

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON LANDMARKS, PUBLIC SITING AND MARITIME
USES

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September 2, 2008
Start: 11:20am
Recess: 11:40am

HELD AT: Committee Room
City Hall

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

COUNCIL MEMBERS:
Maria del Carmen Arroyo
Charles Barron
Leroy G. Comrie, Jr.
John C. Liu
James S. Oddo
Annabel Palma

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

Michael Powell
Resident Advocate
Whitehouse Hotel

Anthony Pla
Security & Fire Prevention
338 Bowery

Gamal Willis
Day Manager
338 Bowery

Joel Schnur
Lawyer
Metro 16 Hotel

Jeanne Wilcke
Chair
Friends of NOHO

Frampton Tolbert
Deputy Director
Historic Districts Council

2 YVETTE MOLINA: Testing. Today's
3 date is September 2nd, 2008. This is a Committee
4 Hearing on Landmarks, Public Siting and Maritime
5 Uses, and it's recorded by Yvette Molina.

6 [Break in Audio]

7 CHAIRPERSON LAPPIN: Welcome to the
8 Land Use subcommittee on Landmarks, Public Siting
9 and Maritime Uses. I'm Jessica Lappin, the Chair,
10 joined today by our Minority leader, Jimmy Oddo,
11 my council members Charles Barron, Jon Liu and
12 Leroy Comrie. We are reopening the hearing today
13 on the NOHO Historic District Extension, which is
14 in Council Members Gerson and Mendez's district.
15 Council Member Gerson-- and we've also been joined
16 by Council Member Arroyo and Council Member Palma.
17 Council Member Gerson is at the moment meeting
18 with the Chair of the landmark commission, so he
19 will..

20 FEMALE VOICE: 9:45 tomorrow
21 morning.

22 CHAIRPERSON LAPPIN: I just want to
23 have everybody's attention. Just so the members
24 are clear, what we're going to do is reopen and
25 conclude the hearing. We are going to be voting

2 on this item tomorrow morning at 9:45 a.m.

3 Everybody hear that? 9:45 a.m. tomorrow morning

4 we'll be voting on this item. I wanted to make

5 sure that everybody who has signed up to testify

6 understands you cannot testify a second time.

7 This is the continuation of the same hearing and

8 you are only allowed to testify once. So if you

9 have already testified, you are not allowed to do

10 so again. With that, we have two panels. We are

11 going to start with the panel that is in

12 opposition. They are people representing the

13 owner. The owner has testified in some form or

14 fashion, but people who have not spoken before may

15 come and speak. So Michael Powell, Joel Schner

16 [phonetic]-- Mr. Powell, please have a seat and we

17 will have everybody come up at once and you can

18 introduce yourself and speak. Joel Schnur,

19 Anthony Pla, Mr. Pla, and Gamal Willis. We're

20 going to then hear from the panel that's here to

21 speak in support. So please introduce yourself

22 and begin. I need you to speak into the

23 microphone. Push the button please. There's a

24 red button there. And then introduce your name

25 for the record and begin.

2 MICHAEL POWELL: My name is Michael
3 Powell, P-O-W-E-L-L.

4 CHAIRPERSON LAPPIN: Each of you
5 will introduce yourself for the transcription and
6 then speak so we'll know later on who it is that
7 is speaking. So Mr. Powell, did you want to say
8 anything for the record?

9 MICHAEL POWELL: For the record?

10 CHAIRPERSON LAPPIN: Do you want
11 testimony? This is your time to make a statement.

12 MICHAEL POWELL: All right. In the
13 1970s I was an Action Vista worker in the city of
14 New Haven. I was associated with an architectural
15 firm and our sister agency was one of the early
16 legal aid agencies, so yes, we were very much
17 concerned with the issue of housing, housing and
18 tenant rights. Because of that I have a certain
19 perception, which may be inaccurate, but I do know
20 from the point of New Haven it is accurate; from
21 the point of view of New York, I'm not exactly
22 sure. But we all know that in the 1950s, the late
23 1950s the City of New York and various cities
24 acquired money and grants from the Federal
25 Government based on the Model Cities program. Mr.

