

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

SUB-COMMITTEE ON LANDMARKS, SITING & MARITIME USES

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August 12, 2008

Start: 11:16am

Recess: N/A

HELD AT: Council Chambers
City Hall

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

COUNCIL MEMBERS:
Maria del Carmen Arroyo
Charles Barron
Leroy G. Comrie, Jr.
Alan J. Gerson
Melinda R. Katz
John C. Liu
James S. Oddo
Annabel Palma

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

Robert B. Tierney
Chairman
Landmarks Preservation Committee

Diane Jackier
Director of External Affairs
Landmarks Preservation Committee

David Mulkins
Resident and Co-Founder
Bowery Alliance of Neighbors

Hadi Habal
Resident
50 Bond Street NoHo

Simian Bangkof
Historic Districts Council

Andrea Goldwyn
Director of Public Policy
New York Landmarks Conservancy

Patrick Jones
Counsel to Owners
338 Bowery Street, Whitehouse Hotel

Daniel Lane
Real Estate Appraiser and Financial Consultant

Jeffrey Waz
Resident/Artist
338 Bowery Street, Whitehouse Hotel

Meyer Muschel
On-Site Operator/Owner
Whitehouse Hotel

Andrew Berman
Executive Director
Greenwich Village Society for Historic Preservation

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

Nancy English
Owner Residence/Business
NoHo

William H. Watkins
Resident
334 Bowery Street

Tom Paxton
Resident
338 Bowery Street, Whitehouse Hotel

Chris Mench
Resident
338 Bowery Street, Whitehouse Hotel

Richard Bach
Resident
354 Bowery Street

Vince Ferrandino, AICP
Principal, Certified Planner
Ferrandino & Associates, Inc.

Melissa Baldock
Kress/RFR Fellow for Historic Preservation and Public
Policy
Municipal Arts Society

Carol Conway
Resident, President/Shareholder
35 Bond Street Corp

John Schmerling
Representative
20 Bond Owners Corp

Mark Fitipelli
Attorney
Epstein, Decker and Green

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

Jeffrey Kamen
Owner/Architect
33 Bond Street

Richard Topol
Resident
334 Bowery Street

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2 RAPHAEL PEREZ: Testing one, two.
3 Testing one, two. This is a test for the
4 Committee of Landmarks. Today's date is August
5 12, 2008 and the meeting is being recorded by
6 Raphael Perez.

7 CHAIRPERSON JESSICA S. LAPPIN:

8 Good morning. Welcome to the Land Use sub-
9 committee on Landmarks, Public Siting and Maritime
10 Uses. I'm Jessica Lappin, the chair. Joined
11 today by members of the Committee Council Member
12 Annabel Palma from the Bronx, Council Member Maria
13 Arroyo from the Bronx, Council Member Leroy Comrie
14 from Queens, Council Member Charles Barron from
15 Brooklyn and I know Council Member Rosie Mendez is
16 downstairs on her way up. We're also joined today
17 by Council Member Alan Gerson, who is in the back
18 of the room. He represents the area for the NoHo
19 Historic District, which we are discussing today.
20 That is the only item that is on the agenda, the
21 expansion of the NoHo Historic District.

22 I wanted to welcome the Chair of
23 the Landmarks Commission, Bob Tierney who doesn't
24 often come and grace us with his presence directly
25 to give testimony. We usually have the lovely

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2 Diane Jackier so welcome. And with that, please
3 begin your testimony.

4 ROBERT B. TIERNEY: Thank you very
5 much. This is from hearing to hearing because
6 we're in the middle of our Tuesday public hearing.
7 I'm delighted to be here with Diane and Mary Beth
8 Betts, the Director of Research. Good morning
9 Chair Lappin and honorable council members. I'm
10 Bob Tierney, Chairman of the Landmarks
11 Preservation Commission. I'm here today to
12 testify in strong support and in favor of the
13 Commission's designation of the NoHo Historic
14 District Extension in Manhattan.

15 Consisting of 56 buildings built
16 primarily between the 19ths and 20ths centuries,
17 the NoHo Extension completes the Commission's
18 efforts to protect this important neighborhood in
19 New York City. For more than a decade the
20 Commission has been working with owners, community
21 members and elected officials to recognize NoHo's
22 significant architectural heritage.

23 As you can see on the maps, the
24 Commission designated the first NoHo Historic
25 District in 1999. And then the NoHo East Historic

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2 District in 2003 and this Extension today
3 dominated by mid-rise store and loft buildings,
4 joins the two other Districts in representing the
5 history of NoHo from its earliest period of
6 development now into the 21st century. You can
7 see it when all three Districts are combined; it's
8 a very cohesive, coherent hold.

9 The development of this area of
10 Manhattan began in the 17th century when the
11 Director of the Dutch West India Company set aside
12 several lots on the outskirts of town for free
13 Black landowners. This area west of Bowery Road
14 extending from modern day Prince Street to Astor
15 Place created the only separate enclave of free
16 Black landowners in the colonial period. These
17 free Black landowners remained in the area until
18 the early 1680s when they lost their properties
19 and moved to Brooklyn, New Utrecht and New Jersey.
20 This area remained in use as farmland until just
21 after the turn of the 19th century.

22 By 1806 streets were being laid out
23 and homes began to spring up. By the 1820s the
24 neighborhood was populated by many of New York's
25 most prominent families including fur trader real

1
2 estate baron John Jacob Astor. Several of these
3 early residences remain. The house at 26 Bond
4 Street dates to 1830 and is remarkable intact
5 reminder of Bond Street's federal era.

6 Residential development in NoHo continued in the
7 1830s encouraged in part by improved public
8 transportation along Broadway and the Bowery. And
9 by 1837 Bond Street was almost completely lined
10 with three and four story Greek revival style
11 townhouses, row houses, which differed from their
12 federal style neighbors in their Greek inspired
13 architectural element such as molded store window
14 lentils and sills and grand entrance enframements.

15 By the mid-19th century the
16 population density of the present NoHo area began
17 to swell in the City's affluent moved through
18 their uptown. By the 1840s and 50s Bond Street
19 was no longer one of the City's most fashionable
20 residential areas. Many of the federal era houses
21 were sub-divided into apartments and boarding
22 rooms. Others were converted to commercial uses.

23 The stable buildings along Great
24 Jones Street that had catered to the residents of
25 Bond Street remained. While the Bowery flourished

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2 as a business and entertainment center catering to
3 the mostly German population at that time. This
4 area had rapidly transformed from a prestigious
5 high profile residential area into a bustling
6 mixed use and demographically and economically
7 diverse neighborhood. The competition for space
8 among businesses and residents led landlords to
9 enlarge or replace the early 19th century building
10 stock with multiple family and mixed-use
11 buildings. For instance, the four-story
12 Italianate style house with store at 28 Bond is an
13 example of this period development. Constructed
14 in 1857-58, it is clad and brick and features
15 stone lentils and sills, bracketed galvanized iron
16 corners and remnants of its historic cast iron
17 storefront.

18 Alongside the residential
19 construction, happening in the NoHo Extension in
20 the 19th century, several institutional buildings
21 began to change hands and change the scale and
22 style of the neighborhood. Examples include the
23 Italianate style stable at 31 Great Jones. 1870
24 for the Board of Fire Underwriters, the Beaux-Arts
25 style firehouse, 42-44 Great Jones which happens

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2 to be an individual designated New York City
3 landmark built in 1898 for Engine Company 33. 49
4 Bond Street, the home of the first branch of the
5 New York Free Circulating Library in the elegant
6 cast iron Bond Street Savings Bank constructed in
7 1874, also an individual New York City landmark
8 which also we would propose to be included in the
9 historic District.

10 By the end of the 19th century the
11 NoHo District Extension was becoming a full-
12 fledged commercial and manufacturing center. And
13 its store and loft buildings were built to keep
14 pace with the changing demands of the
15 neighborhood. These buildings were primarily
16 constructed in Romanesque classical or Renaissance
17 Revival styles. Prominent examples are 35-39 Bond
18 and 40 Great Jones.

19 Fast forward to 1910 and we find
20 that a decline in local commerce. The few
21 buildings that were built were done at a much
22 smaller scale and with less ornament than their
23 19th century neighbors. Buildings on Great Jones
24 and Bond Street were almost exclusively used for
25 commercial warehouse and manufacturing purposes

1 during the Depression and World War II.

2 Residential tenants were limited mostly to the
3 "flop-houses" along the Bowery.

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5 In the post World War II era, the
6 trend in the neighborhood was toward loft
7 conversion. Young artists attracted to the large
8 spaces and low rents began renting empty loft
9 spaces from eager landlords. At the time zoning
10 permitted the lofts to be used by the artists only
11 as work space but many inhabited them, we're told
12 illegally. And then artists initiated a long and
13 ultimately successful fight for the right to live
14 in these lofts. Many of the NoHo Historic
15 District Extensions buildings were converted to
16 co-op apartments during the real estate boom of
17 the 80s and 90s. These conversions were
18 accompanied by alterations to the windows,
19 storefronts and many interior features. But the
20 neighborhood's buildings remained largely intact.

21 21st century has continued to bring
22 change to this area including three new buildings
23 on Bond Street. These new buildings share the
24 street with buildings that span, as I've been
25 describing here, nearly 200 years. It highlights

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2 the neighborhood's adaptability to the changes
3 brought with each new chapter of New York's
4 history. The District Extensions powerful
5 streetscapes of marble, cast iron, brick and terra
6 cotta reflected the history of NoHo from its
7 earliest period of development up through the 21st
8 century, a part of it that we're now in as we
9 speak.

10 On March 18, 2008 the Landmarks
11 Commission held a public hearing n the proposed
12 designation of this NoHo Historic District
13 Extension. 16 people spoke in favor of the
14 designation as proposed, with the boundaries that
15 you all have before you. Including
16 representatives of City Council Members Alan
17 Gerson, Rosie Mendez, Manhattan Borough President
18 Scott Stringer, Senator Tom Duane, Manhattan
19 Community Board 2, Historic District's council,
20 metropolitan chapter of the Victorian Society of
21 America, Greenwich Village Society for Historic
22 Preservation and the Municipal Arts Society as
23 well as various residents, neighbors and their
24 representatives.

25 Many of these speakers at our

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2 hearing expressed interest in expanding the
3 boundaries to include additional properties not
4 within our proposed Extension and the Extension
5 that we have before us today.

6 Six owners and/or their
7 representatives, a total of 15 speakers were
8 opposed to including their properties in the
9 District Extension. The Commission also received
10 many letters in support of the proposed
11 designation. Many of these letters favored the
12 inclusion of additional properties. Real Estate
13 Board of New York wrote in favor of a smaller
14 Extension, requesting the omission of 19
15 properties on East 4th Street, Great Jones Street
16 and the Bowery. Finally the owner of 342 Bowery
17 wrote in opposition to the inclusion of that
18 building in the Extension. I thank you very much
19 for your attention and of course welcome any
20 questions.

