landmarking a building recently after
4 it has been sold, as opposed to the 40 years that
5 this building sat in operation as a commercial
6 building, and after the new owners demolished the
7 interior and approved, and obtained approved plans
8 for a new building, seems generally unfair, I
9 would state in an aside, usually it's developers
10 that are accused of trying to beat the clock. In
11 this instance, there are numerous compelling
12 factors that should've disqualified this building
13 from consideration, and which continue to weigh
14 heavily against affirmation of the Landmarks
15 determination. It's unfortunate the application
16 has progressed this far. Common sense and a
17 realistic assessment of the building and its
18 history should've compelled removal of the
19 building from consideration at a much earlier
20 stage. We request that the Council serve as the
21 impartial arbiter in assessing the history and
22 significance of the building, as well as its
23 current condition, the financial improbability and
24 danger in any attempt to reuse the existing
25

1 structure, along with the damage to the community
2 that will be done by legislating the maintenance
3 of a hollowed out shell that's likely to remain a
4 vacant eyesore for years to come. Thank you very
5 much for your time.

6
7 CHAIRPERSON LANDER: Thank you, Mr.
8 Rothkrug is the lead representative of the owner,
9 I allowed a lot of discretion in the, on the
10 clock. I'm going to ask the rest of your panel to
11 heed the three minute time limit, 'cause I'm going
12 to ask the same of the longer list of people that
13 are set up to testify.

14 ADAM ROTHKRUG: I appreciate that,
15 and we were, we were, we had been advised that we
16 would have some, some extra time, being the owner
17 of the building.

18 CHAIRPERSON LANDER: So, let's
19 proceed with the re--with the other two members of
20 the panel, and then we'll ask questions.

21 PAGE AYRES COWLEY: I've also
22 brought some illustrations that I will use to
23 expedite my testimony. I'm the principal, Page
24 Ayres Cowley, of a full service architectural and
25 preservation firm. Our interest in this

1 designation is as the conservation architect
2 retained by the First American International Bank.
3 Knowing that the owner had already submitted plans
4 that were to be approved by, that were approved by
5 the Buildings Department, for an as-of-right new
6 building, our role was to assess the extent of
7 alterations to the building, and determine extant
8 original historic fabric. The building has been
9 gutted and probes in the cellar allowed us an
10 unusual view, because all the bare walls are
11 exposed. I'm jumping ahead, so apologies. You
12 have the full text of my testimony. I hope that
13 those few seconds don't count.

14
15 CHAIRPERSON LANDER: [laughs]

16 PAGE AYRES COWLEY: The physical
17 evidence indicates three separate structures, as
18 you've heard. There were three successive
19 modification between 1856 and 1884. What was
20 interesting to us in terms of evaluating the
21 changes and the numerous different types of brick,
22 is that the, the building was actually built at
23 the full depth of the lot by 1884. This
24 configuration is what you see today. There have
25 also been other substantial and subtle alterations

1 to the façade since 1903, 14 interior alterations
2 between 1900 and 1924, five unsafe building
3 notices, and although the building looks old, much
4 of the façade has been modified, and parts of it
5 are contemporary. We studied this building in
6 great detail. Today, what I'd like to show you is
7 the chronology of construction and some anomalies.
8 I've outlined the building configuration, I mean,
9 topics, different aspects of the description of
10 the building. The first one is the building
11 configuration. Originally, it was built as a
12 residence with a shop on the ground floor and a
13 rear yard. The structure now covers the entire
14 lot. The use of "townhouse" is misleading, it's
15 not that type of building anymore. It is
16 commercial and retail and office space. In terms
17 of construction type, it's timber frame. The only
18 timber frame wall that remains is on the north
19 side, where there's a new foundation wall that
20 reaches now the first floor. In terms of the roof
21 profile, the pitch, as was described in the
22 Landmark designation, is correct; however, the
23 shingles were left in place, tarred--a new roof
24 was put over the top, assumed to be tin, and
25

1
2 successive and multiple layers of tar paper and
3 asphalt. What we have learned is that the dormer
4 windows were actually cut after the original roof
5 was put in, and this can be evidenced by the
6 shingles are actually placed underneath the dormer
7 and nailed through the tin. So that happened
8 certainly after the building was initially built.
9 The masonry walls have been a great topic of
10 discussion and on this I respectfully disagreed
11 with the Landmark Commission about the issue of
12 the Flemish bond. The first, second floor is in
13 fact three widths of brick; the upper floor is two
14 widths of brick; the bottom, the second floor has
15 two widths of Flemish bond, with a backup wall in
16 running or stretcher bond. What's interesting
17 here is that the bond underneath the windows is in
18 fact a running bond, and there are more courses
19 [time bell] on the north side--Can I just finish.

20 CHAIRPERSON LANDER: Just finish,
21 yes.

22 PAGE AYRES COWLEY: There are more
23 courses of brickwork on the north side than under
24 the other windows. If you look at the photograph,
25 you'll notice that the north window on the second

1 floor is actually shifted to one side. When we
2 looked again at the building, trying to understand
3 the Flemish bond discussion that we've amongst my
4 colleagues, it's actually not a standard window,
5 it's got an archway over it. You'll notice that
6 it's slightly wider in the masonry opening, and
7 shorter. We believe that this building was
8 actually lifted, because the brick walls on the
9 north and south side for the first floor are new
10 replacement, independent walls, that support the
11 remaining timber framing. And you can see that by
12 the photograph on the upper right, you can see the
13 new bearing wall that runs the full length of the
14 property. And there you see the original
15 construction with the brick infill, which was a,
16 an early form of fireproofing. So, we've tried
17 very hard to understand the anomalies that would
18 place this building as a true 1817 property. You
19 have more technical information in there about the
20 storefront. The first floor is completely missing,
21 there's a cast iron that was introduced,
22 presumably after the Civil War. Windows I'm not
23 going to go into. The passageway you heard about.
24 So, in conclusion, we believe that appearances can
25

1
2 end product would be a facsimile, with no archival
3 graphic material to use as a guide. The details
4 would necessarily be stylistically generic, while
5 needing to suit the existing conditions. The
6 entire ground floor would be new design elements
7 to complete the missing components, to make the
8 storefronts and entrances. For all these reasons,
9 we do not believe that this structure is a worthy
10 example for individual designation. To force such
11 a reconstruction serves no preservation purpose.
12 Thank you.

13 CHAIRPERSON LANDER: Thank you.

14 NATHANIEL SMITH: Good afternoon.

15 My name is Nathaniel Smith, I'm an engineer with
16 the firm Simpson Gumpertz & Heger. We were
17 retained by the building owner, First American
18 International Bank, to provide an assessment of
19 the current structural condition of the building.
20 The building is an existing, approximately three-
21 and-a-half story building. On the first two
22 floors it goes for the full length of the lot,
23 which is approximately 100 feet; and then there
24 are two setbacks. It's typically brick bearing
25 wall construction, with wood floor framing, and

1 roof framing. Due to lack of severe wreathing
2 over the years, due to roof leaks and whatnot, the
3 existing roof framing and floor framing is
4 severely deteriorated due to long term exposure to
5 weather. A lot of the joists have started to rot
6 away, and the bearing of those joists on the brick
7 masonry walls is compromised, and most likely the
8 majority of those roof joists will need to be
9 replaced if the building is left in its current
10 configuration. There is also extensive damage to
11 the existing peaked roof, which is one of the
12 proclaimed historical elements of the building,
13 which supports the two dormers at the roof. Due
14 to the extensive deterioration, those joists would
15 likely need to be replaced completely. There is
16 also evidence of previous fire damage to that roof
17 framing, which may also compromise those joists,
18 which would then need to be replaced as well. The
19 front façade of the building, as Page mentioned,
20 the upper two floors are a two width brick façade,
21 and the second story is a three-plus white façade.
22 The mortar is in variable condition--in some areas
23 it's good, in some areas it's bad--again due to
24 long term exposure to the elements. There is also
25

1
2 currently a steel fireplace that is bolted through
3 the façade, so basically this brick façade
4 provides a support to the fireplace, which puts a
5 lot--or excuse me, the fire escape--which puts a
6 lot of additional stress on the brick façade. So
7 that needs to be addressed if that façade was to
8 stay. There are also two fireplaces that are on
9 the south wall of the building. One has been
10 partially removed, the other one has been removed
11 below the second floor, so currently three, two-
12 plus stories of the brick chimney are being
13 supported by the floor framing. That needs to be
14 addressed as well. There are also numerous areas
15 of distress within the brickwork, cracks above
16 window openings, bulging of the brick and
17 especially at the rear wall of the building, at
18 the first two floors, there's significant outward
19 bulging of the brick wall. Some temporary work
20 has been done previously, before the building was
21 purchased by the current owner, to stabilize that
22 wall, but that wall will most likely need to be
23 replaced. So, in general, the building is
24 severely deteriorated due to long term exposure to
25 the weather. To keep the building in its original

1 configuration would require substantial work and
2 money to stabilize the building, and especially to
3 stabilize the front façade in most likely the
4 existing roof, with the two dormers would need to
5 be replaced. And again, if any, if the building
6 was landmarked, it, the zoning requirements for
7 the building [time bell] restrict the owner's
8 ability to develop the building and expand, and
9 add to the building. And if any additions or
10 extensions were added to the building, it would
11 require significant code upgrades to the building,
12 which are likely to require significant structural
13 alteration to the existing framing. That's all.

14 CHAIRPERSON LANDER: Thank you.

15 Mr. Yau. When they're done as a panel, we'll do
16 questions.

17 [pause]

18 PATRICK YAU: Good morning. Good
19 morning, Chair Lander, and Council Members of the
20 Subcommittee. My name is Patrick Yau. I
21 represent First American International Bank. I
22 work there, in charge of community development and
23 development banking. First American International
24 Bank is the owner of 135 Bowery, and today I would
25

1 like to urge your support not to designate 135
2 Bowery as determined by the Landmarks Preservation
3 Commission. First, let me say a little bit about
4 the owner, First American International Bank.
5 It's a small, local community bank, with
6 headquarters in Sunset Park, Brooklyn. And it's
7 dedicated to serving new immigrants and the
8 underserved amongst ethnic Chinese Americans in
9 New York City. It is designated a minority bank
10 by the FDIC and is not a big money bank, as
11 described by many special interest preservation
12 groups. Because of the bank's stated community
13 development mission, and its track record every
14 year for the last ten years since its founding, to
15 provide financing to small business and small
16 business owners, in low/moderate income areas, the
17 bank is certified by the U.S. Department of
18 Treasury as a community development financial
19 institution, a CDFI. We very much honor because
20 there are only three such banks in the Tristate
21 area, and only about 90 in the whole country.
22 Personally, I share the interests of Landmarks
23 Preservation. In fact, a building on 109-111 East
24 15th Street in Manhattan, was designated a
25

1 landmark back in 1990, when I owned it. I
2 supported designation then, because there were
3 real merits. The building was a former sentry
4 association building, and it was the oldest
5 surviving cop house [phonetic] designed by one of
6 America's earliest and most prominent architects,
7 Henry Richardson. And I have a copy of the
8 designation report right here, you know, that I
9 dig up from my file. However, with regard to 135
10 Bowery, the bank acquired the building in December
11 2007, and we filed with the DOB in August 2008 for
12 permits to do a new construction. By mid-2009,
13 the building was gutted and ready for demolition
14 with a bowing [phonetic] wall in the rear. After
15 18 months, by February 2010, the DOB finally
16 approved various architectural plans--structural,
17 mechanical, etc.--and we were [time bell] ready to
18 demolish and start construction work, only to find
19 out a few months later in June that the LPC
20 calendared the building for designation. The
21 building, as you have just heard, is definitely
22 not substantially intact, as, you know, special
23 interest groups insist. The bank, to do its due
24 diligence, hired some of the best preservation
25

1 architects and engineer to extensively research
2 and examine the building. They concluded that any
3 preservation would result in at best an imitation
4 and so - - . Furthermore, the structurally
5 unstable conditions throughout the entire building
6 does not make it economically feasible to restore.
7 The other fact of the matter is that the bank has
8 all along planned to develop the building to
9 provide affordable, suitable quality small office
10 space and communities to our Chinatown, very much
11 needed based on the research funded by the
12 Carnegie Corporation after 9/11. And this is a
13 very detailed research, telling the community
14 that, you know, one of the way to revitalize
15 Chinatown is to have sufficient, affordable,
16 suitable, qualities, commercial space. In July
17 2009, the bank, through a nonprofit national
18 community investment fund, applied for new market
19 tax credit, which is a U.S. Treasury Department
20 program to help low/moderate income communities.
21 This government program generally results in lower
22 affordable rents, by at least 25 percent. And we
23 are committed, and we are still pursuing
24 application for that. 135 Bowery, if I might, you

1 know, this is my last couple points, is commercial
2 zone, which is, if you look at all the zoning
3 along the Bowery is actually very rare.

4 Landmarking this building will be
5 counterproductive towards intended community
6 purposes. The, so far the building has cost \$6
7 million, but it will create over 100 jobs to help
8 Chinatown's post-9/11 revitalization. And this is
9 something that we researched and presented to the
10 new market tax credit application. And this is
11 especially important during this economic
12 downturn. Lastly, I would just like to make a
13 comment. As a citizen, the marking process, as I
14 have experience and come to realize, is really
15 rather arbitrary. And almost predisposed to
16 conclude with a designation. And I understand
17 that, you know, that the LPC has very little
18 funding, and they need to use the money, you know,
19 to make things happen. Now, I can really
20 understand why the City Council approval process
21 is so critical to bring a balanced review, to make
22 sure that a landmark designation is truly
23 justified, taking the community's interest and the
24 building's condition into account, to provide, and
25

1
2 to provide the necessary check and balance. Thank
3 you very much today for the opportunity for us to
4 present our side of information and expert
5 opinion. Please do stop this wrongful act of
6 designating 135 Bowery for all the factual reasons
7 presented to you today. Thank you.