2 Moseley came up with a number of programs which he
3 granted people to start new developments. The
4 quid pro quo for Model Cities did not occur until
5 the late 60s. The quid pro quo was fair and
6 uniform housing. Fair and uniform housing
7 requires that a room for rent should have a
8 window. It should have a ceiling light. It
9 should have two separate electrical outlets. It
10 should have a deadbolt lock to close the door.
11 Well, Mr. Meyer eventually did put in a deadbolt
12 lock. It should be an independent structure.
13 Well, the Whitehouse Hotel cannot conform to that,
14 has never conformed to that, and the reason it is
15 associated the DHCR is as rent stabilized housing,
16 is because it is substandard, inhuman housing.
17 Now you want to make a landmark commodity out of
18 that, well some people thing Auschwitz should be a
19 landmark commodity. That's what I have to say.

20 ANTHONY PLA: My name is Anthony
21 Pla. I oversee the security and the fire safety
22 prevention. I'm an employee of 338 Bowery. And I
23 also I deal with the exterminating agencies with
24 pesticides. That's all I have to say.

25 GAMAL WILLIS: My name is Gamal

2 Willis, I'm the day manager of 338 Bowery. I
3 think at this time Ms. Winney [phonetic] is
4 passing out documentation with regards to my
5 testimony. However, originally when I came in
6 contact with 338 Bowery I was a social worker for
7 a program called Cases, which is an alternative to
8 incarcerations. While these various ones were
9 doing their community service, if they had no
10 residence we housed them at 338 Bowery. So I've
11 been associated with this facility for about 14
12 years. With that being said we find that there
13 are 22 residents there at this time, and they
14 occupy all four levels. We also find that they
15 have all the same issues that they're all
16 combating: the four issues are: ventilation,
17 lighting, air and infestation; and we do the best
18 that we can in combating those various things.
19 One thing is we have someone to come by, Orkin, to
20 take care of the infestation twice a month. Now
21 it's interesting to note that out of the 22
22 tenants, 15 of which are grossly within arrears,
23 and that's meaning it can go anywhere from the
24 past 60 days living for free or up to three years
25 living for free. And thus we have not went after

2 them at this time, due to the situations in which
3 we find ourselves in. So, in regards to the
4 landmark issue, we basically echo the same
5 thoughts. We would like to do more, however our
6 hands are kind of tied at this time.

7 JOEL SCHNUR: Good morning. My
8 name is Joel Schnur. I've been retained by the
9 owners of 338 Bowery. Thank you very much for
10 giving me the pleasure and the privilege to
11 address this distinguished panels. Just a few
12 points that I'd like to make, that we have been in
13 constant negotiations with Councilman Gerson, with
14 the community, with Councilman Gerson on behalf of
15 the community, and we're near a breaking point, we
16 think, where we're getting stuff done. There have
17 been a lot of give backs on the owner's part and
18 the owner wants to make this happen. You've heard
19 about the conditions for the tenants in the
20 building. Many of you have come down from this
21 committee, or your representatives, and have seen
22 the horrific conditions there, and we appreciate
23 that you've seen it firsthand. As far as I know,
24 no one from Landmarks has come down or even had
25 any feedback if they've seen our structural

2 reports. There are some materials that were be
3 handed out at the present time. One of them is a
4 report from the engineering firm of Thornton
5 Tomasetti, people who put together the New York
6 Times building, Bloomberg Tower and some other
7 worldwide structures. They are well known to the
8 New York City Buildings Department as people, as a
9 company, that can resolve structural issues within
10 New York City. And they have a report here saying
11 that it is impossible to retain the façade in the
12 same architectural structure and style that it
13 currently exists. The owner is willing and has
14 expressed this both to the community and to the
15 Councilman, the local Councilman, that he will put
16 back the façade in the same architectural style,
17 which will allow him to develop the structure with
18 more floors on it, work out a settlement for the
19 tenants, buy them out or if need be we will keep
20 some of those rooms possibly for some of the
21 tenants. We want to do what's right by them.
22 You've heard two of the tenants testify and Mr.
23 Powell has told me if he can get the right buy
24 out, if he can get a nice place somewhere else,
25 he's willing to go. We have the Met Council