21 CHAIRPERSON LAPPIN: I wanted to
22 note we've been joined to my left by Council
23 Member John Liu of Queens and the Chair of the
24 Land Use Committee, Melinda Katz, is walking back
25 and forth between the Zoning and Franchises sub-

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2 committee that's happening next door and this
3 Committee.

4 I do have some questions; I see
5 some of my colleagues do as well. But before we
6 move to questions, I wanted to give Council Member
7 Gerson the opportunity to make a brief statement.

8 COUNCIL MEMBER ALAN GERSON: Thank
9 you very much Madam Chair, my colleagues Committee
10 Members, Chair Tierney, your team, thank you all
11 very much for your attention to this very
12 important landmarking matter and to this
13 extraordinarily significant historic District.
14 Thank you for your work and attention. Madam
15 Chair I look forward to adding this Extension to
16 the NoHo Historic District and to this City's
17 roster of historic Districts when we take our vote
18 and vote of the entire Council very early in
19 September.

20 The Chair's testimony reflects not
21 only the stellar leadership of Chair Tierney and
22 his team but the content of his testimony sets
23 forth in extraordinarily and of course accurate
24 detail, the reason why we need to extend in the
25 NoHo Historic District. I was one of the speakers

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2 to whom the Chair referred who has urged, and I
3 continue to urge, the addition of other adjoining
4 pieces of property so we have an entire stretch
5 along the Bowery from 4th Street South.

6 This historic District as proposed,
7 represents and will reflect a significant step
8 forward in the preservation of a true, unique part
9 of our City, of an architectural treasure. And as
10 such, the preservation and perpetuation of indeed
11 the spirit and soul are a part of the spirit and
12 soul of what makes this City so great. Which
13 really underlies what I believe the true purpose
14 of landmarking in historic Districts continues to
15 be. As we progress as the City's future includes
16 extraordinary growth and development, it must also
17 include the preservation of our historic jewels
18 and our architectural treasures. It is that
19 mixture that makes our city so special. This is
20 something. It's a great day for landmarking, the
21 landmarking historic preservation moving. It's a
22 great day for the NoHo community and for Council
23 District One. We've been looking forward to this
24 for easily over a decade as the Chair.

25 You'll hear for residents who have

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2 campaigned and worked for this, as well as
3 preservation activists, for easily over a decade.
4 We are now on the verge of getting this done. I
5 know that we will and I thank all and I urge all
6 of my colleagues to support this.

7 One final note, as we go forward it
8 of course behooves us ethically and morally to
9 take into account the effects of our actions on
10 the individuals whose lives will be directly
11 affected. As such, we need to use the in
12 convening time between this hearing on the vote to
13 assure adequate protection and cognizance within
14 the Landmark Commission's purview. As a matter of
15 City policy, we need to assure that the residents
16 of 338 Bowery will receive the humane conditions
17 and treatments to which all human beings,
18 including these 23 residents, are entitled. I'm
19 confident we can do so and I'm confident we can do
20 so within the framework of the goals of this
21 Historic Preservation District and indeed of this
22 District itself. I look forward to accomplishing
23 that. Madam Chair thank you and I thank Chair
24 Katz for your great attention.

25 The only thing I regret about this,

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2 Madam Chair, is I fret that we won't see as much
3 of you in Council District number 1. As I've come
4 to enjoy with the walking tours that you and I
5 have enjoyed. But my community should know that
6 just reflects the diligence and commitment of
7 Chair Lappin to the charge, which she has as Chair
8 of this Committee. On behalf of my community, we
9 thank you.

10 [Applause]

11 CHAIRPERSON LAPPIN: I have enjoyed
12 spending time in Council District 1 and it's a
13 beautiful neighborhood. I've done two walking
14 tours now. One with the Commission and one with
15 the Land Use Chairman, Melinda Katz, that we did
16 with some of our staff here.

17 I wanted to clarify for my
18 colleagues since Council Member Gerson mentioned
19 it, we're going to have the hearing today.
20 Actually keep the hearing open until a later date,
21 but we will not, at the request of Council Member
22 Gerson, be voting on this item today.

23 I had two questions for you before
24 I turn it over to questions for my colleagues. I
25 wanted to thank you again, Chair Tierney, for

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2 coming in person. It shows just how important
3 this Historic Extension is for you and the
4 Commission. Certainly having walked it a couple
5 of times there is significant architectural
6 heritage, as you noted, that seems very worthy of
7 preservation.

8 Because you began your testimony
9 discussing the phasing and because this has been a
10 decade in more in coming, I guess I'd like to
11 understand why these buildings were not included
12 either the first time or either the second time.

13 MR. TIERNEY: That's always a
14 question whenever there is phasing. First of all
15 phasing, as you describe it, is a common practice
16 at the Landmarks Commission, particularly and what
17 ultimately turned out to be relatively large
18 historic district. So that when there's some
19 agreement as to part of it but not all of it,
20 often times our thought would be where there is a
21 consensus on a significant cohesive piece to go
22 forward with that piece. I believe--I cannot
23 speak for what happened in 1997 specifically. I
24 was not at the Commission then but others of
25 course were. It was decided at that point that

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2 the NoHo District as then configured based on all
3 the factors and circumstances had a coherent sense
4 of place. And while there was interest in these
5 others, there was less of a consensus I believe.
6 Whether it be community support or the owner
7 support or whatever, chosen not to go forward at
8 that point.

9 Again, same sort of reasoning would
10 apply to what happened in '03 when I was there, at
11 the end of '03 when this was voted. There, too,
12 we were trying to proceed in an incremental way
13 with the consensus in support of the community,
14 with the Council Member. And that was basically
15 based on all those factors, we decided. There's
16 no magic, there are no inherent reasons based on
17 any specific buildings that I think would lead us
18 to say that that's why we didn't go forward. It
19 had nothing to do, certainly in retrospect and at
20 the time, with the quality of and sense of place
21 of all three of these Districts. It was simply a
22 matter of priorities and resources at the time.

23 CHAIRPERSON LAPPIN: We have a
24 number of people who are signed up to testify.
25 Many of them are going to speak in favor and

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2 they're going to elaborate on and, I think, add to
3 your testimony. Since you're here I wanted to
4 give you an opportunity to speak to some of the
5 people who are going to speak in opposition.

6 There are some property owners today who are going
7 to speak in opposition. Council Member Gerson
8 mentioned one of the buildings that are still
9 operating as a flop-house. I wanted to give you
10 the opportunity to sort of refute what they might
11 argue in terms of cutting out that or other
12 properties within the District.

13 MR. TIERNEY: Specifically on the
14 338 Bowery, I think is the property that you're
15 referring to. We've heard testimony at our public
16 hearing on that building. We've had, as part of
17 our normal owner outreach, extensive consultation
18 and communication with the owner and their
19 representatives as recently as yesterday.

20 In fact was a further attempt
21 because there are difficult issues there, some of
22 which are the humanitarian issues that the
23 Councilman alluded to. Strictly speaking, are
24 probably outside the purview of the Landmarks law,
25 but is something that I'm extremely concerned

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2 about and would want to see addressed. It may not
3 be that our action is the vehicle for addressing
4 it but we certainly don't want to get in the way;
5 that's for sure. In fact, to the extent we can
6 facilitate that concern, we will do so and have
7 done so from the beginning.

8 But in terms of the merits of the
9 338, if you look at the row on the Bowery where
10 that building is smack in the middle of that row
11 of five, six, seven houses. Our best judgment
12 based on our expert staff and based on the
13 Commission's hearing and the judgment bought to
14 bearer by the Commission itself after the public
15 hearing and in the vote. Being mindful of the
16 issue related to this building was that it clearly
17 belongs in the District; that it's important, it
18 has a style, it speaks to the streetscape on the
19 Bowery.

20 Other parts of the NoHo Extension,
21 as you can see, earlier actions in NoHo also spoke
22 to residences and commercial buildings on the
23 Bowery. So we think this is a natural Extension.
24 This specific building is a contributing building
25 of some significant style with its brick and other

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2 details, en-rusticated brick that really belongs
3 in the District.

4 CHAIRPERSON LAPPIN: I think we're
5 going to hear from some of the tenants today as
6 well. I see that some of them have signed up and
7 that's obviously an issue as Council Member Gerson
8 mentioned, that we're going to have to keep
9 discussing because it is important to treat the
10 people who live in that building appropriately.

11 MR. TIERNEY: Of course. And as I
12 said, if I may just add, I personally, of course,
13 am very concerned about all of those matters that
14 are extremely important. The Landmarks law,
15 again, landmarking this district or any individual
16 building does not regulate or control the use,
17 number one. Or the interior space by and large.
18 This is not an interior designation so to the
19 extent that the interior changes or use changes
20 can't address that problem. We are here to help
21 facilitate that--

22 CHAIRPERSON LAPPIN: [interposing]
23 I think the interior definitely needs some changes
24 and that's what we're going to keep talking about.

25 MR. TIERNEY: Sure. Well we won't

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2 stand in the way of that.

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CHAIRPERSON LAPPIN: Before I move

to Council Member Barron, I wanted to recognize

Council Member Mendez who has joined us. While

90% of this district is in Council Member Gerson's

District, there is a piece that is in Council

Member Mendez's District. If you would like to

make a statement...

COUNCIL MEMBER ROSIE MENDEZ: Thank

you Chairwoman Lappin. I just wanted to express

my support. Even though I have a small part of

this historic District, what will be a historic

District and will join the other historic

Districts nearby. I wanted to specifically thank

the Commission when the resident owners of 25 East

4th Street lobbied to be included in the District

that you gave that a lot of thought and then

included it in there. I know that they were very

happy about that and so am I. Thank you.

CHAIRPERSON LAPPIN: Thank you.

Council Member Barron.

COUNCIL MEMBER CHARLES BARRON:

Thank you very much Chair Lappin. I'm always

concerned. First of all I want to say that I

1
2 appreciate--every hearing I always insist that you
3 include a what happened to the indigenous people
4 of this land. I think it was - -, so called
5 Indians, and the Africans who were slaves. I want
6 to thank you for including that as part of the
7 history.

8 I also wanted to ask a few
9 questions about that. When they say that Peter
10 Minuette purchased the land, I noticed you have
11 purchased in quotes. Could you elaborate on that
12 "purchasing the land"?

13 MR. TIERNEY: You're talking about
14 page six and seven?

15 MR. BARRON: Yes, page six and
16 seven.

17 MR. TIERNEY: Let's see if we can
18 give you an answer.

19 MR. BARRON: We know Africans; we
20 know what purchasing means. For us, it's not like
21 they paid a lot of money and we got wealthy off of
22 them "purchasing" land. Certainly the indigenous
23 people didn't.

24 DIANE JACKIER: In the footnote
25 that accompanies that statement, footnote number

1
2 two there is the following statement, which I'll
3 just read. The Native American system of land
4 tenure was that of occupancy for the needs of the
5 group. And that the sales that the Europeans
6 deemed outright transfers of property were to the
7 Native Americans closer to leases or joint tenancy
8 contracts where they still had the rights to the
9 property.