8 CHAIRPERSON LANDER: Thank you very
9 much for your testimony. Stay there a minute,
10 'cause I think there'll be some questions and
11 comments. I granted some leeway on the clock, and
12 I'll have, I'll do some of the same as we move
13 forward. But my colleagues on the Committee may
14 have questions or comments for you. I want to
15 begin by recognizing Council Member Chin, whose
16 district the building is located in.

17 COUNCIL MEMBER CHIN: Thank you,
18 Chair. I also am chairing a meeting on the, a
19 hearing on the 14th floor which I got to run back,
20 and I'll come back a little bit later. First of
21 all, I thank you owner for being here, and also
22 for the advocates who are here today to support
23 this building. And I know from the Landmark
24 Preservation presentation, I was one of the ones
25 that was down in the beginning, as also supporting

1
2 Landmark Preservation for 135 Bowery. And I have
3 a strong record of working with preservationists
4 and organization, and the advocates, in trying to
5 preserve the historic character of Bowery, and
6 trying to get protection on the east side Bowery
7 as the same as the west side Bowery. But on this
8 building, after that I have the opportunity to
9 meet with the owners, when they came with me to
10 meet with me early this year, they lay out the
11 presentation to me that they lay out to you today.
12 And it really put me in a very, very tough
13 position. And as the City Council Member who's
14 elected to represent this district, I do have to
15 look at the larger picture, and I do have to find
16 balance. That we try to preserve a lot of
17 historic buildings. But at this one that you've
18 heard, that I was able to hear, that it's not just
19 a picture that I've seen, or just a concept. But
20 it's a building that also offer an opportunity to
21 a community that's trying to recover after 9/11.
22 Right now I'm having a hearing on the 14th floor
23 on the same topic about helping small businesses
24 to recover 9/11, and Chinatown has not recovered
25 as fast as other community in lower Manhattan.

1
2 And this project will offer opportunity to small
3 business owners, for affordable commercial space,
4 and creating jobs. And that's important. And
5 also in my discussion with the owner, and they
6 understand, and they will try to also preserve
7 some of the characteristic of the building. That
8 is not going to be one of those glass structure
9 that I see all over. And the other thing is that
10 it's also a seven story building. Which is, in a
11 way, is in context with the other side, the west
12 side of Bowery. And for those are the reason that
13 I've come to the conclusion that, at this moment
14 in time, I cannot support the landmark designation
15 of this building. And I just hope that the
16 advocates will, you know, will see my point of
17 view on this, and that we will have opportunity to
18 continue to work to preserve the historic
19 character of Bowery. But on this building, we
20 will have to differ. And I thank you, the Chair
21 and to give me the opportunity to state my view on
22 this. Thank you. I'll come back later, I just
23 got to go back up to the hearing. Thank you.

24 CHAIRPERSON LANDER: Thank you,
25 Council Member. I think we'll be going a little

1 while, so you'll have the opportunity to come
2 back. Are there other questions from the
3 Committee for the panel? Council Member Sanders.
4 [background voices] Oh, okay. Go ahead.
5

6 COUNCIL MEMBER SANDERS: Thank you,
7 Chair. I just wanted to state that I, too, will
8 come back. I'm having a hearing on a issue in my
9 community, but as soon as I can break away from
10 that, I will be back here.

11 CHAIRPERSON LANDER: Thank you.
12 Council Member Williams.

13 COUNCIL MEMBER WILLIAMS: A similar
14 comment, I have to step away, I have a meeting at
15 1:00 o'clock, actually. This is, we're actually
16 running a little over, so I apologize. I'm very
17 interested in this and I plan on coming back and
18 reading some of the materials. I did have one
19 question that I probably should've asked Ms.
20 Fernandez, but I just wanted to, maybe the Chair
21 knows, what are the characteristics that make it a
22 federal style building?

23 CHAIRPERSON LANDER: Let's, all
24 right, since you have to leave, let's, let me just
25 hang on one second, are there any questions for

1 SUBCOMM LANDMARKS, PUBLIC SITING, MARITIME USES 64
2 this panel? So hold that for one minute. Go
3 ahead, Council Member Halloran?

4 COUNCIL MEMBER HALLORAN: Thank you
5 very much. You indicate in your testimony that
6 the interior has pretty much been demolished, that
7 there is significant structural and literally load
8 bearing issues at this stage. What is being done
9 right now to, to ensure there's no immediate
10 threat to the building? And also, what would be
11 required to do what Landmarks Preservation is,
12 would require of you, if the designation had gone
13 through, both in terms of capital costs and to
14 those particular deficiencies that you've note,
15 that you've already noted?

16 ADAM ROTHKRUG: First, with regard
17 to the current structure, as was indicated,
18 there's one wall in the rear that is severely
19 compromised. That was reinforced by a prior
20 owner. Right now, it's just being monitored to
21 make sure there is no, the build's vacant, there's
22 no one in there, so there's little, no one could
23 actually be in there. So there is no perceived
24 danger to life or--life, in the even anything
25 actually happened to the building. I think with

1 regard to the other questions, and I'll let Page
2 answer, as well, almost the entire structure,
3 almost every element would have to be replaced.
4 As was indicated in the drawing showing the
5 history of development of the building, this was
6 not developed at one time, there are three
7 different sections, all with different
8 foundations, all with different supports. And
9 they're not tied together very well. As was
10 indicated in that email that I found, when someone
11 tried to nail a brick, nail a, put a nail into a
12 break, the brick fell out, and there was nothing
13 behind it. So, as Page has testified, what you
14 would end--The best that you could achieve here,
15 would be a replication of what may have been
16 there. And that would have to be done at a cost
17 that doesn't even take into account the \$5 million
18 that was paid for the building with the concept of
19 erecting a new building there. So, you'd have to
20 double your investment and come out with a
21 building that's half the size of what you
22 anticipated building. And again, as I said, it's
23 a little unfair, the building was sitting around
24 for 40 years, and after we buy it, you know, then

1 they decide to take action right before we're
2
3 ready to break ground.

4 PAGE AYRES COWLEY: I just want to
5 add, typically one assumes that because this
6 process has started, that the owner walks away.
7 I'm able to visit the building regularly. They
8 have a construction crew, after the heavy rains,
9 after the snowstorm, they've had workmen in there
10 just tarring and patching, putting measure to try
11 to keep the water out. But the water isn't coming
12 only from the roof, it's coming through the
13 windows again, and etc. So, I want to say that
14 there were opportunities and our client is an
15 exceptional gentleman, as is his bank. He's not
16 obviously improving it, but his actions, since he
17 owned the building, is not making it worse. It is
18 wet inside, it is damp. This, no one survived
19 these heavy rainfalls very well. This building
20 has taken on more water. But it's not an
21 accelerating deterioration that's going to cause
22 immediate collapse, but it's going to make it
23 very, very expensive to prop and shore, 'cause you
24 have to work in small pieces rather than a
25 comprehensive way. I hope that reassures you

1 somewhat.

2 CHAIRPERSON LANDER: Thank you.

3 Any other questions for this panel? All right,
4 let me say thank you to this panel for your time.

5 PATRICK YAU: Thank you.

6 CHAIRPERSON LANDER: Let me ask Ms.
7 Fernandez to come back up before we move to the
8 public testimony to answer Council Member
9 Williams' question. And if Members have any other
10 questions. And I don't know if you want Ms. Betts
11 [phonetic] to join you to explain federal style
12 buildings to us. As you wish. [laughs]

13 [pause, background noise]

14 JENNY FERNANDEZ: Okay, thank you,
15 Chair Lander, and Council Member Williams. I'm
16 joined by Mary Beth Betts, Director of Research at
17 the Landmarks Preservation Commission, whose staff
18 conducts the surveys and certainly worked directly
19 on this building. And I'll let her answer the
20 Council Member's question.

21 MARY BETH BETTS: Okay, in general,
22 when we look at federal houses, which are some of
23 our earliest built fabric in this City, we look at
24 the form of the building, the materials, and the
25

1 details. It's very rare to have all three be
2 intact on these buildings, and this is a fairly
3 early building from around 1817. So, in specific,
4 for this building, it's notable as a grand early
5 federal style row house, because of its date,
6 1817, is fairly early. Most of our federal houses
7 are from the later part, from the 1820s and 1830s.
8 And particularly for its original form and
9 materials, with its three-and-a-half story height,
10 which is very unusual. We do have other federal
11 houses that are that high, but that's a
12 particularly grand height. And its 22 foot width,
13 which is also very wide for a federal house. With
14 its high peaked roof with two pedimented dormers
15 and a chimney, and front façade with Flemish bond
16 brickwork. So those are the characteristics of
17 the federal style, it's very unusual to see the
18 peaked roof, because later if these buildings are
19 continually used, that half-story is technically
20 uninhabitable, due to later DOB regulations that
21 say that you can't have somebody living in a half-
22 story. So, to find that form is also highly
23 unusual.

24
25 COUNCIL MEMBER WILLIAMS: So--you

1
2 have a question, no?--So, the inside doesn't have
3 much bearing--

4 MARY BETH BETTS: We're, we are
5 designating the exterior. That's, we do not take
6 jurisdiction over the interior.

7 COUNCIL MEMBER WILLIAMS: That's
8 for every designation?

9 MARY BETH BETTS: Yeah, except for
10 the rare interior designations, which are
11 buildings that are customarily accessible to the
12 public, like bank buildings, theaters, some
13 museums and stuff like that, yeah. [laughs]

14 COUNCIL MEMBER WILLIAMS: Thank
15 you.

16 CHAIRPERSON LANDER: Council Member
17 Halloran.

18 COUNCIL MEMBER HALLORAN: Okay. If
19 you could just try to, like I know that the Chair
20 wants to move along, we have a lot of people to
21 testify. If you could just answer yes or no to my
22 questions, that would be very helpful. Is it true
23 that there is no first floor façade.

24 MARY BETH BETTS: That's very
25 typical in most federal houses.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COUNCIL MEMBER HALLORAN: But is that true?

MARY BETH BETTS: Yes.

COUNCIL MEMBER HALLORAN: Okay. And is it true that the second story brick is not Flemish bond but is in fact just running stretcher?

MARY BETH BETTS: No.

COUNCIL MEMBER HALLORAN: That's not true.

MARY BETH BETTS: No.

COUNCIL MEMBER HALLORAN: Okay. So, the report by Page Ayres Crowley Architects is not accurate.

MARY BETH BETTS: We respectfully disagree with several aspects of her report.

COUNCIL MEMBER HALLORAN: Okay. And looking at the picture, if I were to tell you I looked at it and I see stretcher, just from the description I've been given, could you tell me what the difference between stretcher and Flemish bond is?

MARY BETH BETTS: Flemish bond has alternating headers.

1 COUNCIL MEMBER HALLORAN: Right.

2 And those are the smaller brick pieces--

3 MARY BETH BETTS: In--yeah.

4 COUNCIL MEMBER HALLORAN: --that
5 sit between the larger brick pieces.

6 MARY BETH BETTS: Yes.

7 COUNCIL MEMBER HALLORAN: Okay, so,
8 I think the naked eye, I think the picture speaks
9 for itself, but again I guess we'll have to
10 disagree. [time bell] I know we're not dinging
11 me. Now, also, they indicated that there are
12 severe structural problems with the windows
13 themselves, as well as the joists and the dormers,
14 that would require, if not outright replacement, a
15 major renovation. Is that accurate or not
16 accurate?

17 MARY BETH BETTS: I asked Tim
18 Lynch, the forensics person from DOB, to look at
19 the building, and we were particularly concerned
20 with the allegation that the façade would have to
21 be recreated, and his recommendation, he's looked,
22 he's an expert in federal construction, was that
23 it would, did not have to be reconstructed, that
24 it could remain in place.
25

1 COUNCIL MEMBER HALLORAN: Okay,
2
3 just looking at the picture, you do agree that the
4 first story windows have shifted in relation--

5 MARY BETH BETTS: I think you mean
6 second story.

7 COUNCIL MEMBER HALLORAN: Second
8 story, I'm sorry, second story windows have
9 shifted in relation to the rest of the structure.
10 I mean, that clearly indicates to me that the
11 façade itself is not intact, as it was created.
12 Is that not accurate.