2 that's agreed to come in and help with social
3 services for the 338 Bowery tenants as well. I
4 also am distributing the shorter version of the 89
5 comments from Trip Advisor for people who have
6 stayed there, the transients; and they range from,
7 don't stay unless you want to see what hell is
8 like, over 125 painfully itchy bedbug bites from
9 this place; \$20 for the night, \$200 for
10 antihistamines and lotions; gross, runaway,
11 etcetera, etcetera. It sums up what the hotel is
12 about. I'd like to thank you for the opportunity
13 of giving the testimony and we look forward to a
14 resolution that both the community and the owner
15 can walk away from and both be pleased. Thank you
16 very much for your time. I also would like to
17 congratulate Councilwoman Arroyo on her birthday
18 today.

19 CHAIRPERSON LAPPIN: It's your
20 birthday?

21 JOEL SCHNUR: 29.

22 CHAIRPERSON LAPPIN: [Singing Happy
23 Birthday]

24 JOEL SCHNUR: Her voice is better.

25 MARIA del CARMAN ARROYO: Thank

2 you.

3 JOEL SCHNUR: And Mr. Martinez's
4 birthday is tomorrow, but he's not here today.

5 CHAIRPERSON LAPPIN: Do any of my
6 colleagues have questions for this panel? I think
7 we share your goals. As I mentioned earlier,
8 Councilmember Gerson is meeting with the
9 Commission right now and I know has a meeting
10 scheduled this afternoon as well with people in
11 the community and will continue to--

12 JOEL SCHNUR: [Interposing] And
13 with us.

14 CHAIRPERSON LAPPIN: And with you,
15 and so we'll continue to talk and to work on this
16 over the next day.

17 JOEL SCHNUR: Thank you.

18 CHAIRPERSON LAPPIN: The next panel
19 is Jeanne Wilcke and Frampton Tolbert.

20 [Break in Audio]

21 JEANNE WILCKE: How does this work?
22 I press it and it's on?

23 CHAIRPERSON LAPPIN: Yes.

24 JEANNE WILCKE: Okay, thank you.
25 My name is Jeanne Wilcke. I am an owner in NOHO

2 and my profession is a professional Real Estate
3 Investor. I am here today representing the NOHO
4 community and I am Chair of the Friends of NOHO
5 Architecture and Planning. 338 Bowery should
6 remain in the history district. To leave it out
7 would be a precedent setting event leaving out one
8 building, mid-block. The implications are not
9 just for now but for 15 years or 50 years or more.
10 It is unfair to other developers in the
11 neighborhood who have expressed strong sentiment
12 to us that they played by the rules, why is this
13 owner being treated differently incurring
14 political favor. It is unfair to the owners,
15 residents and businesses who have supported
16 landmarking of NOHO for many years and have long
17 awaited this last piece to the District. The
18 developers made a mistake, clear and simple. They
19 did not do their homework and state that they had
20 no idea that the rest of NOHO was being considered
21 for landmarking. While well feel this is not
22 genuine, or perhaps it is a complete misstep, why
23 should the community and other owners have to play
24 by the rules and not this particular developer?
25 Now that being said, we do understand that this