10 MR. BARRON: The Native Americans
11 still had the rights?

12 MS. JACKIER: I think it's fair to
13 say that the Native Americans probably did not
14 recognize that as a purchase, which is what our
15 footnote is saying.

16 MR. BARRON: Right. I think it's
17 important to note that because in most Native
18 American culture or indigenous people's culture,
19 they don't see land ownership as something you
20 participate in. You cannot own the land. So just
21 like Manhattan was not purchased for \$24, you
22 can't really purchase land from Native Americans.
23 And then you know we have the nerve to call them
24 Indian givers like you gave us the land and now
25 you want it back. They never gave it up. So I

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2 think that's a good quote and--

3 MR. TIERNEY: [interposing] I think
4 that's implied and we know it, yes.

5 MR. BARRON: The other thing is it
6 said that the Africans, the half-free Africans
7 lost their land. I think you elaborated on it a
8 little more by saying that after the English came
9 in, in 1664 that they relegated them to alien
10 status and because of that status they lost their
11 land? Just a little explanation on that.

12 MS. JACKIER: We say in 1667 a
13 newly established English colonial government
14 relegated free Blacks, including those who had
15 owned property here in NoHo, to alien status and
16 denied them privileges granted to white residents,
17 in effect taking their property.

18 MR. BARRON: Just basically stole
19 their property from them.

20 MS. JACKIER: Yes, yes.

21 MR. BARRON: You said they then
22 moved to Brooklyn. What my whole point is, is
23 that those were my ancestors and this is my land
24 because they basically moved to Brooklyn. So all
25 of you in NoHo you have to give the land back to

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2 us in Brooklyn, particularly the Blacks, because
3 you can no longer have it. So I wanted to know is
4 there anyway I can reclaim the land that my
5 ancestors--

6 MR. TIERNEY: [interposing] We
7 don't own the land. Maybe you can speak to
8 Councilman Gerson.

9 MR. BARRON: I'll speak to Council.
10 But on the real side, thank you for the history.
11 But also I think there should be in all of these
12 areas, some kind of a monument or something to the
13 - - Indians and the Africans because that was
14 their land, that's the land that the Nopi Indians
15 owned and it was stolen from them. The Africans
16 then later worked it and was given it to them by
17 the Dutch, I think it was 1625, 1626. And then
18 when the English came in 1664 with a more brutal
19 form of oppression and slavery, it was stolen. So
20 there should be a monument somewhere or some kind.
21 It is already? If it's already there, good, but
22 it should be a very visible monument in
23 recognition of the indigenous people and the
24 Africans who built that area. Thank you.

25 MR. TIERNEY: Thank you.

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2 MR. BARRON: Oh. What does
3 opposition now? Do you know the specific points
4 of those who oppose?

5 MR. TIERNEY: This District?

6 MR. BARRON: Yes.

7 MR. TIERNEY: This District, it
8 varies. I think there's some property owners who
9 are concerned about having their building, their
10 property in that landmark District. Many of them
11 are going to speak here and have spoken before our
12 Commission. But in large, that would be the
13 primary reason. Others, there's some objection
14 based on whether this has the requisite sense of
15 place and this is the kind of designation that
16 ought to be done. But mostly, as I understand it,
17 is a question of my house, my residence, my
18 building. I prefer it not to be designated.

19 MR. BARRON: So it's mostly owners.
20 I'll hear from them when they come up but it's
21 mostly owners and they want the right to develop
22 their property the way they want to develop it.

23 MR. TIERNEY: I believe its mostly
24 owner opposition. But when you hear them all, I
25 don't want to characterize it. My sense it--

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2 MR. BARRON: [interposing] No, I
3 just wanted your understanding of the opposition.

4 MR. TIERNEY: My sense is that's
5 primarily it.

6 MR. BARRON: All right. Thank you
7 very much.

8 MR. TIERNEY: Yes, sir.

9 CHAIRPERSON LAPPIN: Thank you
10 Council Member Barron. Council Member Comrie.

11 COUNCIL MEMBER LEROY G. COMRIE,
12 JR.: Thank you Madam Chair. Good morning. I
13 just wanted to congratulate you on noting the
14 extensive early research so that Council Member
15 Barron can have those questions answered. I want
16 to thank you for increasing your level of research
17 and historical background. I hope that we can
18 maintain this level of information flow. I think
19 it's helpful.

20 Since 338 was mentioned, I went and
21 looked through the documents here and looked at
22 the picture. What is notable about this
23 particular building? I'm looking at the picture
24 338-340 Bowery, Figure 26 I believe. Is that the
25 proper...?

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MR. TIERNEY: 338 Bowery, yes.

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Mary Beth maybe will speak to that.

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MS. JACKIER: Yes. 338 Bowery is

decorated with several different types of brick

bond patterns as well as raised header bricks,

which make it a textured and decorative wall,

culminating in a cornice composed of soldier

courses. The blind arcade with painted and stucco

brick infill; this very kind of textural

decorative brick wall costs us to label it an arts

and crafts style building. It is similar to

buildings in the Gansevoort Market Historic

District that we have also called arts and crafts

style buildings.

MR. TIERNEY: So it has a style, it

has some significance, the materials are

interesting and it's scale and massing, we

believe, contributes to the District's sense of

place, particularly on that stretch of Bowery.

MR. COMRIE: You're landmarking

just the front wall?

MR. TIERNEY: No. All of our

designations, whether it's an individual landmark

or a historic District, comprise the entire volume

1
2 of the building. We tend to be most concerned in
3 terms of our regulation in A, the front wall and
4 what can be seen from a public thoroughfare. But
5 strictly speaking, the designation of an
6 individual building or anything--as you see in
7 this map, anything within these boundaries are
8 automatically covered. So it does encompass not
9 only the facade but also the volume. We're,
10 again, depending. There's a lesser standard or a
11 different form or regulation when whatever changes
12 are proposed are less visible or non-visible. But
13 we're always mindful that a building is a
14 building, it's 360 degrees, and it stands out.
15 It's the integrity based on the building as a
16 whole.

17 MR. COMRIE: When you say volume,
18 you mean interior, exterior?

19 MR. TIERNEY: No. Only exterior
20 volume.

21 MR. COMRIE: Only exterior volume.

22 MR. TIERNEY: Yeah. But we don't
23 regulate the interior except explicitly when we
24 designate the interior. Our only concern about
25 any changes in the interior in a situation like

1
2 this would be whether or not they were so serious
3 in total that the building when you saw it from
4 the street no longer appeared to be the kind of
5 building it is.

6 MR. COMRIE: Does that include the
7 fire escapes that are prevalent throughout the
8 front of these buildings?

9 MS. JACKIER: We would describe
10 them, that would be something that would be up to
11 Preservation to decide whether they were
12 decorative or not. That's an issue for
13 discussion.

14 MR. TIERNEY: But often times
15 property owners will come to the Commission and
16 request the removal of fire escapes. We do a
17 quick analysis based on how structurally sound
18 they are, how decorative, how important, were they
19 there historically. And in many cases we permit
20 the removal of fire escapes.

21 MR. COMRIE: I see a lot of fire
22 escapes throughout the designation so I was
23 curious to see what their relevance is or what
24 their status is in Preservation. But I'm sure
25 they were there for safety reasons primarily.

1
2 Their establishment and maintenance is primarily
3 regulated by the Fire Department.

4 MR. TIERNEY: Certainly the safety
5 aspects of it, for sure. But if any removal,
6 particularly if its a visible fire escape, could
7 come before the Commission. It's not a serious
8 issue; we're pretty, dare I say, flexible on that.
9 Because many of them are old, they're no longer
10 used for fire purposes because there are sprinkler
11 systems and so on. If a fire escape is doing more
12 harm than good to the building and it doesn't have
13 a particular historic significance, we are open to
14 entertaining a request to take it down.

15 MR. COMRIE: Okay. Just wanted to
16 know, these buildings on Great Jones Street, is
17 that a full street? It seems like a back street
18 to me? I guess it is an open, wide street.

19 MS. JACKIER: Yeah.

20 MR. TIERNEY: It is, it is.

21 MR. COMRIE: It was Jones Alley, is
22 that an open street also?

23 MR. TIERNEY: Where's Jones Alley.

24 MR. COMRIE: Right off Lafayette.

25 MR. TIERNEY: On the other side.

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MR. COMRIE: Right.

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MR. TIERNEY: That's actually included in the NoHo Historic District, correct?

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MR. COMRIE: Right. But it crosses over into the Extension.

6

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MR. TIERNEY: Mm-hmm. That's right.

8

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MR. COMRIE: Okay. And that's a full street?

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MR. TIERNEY: Yes.

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MR. COMRIE: From the pictures it looks, with the cars parked vertically. Okay. I want to thank you for the information. Just one other thing on that, you said you'd been in constant conversation with the owners at 338-340 Bowery about how to do what they need to do to continue to operate. And be able to live with the impending landmark designation?

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MR. TIERNEY: Yes, we have.

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MR. COMRIE: And how do you feel those conversations have gone from your perspective?

23

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MR. TIERNEY: Constructive and positive but I can't speak for them. They will

25

1 obviously speak, I believe here, for themselves.
2 But we're trying as hard as we do, in any
3 comparable situation, to work together with
4 Districts, historic Districts, individual
5 landmarks and proposed Districts to be as open to
6 a genuine partnership between the Commission and
7 the owner.
8

9 To be sure that our goals are met
10 of preservation and that the property can be used
11 in a common sense, intelligent way. We hope to
12 continue those discussion but we have had them.
13 But I can't say that. I can't speak for their
14 view of that at this point. Is there any
15 manufacturing going on in this particular area?

16 MR. TIERNEY: No, not any more
17 apparently.

18 MR. COMRIE: Not any more? No type
19 of manufacturing at all, no sewing--

20 MR. TIERNEY: [interposing] There
21 are some significant artists living in this area
22 and still working in this area. I know that.

23 MR. COMRIE: What's the average
24 rental in this area, do you know?

25 MR. TIERNEY: I have not an idea.

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The average rental in this area? High.

MR. COMRIE: Okay. So in other words it's another hot area of the city. Okay. All right. Thank you Madam Chair. Thank you.

CHAIRPERSON LAPPIN: Thank you very much. I don't see any more questions from my colleagues so thank you very much for your time.

MR. TIERNEY: Thank you. Thank you all very much.

CHAIRPERSON LAPPIN: We're going to move on to the public portion of this testimony. Excuse me. My apologies, Council Member Gerson.

MR. GERSON: I actually don't worry Chair, not a question just a couple of very brief follow up comments. First of all, Council Member Barron your comments on the history indeed reflect the very significant African and African American history of lower Manhattan, all too often overlooked. Which is why, as you and I have discussed, we, the City of New York need to create an African American Historic Museum and Center in lower Manhattan to preserve and educate the population about that history. So this is another very good reason for that endeavor.

1
2 Council Member Leroy, while not
3 part of the historic District, charged before the
4 Commission one of the goals, and we appreciate you
5 bringing it up, but one of the goals of our
6 community and indeed I believe one of the goals
7 the City should establish must be to preserve the
8 still significant art use character within the
9 special manufacturing District of SoHo and NoHo
10 which contribute not only to the character of
11 these Districts but also to the culture and
12 economy of this City as places of art; a creation,
13 which needs to be on the broader land use agenda
14 for this Council.