13 MARY BETH BETTS: We, in our
14 report, in the description, we say the alignment
15 of the northernmost second story window was
16 shifted slightly north, northern--

17 COUNCIL MEMBER HALLORAN: Slightly?

18 MARY BETH BETTS: Yeah.

19 COUNCIL MEMBER HALLORAN: Slightly?

20 MARY BETH BETTS: Yeah. Yeah.

21 COUNCIL MEMBER HALLORAN: I guess
22 we have a very different opinion of what
23 "slightly" is. In the building litigation that
24 I've done, that would be grounds for a massive
25 lawsuit, if that was a slight shift in

1 construction. The fire escape I'm sure you
2 recognize is certainly not something that fits the
3 bill for your federal building, as well, and
4 there's indications that it has impaired the
5 structural integrity of the front façade. Is that
6 accurate or not accurate?
7

8 MARY BETH BETTS: Well, the fire
9 escape is obviously a later addition. I'm not
10 going to comment on the structural stuff. That's
11 not--

12 COUNCIL MEMBER HALLORAN: Okay, not
13 your department.

14 MARY BETH BETTS: As I said, we had
15 Tim Lynch look at it, you know--

16 COUNCIL MEMBER HALLORAN: Okay.

17 MARY BETH BETTS: --because these
18 issues had been raised and I did want to--

19 COUNCIL MEMBER HALLORAN: Okay.

20 MARY BETH BETTS: --you know,
21 address them.

22 COUNCIL MEMBER HALLORAN: All
23 right, and finally could you explain to me why
24 after demolition permits had been issued, and
25 actual building plans approved by the Department

1 of Buildings, that we got around to this
2 particular building for landmarking?
3

4 JENNY FERNANDEZ: Council Member,
5 the Commission received a request for evaluation.

6 COUNCIL MEMBER HALLORAN: Uh-huh.

7 JENNY FERNANDEZ: To take a look at
8 this building, at this building--

9 COUNCIL MEMBER HALLORAN: And you
10 were able to do that in how much time?

11 JENNY FERNANDEZ: I don't have the
12 exact--

13 COUNCIL MEMBER HALLORAN: Well,
14 could you tell me about when a request was made?

15 JENNY FERNANDEZ: I'm not--

16 COUNCIL MEMBER HALLORAN: 2008,
17 2009, 2010?

18 JENNY FERNANDEZ: I'm not sure
19 exactly, I'm not sure, I don't have the exact
20 date, but I'll be happy to get that information to
21 you.

22 COUNCIL MEMBER HALLORAN: I'd
23 venture a guess, if Department of Buildings had
24 issued permits, you would've reached out right
25 away, if you felt there was an issue with this.

1 SUBCOMM LANDMARKS,PUBLIC SITING,MARITIME USES 75
2 So, I got to imagine that this happened in 2009 or
3 2010, that the Commission started looking at it.
4 It's extraordinary how fast you were able to move
5 here, and how slow you're still moving in my
6 district. Thank you.

7 CHAIRPERSON LANDER: Since we have
8 these guys back, any other, Council Member
9 Sanders, Council Member Mendez, any questions for
10 the LPC? Okay. Thank you. Well, we appreciate
11 the follow up and the clarification. And again,
12 please stick around because we may have additional
13 questions based on, to follow other testimony.
14 [background comment] Oh, sorry, all right, hang
15 on one second, Council Member Mendez.

16 COUNCIL MEMBER MENDEZ: Good
17 afternoon. I'm losing track here. Is it uncommon
18 while something is making its way through the
19 landmark process, that DOB permits are obtained?

20 JENNY FERNANDEZ: Is it uncommon
21 for the permits to be obtained? Usually the way
22 the process works is once a building is on the
23 Commission's calendar, if an owner has already
24 submitted applications for a permit to the
25 Department of Buildings, at the time that the

1 Department of Buildings is reviewing them, they
2 will hold issuing those permits for a period of 40
3 days, to allow the Commission sufficient time to
4 review whatever changes are being proposed at the
5 Department of Buildings, and subsequently allow us
6 the time to take an action, specifically for an
7 individual, that gives opportunity to be able to
8 either move forward on a designation, in order to
9 prevent any changes that would irreparably damage
10 the historic building that is under consideration.
11 So sometimes those building permits will be held,
12 but after a period of 40 days, they can be issued
13 if the Commission does not move forward on the
14 designation.
15

16 COUNCIL MEMBER MENDEZ: And what
17 would, what is the criteria that LPC would use to
18 move to stop the issuance or to make your opinion
19 known about issuing these permits?

20 JENNY FERNANDEZ: Again, it depends
21 on the scope of work. It can vary from window
22 applications to full demolition, that application
23 to Department of Buildings. And so, if a building
24 is on the calendar for the Commission, for the
25 Commission's consideration, there's already been

1 a, an initial question of eligibility that's been
2 met; whereas, the full Commission has voted to
3 place this on the calendar for a future public
4 hearing. At that time, once the Commission is
5 notified that a building owner has applied for
6 permits to do work on a building, if it's a simple
7 application for windows, the owner can come to the
8 Commission, and windows just as an example, come
9 to the Commission, the Commission can review that,
10 and if it's something that we can issue at staff
11 level, which is a permit that we would normally
12 issue any designated landmark, the new would issue
13 what is called a Notice of Review, and that allows
14 the owner to go back to DOB and expedite the
15 process and be able to obtain their permits. And
16 that's if the work would be fine under normal
17 circumstances. If it's a circumstance where, for
18 example, it's a demolition permit, that an owner's
19 applying for, we will expedite the review of that
20 proposed designation, and make a determination on
21 whether or not the building should be landmarked.
22 And that of course takes place in the public
23 setting, a public hearing is held, the
24 Commissioner weigh that evidence and that
25

1 information, and make a decision at that time.

2 And vote on it.

3
4 COUNCIL MEMBER MENDEZ: Thank you
5 very much.

6 CHAIRPERSON LANDER: Thank you very
7 much. We'll now move on with the remainder of the
8 public hearing. I have about 25 people signed up
9 to testify, all in favor of the designation. We
10 will stay and listen for everyone who wants to
11 testify, with putting three minutes on the clock,
12 and leaving a little leeway. But so we will do
13 that if you want to testify. At the same time as
14 we go along, and you hear that your points have
15 been made, if you want to submit written
16 testimony, or just know that you're on the record
17 as having showed up in support, you should feel
18 welcome to do that. And I will note that the
19 Landmarks Conservancy submitted testimony in favor
20 of the designation of the building, as well, but
21 are unable to be here this morning. So, I'll now
22 call people in groups of three and just ask you to
23 come up and we'll have the three minutes on the
24 clock. So, the first three, and we're just doing
25 this in the order I think that people signed in.

1 Simeon Bankoff from the Historic Districts
2 Council, Kurt Cavanaugh from the East Village
3 Community Coalition, and David Mulkins from Bowery
4 Alliance of Neighbors.
5

6 COUNCIL MEMBER SANDERS: Mr. Chair,
7 if I may. I'm still waiting for my Committee to
8 call me, so I'm here to participate until I am
9 called. Thank you. Thank you, sir.

10 [background voices]

11 SIMEON BANKOFF: Good afternoon,
12 Council Members, Simeon Bankoff, Executive
13 Director of the Historic Districts Council. ACC
14 strongly opposes the denial of landmark status for
15 135 Bowery. The building deserves to be preserved
16 on its historic, architectural and cultural
17 merits. It's a rare survivor of early and
18 underrepresented era of New York City's history,
19 particularly on the Bowery. Lower Manhattan
20 residents and community members have long desired
21 that the Bowery's remarkable history be protected
22 and have recently, with the help of supporters
23 such as Council Member Chin, gained some headway
24 in preserving a few of the Bowery's historic
25 buildings. Losing an almost 200 year old

1 structure would be a crushing blow to neighborhood
2 revitalization and preservation efforts. This is
3 an attempt to circumvent the landmark process. If
4 the reason why the building cannot be preserved is
5 economic in nature, there is a well-documented
6 hardship process to address and correct that.
7 Which we will note that the owners have not
8 actually applied for, although they have been
9 eligible to apply for the hardship process as of
10 the end of June. A summary de-designation is bad
11 public policy and a waste of meager City
12 resources. Finally, the Landmarks Law was
13 established for the direct betterment of the City.
14 Although the Landmarks Commission works closely
15 with the owners, there is no designation
16 requirement for direct owner, there's no
17 designation requirement for direct owner consent.
18 Denying a landmark designation simply because of
19 owner objection, would undermine the designation
20 process and may have a chilling effect on future
21 designations, particularly in lower Manhattan. If
22 the Council acts to overturn this designation, it
23 should be for the demonstrable enhancement of the
24 community, and I have not heard from the testimony
25

1 before that there is a demonstrable, agreed upon
2 enhancement of the community. We urge the
3 Subcommittee to vote to affirm this landmark
4 designation, and along with my testimony, I am
5 submitting 49 letters which I got in about a day,
6 in favor of supporting this designation from
7 advocates from Jamaica, Queens, to Park Slope,
8 Brooklyn. These are people from across the City
9 who feel that this is an important, and that the
10 landmarks process is important, that there exists
11 a defined and clear landmarks process that was
12 upheld by the United States Constitution, and that
13 this is an attempt to circumnavigate that. Thank
14 you.
15

16 CHAIRPERSON LANDER: Thank you.

17 KURT CAVANAUGH: Good afternoon,
18 Council. My name is Kurt Cavanaugh, and I am
19 Managing Director of the East Village Community
20 Coalition. Our organization was founded on a
21 grassroots effort to save old PS 64 in the East
22 Village from being demolished and developed as a
23 high rise dormitory. Today I fear that 135 Bowery
24 will also be demolished and transformed into an
25 out-of-scale, seven story commercial tower, twice

1
2 as high as it is today, unless City Council does
3 the right thing by voting to uphold the LPC's very
4 deserving designation. 135 Bowery is a rare
5 survivor. It predates the Erie Canal, it was
6 built 44 years prior to the start of the Civil
7 War. It defines the scale of the Lower East Side.
8 Please, Council, keep that, it that way. Thank
9 you.

10 [pause]

11 DAVID MULKINS: Hi, my name is
12 David Mulkins, I'm with the Bowery Alliance of
13 Neighbors. And I want to thank the Landmarks
14 Preservation Commission for designating this
15 building a New York City landmark. I wanted to
16 say, to begin, in October, the Bowery is going to
17 be designated a historic district on the National
18 Register of Historic Places. And this street,
19 despite the fact that many people, especially
20 young people, mostly know about it for its period
21 of ill repute when it was dive bars and
22 flophouses, it's an extremely important street,
23 that touches on many facets of American history
24 and culture. Originally, an American footpath,
25 the Bowery is the City's oldest thoroughfare, with

1
2 its seminal connection to tap dance, minstrelsy,
3 including the beginnings of the term "Jim Crow,"
4 vaudeville, Yiddish theater, the first two great
5 songwriters, Stephen Foster, Irving Berlin, beat
6 literature, abstract expressionism, punk rock.

7 Few streets have given so much to American
8 culture. As the convergence point for five
9 historic neighborhoods--Chinatown, Little Italy,
10 NoHo, East Village, and the Lower East Side--it is
11 a pivotable component in the areas burgeoning
12 tourist trade. And I'd like to now, with the help
13 of Simeon and Kurt, talk about the context of this
14 street, because I think it's not just the building
15 that needs consideration, we need to also consider
16 the context of where this building is located.

17 135 Bowery, 135 Bowery is located in the most well
18 preserved and intact stretch of the Bowery. Our
19 building 135 is there, and if you'll look on that
20 side, where these two ladies are, that's across
21 the street. In addition to 135 being a rare
22 survivor from the early 1800s, federal style, the
23 other side of the street is the most iconic
24 stretch in the entire street. The building that
25 you all are familiar with, the Bowery Savings

1 Bank, was designed by one of New York City's
2 greatest architects, Stanford White. And you'll
3 notice, if you look over there, there are several,
4 I believe there's a total of five from Grand to
5 Broome Street, a total of five other federal style
6 survivors from this extremely [time bell] early
7 period in New York City's history. Might I be
8 permitted a--thank you.

10 CHAIRPERSON LANDER: Go ahead.

11 DAVID MULKINS: Some of the
12 representatives of the bank that is wanting to
13 demolish this building referred to the supporters
14 of upholding the Landmarks Preservation Commission
15 designation of 135 Bowery as "special interest
16 preservationists." I want to tell you that in the
17 last five years, the outpouring of support for
18 preservation is phenomenal. And it's not just
19 preservationist, even though those people are
20 here. Some of the most high profile business
21 people on the Bowery, including restaurateur Keith
22 McNally, John Varvatos [phonetic], Green Depot's
23 owner, the Whole Foods Market, the internationally
24 famous chef, Danielle Boulud, who has a place at
25 Houston and Bowery, famous artists like Philip

1 Glass, are supportive of preserving the low rise
2 character and historic sense of place of the
3 Bowery. And many of the people that support this
4 have said that they, these businesses came to the
5 Bowery because of this extraordinary history and
6 cultural significance that carries all the way
7 from, you know, the Dutch period to the period of
8 punk rock. I thank the Committee Members very
9 much for giving careful consideration to this
10 street's importance, as well as in particular,
11 this wonderfully evocative early federal style
12 building. Thank you so much.

14 CHAIRPERSON LANDER: Thank you for
15 the testimony and for recreating--

16 DAVID MULKINS: And might I, I'm
17 sorry, might I be permitted ... sorry. If, if you
18 look here, this is what is across the street. I
19 referred to it earlier, but this is a 1905 picture
20 of the Bowery, showing the fact that almost every
21 building on the western side of the street is
22 intact. I don't have a photograph with me, but
23 most of the buildings on the east side are also
24 buildings that date back to the 1800s, with almost
25 no exception. Thank you.

1
2 CHAIRPERSON LANDER: Thank you for
3 your time and your testimony and your interest and
4 for recreating the streetscape of the Bowery for
5 us right here in 250 Broadway. [laughter] I think
6 that's the first time in my tenure, at least, that
7 that's been done, so it's certainly helpful to
8 have the context. Maybe some 3D holographic--Any
9 questions for this panel from Members of the
10 Committee?

11 COUNCIL MEMBER HALLORAN: Just,
12 just want to make one comment. Obviously, you
13 know, I have always raised issues where owners and
14 notices, you know, an issue on these designations.
15 I'd just like to respond to the comment that it's
16 constitutional, and it is, because this body, as
17 an elected body, gets to vote on it before a
18 Mayoral agency can make something happen willy-
19 nilly. So, while it's perfectly fine for the
20 Commission to make a designation, it is the power
21 of this body, the Council of the City of New York,
22 which controls land use in the City of New York,
23 that makes it constitutional. So, while it's
24 perfectly fine for the Commission to designate, it
25 is our responsibility and our legal obligation to

1 SUBCOMM LANDMARKS, PUBLIC SITING, MARITIME USES 87
2 make that designation, and that's why the process
3 is constitutional. Not because LPC can do what it
4 wants to do, but because this body will then, as
5 the elected representatives of the City of New
6 York, make a decision. So, I just wanted to point
7 that out.