2 situation has a twist. The longtime SRO residents
3 need to be addressed. They are friends of ours
4 and they are our community members for many years.
5 We would expect any developer to address their
6 situation as the right thing to do. It is of
7 concern though that 338 Bowery has upgraded and
8 improved the other accommodations in their
9 building and has met success with its youth hostel
10 venture offering clean and secure rooms as cited
11 by guest letters and pictures on their website,
12 while the SRO tenants live in circumstances that
13 are quite the opposite. The developers have
14 chosen to use the SRO residents and their living
15 conditions as the pawn in this game, to their
16 benefit; while both former and current owners have
17 not upgraded their conditions. Be that as it may,
18 residents, owners, developers and neighborhood
19 preservationists, including the NOHO BID, sat down
20 with the developers on several occasions to
21 discuss the dilemma they face. The community
22 agrees that we will not oppose the developer
23 building a newer, higher and denser building on
24 the site if the building stays in the history
25 district, that we respectfully request that the

2 Landmarks commission grant a waiver to allow the
3 demolition of this building and to approve the new
4 building with the design subject to their
5 approval, that the developers replicate the Arts
6 and Crafts motif of the original building, that
7 they keep as much of the original façade as is
8 practical; and we do understand this requires
9 engineers' guidance. The long-term SRO residents
10 are given appropriate cash or accommodations and
11 help to ensure their transition into appropriate
12 housing. Lastly, that in return for this
13 extraordinary accommodation by the community, that
14 a portion of future proceeds of the new hotel be
15 contributed to a local community service worked
16 out with the local Council people, such as the
17 Bowery Residents Committee, which is in keeping
18 with the history of the neighborhood and with 338
19 Bowery, also known in time as the quote, unquote,
20 Whitehouse; or a portion of the hotel be used for
21 arts related uses, long advocated as a condition
22 for new development projects in NOHO and SOHO in
23 keeping with the artists history of the area.
24 While we understand the plight that the developers
25 have put themselves in, we have put forth a

2 reasonable compromise that we believe solves their
3 problem, the problems of the SRO tenants, the
4 community's problem and importantly, the issues
5 that the Councils and the Landmarks Commission are
6 faced with in this situation. We ask the Council
7 members to vote yes in keeping 338 within the
8 historic district and we look forward to strongly
9 advocating with the developers, to the Landmarks
10 Commission, on granting them a waiver in order to
11 build. Thank you.

12 FRAMPTON TOLBERT: I'm Frampton
13 Tolbert, Deputy Director of the Historic Districts
14 Council. I'm reading a letter of August 28th that
15 was sent to all of the Landmark Subcommittee
16 members. This letter is a joint letter from the
17 Historic Districts Council and the Greenwich
18 Village Society for History Preservation. The
19 Historic Districts Council and the Greenwich
20 Village Society for History Preservation are
21 strongly opposed to removing the Whitehouse Hotel
22 from the NOHO Historic District Extension. At the
23 August 12th City Council hearing, representatives
24 of the property owners stated existing structural
25 concerns were so dire that demolition was

2 preferable to rehabilitation. We are quite
3 skeptical of this claim, which does not appear to
4 be substantiated by the facts and regardless does
5 not justify removal of the building from the
6 proposed historic district. HDC has had the
7 opportunity to review the condition assessment
8 report from Thornton Tomasetti and reached out to
9 a number of professional colleagues who have
10 expertise and experience in both evaluating these
11 types of reports and doing the actual work of
12 restorative maintenance on history buildings.
13 Although neither organization has had the benefit
14 of a site visit, in HDC's opinion the assessment
15 by Thornton Tomasetti, a well respected firm, does
16 not substantiate the claim that the building is
17 beyond repair and that the removal of this
18 important building from the NOHO district is
19 justified. Most of the work recommended, the
20 replacement of lintels, repointing, rebuilding the
21 parapet, replacement of windows, roof repair,
22 corner building, etcetera, are common repairs that
23 are often made to building of this age over the
24 course of its lifetime. While it is structural
25 work, it does not necessitate irreparable damage