15 Finally, I just want to urge all of
16 us to keep in mind we're talking about a District
17 here, which is part of, but transcends, the
18 individual buildings. It behooves us to act and
19 preserve the integrity of the entire district,
20 which is why I felt we should have had the entire
21 stretch of the Bowery included therein. But
22 certainly going forward we must be careful not to
23 create gaps and openings which are not subject to
24 the purview of the Landmarks Commission because
25 without that, we will lose the integrity of the

1

2 District and the goals which I sited earlier which
3 we aim to establish.

4

5 I was amiss of not honoring and
6 thanking the work of Matt Vigiano, our Director of
7 Land Use in Council District 1 on this and so many
8 other issues, so I do so. Thank you Madam
9 Chairman.

10

11 CHAIRPERSON LAPPIN: Thank you
12 Council Member Gerson. Thank you very much. We
13 are going to move now to the public testimony.
14 I'm going to lay out the ground rules. We have to
15 be out of here by 1:30 and I want to make sure we
16 here from everybody who has signed up to testify.
17 Is the Sergeant at Arms here? We're going to have
18 a two-minute time limit for each person's
19 testifying. We're going to alternate panels of in
20 support and in opposition. I'm going to ask you
21 to come up together as a panel. If we can add
22 another chair please, we can bring up panels of
23 four at a time.

24

25 We're going to start with the panel
in favor. David Mulkins, Hadi Habal, Simian
Bangkof and Andrea Goldwyn, I believe. I'll ask
my colleagues if you can keep questions you have

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2 for the panelists until the end of the testimony
3 of each panelist.

4 If you have written testimony,
5 please give it to the Sergeant at Arms; he will
6 distribute it to us. If there's anybody here who
7 has not filled out a slip but would like to
8 testify, please do so and hand it to the Sergeant
9 at Arms. You can just introduce yourself for the
10 record and begin.

11 I'm sorry. Turn on the microphone.
12 Thank you.

13 DAVID MULKINS: My name is David
14 Mulkins; I'm a 20 year public high school history
15 teacher, 25 year resident of the neighborhood, co-
16 founder of Bowery Alliance of Neighbors, also an
17 active member of East 5th Street Block
18 Association, which is right across the street from
19 NoHo.

20 I strongly urge you to support the
21 proposed Extension of the NoHo Historic District
22 in its entirety. As a 20 year New York City
23 public high school teacher and blah, blah, blah, I
24 have grown alarmed in recent years at the over
25 development that has gradually begun to destroy

1
2 the historic low rise character of the
3 neighborhood. Monstrously designed high-rise
4 dorms, condos and luxury hotels are going up
5 without regard to the surrounding scale or
6 stylistic architectural context.

7 The ultra modern 22-story Cooper
8 Square Hotel, for example, which is on my block is
9 rising between two four-story buildings that date
10 from the mid-1800s. Buildings that have had
11 famous artists like Amiri Baraka and Diane di
12 Prima living in them. The worst of these
13 developments have thus far been rising across the
14 street from NoHo on the east side of the Bowery,
15 which is in a commercial zone and which is much
16 more vulnerable to as of right developments and
17 selling of their rights.

18 The contrast between the east and
19 the west sides of the Bowery is thus quite
20 extreme. The western NoHo side is extremely low
21 rise and retains most of its historic charm.
22 While the east side of the Bowery, which is in
23 CB3, has developed an atrocious helter skelter
24 character in which styles and building heights
25 clash dramatically. It was thus with great

1
2 sadness that the community learned that a 15-story
3 building is set to rise at 4th Street and Bowery
4 next to the Skidmore house. This sets a terrible
5 precedent for the NoHo community, which makes the
6 approval for the NoHo Historic District Extension
7 an urgent responsibility for the City Council.

8 Please approve the entire proposed
9 Extension area. As one of the co-founders of
10 Bowery Alliance of Neighbors I especially urge you
11 to include the historic Whitehouse Hotel.
12 Beautifully preserved, it is one of the few
13 surviving low rent Bohemian hotels, which capture
14 the spirit of an earlier era. Among other things,
15 it makes a delightful contrast to the \$1,000 a
16 night Bowery Hotel--

17 CHAIRPERSON LAPPIN: [interposing]
18 I'm going to ask you to wrap up.

19 MR. MULKINS: This is the Cooper
20 Square Hotel, which is going up across the street
21 on the East side of the Bowery across from NoHo.
22 If you do not approve the Extension, it endangers
23 the NoHo area of similar over development. Thank
24 you very much.

25 CHAIRPERSON LAPPIN: Thank you.

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Next up.

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HADI HABAL: I'm Hadi Habal.

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Honorable Council Members, per a letter to the

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Honorable Amanda Burden on June 23rd, we're

6

staunch advocates of the NoHo Three Landmark

7

Designation. I failed to mention I live at 50

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Bond Street in the proposed designation area.

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After much research and diligence

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we chose to purchase our residence at 50 Bond

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Street in NoHo over other similar properties in

12

the west village, SoHo and Tribeca. We're former

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residents of SoHo. Our decision and sizable

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investment were due to the streets and the

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neighborhood's rich history, both architectural

16

and cultural, and we heard about that this morning

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a little earlier on.

18

Landmarks has done a remarkable job

19

protecting the City's glorious history, let's

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bring that to NoHo Three. We believe strongly

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that a landmark designation will preserve that

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history and protect the investments that many have

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made voluntarily to live in the neighborhood.

24

Regarding cut-outs, we oppose them;

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we oppose them resolutely. A Landmark policy with

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2 multiple exceptions dilutes the essence of the
3 landmark designation and it sets bad precedent.
4 Many of the cut-outs were granted already, for
5 example 53-55 Bond Street or under consideration
6 for example 338 Bowery, which we've heard about,
7 to accommodate new proposed development of luxury
8 residences or hotels. Why the exceptions?

9 Because of sunk capital in potential new
10 developments? What about the capital that's
11 already been invested by the existing residents in
12 the neighborhood?

13 Over the past five years and on
14 Bond Street alone, residents have invested
15 hundreds of millions of dollars of personal equity
16 to live there, not third party capital. Altering
17 the designation with exceptions to accommodate a
18 developer impairs the value placed on the
19 neighborhoods property. It's destroyed, sunlight
20 vanishes, values decline, the neighborhood's
21 character is altered forever.

22 While a few would like to support
23 the welfare of a few, we urge that you consider
24 the voices and interests of the many who call this
25 neighborhood home. We seek a long overdue

1
2 historic designation, straightforward and with no
3 cut-outs. Thank you.

4 SIMIAN BANGKOF: Good afternoon
5 Council Members, Simian Bangkof, Historic
6 District's Council. It is with great pleasure
7 that I sit here today speaking in favor of the
8 entire NoHo Historic District Extension. First
9 off, I would like to thank the very strong
10 supportive council members, Alan Gerson and Rosie
11 Mendez, that which this would not have happened.

12 I feel like I've been advocating
13 for the NoHo Extension for my entire professional
14 life. Yeah. I was there at the meeting in 1997
15 when then Chair, Jennifer Rapp, proposed the
16 entire NoHo Historic District. We were there in
17 1999 when we were advocating first NoHo
18 designation when people got up. That was actually
19 almost nearly stopped because people wanted all of
20 NoHo. Then again in 2003 when NoHo East happened
21 and that was a very big fight because everyone
22 wanted all of NoHo. This we regard at the City
23 living up to its promise that was given to the
24 community to protect this area.

25 My offices are close to NoHo; I

1

2 walk through there often. I've rarely seen an
3 area under so much change, so radically in such a
4 short period of time. Walking down Bond Street,
5 for example, while the Commission was deliberating
6 you can see, and this is the first time I've ever
7 seen this happening: two buildings going down
8 while right next door to it, sharing the
9 scaffolding, a building was getting an addition.
10 It was mind blowing.

11

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15

So the time to do this was actually
a couple of years ago. What really needs to
happen is we need to finish the job; we need to
protect the sense of place that is NoHo. And I
urge you to please vote yes.

16

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ANDREA GOLDWYN: Good afternoon

Chair Lappin and members of the City Council. I'm
Andrea Goldwyn speaking on behalf of the New York
Landmarks Conservancy. The Conservancy supports
the designation of the propose NoHo Historic
District extension and urges this sub-committee,
the Land Use sub-committee and the full City
Council to affirm this designation.

24

25

Designation of the NoHo Historic
District in 1999 was a significant step to

1
2 recognizing and saving the legacy of New York's
3 historic commercial architecture. The original
4 research for the District included an area larger
5 than what was designated. The NoHo East District
6 filled in some missing pieces and the designation
7 of these 56 properties in the Extension would
8 further rectify the prior omission.

9 The distinctive sense of place that
10 defines the NoHo Historic District Extension is
11 derived from buildings with a mix of style and
12 uses that recall New York's history from the early
13 1800s to the present. They're residential,
14 commercial and industrial buildings that have
15 served New Yorkers of all economic backgrounds and
16 styles ranging from federal to Italianate to early
17 21st century.

18 In order for the District to
19 maintain its integrity, all of the proposed
20 properties should be included. It has been
21 suggested that two properties in particular be
22 omitted from the District, the Whitehouse Hotel
23 and the Edison Parking lot. That Whitehouse Hotel
24 has been in operation for nearly 100 years, it's
25 one of the few remaining hotels of its type on the

1
2 Bowery, a remnant of the significant era in the
3 history of this neighborhood.

4 The parking lot is abutted by
5 buildings within the existing District and the
6 proposed Extension. Its inclusion within the
7 District will require that any new development of
8 the site be reviewed by the Landmarks Commission
9 to ensure that it is in context with its historic
10 surroundings.

11 The NoHo Historic District
12 Extension contains a diverse group of buildings
13 that represent the history, architecture and
14 character of New York for a period spanning nearly
15 200 years. And the Conservancy enthusiastically
16 supports this designation. Thank you for allowing
17 me the opportunity to present the Conservancy's
18 views.

19 CHAIRPERSON LAPPIN: Thank you. Do
20 any of my colleagues have questions for this
21 panel? Okay. Thank you very much. You
22 articulated your views very clearly. The next
23 panel is a panel on opposition. Patrick Jones,
24 Daniel Lane, Jeffrey Waz and Meyer Muschel.

25 I note that there are some other

1
2 tenants from that building but I guess we'll split
3 you up into two panels.

4 PATRICK JONES: Good morning. I'm
5 Pat Jones. I am counsel to the owners of 338
6 Bowery and I'm the principal representative of the
7 owners. I say that mindful of our time is short
8 this morning and I'll be brief in the event that
9 there may be questions.