8 CHAIRPERSON LANDER: All right, the
9 next three folks signed up to testify are
10 Elizabeth Finklestein from Greenwich Village
11 Society of Historic Preservation, Nicholas
12 Nicholson from the Merchant's House Museum, and
13 Joyce Mendelsohn.

14 ELIZABETH FINKLESTEIN: Good
15 morning, my name is Elizabeth Finklestein from the
16 Greenwich Village Society for Historic
17 Preservation, and I'm here today to urge you to
18 uphold the designation of 135 Bowery as an
19 individual landmark. 135 Bowery is an incredibly
20 significant part of the historic fabric, not just
21 of Lower Manhattan, but of our entire nation. It
22 is a beautifully intact and rare example of the
23 federal style, which may be considered the first
24 uniquely American style of architecture. This and
25 other surviving federal era houses recall the

1 City's formative years, and they are the oldest
2 vernacular residences in Manhattan, and are
3 emblematic of New York's transition from a quaint
4 village to a modern metropolis. The unique
5 significance of 135 Bowery is vast and undeniable
6 and well established in the designation report,
7 published on June 28th of this year by the
8 Landmarks Preservation Commission, when they voted
9 to designate the building an individual landmark.
10 At the hearing leading up to this vote, numerous
11 members of the public, as well as elected
12 officials, including local Council Member Chin,
13 spoke in favor of the designation. The one
14 dissenting voice at the LPC's hearing was the
15 building's owner, who voiced concern that the cost
16 of maintaining a landmarked building would result
17 in a financial hardship. Whether or not this is
18 true, this is not the first time that the owner of
19 a landmarked building has voiced concern over the
20 perceived cost of maintenance or how it will fit
21 into their development plans. Fortunately, there
22 is a way to deal with this issue that does not
23 involve an overturning of the LPC's vote by the
24 City Council. Built in to the Landmarks Law is a
25

1 hardship provision that allows owners to be
2 relieved of the burden of maintaining a landmarked
3 building if they can prove that to do so would
4 cause financial hardship. It is our understanding
5 that the owner of 135 Bowery has not filed for a
6 proposal under the hardship proceedings of the
7 Landmarks Law, but instead is seeking to skirt
8 this process by lobbying to have the designation
9 overturned today by the City Council. We
10 therefore strongly urge you to vote in favor of
11 upholding the designation of this 193 year old
12 survivor and critical link to the significant
13 history of the Bowery in New York, and the nation,
14 and to encourage this and future owners to use the
15 time tested provisions of the Landmarks Law to
16 adjust their financial concerns. I also just
17 wanted to respond to some of the earlier
18 testimony. There really seems to be this idea
19 that you either have an affordable development or
20 you have a landmark. And anybody can go down to
21 the Landmarks Commission on any Tuesday and see
22 the Commission working with owners on altering
23 their buildings, and trying to fit landmarking
24 into their development plans. That is a huge part

1 of what they do; in fact, the greatest amount of
2 their staff are devoted to working daily with
3 owners on exactly this thing. Landmarking does
4 not freeze a building in time. And think we would
5 be mistaken to assume that we either have a
6 landmark or we have a development that's good for
7 the community. Thank you.

8
9 NICHOLAS NICHOLSON: My name is
10 Nicholas Nicholson, and I'm the Chairman of the
11 Board of the Merchants House Museum. I'm speaking
12 on behalf of Executive Director Margaret Halsey
13 Gardiner and other members of the Board. Because
14 our house was built in 1832, and is both a City
15 and national landmark, and shares the same
16 architectural style as this house, we really
17 regard it as a sister house to ours. I think that
18 one of the most important things about this house
19 [time bell] is--is that me?

20 CHAIRPERSON LANDER: You're okay.

21 NICHOLAS NICHOLSON: It's like,
22 whoa, that was a fast three minutes.

23 CHAIRPERSON LANDER: [laughs]

24 NICHOLAS NICHOLSON: One of the
25 most important things about its house is in fact

1 its location. We very much believe in
2
3 development, we've worked very carefully with
4 Council Member Rosie Mendez, who is kind of our
5 angel, and actually helped us work very closely
6 with the developer who did a large condominium on
7 the corner of our historic block. Council Member
8 Mendez was instrumental in helping them to
9 preserve a historic façade of an adjacent
10 building, and to work with us. In fact, we ended
11 up getting storage space with the developer. So,
12 the Council works very hard to get developers and
13 historic buildings to work together, and for that
14 we are very grateful. The most important thing
15 about the house on the Bowery, we feel, is the
16 fact that it also is actually a monument to
17 development, because in the wake of the
18 destruction of New York City in the War of 1812,
19 this was amongst the first buildings that show
20 that the City was resilient and was bouncing back
21 from adversity. So this building is a monument to
22 development, in fact. Also, while I am very
23 appreciate of the efforts of the owner's
24 construction agency, under their arguments the
25 White House could be torn down, because that

1 building has been completely rebuilt about 16
2 times since its inception. So, thanks, but one of
3 the most interesting things about every historic
4 building in New York is the layers of history, the
5 layers of development and the layer of stories.
6 This building has it all from an early federal
7 townhouse to a bordello. And I think because of
8 that, definitely we support the landmarking of
9 this building.
10

11 [pause]

12 JOYCE MENDELSON: Good afternoon,
13 I'm Joyce Mendelsohn, author of "The Lower East
14 Side Remembered and Revisited." I gave a copy to
15 the Chair. I speak in favor of landmark
16 designation for 135 Bowery. This afternoon,
17 you're being asked by opponents of landmark
18 designation, to bail out a bank. The current
19 property owners who apparently did not exercise
20 due diligence before spending \$5 million to
21 purchase 135 Bowery, had an opportunity to go down
22 to the Landmarks Commission, to access the survey
23 of historic federal style houses, which the
24 Commission has on file. And if they had done
25 that, they would've seen that 135 Bowery was on

1
2 that list, and a potential candidate for landmark
3 designation. Instead, they went ahead and bought
4 the building without knowing, with--disregarding
5 the fact that this was a very bad business
6 decision. In, in granting landmark designation to
7 135 Bowery, the Landmarks Commission carried out
8 extensive research, examined letters of support
9 and opposition, held a public hearing, and engaged
10 in rigorous deliberations among the commissioners,
11 before reaching their decision. Since the
12 landmark law was enacted in 1965, the City Council
13 has modified or disapproved designations by the
14 Commission is about 20 instances. It is an action
15 to be taken with great restraint. Today, you find
16 yourselves in the position of guardians of the
17 architectural and historic heritage of our great
18 City. It is a grave responsibility. I urge you
19 to make the right decision to approve designation
20 of 135 Bowery. Thank you.

21 CHAIRPERSON LANDER: Thank you very
22 much. Any questions? Council Member Mendez.

23 COUNCIL MEMBER MENDEZ: Ms.
24 Mendelsohn, did I bump into you outside and you
25 told me you lived in the northern part of my

1 district?

2 JOYCE MENDELSON: Yes, yes.

3 COUNCIL MEMBER MENDEZ: And you
4 failed to mention who you were. So, I am honored
5 that you're here today. And--

6 JOYCE MENDELSON: Thank you.

7 COUNCIL MEMBER MENDEZ: --my
8 question is, do you have an extra copy that I can
9 purchase [laughter] that you can autograph for me,
10 that I can put in between the "Encyclopedia of New
11 York" and "The Life and Death of Great American
12 Cities" on my bookshelf. [laughter]

13 JOYCE MENDELSON: Oh! You are,
14 you are so sweet, I thought that I had sent you a
15 copy. No problem.

16 COUNCIL MEMBER MENDEZ: With, with
17 your signature.

18 JOYCE MENDELSON: I will
19 personally deliver it.

20 COUNCIL MEMBER MENDEZ: But I have
21 to, I have to purchase it, too.

22 JOYCE MENDELSON: Thank you very
23 much.

24 COUNCIL MEMBER MENDEZ: Okay.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

JOYCE MENDELSON: No, no, no.

COUNCIL MEMBER MENDEZ: Thank you,
don't leave.

JOYCE MENDELSON: Oh, you have to
purchase it. [laughter]

COUNCIL MEMBER MENDEZ: Yes.

JOYCE MENDELSON: All right.
Thank you.

COUNCIL MEMBER MENDEZ: Thank you.

CHAIRPERSON LANDER: This is the
public's copy, by the way [laughter] it'll be
available in the Landmarks Office.

JOYCE MENDELSON: That's true.

CHAIRPERSON LANDER: For anyone who
would like to read - -

COUNCIL MEMBER MENDEZ:
[interposing] I know whose office that's ending up
in.

CHAIRPERSON LANDER: [laughs]

COUNCIL MEMBER SANDERS: I'd like
to read it, I'm a slow reader. [laughter]

CHAIRPERSON LANDER: Thank you very
much, thanks for your testimony. Next up are Kay
Webster, Jean Standish from the Bowery Alliance of

1
2 Neighbors, and Mitchell Grubler from the Bowery
3 Alliance of Neighbors.

4 [pause, background voice]

5 MITCHELL GRUBLER: My name is
6 Mitchell Grubler, I Chair the Landmarks Committee
7 of the Bowery Alliance of Neighbors, and I'm a
8 proud resident of the Bowery. What I just handed
9 out was a petition that 477 people signed. They
10 are residents of Council District One, and
11 residents of the City of New York, and they all
12 signed because they want this landmark to be
13 affirmed by you, the Subcommittee on Landmarks. I
14 urge the Council to uphold the landmark
15 designation of 135 Bowery for the following
16 reasons. Complying with the Landmarks Law, which
17 was enacted by the City Council, the Landmarks
18 Preservation Commission after extensive research
19 by the professional staff and public testimony
20 from all interested parties, found that 135 Bowery
21 meets the criteria for designation as an
22 individual New York City landmark, and voted to
23 designate it as such. In fact, as an indication
24 of the high standards which this building met, it
25 passed scrutiny after the Landmarks Preservation

1 Commission rejected six other federal era houses
2 on the Bowery, in spite of our best efforts to get
3 them designated. The Landmarks Commission even
4 took the extraordinary step of having the building
5 assessed by the Department of Buildings' engineer,
6 who contradicted the claims of the owner, and
7 deemed the building's condition as good enough to
8 be preserved. I just want to make one comment
9 about what was said earlier. The Landmarks
10 Commission does not require an owner to do any
11 work on the building. So all this discussion of
12 this expensive work is not a requirement of the
13 Landmarks Commission. Sufficient financial
14 advantages exist to enable the owner to make a
15 profit on its investment, including as much as 40
16 percent in rehabilitation tax credits, and
17 approximately 5,220 square feet of air rights
18 available for transfer to as many as seven
19 potential receiving sites. The bank owner has
20 made claims to Council Member Chin of replacing
21 the landmark with affordable office space and jobs
22 for the community. However, when her staff was
23 questioned about any details, or guarantees,
24 regarding such vague claims, they had no further
25

1 information. The landmarks process should not be
2 circumvented by politics. The law allows for
3 hardship proceedings when an owner chooses to
4 claim and prove financial hardship. If such
5 hardship is found to be the case, the law would
6 allow the owner to greatly alter or even demolish
7 the building. This almost 200 year old house is a
8 physical reminder of the history, of the history
9 of New York City government. And as a matter of
10 fact, your history. [time bell] It was built for
11 and occupied by John Hardenbrook [phonetic] a
12 member of the Common Council, precursor of today's
13 City Council. I urge you to listen to the members
14 of the community and not one bank with deep
15 pockets, and uphold the landmark designation of
16 135 Bowery.

18 CHAIRPERSON LANDER: Council Member
19 Sanders wants to know whether John Hardenbrook was
20 a slave owner. And I want to know how many home
21 runs he hit in 1877. [laughter] But--

22 [pause, background voices,
23 laughter]

24 JEAN STANDISH: My name is Jean
25 Standish, and I'm a member of the Bowery Alliance

1 of Neighbors. And I am going to read a letter
2 from Tony Goldman, who is Chairman and CEO of
3 Goldman Properties. He happens to own a number of
4 buildings on the Bowery. "As a local resident who
5 cares deeply about the unique and indispensable
6 history--" Oh, I'm sorry, "Dear Council Member
7 Chin, as a local resident who cares deeply about
8 the unique and indispensable history of the
9 legendary Bowery, I write to congratulate you and
10 express my gratitude for your efforts to get 135
11 Bowery designated a historic landmark. I was
12 extremely gratified to learn that the Landmarks
13 Preservation Commission recently and
14 overwhelmingly voted in favor of the this rare
15 federal style row house. Your testimony favoring
16 the designation is much appreciated. I understand
17 the next step is for the City Council to approve
18 this designation at the--and that the full Council
19 vote will follow your lead, as a the property's
20 representing member. I am a voter in this
21 district, and I fully support and encourage your
22 vote to confirm the LPC's landmark designation of
23 135 Bowery. With the rapid development currently
24 taking hold on the Bowery, the community is
25

1
2 grateful to you for seeing that our history is
3 preserved. Adding 135 to over a dozen Bowery
4 landmarks, lends, builds on a historic district
5 that will make this boulevard a social and
6 economic destination for locals and tourists
7 alike. The historic Bowery is a positive
8 development plan, based on architectural,
9 education, diversity and cultural significance
10 that will protect the low rise neighborhood and
11 immigrant community threatened by encroaching
12 gentrification. With the recent unfortunate
13 destruction of the federal style house at 35
14 Cooper Square, I am far from the only voter who is
15 gravely concerned about preserving the remaining
16 Bowery houses. In this case. Having passed the
17 LPC's incredibly stringent process, 135 Bowery has
18 earned the immediate attention of preservation
19 laws to ensure its survival. Thank you for your
20 past support of this irreplaceable house, and I
21 look forward to your vote in favor of the landmark
22 designation. Sincerely, R. Anthony Goldman."