2 to the integrity of the history fabric and unique
3 character of the building. It is certainly not
4 grounds for demolition. All buildings require
5 regular maintenance and upkeep, and unfortunately
6 this has not always happened at 338-340 Bowery.
7 Now with the expert regulation oversight from the
8 LPC, both HDC and the Greenwich Village Society
9 for History Preservation feel assured that such
10 work will be done properly. In truth, if done
11 well these efforts will enhance the building and
12 the streetscape. The building at 338 Bowery today
13 is a result of work in 1928 and 1929 that included
14 a new façade and extension on the Whitehouse
15 Hotel. Many protected buildings within New York
16 City's historic districts have similar pedigrees,
17 from scores of 19th century townhouses on the
18 Upper East Side that were modernized in the Beaux
19 Arts and Art Deco style to the dozens of mid-19th
20 century row houses in Greenwich Village, which
21 gained studio windows in the 19-teens and 1920s.
22 In these instances the historic significance of
23 the buildings are enriched by the imprints of
24 changing fashions and uses of it on the older
25 structures. These buildings were constructed as a

2 lodging house and is one of the last buildings of
3 this type of the Bowery. It is a significant, if
4 sad, piece of the area's history. Its story
5 symbolizes both the popular perception and the
6 unfortunate reality of life for many on the Bowery
7 in the 19th and 20th century. Greenwich Village
8 and HDC do not by any means advocate for the
9 continuance of the inhumane condition of this
10 residence, nor do we desire the current residents
11 be forced to endure them. But this is not the
12 point of landmark designation. The goal of
13 landmark designation is to capture and preserve
14 physical elements of our city's past to better
15 understand where we have come from and hopefully
16 point a the way to a better future. As so much of
17 our city changes so quickly these days it's
18 important to not ever lose our past. This is an
19 instance where the City has already decided after
20 years of deliberation to preserve a legitimate and
21 significant historical building. This was not an
22 afterthought in the campaign to preserve NOHO's
23 character and it should not be regarded as such.
24 The Whitehouse Hotel is integral to the story of
25 NOHO and the Bowery and allowing its demolition

2 would be a betrayal of that history. HDC and
3 Greenwich Village argue to maintain the original
4 boundaries for the District as set by the
5 Landmarks Commission. Sincerely, Simeon Bankoff,
6 Historic Districts Council and Andrew Berman,
7 Greenwich Village Society for History
8 Preservation.

9 CHAIRPERSON LAPPIN: Thank you. I
10 think Councilmember Arroyo has some questions.

11 MARIA DEL CARMEN ARROYO: Thanks.
12 I think one, and I'm not sure if Mr. Frampton last
13 time I saw you I said with that name you should be
14 the heir to some great fortune. My understanding
15 is that it is not possible for the property to
16 remain in the historic district and be demolished.
17 So that's not an option, as far as I understand
18 it.

19 FRAMPTON TOLBERT: The Landmarks
20 Commission has allowed buildings in historic
21 districts to be demolished, depending on how they
22 consider them contributing to the district. My
23 understanding is that this building is considered
24 contributing, so they would not allow the full
25 demolition of the building. But my understanding

2 is they take each building on a case by case basis
3 and they have allowed what they consider to be
4 non-contributing buildings to be demolished in
5 historic districts.

6 MARIA DEL CARMEN ARROYO: Okay.
7 Yes.

8 JEANNE WILCKE: May I add to that,
9 we understand from Gerson's office that under a
10 hardship waiver that they would allow demolition.
11 It has been granted, not very often, and that's
12 what we're asking for here is that the landmarks
13 commission grant such a waiver based on the
14 hardship, particularly with the SRO tenants and
15 allow the developer to maximize their best and
16 highest use of this property at the same time.

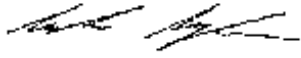
17 MARIA DEL CARMEN ARROYO: Okay.

18 CHAIRPERSON LAPPIN: Thank you very
19 much. With that I am going to close this hearing
20 and we will recess the meeting until tomorrow
21 morning at 9:45.

22

C E R T I F I C A T E

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


Signature_____

Date September 9, 2008_____