10 We're asking the City Council to
11 exercise its informed judgment and act to exclude
12 338 Bowery from the proposed District in order to
13 solve the very serious problems that exist there.
14 This building has challenges unlike, I believe,
15 any other building in the City. As you've heard
16 there's a flop-house there. It is on its last
17 legs, its population as declined significantly.
18 There are 23 residents there now. The building
19 and the operations lose money every day. The
20 building has structural problems that are such
21 that our structural engineer has recommended
22 demolishing the building.

23 We specifically asked the engineer
24 to take a look at preserving the facade, as we've
25 been directed by Landmarks to do. And there is no

1
2 possibility that it can be preserved simply
3 because so much of it has to be removed in order
4 to meet the current building code. So much of it
5 is also deteriorated and in poor condition.

6 There are also economic development
7 problems here. The owners purchased this property
8 just about a year ago before the property was
9 calendared to be placed within the District, with
10 no fore knowledge that it was a candidate.

11 Because of that, what has happened is the property
12 now is worth far less than the mortgage so the
13 mortgage is now upside down. We have tried to
14 sell the property, put it on the market; we're not
15 getting any interest. We've tried to sell the
16 unused development rights, there's no interest.

17 The value of this property is being
18 wiped out and destroyed by the actions of
19 Landmarks. Those actions, what we've been
20 directed by Landmarks, is that we need to maintain
21 the building at a size that is about half of the
22 development rights that are provided within the
23 zoning District and that we need to preserve the
24 facade, neither of which is tenable.

25 I'll conclude there and I'd be

1
2 happy to answer any questions. There's certainly
3 much more we can talk about and show you including
4 proposal that we've made to the community. I do
5 want to mention that we've had dialogue with
6 Councilman Gerson and his gracious staff and we
7 will continue to do so in order to try to resolve
8 this problem.

9 DANIEL LANE: My name is Daniel
10 Lane. I'm a real estate appraiser and financial
11 consultant. At the request of the owners I've
12 done an analysis of the state of this building
13 with regard to obtaining a return on their
14 investment. I've conducted an extensive survey,
15 which I think you have a copy of. I went through
16 28 separate scenarios of what will be permitted
17 under the Landmarks. And all of them are
18 extremely negative in their return.

19 The value of this property as
20 indicated by its purchase for over \$8 million was
21 based upon the ability to develop it for
22 approximately 27,000 square feet, which would be
23 the amount permitted under the zoning. When the
24 Landmarks takes effect, it will only be able to
25 develop approximately the volume of the existing

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2 building of approximately 12,000 square feet which
3 essentially cuts the value of the building in
4 half, the value of the property in half.

5 Part of the problem with
6 redeveloping the existing building for any other
7 use is its physical deterioration and the really
8 high cost, if possible, of preserving the facade,
9 which is in extremely poor condition. Engineers
10 have indicated that none of this is possible. To
11 operate the building for its existing use and on a
12 continuing basis provides a very severe loss. The
13 financial situation, as I present here, indicates
14 that the value of the property would be destroyed
15 by Landmark. Thank you.

16 MEYER MUSCHEL: Good afternoon.
17 Madam Chair, members of the Committee, I want to
18 thank you all for hearing us today. My name is
19 Meyer Muschel and since 1998, or actually probably
20 closer to 2000, I've been the on-site operator of
21 the Whitehouse Hotel. I'm here not to speak about
22 economics but I'm here to speak about the
23 humanitarian situation which I see every single
24 day I come to the Whitehouse Hotel.

25 I actually asked the residents to

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2 please come and I was successful in getting four
3 or five of them. But many are very frightened;
4 they're scared. They've lived in these premises
5 all their lives and many are just simply afraid of
6 change. But the bottom line is that this building
7 is so decrepit and so run down, with people living
8 in cubicles. The certificate of occupancy of this
9 building is cubicles. I have asked members of the
10 Landmarks Commission, in fact I've begged them, to
11 please come down, please come and visit. See for
12 themselves before they landmark this building, the
13 terrible humanitarian situation in which people
14 are living, in which I try every day to improve as
15 much as I can.

16 I want to thank Council Member
17 Gerson for I think being the first politician or
18 political official involved in this process for
19 personally coming down and visiting the inside of
20 the hotel. One of our residents actually made a
21 tape, feeling that if the people involved wouldn't
22 come and see the Whitehouse Hotel we'd bring it to
23 the politicians and I make that available.

24 The bottom line is the Commission
25 has spoken before today principally about the

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2 cultural interest of the Whitehouse Hotel. We've
3 heard reference today to the cultural interest of
4 this flop-house. While we're talking about the
5 cultural interest of it, we have 23 residents who
6 are suffering in there and we have to worry about
7 today's cultural situation. This building cannot
8 be developed in any way because of the size, other
9 than its current usage. If we leave it landmarked
10 I feel that this decrepit, run down building which
11 we have fixed to the best of our efforts will
12 continue to house these people in a very, very
13 uncomfortable situation. I ask that it be exempt.

14 JEFFRY WAZ: Good afternoon. My
15 name is Jeffrey Waz. I'm an artist; I'm a
16 resident within the building. I don't know how to
17 begin to thank Mr. Gerson for coming down
18 yesterday. It was very nice taking into
19 consideration the welfare of the residents in the
20 building. I can honestly say from dealing with
21 the residents, 99% of the residents that dwell in
22 that building do not want to be there. There are
23 severe problems like he was mentioning,
24 infestation of vermin, bugs and it just increases.
25 Eradicating it is not going to happen. These

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insects are infested into the wood.

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Now of course, some of the

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residents in there I can honestly quote haven't

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been in a shower in ten years. Meaning you're not

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going to eradicate it. My room has been

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exterminated three times in the past year but they

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still come back. The point is there has to be a

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change made. Many of the residents feel that with

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a fair market buy out they would gladly leave the

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residence and relinquish their residency within

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the building. Or if they were relocated to

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another establishment compatible to what they have

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as far as better quality of life, better living

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situation.

16

I know I could speak on about 90%

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of those residents; some of them are here today.

18

I do have a piece of literature I'd like to leave

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before I left because I did take notes on it.

20

CHAIRPERSON LAPPIN: Do you want to

21

read that now?

22

MR. WAZ: No.

23

CHAIRPERSON LAPPIN: Okay. Any

24

questions from my colleagues? Council Member

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Barron.

1
2 MR. BARRON: So you're basically
3 saying if it's not landmarked that you would have
4 an opportunity to develop it better, better
5 maintenance of it? But strapped by the landmark
6 limitations and the preservation of the facade and
7 stuff like that it's just not economically
8 feasible.

9 MR. WAZ: Landmarks from the start
10 gave us parameters and those parameters were no
11 redevelopment greater than the size that it is now
12 except for perhaps a small addition in preserving
13 the facade conditions that don't allow any kind of
14 return. If we are included in the District and
15 based upon our discussion with Landmarks staff and
16 the Commissioners, it seems that we'll never be
17 able to overcome that despite some of the comments
18 that were made this morning. I mean no disrespect
19 but I have to contradict those.

20 If we are excluded from the
21 District then we can proceed with the proposal
22 we've made to the community and the residents,
23 which is to build a new building replicating the
24 style of the existing building no higher than the
25 building that is next door, 334 Bowery.

1
2 MR. BARRON: How many stories would
3 that be roughly?

4 MR. JONES: The building next door
5 is eight, this building would be nine but each of
6 them would be at an eight of 89 feet. We would
7 then be in a position where we can deal with the
8 mortgage problem that we have, get funding and if
9 the tenants wish to make economic settlements
10 we're prepared to do that in that circumstance.
11 So we believe being out of the District gives
12 everybody that wants to resolve the problem some
13 certainty that it can be resolved being in the
14 District.

15 MR. BARRON: Are you saying being
16 in the District you may not able to maintain what
17 they want you to maintain anyway? And being out
18 of it, that you would try your best to build a
19 replica of what the building is to maintain some
20 of the historical value?

21 MR. JONES: That's correct. We
22 will hand up a rendering of what we proposed in
23 terms of a new building.

24 CHAIRPERSON LAPPIN: The Sergeant,
25 please. Thank you.

1

MR. JONES: May I approach?

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MR. BARRON: It's this one here.

4

So this one would be this one? This is the nine-story that you're proposing?

5

6

MR. JONES: Yes. The red brick.

7

MR. BARRON: How many stories is it

8

presently?

9

MR. JONES: It is four stories.

10

MR. BARRON: So you wanted to add

11

five on?

12

MR. JONES: Yes, that's correct.

13

CHAIRPERSON LAPPIN: Since we all

14

have this in front of us, can you just quickly

15

walk through? Which is the building?

16

MR. JONES: The building is to the

17

right of center. It's the red brick next to the

18

eight-story building in the center of the block.

19

CHAIRPERSON LAPPIN: With the

20

bakery on the ground floor, the deli?

21

MR. JONES: That's the eight-story

22

building, has the Bowery Tattoo business on the

23

ground floor. The building that we own is

24

directly to the right of that, directly to the

25

north. It's the only building there that has a

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2

setback for the upper floors.

3

MR. BARRON: How many residents are in the building now?

4

5

MR. JONES: There are 23.

6

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MR. BARRON: 23. Thank you very much.

8

MR. JONES: Thank you.

9

CHAIRPERSON LAPPIN: Council Member Gerson.

10

11

MR. GERSON: Actually Madam Chair and my colleagues, I am going to refrain from questions or comments related to the details of 338 Bowery at this time because of ongoing discussions with the Landmarks Commissions, with the leadership. Madam Chair, yourself, your office and counsel, this Committee, my colleagues and with the community and I don't in any way want to undermine any of those conversations. So I just want, though, to reiterate that between now and the early September vote, there are two in my mind and I believe my view is shared widely. But there are two overriding imperatives.

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One is the over arching humanitarian and public health imperative to

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1
2 assure healthy and sound living conditions for
3 these 23 residents. That the inhuman and
4 unhealthy conditions which directly affect these
5 individuals but also pose a public health threat
6 to the surrounding community, do not continue any
7 longer than absolutely necessary.

8 The second imperative, as I said,
9 is within that humanitarian framework to preserve
10 the integrity of the historic District for all of
11 the reasons and in all of the detail cited earlier
12 by Chair Tierney and by myself and reiterated time
13 and time over again over the passed decade by a
14 landmark and community leaders and residents.

15 I believe we will accomplish both
16 of those imperatives and I'm committed to doing so
17 and working with you, Madam Chair, and continue to
18 work with my colleagues, the community, the
19 Commission and of course the residents and the
20 owners of the property in question. So I'm going
21 to keep my comments to that for the reason cited.
22 Even though Council Member Arroyo I know wants me
23 to talk more and more. Thank you.

24 COUNCIL MEMBER MARIA DEL CARMEN

25 ARROYO: Council Member Arroyo? I would sort of

1
2 second that. I think it's important to find some
3 way to resolve this particularly in terms of the
4 living conditions of the tenants who are there.

5 But I have had an opportunity to discuss this with
6 many of you and I think as we continue our
7 discussions I'm going to hand this over to Council
8 Member Comrie.