23 CHAIRPERSON LANDER: Thank you. I
24 will say in general we don't allow people to read
25 others' letters or testimonies, so granted some

2 leeway there, but for everyone else, please give
3 your own testimony. And if you have a letter
4 we'll be glad to have it submitted for the record,
5 and to read it. Thank you.

6 JEAN STANDISH: Okay.

7 KAY WEBSTER: Hi, my name is Kay
8 Webster, I'm the Co-Chair of the Mithunda Colunga
9 [phonetic] Community Garden, which is a
10 neighborhood community garden, named in honor of
11 an African burial ground nearby. I was going to
12 talk about sustainability and preservation, but
13 that's been well covered. I think I just want to
14 respond to a couple of things, that the whole idea
15 of assisting Chinatown to recover from 9/11, which
16 I think is a valid and valuable cause, really the
17 way to do that is to open Park Row. I don't think
18 serving one particular landlord in self-interest
19 is really the key here. And the other thing I
20 would like to say, that, and that's speaking as a
21 longtime community organizer and a member of the
22 Chinatown Working Group, which is 52 organizations
23 that have gathered to think about Chinatown. I
24 just would like to respond to the comment of
25 special interests that I do grow tired of people

1 calling special interests the vast majority of the
2 public. The special interests here are the people
3 who seek to make profit, which isn't against the
4 law, but most people came here are volunteers.
5 I'm not being paid for my time here, and neither
6 is anybody here. So, we are community members who
7 believe in the preservation of our neighborhood.
8 And as somebody who lives on the Bowery and has
9 seen what has happened when big construction
10 projects take place, my neighbors were, had to be
11 vacated from their buildings because of the
12 destruction of their foundation. So, we grow
13 tired just a community members of having banks
14 have their sway in our communities. When the vast
15 majority of the people here don't want that.
16 Thank you.

18 CHAIRPERSON LANDER: Thank you very
19 much to all three of you for your testimony. Any
20 questions for members of this panel? Thank you
21 very much. We're lucky to be joined by many
22 people here today, and I really appreciate how
23 many came out, but we're in particular lucky to be
24 joined by Kent Barwick, who's one of the great
25 voices for Preservation in a Livable City, so

1 Kent, Molly Garfinkel from City Lore, and Kerri
2 Culhane from Two Bridges Neighborhood Council.

4 KENT BARWICK: Thank you very much,
5 Councilman Lander. And it's a, I'm a resident,
6 Kent Barwick, I'm a resident of Lower Manhattan.
7 And have been involved in varying ways in the
8 Landmark Preservation process, but also the more
9 interesting process of using historic buildings
10 for economic development. So I certainly support
11 the designation made here by the Landmarks
12 Preservation Commission. Local people, and I'm a
13 nearby local person, I live in Little Italy, have
14 been pressing for years to see the Bowery get the
15 treatment. And I'm so glad the Landmarks
16 Commission has finally brought focus to it. And
17 very much appreciate the leadership of our
18 Councilman, Councilwoman Chin, in pushing the City
19 to pay attention to this district, which was often
20 overlooked. This is a good designation, it
21 stands, it stands up, it's carefully researched,
22 it, it--it has real value. And I've been
23 listening to the testimony, as you have, and I
24 think that the Landmarks Commission has applied
25 its very, very high standards wisely here. And I

1
2 only wish that it had happened sooner. And that
3 some of us who might've been able to influence
4 these things years ago, had been able to act more
5 promptly ourselves. An important issue is always
6 the question of the owner's rights. I mean, we're
7 a city of small property owners, as well as giant
8 corporations. And I appreciate Council Member
9 Chin's concern for, that the property owners be
10 properly treated. The hardship process of the
11 Landmarks Law has been, has been discussed. I
12 want to say two quick things about it. One was
13 when the City Council, not quite at the time of
14 the guy who lived in this house, but back in the
15 '60s, looked at the Landmarks Law as a very
16 different, the idea of a Landmarks Law, it was a
17 very different world, it was imagined that most
18 buildings were going to be torn down, in fact, in
19 the post-War period. And, and so they passed a
20 law not thinking that passing the law would
21 prevent the destruction of buildings, but they
22 wanted to have a process that the public could be
23 involved in, that would try to help rescue
24 buildings. And the City didn't then have many
25 tools, and doesn't now have many tools, but there

2 are, there are a few. But ultimately, there's a
3 hardship process. You can't, it's not fair in our
4 society to take somebody's property and say, "You
5 have no right to use this." We have strict
6 constitutional limits to what can happen. And I'm
7 glad in this City that there is a Landmarks Law
8 hardship process that works. It's been used only
9 a few times, I was involved in several of them,
10 and when there was a genuine hardship, the
11 building must either be unsatisfactorily altered
12 or pulled down. The hardship process has, has
13 stood up well in the courts, but more importantly
14 in our City, it's stood up well on the streets,
15 and the court of public opinion. [time bell] So,
16 I think there's a good process. We hope that you
17 will uphold this designation, as it should be.
18 And we hope that you will keep your eye on the
19 Landmarks Commission as they work with the owner
20 and work with the neighborhood to see if this
21 building can be restored, which I believe it can
22 be, to good economic use. Thank you.

23 MOLLY GARFINKEL: Hi, am I on?

24 Thank you very much for having me here. My name
25 is Molly Garfinkel, and I'm here representing my

1 organization, City Lore. And a big part of City
2 Lore's mission is education, education for
3 elementary, middle and high school students. And
4 I was recently given stewardship of a teaching
5 American history grant for teachers in these, in K
6 through 12, the topic, overarching topic of which
7 is the American Dream. And I'm not somebody who's
8 actually trained in education, so I'm learning
9 about education as I go along. And one of my
10 opportunities this summer was to put together a
11 walking tour for teachers who are increasingly
12 concerned about budget cuts for arts and education
13 and education in general. And we put together a
14 walking tour of antebellum five points, which they
15 went crazy over. And particularly over places
16 where there is extant historic fabric. As
17 somebody who was an art history major twice over,
18 it's just not the same to learn about history from
19 a slide show as it is to see it in real life, and
20 feel it. And I think that actually Kurt
21 mentioned, you know, 1817 is the era of this
22 house, which is also the very beginnings of the
23 Erie Canal, which represents shifts economically,
24 socially, the market revolution, all kinds of
25

1 changes and development of cities and in the
2 nation, not just in New York. And so this really
3 does sort of represent the beginning of a three
4 dimensional timeline, that is accessible to
5 everybody, no matter what kinds of resources you
6 have in New York City. The City is a palimpsest
7 and this is a very important foundational layer of
8 that palimpsest, and I think New York is sort of a
9 three dimensional map of aspiration. And this is
10 a completely incomparable resource and opportunity
11 for people to learn and see that and experience
12 it. So, thank you very much.

14 CHAIRPERSON LANDER: Thank you.

15 Thanks very much for your time and for your
16 testimony. I had called Kerri Culhane, I guess
17 that he or she had to leave. All right, thank
18 you. But we'll note that they were, they were
19 here and signed in, in support. So, let's see, R.
20 Gregory Taylor, Christabel Gough or Gough, from
21 the Society for Architecture of the City, and Leo
22 Blackman. [pause, background voices] Thanks. Go
23 ahead when you're ready. Push the button, I know
24 it's on when it's off, it's a little confusing.

25 CHRISTABEL GOUGH: Oh, I am so

1 sorry. Okay. I'm Christabel Gough from the
2 Society for the Architecture of the City. And as
3 has been pointed out and as you know, the
4 Landmarks Law and the zoning resolution and the
5 federal tax code, provide numerous solutions
6 developed over years of experience, to deal with
7 any economic problems created by landmark
8 designation. Attempts to avoid hardship review
9 under the Landmarks Law inevitably raised the
10 question of whether the hardship claim could
11 survive an impartial, fact-based review. The des-
12 -this designation has been reviewed by some of the
13 country's best preservation experts on the staff
14 and the Commissioners of our Landmarks
15 Preservation Commission. The building's
16 structural condition has been reviewed and passed
17 on by a renowned forensic engineer, Timothy Lynch,
18 at our Department of Buildings. The City Planning
19 Commission has found that there are no public
20 policy objections to be made to this designation,
21 while noting the available transfer of development
22 rights. The public policy of finding alternatives
23 to the demolition of rare and fine historic
24 buildings benefits all New Yorkers. We are
25

1 counting on the City Council to vote yes to this
2 designation, and so continue the rule of law and
3 enlightened public policy. Thank you.
4

5 CHAIRPERSON LANDER: Thank you.

6 [pause]

7 GREGORY TAYLOR: My name is Gregory
8 Taylor, I'm a resident of the East Village in
9 Manhattan. And I wish to speak in favor of
10 upholding landmarking of 135 Bowery. There is
11 little left of the 17th and 18th Century city that
12 was New York, and what remains is largely
13 protected. This means that any building like 135
14 Bowery from the very beginning of the 19th
15 Century, represents one of the best preservation
16 opportunities available to us at the beginning of
17 the 21st Century. The new owner offers vague
18 assurances of new jobs and affordable office
19 space. However, the new owner is a bank, which
20 I'm asked to believe is about to undertake a new
21 community initiative. This strikes me as very
22 odd. Everything I read in the press indicates
23 that all U.S. banks, without exception, are in the
24 process of shedding jobs and cutting costs. I
25 read nothing in the press regarding new community

1 initiatives on the part of banks. One other
2 thing: I teach a course called "Critical
3 Thinking," at New Jersey City University. One
4 thing I teach my students is the importance in
5 arguing effectively [time bell]--the importance--

6
7 CHAIRPERSON LANDER: Go ahead, - -
8 I think that was for the prior speaker.

9 GREGORY TAYLOR: The importance of
10 avoiding irrelevant considerations since it
11 suggests an intention to mislead. The owner's
12 panelists provided considerable details regarding
13 modifications to the interior of 135 Bowery. We
14 were treated to images of modifications to the
15 floor plan over 150 years. However, interior
16 designation of this structure is not and has never
17 been an issue here. Thank you.

18 LEO BLACKMAN: I'm Leo Blackman.
19 I'm a long time East Village resident, and
20 architect, and past board president of the
21 Historic Districts Council, and Rosie Mendez is my
22 Councilperson. If Members of the Committee have
23 not visited the Bowery recently, they should. The
24 history of this boulevard and this particular
25 building are not in question. In fact, I was

1 remembering as other people were talking, that I,
2 when I studied art history in college, that I
3 looked at an awful lot of images from Edward
4 Hopper and the Ashcan School. They were painted
5 on the Bowery, and I actually was more familiar
6 with those, I mean, I was familiar with those
7 images before I actually set foot on the Bowery.
8 However, the structures in this stretch, so
9 important to American culture, are rapidly
10 disappearing. 200 year old houses fall and shiny,
11 ugly new towers rise. And with each loss, wealthy
12 people from outside of the neighborhood move in
13 and the longtime economic and ethnic makeup of
14 this district is transformed. That's the reality,
15 there's been a lot of housing construction and new
16 buildings going up, and what comes in are, are
17 chain stores. I would really like to believe that
18 something else will happen in this case, but I
19 doubt. The Lower East Side becomes less
20 affordable, not more. The City Planning and
21 Landmarks Commissions have hence far refused to
22 examine this area holistically, which is why we
23 keep having buildings torn down and why we keep
24 having this conversation. And I would ask this
25

1
2 Committee and the Council to take action both to
3 uphold this very deserving designation, and
4 further to recognize the value of the Bowery, and
5 defend it from unfettered real estate development.

6 CHAIRPERSON LANDER: Thank you very
7 much for your time and your testimony. Being I
8 see no questions from the Committee, we'll move
9 on. We have - - seven folks left. Michelle
10 Campo, Ralph Louis and Aaron Sosnick.

11 [pause, background voices]

12 AARON SOSNICK: My name is Aaron
13 Sosnick, I've been a New York City resident for 21
14 years, and a downtown Lower East Side resident for
15 12. I'm a founder of the East Village Community
16 Coalition, the manager of an investment firm, a
17 trustee of the Citizens Budget Commission, but I'm
18 speaking here as an individual. Others will and
19 have spoken more eloquently than I on the merits
20 of 135 Bowery. Suffice it to say it merits
21 protection. Owners should not be able to
22 undermine landmark eligibility by failing to
23 maintain buildings. The owner of 135 Bowery is a
24 bank. Siding with banks and developers over
25 community history and culture is shameful. A vote

1
2 to overturn designation of this building is a
3 betrayal by any official elected on a progressive
4 platform. No supposed trickle down economic
5 benefit justifies destroying our heritage.

6 [pause]

7 MICHELLE CAMPO: Good afternoon,
8 I'm Michelle Campo, and I really hate public
9 speaking. [laughter] So, pardon me if I get a
10 little off track here. I'm a native New Yorker,
11 I'm a community activist, I am a 40 plus year
12 resident of the Bowery, I moved there as a child.
13 And a former renter, and now property owner, on
14 the Bowery. And a voter. Voter. Of this
15 district. And I'm very dismayed at what has
16 happened. For the landmark designation of this
17 building, being, going through the LPC, getting
18 that designation, and then having it stripped, and
19 this is a very bad, this is a very bad threshold
20 for the rest of the Bowery. If this can happen
21 with this building, we've fought for other
22 buildings, which for one reason or another were
23 said they weren't even going to consider, when
24 they were well worth consideration. This has gone
25 through an arduous process. It should stay with

1 that designation. I am a voter, thank you.

2 CHAIRPERSON LANDER: Thank you.

3 [pause]

4 RALPH LOUIS: That way? Thank you,
5 Chairman, and Council Members. Before I start, I
6 just want to say that, you know, I don't blame the
7 hired guns from the bank, I know they're just
8 doing their job, but they gave you a whole lot of
9 information about the interior of this building,
10 and that is not what's being landmarked here. It
11 is the exterior of this building, so half of their
12 smoke and mirrors should just be disregarded,
13 because it's not relevant to the, to this
14 landmark. And the last question that was asked of
15 them was whether there was any current
16 deterioration happening in the building, and they
17 answered no to that. So, you know, they can't say
18 the building is falling down, but yet it's not
19 currently deteriorating. They're trying to, you
20 know, make their cases both ways, and I hope you
21 can see that, that it just doesn't hold water.
22 Personally, I, you know, I understand that this is
23 a difficult decision for you guys. It is a 200
24 year old house. You know, it's not going to be in
25

1
2 pristine condition, you know, it--but it's 200
3 years old. I mean, that alone should be enough to
4 save this building. There are so very few
5 architectural structures left in Manhattan that
6 are that old. You guys have a rare opportunity to
7 affirm this and leave a learning lesson for, for
8 future people of who we are and what we came from.
9 People have told you about how legendary and
10 historic the Bowery is, and it would make sense to
11 keep these old buildings as an economic driver
12 into this neighborhood. I mean, tourists and
13 locals are going to come see these buildings more
14 and more, and they're going to spend money at the
15 local businesses in this neighborhood. A historic
16 district in the Bowery is the first chance that
17 the Bowery has had to sort of earn its keep, since
18 the elevated train came down. And that's an
19 important thing. These historic houses make sense
20 in economic terms alone. All of the voters in the
21 district want this house to stay. The only people
22 who don't want it are the employees of a big bank
23 and they don't vote in this district. Big banks
24 have gotten away with far too much. Don't let them
25 ruin our neighborhood, too. The idea is a larger

1 context, if you allow this building to be
2 destroyed and a new building to go up here, it is
3 only going to encourage more upscale development
4 in the neighborhood, and the result is going to be
5 that it's going to mean higher prices to the
6 people in the area, and it's going to drive out
7 more local immigrants in the area than they can
8 ever promise you in affordable rents. I feel for
9 Councilman Halloran and your anger with the
10 Landmarks Preservation Commission, it's very
11 apparent to us. [time bell] It is a very hard
12 nut to crack, the Landmarks Preservation
13 Commission, and this building did. And it went
14 through the process, and it earned its landmark
15 status. And all the work that the Landmarks
16 Commission did was at taxpayer expense. If you
17 revoke that now, you're wasting our taxpayer
18 dollars, and I encourage you to let their hard
19 work stand. A last thing, local voters have
20 worked tirelessly to preserve the legendary
21 Bowery, and I know you guys all want the voters to
22 participate more in the process. If you revoke
23 their hard work now, you're only going to send the
24 absolute wrong signal to the local people
25

2 participating in this process, in the future. And
3 I just really think that this is a special
4 building, 200 years old, you--you won't have that
5 many buildings of that age in front of you. So,
6 thank you very much for considering this, I really
7 appreciate your time.

8 CHAIRPERSON LANDER: Thank you.

9 Council Member Halloran, do you--?

10 MICHELLE CAMPO: Can I have one--?

11 COUNCIL MEMBER HALLORAN: I just
12 wanted to say, I'm not one of the electeds who was
13 elected on a progressive platform, I'm from
14 Bayside, Queens. [laughter] But that doesn't
15 mean I'm not interested in landmarking and
16 preservation, so I just wanted the record to be
17 clear, you don't have to be a progressive in order
18 to, to be in favor of landmarks. [laughter,
19 background comments]

20 Scuze me, can I add one thing that
21 I did not?

22 CHAIRPERSON LANDER: Brief,
23 briefly.

24 MICHELLE CAMPO: Okay, brief. More
25 developed means less small businesses. I live in

2 a younger building on the Bowery, it's only 140
3 years old. Okay, we redid the joists on our roof
4 when we had to redo the roof. Oh, we need the
5 joist done, oh we need the parapet wall done.
6 We've done all that. And it didn't cost \$200,000.
7 Over years, stuff happens to buildings, you know,
8 when you get to be over 100 years old [laughter]
9 you'll need to do some repairs. So if some things
10 are different in this building, otherwise, it
11 wouldn't be here still standing.

12 CHAIRPERSON LANDER: Thank you.

13 COUNCIL MEMBER HALLORAN: Just a
14 question, your building isn't a landmarked
15 building, though, is it?

16 MICHELLE CAMPO: No, but I'm, I'm
17 fighting to have it be that.

18 COUNCIL MEMBER HALLORAN: The costs
19 on a landmark building to do the same construction
20 would be infinitely higher. You just need to know
21 that.

22 RALPH LOUIS: I think "infinite" is
23 an extreme.

24 MICHELLE CAMPO: It is an extreme.

25 COUNCIL MEMBER HALLORAN: Okay.

1 Geometric, geometric.

2
3 RALPH LOUIS: They're a little bit
4 more, a bank can't handle that? I mean, come on.

5 MICHELLE CAMPO: They were quite
6 high and they were doing--

7 CHAIRPERSON LANDER: All right, all
8 right.

9 MICHELE CAMPO: --they were quite
10 high and they were done by union labor.

11 CHAIRPERSON LANDER: Okay. Thank
12 you very much. All right, we're to our last
13 panel, which will have four on it, if they're
14 still here. Gilda Purvin [phonetic], Frances
15 Everhart [phonetic], Rob Hollander [phonetic] and
16 Adam Woodward.

17 [pause, background voices]

18 ADAM WOODWARD: Okay. Hi, my
19 name's Adam Woodward, I live in, on Elizabeth
20 Street, down the block, and I just finished
21 renovating a historic federal building. And
22 actually I sort of wanted his attention. I'd
23 wanted to say, my building isn't landmarked, but
24 we renovated it to landmark standards. Guttered the
25 building, replaced the joists, the roof was

1 rotted, put an addition on. In all the issues
2 that were brought up as far as the fire escape
3 kind of falling off, the windows falling out of
4 their--they're just standard renovation issues.
5 The chimneys kind of being loose. The pointing,
6 just typical things that happen in renovating an
7 old building. It wasn't really cost prohibitive,
8 and at the end of the day it made a lot of sense
9 for the building. I probably get twice per square
10 foot for my tenants that Avalon Bay or new
11 construction gets. So, also, as far as an
12 economic issue, I think Chinatown and the Bowery's
13 biggest asset is the tours of the historic feeling
14 of the neighborhood. I don't know if anyone's
15 noticed here, but this summer, there literally the
16 streets in the Bowery and Chinatown and Elizabeth
17 Street, are just crowded with tourists from around
18 the world. And they come to see old buildings in
19 historic districts, they don't come to see Avalon
20 Bay or all the kind of new glass towers. People
21 absolutely love it. You know, I get comments from
22 tourists all the time, like, "Wow, it's incredible
23 that you live on this historic street. Martin
24 Scorsese lived there, it just feels like 'Gangs of
25

2 New York'." That's why they come. And if you
3 replace the historic feeling of all these streets
4 with, you know, Avalon Bay, no one's going to be
5 here. So I would say the biggest economic driver,
6 you know, for Chinatown's recovery is the fact
7 that it has that history, and that it has that
8 feeling. And every little sliver of these streets
9 that you replace with a new kind of brass shiny
10 tower, it just destroys the integrity of that
11 street as a historic--it's a visual distraction.
12 And like it's been said here, it's such a well-
13 preserved block in the Bowery. Hopefully someday
14 it will be a special historic district and it
15 will, the streets will be full of people spending
16 money coming to see it. You know, why sort of
17 undermine your, your future now, for cheap office
18 space? That's all I have to say. Thank you.

19 CHAIRPERSON LANDER: [off mic]

20 Thank you.

21 FRANCES EVERHARD: Good afternoon,
22 my name is Frances Everhard, Franny Everhard.
23 Incidentally, Council Member Mendez, I'm on the
24 Merchant House board, and I don't have a book to
25 give you, but I have lots of thanks to give you

1 for your generosity to the Merchants House, I
2 really, I'll work on that book. I wanted to speak
3 just a little bit in detail about the hardship
4 process which has come up a number of times, most
5 distinguished, Kent Barwick, who served on the
6 Landmarks Commission as Chair and probably oversaw
7 some hardship cases. It is a critical part of our
8 Landmarks Law, it is one of the great strengths of
9 our law. One of the things that makes it in fact
10 constitutional, because there is this exit clause,
11 there is this safety valve for owners. And up in
12 the Upper East Side we have a case that's coming
13 along right now, so I think that illuminates a
14 little bit what's happening here. The building is
15 very different, it's from a very different era.
16 But it was again an owner who opposed landmark
17 designation, and felt that the designation was an
18 economic burden. In this case, the--the
19 designation was confirmed by this Committee and by
20 the Council, and then the owner invoked the
21 hardship provisions, which is, which was what the
22 law sort of expects to happen in cases like that.
23 Which are designed to balance the needs of
24 preservation on the one hand, and distressed
25

1 buildings and their owner on the other. Let me
2 say that of the 17 cases, hardship cases, that
3 have been brought to, since 1967, the law was
4 passed in '65, the first one came in 1967, almost
5 all of them have been found in favor of the
6 owners. And I could, I have--am contributing that
7 list, which was put together by Landmarks
8 Commission here, I could tick it off for you
9 really quickly if you wanted to hear. But almost
10 all, in almost all cases, things have been found,
11 the case has been found in favor of the owner.
12 What's particularly useful about the provisions,
13 however, is that once such a finding is made, the
14 law provides a brief period of time in which a
15 solution for the building, that will work for the
16 owner, other than demolition or whatever else it
17 was that they want to do, can happen. This is, in
18 several cases, that breathing period has worked
19 for the landmark, by finding a new owner to buy
20 the property, or in one case, which wouldn't apply
21 here, providing tax relief. So, it's a sort of a
22 citywide odyssey, the Department of Finance had to
23 get involved, and that, it's a citywide process,
24 where the City really works with the owner and
25

1
2 tries to come to the bottom line here, the bottom
3 line, it's an economic argument. And so, the
4 kinds of flurry that we just had a moment ago,
5 where somebody's saying it costs an arm and a leg,
6 and somebody else is saying, "No, actually, it
7 really doesn't," you can actually, you examine
8 that in the public hearing, without even the most
9 generously provided three minutes. And so it
10 gives, it gives the kind of time for an
11 examination of these issues, and then it gives
12 time for alternative relief to demolition. I
13 would really urge you as the, as the Committee in
14 charge here at the moment, to pass, to affirm this
15 designation, and allow a hardship process to go
16 through. Thank you very much.

17 CHAIRPERSON LANDER: Thank you.

18 ADAM WOODWARD: I'd like to say
19 there's some great federal tax [off mic]

20 CHAIRPERSON LANDER: I'm sorry,
21 let's let the rest of the panel.

22 [background voices, crosstalk]

23 GILDA PURVIN: Do I press this?

24 CHAIRPERSON LANDER: There you go.
25 Oh, now you're off again.

1
2 GILDA PURVIN: I'm on. Okay, my
3 name is Gilda Purvin.

4 CHAIRPERSON LANDER: There you go,
5 you're good.

6 GILDA PURVIN: My name is Gilda
7 Purvin. I'm an artist, a resident, on the Bowery.
8 I live and work and have for 30 years, across the
9 street from 135 Bowery, I'm in 134. To call 135
10 Bowery just another building, which was spoken of
11 earlier, is just incorrect. It's not just another
12 building. It's a building that represents a
13 unique architecture, two-and-a-half stories, there
14 are very few of them left. When that's gone, it's
15 gone. I guess the only unusual position I can
16 present here, because so much wonderful
17 information was given, and so much meaningful
18 information was given about this whole hardship
19 issue, and I know Rob is following me, and he'll
20 be full of information. [laughter] And I say
21 that, you know, with affection. I'm a specimen,
22 I'm a living specimen, of the fact that the Bowery
23 is not just a legacy. The Bowery is alive today.
24 It's alive with artists, like myself, with small
25 business people, with residents of various

1 economic status. Every time a building like 135
2 is destroyed, not only is it destroyed, the
3 building next of it, next to it, buildings next to
4 it, are undermined. Every time buildings are
5 undermined, big buildings come in. Not only is
6 there an architectural change, there's a
7 sociological change. Rents go up, artists leave,
8 small business owners leave, and the whole nature
9 of a stretch is changed. The people of this area
10 want this building to be saved, they want this
11 designated to be upheld. There's a lot of
12 cynicism in this country. Here's a situation
13 where the community has come together, and is
14 asking the Council to empower us all, and not let
15 one special interest have its way. And in fact,
16 we're saying we can protect the people of this
17 special interest, we will protect them. We have
18 the means to protect them. Let's protect all of
19 us. That's, that's what I have to say.