9 MR. COMRIE: Well since I haven't
10 been part of the discussions, I'm going to ask a
11 couple of questions. You said you paid \$8 million
12 for the building is that correct or there's an \$8
13 million loan on the building? I heard \$8 million
14 somewhere.

15 MR. JONES: The purchase price was
16 actually \$7.8 million; there is a \$6.2 million
17 mortgage on the property.

18 MR. COMRIE: And you said that the
19 facade is in a state that it doesn't look tenable
20 or it's not tenable any more, that it's falling
21 apart? I got to say from the pictures I see here
22 I don't see a state of disrepair on the facade.
23 Do you have anything specific that you've given to
24 Landmarks distinguishing that?

25 MR. JONES: We do and we've handed

1
2 up a report from Thornton Thomasetti, the
3 structural engineers and those detail the details
4 of the building with photographs and written
5 descriptions. When Landmarks directed us that we
6 would need to preserve the facade, we accepted
7 that for the time being. And then we asked
8 Thornton Thomasetti how we can do that knowing
9 that there were some problems. They came back
10 with a report showing deterioration, pointing out
11 that the building code would apply to any
12 renovation or repairs to the facade. Once the
13 building code applied, there would be no way to
14 repair the facade in a way that the building code
15 would require, in any event. And they recommended
16 demolition.

17 MR. COMRIE: You're saying that the
18 existing building code prevents you from repairing
19 the facade in the way to meet Landmarks
20 Preservation standards? Is that what you're
21 saying?

22 MR. JONES: It prevents repair in a
23 way to meet the building code.

24 MR. COMRIE: Can you explain? What
25 part of the building code? Do you mean safety or

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access requirements? What part of the building code are you talking about?

MR. JONES: There were two main focuses--

CHAIRPERSON LAPPIN: [interposing]
Can you speak up a little?

MR. JONES: Certainly.

CHAIRPERSON LAPPIN: Thank you.

MR. JONES: There were two main focuses. One was the deterioration of the brick and the lentils. The conclusion was that so much of the brick and so many of the lentils would need to be removed that the majority of the facade would be removed in that fashion. So right there more than half of the facade is gone.

Secondly, there are structural issues with regard to the way the facade was attached to the rest of the building. Those structures, which are steel and masonry, have failed and would need to be replaced; the whole sale in order to preserve the facade and attach a repaired facade to a new building.

MR. COMRIE: Have you given this detailed report to Landmarks?

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MR. JONES: We did, yes.

2

3

MR. MUSCHEL: Councilman, can I add something. I'm sorry to interrupt. Excuse me.

4

5

But working a lot at night and I'll be up in the wee hours, 4 or 5 am. It was a fire alarm last

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7

month; it came from the hotel across the street.

8

There were approximately four engines blocking the

9

whole block. As the fireman sat inside the truck,

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one looked at the other and you could visually see

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this. The fire escape is falling. Like he said,

12

the steel is coming out of the masonry; it's ready

13

to drop. He looks on it and says I wouldn't go up

14

that on your life. Meaning it is that dilapidated

15

and that deteriorated.

16

MR. COMRIE: How much would it cost

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to build this projected building that you put

18

here.

19

MR. JONES: To build a new

20

building? I'm going to estimate without having

21

done the calculations. But I think it would cost

22

\$8 to \$10 million.

23

MR. COMRIE: So you haven't done a

24

specific cost out to build it?

25

MR. JONES: We did under the

1
2 parameters that Landmarks set for us, which would
3 require a much smaller building at a much smaller
4 cost. But we have not projected out that cost.
5 We certainly could do it and provide it to the
6 Council post hearing.

7 MR. COMRIE: And you could match
8 the type of brick work that's there now?

9 MR. JONES: We can.

10 MR. COMRIE: For 8 to 10 million?

11 MR. JONES: Yes.

12 MR. COMRIE: But you haven't done a
13 final cost analysis so you're not sure. But you
14 were saying that you were having problems with
15 loans and with the real estate market. What's
16 your final usage for the building?

17 MR. JONES: We propose a hotel
18 except for the ground floor, which we propose
19 retail.

20 MR. COMRIE: So it would no longer
21 be a flop-house?

22 MR. JONES: It would not.

23 MR. COMRIE: And you're going to
24 produce all those necessary documents to the
25 Council so that we can take a look at it in

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detail?

MR. JONES: We will. If the Council would kindly leave the record open we will.

MR. COMRIE: Okay. Thank you, Madam Chair.

CHAIRPERSON LAPPIN: Council Member Mendez.

COUNCIL MEMBER ROSIE MENDEZ: Thank you. I had a little trouble hearing you through the microphones so I may ask some repetitive questions. But you said that it was not possible to fix the building in a safe manner? Was that your testimony?

Pat: It is not possible to repair the facade in the manner required by the building code and actually have a preserved facade as the end product.

MS. MENDEZ: And you have something from HPD or DOB to say how this should be repaired and that it would be unsafe to do it in another manner.

Pat: We have a report from Thornton Thomasetti, the structural engineers. In

1
2 my experience, the Department of Buildings, when
3 they want to evaluate the structural condition of
4 the building asks the owners to do so by providing
5 a report from a structural engineer that they
6 recognize and that's what we've done. We simply
7 submitted that report to the Landmarks and now to
8 the Council, so far.

9 MS. MENDEZ: So that has been
10 submitted to this Council, we can look through it?

11 Pat: It is. We handed it up
12 today, yes.

13 MS. MENDEZ: When did you purchase
14 the building?

15 Pat: In July of 2007.

16 MS. MENDEZ: So when you purchased
17 the building it was not in good repair?

18 Pat: It was not.

19 MS. MENDEZ: Okay. That's all my
20 questions for now.

21 CHAIRPERSON LAPPIN: Thank you
22 Council Member Mendez. That concludes the
23 testimony. Council Member Barron.

24 MR. BARRON: Sorry. I just want to
25 say, just looking over this I hope something could

1
2 be worked out because of the people that live in
3 the building. For some folk it's about people,
4 for some folk it's about profit, for some folk
5 it's about preserving history. And I think, in my
6 humble opinion without knowing all the
7 information, it doesn't really look like it's
8 something totally historically different. If it
9 did get this new look and I think it might be a
10 good opportunity to kind of just really look at
11 this for the sake of the people that live in the
12 building.

13 MR. JONES: Thank you.

14 MR. BARRON: And to make sure that,
15 while we want to preserve history, we want to
16 preserve the way people are living right now in
17 the present. If we can have some combination of
18 that I think that would be a reasonable
19 settlement. Thank you very much.

20 MR. JONES: Thank you Councilman.

21 MR. MUSCHEL: Thank you.

22 CHAIRPERSON LAPPIN: Thank you
23 Council Member. Okay. Thank you. We're going to
24 bring the next panel, which will be a panel on
25 support, Andrew Berman, Nancy English, Mary Clarke

1
2 and William Watkins. Please introduce yourself
3 for the record and begin.

4 ANDREW BERMAN: Sure. My name is
5 Andrew Berman. I'm the Executive Director of the
6 Greenwich Village Society for Historic
7 Preservation. I've submitted written comments in
8 support of the proposed District as is. But I'd
9 like to depart from that and speak briefly to the
10 issue of the inclusion of the Bowery property.

11 There is obviously a lot of
12 information, which is being brought forward to the
13 Committee today. Certainly much of it is new to
14 me. I just want to make a few general comments,
15 however. One is I know from my experience with
16 the Landmarks Preservation Commission with
17 properties in historic Districts, when it's been
18 shown that there are structural stability issues,
19 the Commission has actually approved bringing down
20 the building and then reconstructing it, ensuring
21 that the reconstruction mirror or reflected the
22 original composition of the building. So even if
23 one were to take everything that the property
24 owners saying at face value, there's no reason why
25 that has to be incompatible with landmark

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designation.

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I will also say I know that the new owner is a hotel developer who obviously bought the property with the intention of developing a hotel there. I do know that by July 2007, there had already been some press accounts of the possibility of a NoHo Historic District expansion.

I have to say just with very little basic information, it is hard for me to believe that it is not possible for it to be compatible for this property to be included in the historic District and any structural health, safety, welfare, well being issues being able to be taken care of. So I would just strongly urge the Committee to closely scrutinize the claims.

The Landmarks designation process also allows the opportunity for a property owner to show that it is not possible to maintain a property in a way that's consistent with landmark designation and to be exempted from those regulations. So ultimately if the law is applied as it should be, the decision should be based on whether or not the building merits inclusion in the District and then those other issues can be

1
2 taken care of afterwards. I hope that can be done
3 in this case.

4 NANCY ENGLISH: My name is Nancy
5 English. I live on Great Jones Street. Since the
6 70s I have been an owner of residence and business
7 owner in NoHo. Our community has worked hard to
8 protect the eclectic and historic neighborhood.
9 During the 70s we patrolled the streets so that
10 they would not be taken over by drug addicts.
11 Recently we have worked with developers to build
12 buildings that respect the significance of the
13 area. We had worked many years to protect NoHo's
14 historic character through landmark designation.
15 But the designations in '99 and 2003 left out key
16 areas.

17 I strongly urge you to support the
18 proposed Extension of the NoHo Historic District
19 in its entirety. Property owners are seeking to
20 exclude the Edison Parking lot at the corner of
21 Great Jones and Lafayette. This lot is in the
22 heart of NoHo and needs to remain in the
23 designated area. It can still be developed but
24 within the context of the neighborhood.

25 338 Bowery should not be excluded

1
2 but some community members along with Councilman
3 Gerson's office had been trying to work out a
4 compromise with the owners. Some possible
5 compromises are a request to Landmarks to keep 338
6 in the District but allow with the Landmarks
7 guidance the erection of a new building
8 replicating in the arts and crafts style of the
9 current building: that the height of the building
10 be eight stories, as much of the facade be kept as
11 possible; that the current long term SRO residents
12 are provided with living accommodations at their
13 current cost; that there be within the new
14 building either affordable living spaces, art
15 related use space, contribution source agencies in
16 the immediate area that provide conflict services
17 to those in need.

18 Other developers have respected the
19 historical significance of NoHo and we believe
20 that there needs to be contributions back to the
21 neighborhood for allowing this specific
22 development.

23 WILLIAM H. WATKINS: Hi, my name is
24 Will Watkins. I'm going to read my statement here
25 for what it's worth. I live at 334 Bowery number

1
2 6F, next to the proposed cut-out building at 338
3 Bowery also known as the Whitehouse.

4 I moved to 334 Bowery in 1996.
5 After living in New York City for 30 years and
6 seeing many changes, I can say that what has
7 happened on the Bowery recently has been the most
8 rapid and radical redevelopment of a neighborhood
9 I have ever witnessed. The character of the
10 neighborhood has been significantly altered
11 visually. While I'm enjoying some of the benefits
12 of this redevelopment like the new YMCA and better
13 coffee shops, other aspects of it are detrimental
14 to the overall quality of life.

15 There's now much more traffic, more
16 honking, street noise and noise from drunken bar
17 and restaurants patrons. Sure the developers who
18 bring these new buildings and establishments into
19 the neighborhood have a right to conduct business.
20 But they should at least be made to use the
21 existing structures and abide by the law.