21 CHAIRPERSON LANDER: Thank you.

22 ROB HOLLANDER: My name is Rob
23 Hollander, I'm the Secretary of the Chinatown
24 Working Group, and the creator of the
25 informational network, Lower East Side Residents

1
2 for Responsible Development, Cofounder of the
3 Lower East History Project, and a former professor
4 of the City University of New York, Hunter
5 College. I speak here as a lifelong New Yorker.
6 To put this simply, before the Council denies this
7 designation, the Council must product to itself
8 and to the public first a legally binding document
9 that the bank will in fact develop affordable
10 business space, and for exactly how long. I don't
11 think anybody has that. Second, a legally binding
12 commitment on the part of the bank not to sell the
13 lot once it has been relieved of designation. I
14 don't think anyone has that either. Third,
15 verifiable research showing that 135 Bowery's
16 transfer rights as a landmark--'cause as you know,
17 as a landmark, it's developmental rights can move
18 further and more flexibly--to have this
19 information showing that the transfer rights as a
20 landmark could not be better used to develop equal
21 or greater affordable business space on a lot
22 without a historic structure. Did you look at the
23 adjacent Christie Street lots, where the FAR is
24 much, much greater than on the Bowery? It's
25 something like three times as much FAR available

1 on Christie Street, and that's right adjacent.
2 Those are available sites for transfer rights.
3 Without those documents, and that research,
4 denial, I say this with due respect, is simply a
5 matter of public incompetence and administrative
6 malfeasance. The bank has not submitted to the
7 Council or to the Council Member any legal binding
8 contract to develop affordable commercial space,
9 there is no guarantee that the bank will not
10 simply sell the property as soon as the value has
11 risen, as it immediately would, if the Council
12 were to deny designation. So, this affordable
13 business space plan has no legal status in this
14 economy, it is 100 percent safe to assert that it
15 will not happen. Let me say that I am not a
16 preservationist. Personally, I would be happy to
17 see a SRO in the Bowery for the use of recent
18 immigrants to Chinatown where they could live
19 safely and legally. I have been advocating just
20 that for the Chinatown Working Group. But I would
21 be a great fool if I sacrificed a historic site
22 for an SRO promised to me by a bank, without any
23 documentation [time bell] or a plan, or a legally
24 binding contract, or even any detailed
25

2 information, and without any research on the
3 alternatives. So, to put it simply, I ask Council
4 Member and the Subcommittee, have you researched
5 the alternatives on Christie Street, Grant Street
6 and on the Bowery? What was your conclusion, your
7 research conclusion, and where have you published
8 that research? Have you published it to the
9 Subcommittee?

10 CHAIRPERSON LANDER: Thank you for
11 your testimony.

12 ROB HOLLANDER: Thank you.

13 CHAIRPERSON LANDER: We don't have
14 anyone else signed up to testify, so if you're
15 here and you're hoping to testify, let it be known
16 now; otherwise thank you very much to the last
17 panel for your testimony. [pause] All right, so
18 that's, that's all of our testimony for this
19 hearing, and with that, unless there's anything
20 else, I will close the public hearing. I guess I
21 want to see whether Members have any other
22 questions or comments.

23 COUNCIL MEMBER SANDERS: [off mic]
24 I do.

25 CHAIRPERSON LANDER: At this time.

2 COUNCIL MEMBER SANDERS: [off mic]
3 I would like to hear from the - - [on mic] I need
4 a better definition of the hardship provision.

5 CHAIRPERSON LANDER: Okay, let's
6 ask the LPC to come back and--

7 JENNY FERNANDEZ: Thank you,
8 Council Member. I'm joined by Mark Silverman,
9 General Counsel to the New York City Landmarks
10 Preservation Commission, and he will address your
11 question about the hardship provision.

12 MARK SILVERMAN: Is this on? It's
13 on. Hi, Chairman, Members of the Council, my
14 name's Mark Silverman, I'm General Counsel to the
15 Landmarks Commission. And generally speaking, I'm
16 happy to answer specific questions as they arise.
17 The Landmarks Law does have a provision for
18 hardship. It's found in Section 25-309 of the
19 Administrative Code. There are two different
20 types of provisions, one for nonprofit owners and
21 another one for owners that are not tax exempt
22 under various provisions of the law. As a general
23 matter, and it's a complicated form--it's a
24 formula that the Commission looks at. The, it's a
25 cash flow kind of operating expense, kind of a

2 formula. It looks, the ultimate question is "Can
3 this property make a six percent net return?" And
4 that six percent is based on the assessed value of
5 the property, or if there's been a recent sale, a
6 market rate value. So, looking at various things
7 like rent rolls, excuse me, various development
8 schemes, you would analyze whether after removing
9 the costs of those various endeavors, and other
10 things, the end result would be a six percent
11 return. And again, that six percent is based on
12 the assessed value or the market value of the
13 property.

14 [pause]

15 COUNCIL MEMBER SANDERS: In your
16 view, would this property qualify for a hardship
17 provision, to be looked at in a hardship
18 provision?

19 MARK SILVERMAN: Well, the hardship
20 provision, it's not a question of qualifying,
21 anyone can apply for it. Basically, you, what
22 happens, the process is you apply to do work. If
23 that, if your application is denied, you can then
24 come back and say, "I need to do this work." And
25 that work can be anything from adding a, you know,

1 four stories to the building, or demolishing it
2 and putting up a new building. You would say, "I
3 need to do this work in order to get my statutory
4 return." The, what the Commission does, the owner
5 was, provided the Commission with a lot of
6 information on the condition of the building, did
7 provide us information on various costs of what it
8 would take to fix the building. And I think that,
9 you know, the argument being put forward by the
10 owner has been that the cost of restoring the
11 building would be prohibitive and would make it
12 difficult if not impossible to make a reasonable
13 return on their investment. The Commission
14 doesn't, as a general matter, do a hardship
15 analysis prior to designation. It's a very, it's
16 a time consuming, costly endeavor, not only for
17 applicants but also for the Commission in terms of
18 its time. We don't have experts to do these
19 things, we look to other City agencies to help us.
20 For example, the mention of the current hardship
21 application that's going to, that's taking place,
22 or will take place shortly on the Upper East Side,
23 we had asked the EDC and HPD to help us analyze
24 the submissions by the owner. So these are
25

1 complicated, time consuming things. So, the
2 Commission does not do these before designation.
3 I think, so, the Commission did look at the
4 question of was there, you know, the condition
5 issue, were the conditions of this building such.
6 But we don't look at it in terms of can it be
7 restored, or what does it cost to restore, that's
8 not what we would really do. We look at whether
9 we believe that the building meets the criteria of
10 the Landmarks Law. We asked Tim Lynch to look at
11 whether the entire building would have to sort of
12 basically be replaced 'cause one of the arguments
13 was it would be a facsimile of what was there.
14 Mr. Lynch said that he, in his judgment, again not
15 looking at cost, in his judgment the building
16 could be, you know, maintained, and could be, it
17 would not be a facsimile. And based on that, the
18 Commission, and the commissioners who were privy
19 to all this information, voted to designate the
20 building. That is not a statement on whether it
21 is or would not ultimately, an appli--a hardship
22 application would or would not ultimately be
23 successful. We didn't do that analysis.

24
25 COUNCIL MEMBER SANDERS: Thank you,

2 thank you, Mr. Chair, and thank you, and thank you
3 Mr. Chair, if it is appropriate, I would love to
4 speak to the owners. Question the owners.

5 CHAIRPERSON LANDER: They're here,
6 and I think it's valuable for us to get all the
7 information that we can get. So, unless there are
8 other--let me just hang on one second, see if
9 there's any other questions for the LPC, before we
10 allow Council Member Sanders another question for
11 the owners. Okay, thanks very much.

12 JENNY FERNANDEZ: And just on two
13 prior questions, Council Member Sanders mentioned
14 whether or not Mr. Hardenbrook owned slaves. And
15 I just wanted to clarify for the record, according
16 to the census in 1800 and 1810, John Hardenbrook
17 did not own slaves, though other members of the
18 Hardenbrook family did. So, for the record.

19 CHAIRPERSON LANDER: - - right,
20 what about the homeruns?

21 COUNCIL MEMBER HALLORAN: Mr.
22 Chair? Mr. Chair, also just so the record is
23 clear, the Landmarks Preservation Commission has
24 turned over to me the initial request for
25 evaluation, which is dated September of 2009. So

1 the first time this was on the radar for LPC was
2 in 2009, two years after the property was
3 purchased by the bank. So the record is clear.
4

5 ADAM ROTHKRUG: Just to make a
6 little clearer, we gave that to you, Councilman
7 Halloran, not the--

8 COUNCIL MEMBER HALLORAN: That's
9 right, I'm sorry, I'm sorry, yeah.

10 ADAM ROTHKRUG: It's okay.

11 COUNCIL MEMBER HALLORAN: Thank
12 you. That actually came from the owners, not the
13 LPC.

14 JENNY FERNANDEZ: And my second
15 point of clarification was an earlier question
16 about how many federal buildings have been
17 designated and reviewed by the Commission.

18 CHAIRPERSON LANDER: Thank you.

19 JENNY FERNANDEZ: And to date, 43
20 buildings from the federal era have been
21 designated by the Commission, and an additional
22 seven buildings have been calendared and heard by
23 the Commission, and not yet designated.

24 CHAIRPERSON LANDER: Thank you.

25 [pause, background noise] Council Member Sanders,

1 the owners are--

2 [pause]

3 COUNCIL MEMBER SANDERS: Good
4 afternoon. It's been a while.

5 ADAM ROTHKRUG: - - Councilman.

6 COUNCIL MEMBER SANDERS: I, just as
7 a point of reference, I am a great believer in
8 community benefits agreements. I am a great
9 believer that projects should enhance communities.
10 And I encourage you to look in on that line of
11 thinking, to see how this fits in the context.
12 Have you guys given thought to the hardship
13 provision? And if you have, what came from that?

14 ADAM ROTHKRUG: Actually, I can say
15 from the moment that we were notified that this
16 building was being considered for landmarking, and
17 we brought in, the owner brought in, again, Page
18 Ayres, who's a, you know, this may be the first
19 time in her history as an architect that she's on
20 the side of, of this side of a preservation
21 argument, as well as the engineering firm, that
22 once we all did an inspection of the building, and
23 saw what was going on in the interior, and saw
24 that this façade was barely being held on, that we
25

1 were positive that once we made our argument that
2 there was no possibility that this building would
3 be, would be landmarked. Because by any stretch
4 of the imagination, there was just no possible way
5 to alter this building in its current
6 configuration and end up with a safe building.

7 Page can speak to the current foundation, which
8 again, as was indicated in the photos, actually
9 consists of three different building sections, all
10 erected at different times, not joined properly.

11 As I read from, again, a prior resident of the
12 building, they tried to put a nail through the
13 brick, and the whole wall fell down. There is no
14 building there, and our discussion with regard to
15 the interior of the building had nothing to do
16 with whether or not the interior was going to be
17 landmarked. It had to do with whether it's

18 actually, physically feasible at any cost, to try
19 to restore this building. And to consider the
20 possibility of actually building some type of
21 strange addition to this building, because the
22 Landmarks Commission was clear, the staff that,
23 they would want to protect the dormer windows, so
24 that any addition would have to be set way back in
25

1 the back of the building, and--and again, we did
2 provide them with financial information on what we
3 thought it would cost to try to do anything to
4 this building. And we again, throughout the
5 process, thought it was clear that this building
6 just was not in a condition that warranted being
7 preserved in any manner whatsoever. And I think
8 Page may address it as well.

9 [pause]

10 PAGE AYRES COWLEY: I'd like to
11 just clarify on a few things that came up, if I
12 may, as well, and it's germane to the façade,
13 which is the Landmarks Commission primary concern.
14 First of all, our practice does work very closely
15 with City agencies, and the Landmarks Commission
16 was very supportive when this thing came up, this
17 project came up, to have discussions. And I think
18 we had three or four. And at the owner's request,
19 invited the Landmark Commission into the building.
20 The only flaw in the process that kind of stumbled
21 our team, made us scratch our head, was the fact
22 that when the Building Department came, and we
23 were really thrilled that they came, we requested
24 information of what his observation were, so we
25

1 could dovetail any concerns that he might have
2 with any restorative conservation matters that we
3 might propose to the owner. And nothing was
4 forthcoming. So, I'm just want, in the sense of
5 truthfulness and disclosure, that's important.
6 The other reason why we mentioned the interior is
7 that the--and this is the only point that I think
8 the Landmarks Commission and I, over all the years
9 I've worked with them, have differed--is the
10 placement of this two story masonry, one floor up
11 above. And I apologize, I think I, in my zeal to
12 skip through my notes, it's the second and third
13 floor Flemish bond. And when I hear that there's
14 a concern, we go and try to find out about it.
15 And what we discovered in many subsequent visits,
16 and analyzation of the photographs, there is a
17 stretch of running bond and replacement masonry
18 walls. We've had the owner take some of the
19 bricks apart so we could actually try to see what
20 the Landmarks saw that we didn't see. Because my
21 role, as I said, was to advise the owner on what
22 to be done. All of this came together in terms of
23 what the approach should be and the hardship. And
24 yes, we did cost estimates. We ran numbers. And
25

1 the issue with this property, it's not a party
2 wall, there are independent walls. And sadly,
3 through no fault of any of the last 100 year old
4 owners, but half the building is attached to a
5 wall, an independent wall, of its neighbor. We do
6 not know who owns that foundation. And that's one
7 reason, when the permits came up and we were
8 called in with a different forensic engineer, in
9 the rear of the property on the south side, is an
10 unstable wall. And we are built, unfortunately,
11 comingled, because I didn't say this before 'cause
12 it wasn't relevant, this property, the Somarindyck
13 Hardenbrooks, owned the property--I'm going to get
14 this wrong--I think it's 133 Bowery. They also
15 occupied 137. And our office and the structural
16 engineer looked at every record we could to see
17 how they were interconnected. There are passages
18 between these buildings. And the thing is, how do
19 you go about separating it? And as somebody
20 testified under, not undermine the neighbor?
21 Thankfully, I've never had a building fall down,
22 but this was a big factor. So, had we had the
23 information from the Building Department, had a
24 chance to sit down with the Landmarks Commission,
25

1 this goes back in November of last year, I
2 believe, we would've been able to perhaps come up
3 with other solutions. So, I think, and from my
4 experience, this is new to me, I brought every
5 piece of my academic training, my office and
6 engineers to try to seek a solution that would
7 meet the standards of Landmarks. So, I think the
8 client, in my view, I know I'm incredibly biased
9 to this illustrious group, assemble, I've never
10 heard such passionate testimony. But I honestly
11 think in this particular case, the time has passed
12 for this building, 'cause it would be enormously
13 expensive to achieve the standards of Landmarks,
14 and create a code compliant building.

16 CHAIRPERSON LANDER: Thank you.

17 PAGE AYRES COWLEY: Sorry.

18 CHAIRPERSON LANDER: Council Member
19 Sanders.

20 COUNCIL MEMBER SANDERS: I, this
21 one is to the banks. [pause] I just want to
22 encourage that, to the owner, to the owner, that a
23 community benefits agreement is a very good
24 vehicle, because it is a legally binding document,
25 which states your intentions and things that what

2 you want to do. And I encourage the use of such.
3 Thank you.

4 PATRICK YAU: May I respond to
5 this? We are a community bank, we're a community
6 development financial institution, certified by,
7 you know, the U.S. Department of Treasury. That's
8 our mission, is stated, is filed with the
9 government. So we're just be very happy to take
10 your advice, to follow through with a community
11 benefit agreement. Thank you.

12 CHAIRPERSON LANDER: Thank you very
13 much. 15 seconds.

14 ADAM ROTHKRUG: I'm not sure
15 Councilman Sanders was here for the original
16 testimony, they are one of three banks in the
17 metropolitan area, and one of the 90 in the
18 country.

19 CHAIRPERSON LANDER: All right,
20 thank you very much for your, for your testimony.
21 This is going to conclude the public hearing, and
22 we're going to proceed to consideration of the
23 item. I'm going to say a word or two, and then
24 we'll move to call the vote. I first really want
25 to thank everyone who came out today. This has

1 been a really very thoughtful process, we've heard
2 from a lot of people. I really appreciate the
3 time that everyone took. And the energy that
4 everyone took. And I do want to say, I do regret
5 the words that Mr. Yau used in terms of calling
6 the preservationists in the room "special
7 interests." To me, you're representing a public
8 interest here, and I appreciate the time and
9 energy. And I think I speak for many of my
10 colleagues, I know for Council Member Chin, too,
11 that we share the public interest goals of
12 preservation in general, of preservation of the
13 federal style buildings, of preservation of the
14 Bowery. And I appreciate the work that has been
15 done by people in this room, to move the National
16 Register designation and to fight for preservation
17 of the Bowery. I also agree that it's essential
18 for us to exercise really great restraint when we
19 consider LPC designated buildings when they come
20 to us. There are much too scarce resources for
21 designation, and I want many more buildings
22 designated, and historic districts designated in
23 my district, as does Council Member Halloran and
24 many others. And it's our responsibility to be
25

1 prudent. I'm proud that in my tenure, we have
2 designated dozens, we may be past 100 individual
3 buildings, and only in one case have rejected it,
4 and if you count the historic districts, thousands
5 of buildings. So, it's absolutely true that we
6 have to exercise restraint. I also do want to
7 say, though, that it, we're not skirting process,
8 this is part of the landmarks review process,
9 there is a hardship out, a hardship application
10 process, but the law and the charter provide that
11 the Council, and this situation has the democratic
12 responsibility of weighing competing values. And
13 in this instance, there is the competing value of
14 the preservation of this building, which I respect
15 the LPC has historic merit; and there is the value
16 of the development project that is anticipated
17 there, and the small business space. It is hard
18 to weigh, those things. It is not a simple case.
19 There's not, we don't get a, you know, does it
20 meet simple, a criteria? And I think that's why
21 I, and most members, give a lot of deference to
22 the local member, in weighing competing values in
23 their neighborhood. That the competing values of
24 preservation and new commercial space for small
25

1
2 businesses. Those are both values and that I
3 think local member, that local, that citizens
4 have, and that they elect representatives to
5 reflect on and try to decide between, which is why
6 we grant a lot of deference to our colleagues when
7 they do that. And I have found in particular,
8 Council Member Chin, to have enormous integrity in
9 thinking about the matters representing her
10 constituents. I know that she cares about and
11 values preservation, I know that she cares about
12 and values job creation and small business
13 creation in her community. And I therefore feel
14 comfortable supporting her, where she comes down
15 on those values. The last thing I will say is
16 that, I would welcome, I think it would be better
17 here if there were something like a binding
18 community benefits agreement that helped us
19 understand in real specific terms what the benefit
20 that's being committed to by the developer is.
21 That said, and so I would welcome it, and I
22 welcome Mr. Yau's statement that he will do that,
23 and I hope that he will. That said, there's no
24 guarantees on any side, there's no guarantee we're
25 going to get that, or the bank, that's not going

1
2 to sell the building. If we do designate, there
3 is no guarantee that we're going to get a
4 renovation of this building that would meet the
5 standards that we want, and what we've got to do
6 is make our decision to weigh these competing
7 priorities with the best information that we have.
8 Given that, I'm going to recommend that we support
9 the local Council Member, Council Member Chin, and
10 entertain, make a motion to disapprove the
11 landmark designation in this case. And I will ask
12 the Clerk to call the roll and grant members, if
13 they wish, the opportunity to explain their votes.
14 And in deference to the fact that he is now 40
15 minutes late for a meeting, I'll ask that we call
16 Council Member Williams first.

17 CLERK: Council Member Williams.

18 COUNCIL MEMBER WILLIAMS: Thank
19 you, Mr. Chair. Thank you to everybody that is
20 here. But I, too, I'm a community organizer, so I
21 love when I see the community organize. So,
22 that's great. And I appreciate all the work that
23 has gone into it. I do, particularly in the
24 landmarking, sometimes feel that not enough
25 deference is actually shown to the owner. So,

1 when the owners come out, I'm one of the ones who
2 always want to make sure I listen to what the
3 owners are saying. In addition, I know that, I
4 know Council Member Chin's integrity, and I know
5 she also comes from community activism, and it
6 would take a lot for her to be supportive of
7 something. And then say, "I'm not supportive."
8 It would take a lot for that to happen, and a lot
9 of evidence. And I think she saw it, and I think
10 I saw it here. And then also, I'm actually
11 disturbed that this, there was no hardship
12 discussion that can be done until after the
13 designation, because I hope there's a way that we
14 can fix that, because I think we should have that
15 discussion, particularly when the owners are
16 saying that there's going to be a hardship. We
17 should have some kind of discussion beforehand.
18 After that, I don't--I'm not sure how much sense
19 it makes, because from my understanding from past
20 hearings, there isn't that much money or
21 assistance or resources even available to that.
22 So for those reasons, I'm going to also vote along
23 with my colleague, and vote yes.

25 CHAIRPERSON LANDER: Yeah, just to

1
2 clarify, the motion is a motion to disapprove the
3 designation, so a yes vote is with that motion to
4 disapprove, and a no vote on the, on the motion--
5 I'm sorry, the Clerk should, Counsel should just
6 clarify. [laughs]

7 CLERK: A yes vote is a motion, is
8 a vote to approve the motion to disapprove.

9 CHAIRPERSON LANDER: I vote aye.

10 [laughter]

11 CLERK: Council Member Sanders.

12 COUNCIL MEMBER SANDERS: [laughs]

13 The wording has me laughing and not the issue.

14 This is a very difficult issue for me. As I would
15 argue one of the, the Council's pioneers on CBAs,
16 community benefits agreements. It's a difficult
17 issue for me. And as a community person who
18 always wants to see the community win, a very
19 difficult issue for me. Two things sway me here:
20 the first one is my colleague, Council Member
21 Chin, and her knowledge of the community and her
22 desire to, to balance these forces, to see them
23 through; and the deciding factor for me was Mr.
24 Yau, I believe, statement of what is forthcoming.
25 And I trust that I will not live to regret that.

1 SUBCOMM LANDMARKS,PUBLIC SITING,MARITIME USES 149
2 But having said that, I vote yes.

3 CLERK: Council Member Mendez.

4 COUNCIL MEMBER MENDEZ: Permission
5 to explain my vote?

6 CHAIRPERSON LANDER: Granted.

7 COUNCIL MEMBER MENDEZ: I happen to
8 share part of the Bowery with Council Member Chin.
9 She represents the bulk of it, I got a smaller
10 piece. And Council Member Chin is not just my
11 colleague, she is my friend, and I respect her
12 very much. I represent a district that it's
13 really interesting. The Flatiron is a landmark in
14 my district, St. Mark's Church on the Bowery is a
15 landmark in my district. Tonight is a very
16 important night. Father's Hearts Ministries, a
17 church that was landmarked in my district, is
18 having a fundraiser tonight for their building, at
19 the East 11th Street bathhouse, another landmark
20 across the street. I urge all the residents who
21 are here today, whether you live in Margaret's
22 district or mine, we are one community, please
23 come and support them tonight. And when Jenny
24 spoke, and she mentioned all the federal row
25 houses that have been considered and have been

1
2 landmarked, there was one that the Landmarks
3 Preservation did not consider, which is 35 Cooper
4 Square, previously owned by a descendent of Peter
5 Stuyvesant. That building was demolished. And
6 there have been other buildings that my community
7 and I have advocated for that have also been
8 demolished. I have a piece of legislation that's
9 been sitting in this Committee for like five
10 years. I've been in office almost six years, and
11 that legislation has been sitting there a while.
12 I think that legislation will go a long way in
13 delineating what happens with a DOB permit, when a
14 building is being considered for landmarking, or
15 when something is in a historic district. I want
16 to quote Amanda Burden, the City Planning
17 Commissioner, a Chairperson of the City Planning
18 Commission. And back in 2008, she said, "Once you
19 lose a building, you lose character and history."
20 I think our community has lost enough character
21 and history. I vote no. I vote that we should
22 keep the landmark designation, that the Landmarks
23 Preservation had voted on. And I am sorry that I
24 disagree with my distinguished friend and
25 colleague, Margaret Chin.

1 CLERK: Council Member Halloran.

2 COUNCIL MEMBER HALLORAN:

3 Permission to explain my vote, Mr. Chair.

4 CHAIRPERSON LANDER: Granted.

5 COUNCIL MEMBER HALLORAN: Again,

6 let me first reiterate that I think great

7 deference is always given to the local Council

8 Member, because of their intimate familiarity with

9 their community, the needs of that community, and

10 I think Margaret, to her credit, proved once again

11 that she will listen to both sides, and she'll

12 make up her own mind regardless of how difficult

13 it is, and I think you really deserve a lot of

14 credit for that. I can imagine changing your

15 position was not an easy thing to do. I hope all

16 of you realize that I am--I am interested in

17 seeing the Landmarks Preservation Commission take

18 a much more active role in the outer boroughs.

19 You know that 60 or 70 percent of all landmarks

20 are inside Manhattan. And there are five boroughs

21 in the City of New York, in case anyone didn't

22 realize that. And I sit here waiting and waiting

23 and waiting, and I was told, "Don't worry, as soon

24 as Labor Day was over, I would be getting word on

25

1 my historic district in Flushing," which as many
2 of you know is the home of religious liberty in
3 this country, where the Flushing Remonstrance was
4 penned by the Dutch Colonials in the 16th, in
5 1659; where the Bowne House sits, and the Quaker
6 Meeting House sits, the Flushing Town Hall--some
7 of the oldest buildings in this country, from the
8 town of Lisinger [phonetic], which was the Dutch
9 colony which enabled New Amsterdam to be put on
10 the map, which is why the British wanted it so
11 bad. So, I am no, no enemy to this. And I am a
12 Republican, so it's interesting because property
13 rights are important to me. But they have to be
14 weighed and balanced. But in this case, I will
15 join my colleagues in voting yes to the Chairman's
16 recommendation that this landmark designation be
17 denied, but not without a heavy heart and not
18 without consideration. The federal buildings are
19 important. My family has been here five
20 generations. My great-great-grand uncle was a
21 Democrat serving on the Council of the City of New
22 York, when it was called the Board of Aldermen.
23 So, that was a little after the reference made to
24 the pre-Colonial Council of the City of New York,
25

2 but that's what's important to our community, and
3 maintaining that history is important. I regret
4 that I find myself at odds with the LPC, and I
5 hope that they find a way to fix this. Thank you.

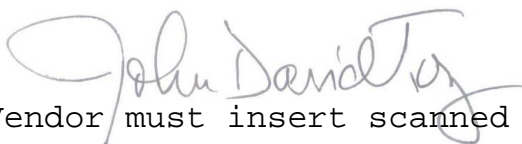
6 CLERK: By a vote of four in the
7 affirmative, one in the negative, no abstentions,
8 LU 482 Motion to Disapprove is approved by a vote
9 of four in the affirmative, one in the negative.

10 CHAIRPERSON LANDER: Thanks very
11 much to our Counsel, to the other Council Members,
12 to everyone who came out today. This meeting is
13 adjourned.

14 [gavel]

C E R T I F I C A T E

I, JOHN DAVID TONG 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 cursive script that reads "John David Tong". The signature is written in black ink and is positioned above the printed text "Signature [Vendor must insert scanned signature]".

Signature [Vendor must insert scanned signature]

Date September 30, 2011