22 Also, what happens when all of our
23 lovely small buildings have been torn down and
24 replaced by tall, impersonal structures? If we
25 keep allowing the construction of general, modern,

1
2 large buildings and continue to destroy the
3 architectural history of the City, will people
4 still visit it? Will the hoards of foreign
5 tourists continue to come to this neighborhood and
6 prop up our local economy with all those Euros and
7 Pounds if it looks like all the other
8 neighborhoods? How much destruction of
9 historically important buildings and all of their
10 architectural character will it take until the
11 goose laying the golden egg is killed? Enough
12 over bearing and imposing structures have been
13 built.

14 I live downtown because I want a
15 scale of architecture that is small and older. I
16 want to live among buildings with a consistent
17 size that do not dwarf their neighbors. If the
18 community starts to grant cut-outs, a truly
19 damaging precedent will be set. The power of the
20 Committee, at least in this neighborhood, will
21 forever be diminished. Look what happened with
22 the 500 foot rule regarding liquor licenses.

23 That law is now subject to
24 exemption over and over. The Bar and Restaurant
25 Associations are very happy to spend a few hours

1
2 filling out the exemption paperwork, while the
3 residents of many New York neighborhoods have to
4 endure the long lasting corrosive effects of those
5 exemptions. I urge the community to maintain the
6 NoHo Three designation as proposed by Councilman
7 Gerson.

8 And that being said, I would also
9 like to suggest that a compromise be found for 338
10 because I know a lot of these gentlemen. They are
11 my friends. I've been in that building and it's
12 pretty bad. So if something could be worked out,
13 that would be great.

14 CHAIRPERSON LAPPIN: Thank you. Is
15 Ms. Clarke here? Okay. Thank you very much.
16 We'll move on to the next panel, which is a panel
17 in opposition, Chris Mench, Tom Paxton, Richard
18 Bach and Vince Ferrandino.

19 TOM PAXTON: Hi, I'm Tom Paxton and
20 I've been living there for about ten years. It's
21 done got pretty bad. Bed bugs unbelievable,
22 nobody is there in half the building except for
23 some people that come from out of town. But on my
24 floor, there's like five people and other floors,
25 six people and on other floors, ten people.

1
2 In other words, half of the
3 building is unused and the other half is no heat,
4 no air conditioning during the summertime. I like
5 it because I'm an artist and I use the pressure of
6 being in a tight squeezed place to create and be
7 positive and make the best out of it. Now I'm
8 ready to move on. They're offering me an
9 alternative that if they tear down the building
10 they may put us some place else a little more
11 better and I need a little more space or they will
12 offer us something where we can get our own stuff.
13 So I, myself, living there would love to just be
14 gone if they could make it be gone because it's
15 really not no place to be living at this time.

16 Because, like I said, if you come
17 down there, if anybody comes down there and walks
18 through the hallways and see the structure and see
19 it is falling apart. It is really falling apart.
20 The area itself seems like it's changing. I can
21 other stand the other people that live in the
22 neighborhood; they don't want to change it. If I
23 lived in the neighborhood and had me an apartment,
24 I wouldn't want nobody to come in and change it
25 either. But being that I'm living in this hotel,

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2 if I could have some kind of way of bettering my
3 life I would appreciate that, too. So I respect
4 them for wanting to hold on to their residential
5 area and I'm with you'll 100% but I want to live
6 too. So however you all can do this, I would
7 appreciate it.

8 CHRIS MENCH: My name is Chris
9 Mench. I live at the Whitehouse Hotel. It's
10 really not that great. There's a lot of problems
11 like one time I was living on the second floor and
12 when it rains I didn't even have to go downstairs
13 to take a shower. I could stay right in my room
14 and take a shower. Then they tried to fix it
15 three or four times, go up on the roof but that
16 didn't work so they moved be down to the first
17 floor. Every once in a while when it rains I go
18 up there and I look at it.

19 They must have done the roof about
20 10 different times over and it's still the same
21 problem. There's nothing they can do. The more
22 money they put into that place, they're just
23 wasting money. You might as well take the money
24 and burn it. It's a waste of time. The best
25 thing to do is knock it down and start all over

1
2 again. Another thing is the best way to do it is
3 all you people up there is come down there one day
4 and I'll show you and you'd be amazed. You
5 wouldn't even want your dog or your cat living
6 there it's so bad. All right. Thank you.

7 RICHARD BACH: Hi. Richard Bach
8 here. I don't want to talk about my building, my
9 business; I'll talk about my street, which is the
10 Bowery. I don't live in NoHo; I live on the
11 Bowery. That Commissioner man that was sitting
12 here, he gave you a whole history of NoHo and
13 never spoke of the Bowery.

14 The Bowery has its own history. It
15 has an east side, a west side, there's two
16 community groups, right? I think you as our
17 elected officials should declare the Bowery
18 independent of East Village, West Village, SoHo,
19 NoHo. Requests the Landmarks Commission to begin
20 the process of making the Bowery a historic
21 District.

22 I know the Councilman spoke of
23 trying to include it, but it's very important you
24 don't make choices to solve one problem and
25 include a bigger problem. No one's planning in

1
2 the Bowery. The Bowery has a history that is so
3 diverse, hotels, theatres. It's like splitting
4 Broadway up and saying the West Side is Hell's
5 Kitchen and the East Side is Midtown. No, the
6 Bowery should be separate independent and have its
7 own planning and historic District.

8 I ask you to exclude it from this
9 NoHo District, which is not where I live. I live
10 at 354 Bowery between 4th Street and Great Jones.
11 And I'm from the Bowery, not NoHo. Thank you.

12 VINCE FERRANDINO: Hi, my name is
13 Vince Ferrandino. I'm a planning consultant
14 retained by the owners of 338 Bowery, speaking in
15 opposition to including this building in the
16 District. I never met this gentleman before but
17 we tend to agree in certain aspects of what he is
18 saying. That is basically that the section of
19 Bowery that we're concerned about really is not
20 part of NoHo. And I have a report that I prepared
21 which was submitted to Landmarks and City
22 Planning, which I think was submitted to you this
23 morning, which details from the basis of land use
24 and zoning and why the inclusion of this block on
25 Bowery is not appropriate.

1
2 First of all, the development
3 trends in NoHo and this section of Bowery are
4 very, very different. The heights of buildings
5 are very, very different. NoHo is three to five
6 stories, architectural and historic merit. This
7 section of Bowery is basically 6 to 18 stories
8 with varying FARs of 4.5, basically to 6.5 - very,
9 very different.

10 The zoning pattern along this
11 section of Bowery is also very different. C6-1,
12 very different was being proposed in the East
13 Village. If you look at this section of Bowery
14 and the C6-1 on the east side of Bowery, you got
15 buildings that are fairly tall and the C6-1
16 permits it. If you include this section of Bowery
17 in the District it will preclude buildings from
18 being similar in height. So you're going to have
19 a disparity from a planning prospective of very
20 tall buildings on the east side and very smaller,
21 shorter buildings on the west side. This is not
22 sound planning. It makes no sense.

23 So when you look at the zoning
24 trends and you look at the land use trends in the
25 area, this really sticks out like a sore thumb.

1
2 From a planning prospective, and we've prepared
3 for historic Districts throughout the Hudson
4 Valley, it really makes no sense. I don't see any
5 rationale for including this block. It has no
6 historic value, it has no architectural merit and
7 it really is not appropriate as an Extension of
8 the NoHo District.

9 Just very, very quickly I want to
10 pass out to you a series of historic Districts
11 that have been improved in New York City which
12 have excluded certain buildings from those
13 Districts.

14 CHAIRPERSON LAPPIN: Very quickly.
15 Thank you.

16 MR. FERRANDINO: I want to pass
17 that out for the record. Thank you very much.

18 CHAIRPERSON LAPPIN: Thank you.
19 Council Member Gerson.

20 MR. GERSON: Just Madam Chair,
21 these blocks in the Bowery, although you do
22 respect and obviously we all have a range of view
23 points but, have been studied in physically,
24 architecturally as well as historically. While
25 all neighborhood lines are blurred, this does

1
2 constitute an entrance way to NoHo coming from the
3 east going west. We concur with the Commission
4 that this does belong as a series of blocks, these
5 blocks on the Bowery, within the Historic
6 District.

7 That being said, the points made
8 that the Bowery in its entire stretch requires
9 attention, coordination, planning, is absolutely
10 correct. We have two Community Boards on either
11 side. This fall, my office working with the
12 Community Board and Council Member Mendez, will
13 convene a task force for that very, very purpose.
14 So I invite you to be a part of that work as I
15 think we've discussed but because the need to
16 coordinate, the future of the Bowery is upon us.
17 Thank you.

18 CHAIRPERSON LAPPIN: Thank you very
19 much. Thank you for coming to testify today. We
20 have two more panels. The last panel in favor is
21 Melissa Baldock representing MAS, Carol Conway and
22 John Schmerling. Please introduce yourself for
23 the record and begin.

24 MELISSA BALDOCK: Good afternoon.
25 I'm Melissa Baldock Kress/RFR Fellow for Historic

1
2 Preservation and Public Policy for the Municipal
3 Arts Society. The Municipal Arts Society's
4 Preservation Committee strongly supports this
5 designation and we urge the Landmark sub-committee
6 and the City Council as a whole to approve the
7 District boundaries as designated by the LPC in
8 May. This extension brings to a close over a
9 decade of work by the neighborhood and the LPC to
10 protect the incredibly important historic
11 character of NoHo. Together the three NoHo
12 Historic Districts tell the complete story of the
13 neighborhood.

14 Although some property owners are
15 opposing the designation and are asking to be
16 excluded from the District, any reduction of the
17 boundaries would undermine the integrity of not
18 only this District but the other two NoHo Historic
19 Districts as well. In particular, the Whitehouse
20 Hotel on the Bowery should not be excluded, as it
21 is both architecturally and culturally significant
22 to the neighborhood.

23 The current arts and crafts style
24 facade is an intact and dates to the late 1920s
25 when the hotel, one of the many flop-houses on the

1
2 Bowery at the time, was expanded. The building
3 both architecturally and culturally, tells the
4 story of the down and out Bowery of the early to
5 mid 20th century, a history that has been eroding
6 in recent years as the development along the
7 thoroughfare has rapidly increased.

8 I remind everyone that in the 40
9 years of landmarking, countless buildings have
10 been rehabilitated and brought up to code working
11 with the LPC under their standards. And without
12 landmarking in this case, there's really no
13 guarantee that the renderings they have shown.
14 There is no guarantee that that is what they will
15 actually build. Only through landmarking can we
16 really guarantee that what's built at this site.
17 Whether there's an addition or how the building is
18 rehabilitated, only through landmarking can we
19 guarantee that it's appropriate to the
20 neighborhood.

21 Likewise, the Edison Parking lot on
22 Lafayette and Great Jones Street should not be
23 excluded. Although on the edge of the Extension,
24 this lot is in the middle of the three districts
25 if one considers them as a whole. Excluding the

1
2 parking lot puts the historic integrity of the
3 entire NoHo neighborhood at risk. Again, I just
4 wanted to remind everyone that in the 40 years of
5 landmarking the LPC has allowed countless new
6 construction on vacant properties. It's very
7 important in this case since it is smack dab in
8 the middle of the District, to have a new
9 construction that's appropriate to the historic
10 buildings around it and that don't detract from
11 it. Thank you.

12 CAROL CONWAY: Good afternoon. My
13 name is Carol Conway. I've been a resident on
14 Bond Street since 1974. I'm the president and a
15 shareholder of the 35 Bond Street Corp, a co-op
16 that owns 35-39 Bond Street built in the late
17 1890s. We are an AIR loft building with 13
18 living/working spaces occupied by 20 people. I
19 respectfully ask you not to allow any more cut-
20 outs in the proposed NoHo Three Historic District.
21 Please respect Councilman Gerson's strong position
22 that the LPC designation remains as proposed.
23 Preserve what is left of NoHo's history in the mix
24 of roadhouses, tenements and turn of the century
25 industrial lofts. I feel strongly that the value

1
2 of property in the NoHo Three Historic District
3 will be enhanced by protecting the character of
4 our neighborhood. Please no more exclusions.
5 Thank you.

6 JOHN SCHMERLING: Good afternoon.
7 Thank you for giving us this opportunity to speak.
8 I would like to read a letter from the president
9 of the co-op at 20 Bond Street, who is
10 representing all of the shareholders there.

11 Our community, including the
12 owner/residents of 20 Bond who have all lived at
13 20 Bond for over 20 years, has worked and
14 advocated for many years to protect these last
15 precious blocks to ensure even new development in
16 the unprotected area remains in context to the
17 whole. Many of us have invested extraordinary
18 time and money in our properties to accurately
19 preserve the historic integrity of our buildings,
20 even when we were not required to do so. Others
21 more recently have invested in newer buildings
22 with equal care to be part of this uniquely,
23 identifiable context. We are proud of these
24 investments and believe they are justified on
25 every level.

1
2 It is vital that this unity of
3 spirit and architectural presence, which is
4 essential to the unique nature of this
5 neighborhood be preserved and respected. The
6 oversight of the Landmarks Commission has and will
7 ensure that our buildings and renovations are
8 within the context that we have fought so hard to
9 maintain. We request that the New York City
10 Planning Commission join Community Board Two
11 Manhattan, the Landmark Commission, our
12 Congressman, our state Senators, our Council
13 Members Alan Gerson and Rosie Mendez, the Historic
14 District Council, the Municipal Arts Society,
15 friends of NoHo architecture and the many other
16 advocates who have stepped forward on our behalf
17 over the last 10 years, in approval of the NoHo
18 Extension Historic District. And we urgently
19 request that the New York City Council uphold that
20 approval. This is signed by president Peter
21 Voletsky, painter Chuck Close, choreographer
22 Kathryn Posin and Diane Rosen, John Schmerling,
23 composer Teese Gohl, Robert Melendy and Barbara
24 Kaufman. Thank you Madam Chair.

25 CHAIRPERSON LAPPIN: Thank you.

1
2 Thank you very much. The last panel is in
3 opposition Mark Fitipelli and Jeffrey Kamen. Our
4 shorter citizens aren't testifying? Of course
5 they can testify if the thought slips. Please
6 introduce yourself and begin.

7 MARK FITIPELLI: Good afternoon.
8 My name is Mark Fitipelli. I'm an attorney with
9 the law firm Epstein, Decker and Green. We
10 represent an organization called the Sustainable
11 Manhattan Society. It's a not for profit
12 corporation comprised of building owners and
13 residents within the Historic District Extension.
14 We prepared a letter of which I'm not going to
15 read because of time constraints. The letter sets
16 forth the reasons why we're in opposition to the
17 District Extension.

18 Briefly I'm going to discuss two
19 points of the letter. Firstly, we recently had an
20 opportunity to review the pre-designation
21 materials that Landmarks used to produce its
22 report. The file, to our surprise, contained
23 little more than old newspaper clippings, book
24 reviews from Amazon.com and dozens of pages from
25 old telephone directories. It is unclear to us

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2 why these materials would support the LPC's
3 designation. We can only conclude that either
4 Landmarks failed to comply with our request to
5 produce these files pursuant to file. Or that
6 Landmarks relied solely on these materials in
7 rendering this decision.

8 At the conclusion of this hearing
9 I'm going to go across the street to Landmarks and
10 reproduce that file and make it available to the
11 Committee. Because I think it's important that
12 the Committee sees the pre-designation materials
13 that Landmarks relied on.

14 Secondly, you've heard this from
15 many of the building owners. Building owners
16 within the District Extension, for example 338
17 Bowery, are frankly dilapidated and in need of
18 repair. Moreover, there are several vacant lofts
19 within the building. It is our position that
20 under no reasonable interpretation of the
21 landmarking statute should these vacant lots,
22 dilapidated buildings and modern buildings
23 included within the District Extension. Thank
24 you.

25 JEFFREY KAMEN: I'm an owner of 33

1
2 Bond Street. I'm also a registered architect and
3 this has been my residence and place of work for
4 more than 20 years. My partner and I are opposed
5 to the designation as the NoHo Extension as part
6 of a landmark District. When we purchased our
7 property in 1988 we saw the neighborhood as a
8 great place to start an architectural office and
9 also a chance to develop our building as of right
10 according to established zoning rules. What has
11 come to be known as NoHo in its present form is
12 loosely bound as separate set of buildings
13 representing a wide range of architectural
14 fashion.

15 The buildings here reflect dramatic
16 ups and downs of a neighborhood 200 years old.
17 Their cohesion stems from owners who have mostly
18 lived and worked in the community and also from
19 their desire to improve it. The area's also
20 shaped by requirements put in place by the zoning
21 resolutions of 1916 and 1961. Set back
22 regulations like the requirements and most
23 importantly the floor area ratio effectively limit
24 what can be built.

25 These restrictions and allowances

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offered time honored guidelines for future development. We're neither interested nor in favor of breaking beyond these guidelines. But the quirks and dreams of owners are historically what make this area relevant. There has never been a master plan. Respectfully, we believe it is neither fair nor architecturally desirable for a set of experts with carefully considered philosophies in taste to rule here in criteria already in place.

It may make great sense to do so in other more homogenous and carefully planned neighborhoods threatened by unstable zoning. But those who would be in judgment of new projects here are not necessarily in the best position to steer the visual direction of these square blocks. To do so would be to hamper its natural and creative evolution. There's just too many different styles here to freeze any one of them in time. Just a little more.

Changes, reconstruction and additions to our property on Bond Street have actually taken place on a small plot of land within three centuries. We've always been

1
2 conscious and extremely respectful of our
3 forbearers. Our building represents organic
4 growth that develops from owners who love their
5 buildings and appreciate them within the greater
6 context. We're looking to preserve what we have
7 but also to expand and maximize our allowable
8 square footage in the same footage as that which
9 came before us.

10 It's our intention to one day match
11 the height of buildings existing to left and right
12 of us. The trend toward filling empty gaps with
13 new built ideas is part of the resurrection of
14 vibrant life on our street. This new activity is
15 the history of NoHo in the making. My partner and
16 I want the best for our community but we do not
17 subscribe to the belief that a new set of hoops is
18 a good way to realize the potential of our shared
19 goals.

20 CHAIRPERSON LAPPIN: Thank you.

21 Okay. We have one more person who signed up to
22 testify, Richard Topol, in favor.

23 RICHARD TOPOL: Thank you. My name
24 is Richard Topol. Sorry I signed up late because
25 I thought I had to have something written. I was

1 informed of that and since I don't, I'm glad to
2 speak. That was my daughter and her neighbor who
3 you spoke about earlier, the young residents of
4 NoHo. I've been a NoHo resident since 1993 and I
5 am raising my family in NoHo in the proposed
6 District.
7

8 I am strongly in favor of the
9 Landmarks preserving the neighborhood. I have
10 seen the radical transformation of my block. When
11 I moved in, it was all crack vials and that was
12 really bad. And now it's all 25-story luxury
13 hotels and I think that's also kind of bad. I
14 think there's some place in between where people
15 can make their money off of their property while
16 respecting a community and neighborhood and a
17 history.

18 And so I strongly against allowing
19 a cut-out for the Whitehouse even though I know a
20 lot of those guys who live there in there are very
21 sweet guys and in a very terrible situation. It
22 seems like the only time that actually anybody
23 cares about them is when they can make a lot of
24 money off of the property that they're living in.
25 Frankly those guys have been living there for a

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2 long time and nobody's really cared about their
3 health and welfare.

4 I don't actually believe that
5 someone who spent \$8 million on that building
6 really cares about their welfare. I think they
7 care about making their money off the property.
8 If they had any sense they would have done a
9 little more research to know about how the
10 neighborhood was going if they're going to make
11 that kind of an investment. I think they're a
12 little rash in the sort of Wild West kind of
13 cowboy, let's put up a big hotel, attitude and not
14 really respectful of the neighborhood, the
15 community or those residents. I hope that you
16 will, in fact, pass this as Councilman Gerson has
17 suggested for my family and the families who live
18 in the neighborhood. Thank you very much.

19 CHAIRPERSON LAPPIN: Thank you very
20 much. I wanted to thank each and every one of you
21 who took the time to come down and testify today.
22 With that, seeing nobody else. Oh, okay. Council
23 Member Gerson

24 COUNCIL MEMBER GERSON: I just want
25 to, in the interest of time I will refrain from

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2 questioning. I will ask Mr. Zuckerman the very
3 interest with information as to the composition of
4 the Sustainable Manhattan Society in terms of both
5 residents and owners. We could talk and you could
6 provide that to my office. I just want to thank
7 all of the residents, all the members of the
8 community, including all the resident/owners
9 resident/non-owners, owners, non-residents.
10 Including the residents of 338 Bowery for your
11 work and for your commitment and your love of our
12 community, which makes my job so inspired by you.

13 We will make something good; we
14 will make this historic District happen, I'm
15 committed to that. And we will at the same time,
16 serve the humanitarian needs of the individuals
17 about whom we've talked. Again, I conclude where
18 I began, Madam Chair thank you and thank my
19 colleagues for your attention to this, especially
20 those of my colleagues who remained throughout the
21 whole hearing.

22 CHAIRPERSON LAPPIN: Thank you
23 Council Member Gerson. You have worked very hard
24 on this individual item. We're going to keep this
25 hearing open. People that have testified today

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will not be able to testify as second time. But

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if there are people who come to testify at the

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meeting in September and would like to testify for

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the first time, I will permit them to do so. So

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we will keep this hearing open but we will adjourn

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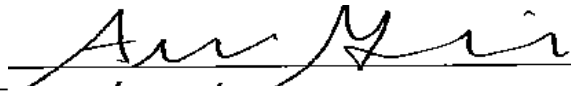
the meeting.

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C E R T I F I C A T E

I, Amber Gibson, 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 _____

08/25/2008