

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON LANDMARKS, PUBLIC SITING AND MARITIME
USES

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September 16, 2013
Start: 11:27 a.m.
Recess: 1:49 p.m.

HELD AT: Council Chambers
City Hall

B E F O R E: Brad S. Lander
Chairperson

COUNCIL MEMBERS:

Maria del Carmen Arroyo
Rosie Mendez
Annabel Palma
Jumaane Williams
Gale Brewer
Margaret S. Chin
Robert Jackson
Letitia James
Leroy Comrie

A P P E A R A N C E S

Brad Hoylman
State Senator

Jose Serrano
State Senator

Linda Jones
Seward Park Preservation and Historic Club

Joyce Mendelsohn
Friends of the Lower East Side

Simeon Bankoff
Historic Districts Council

Mark Diller
Chair of Community Board Seven

David Bailey
Representing Senator Adriano Espaillat

Paul Sawyer
Representing Assembly Member Linda Rosenthal

Rebecca Godlewicz
Representing Manhattan Borough President

Batya Lewton
Coalition for Livable West Side

Andrea Goldwin
New York Landmarks Conservancy

Richard Emery
Co-founder of West End Preservation Society

Richard Lobel
Sheldon & Lobel PC representing Peggy Ma

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

Susan Catrie
President of Board of Directors of Riverside
towers

Madalynn Morel
Resident of West End Avenue

Michael Melzer
Resident of West End Avenue

Judith Love
Resident of West End Avenue

Paul Milbauer
President of Board of Directors of 300 West 72nd
Street

Eric Shefler
Developer

Lauren Goldenberg
Resident of West End

Kelly Carroll
Director of Preservation of Landmark West

Lori Malloy

Joy Wyatt
Resident of West End Avenue

Susan Stashauer
Resident of West End Avenue

Kenneth Horn
President of Alchemy Properties

Brain Hargove
Resident of West End Avenue

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

Neil Mclavain
Resident of West End

Pedro Marcel
Resident of Upper West Side

Martha Tack
Resident of Upper West Side

Danielle Lewketto
Resident of West End

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2 CHAIRPERSON LANDER: Good morning. My
3 name is Brad Lander, I'm pleased to call this meeting
4 of the City Council's Land Use Committee/Subcommittee
5 on Landmarks, Public Siting and Maritime Uses to
6 order. Very happy to be joined this morning by two
7 members of the Committee, Council Member Annabel
8 Palma from the Bronx, and Council Member Maria del
9 Carmen Arroyo in the Bronx, and other members will be
10 joining us shortly. And we are also very pleased to
11 be joined by Council Member Gayle Brewer from the
12 Upper West Side, which we'll be talking about very
13 shortly. We have a lot of items on today's calendar,
14 so to try to manage it as effectively as we can,
15 we're going to start with Land Use 910, which is the
16 New York Public Library Seward Park grant, which is
17 the one item other than the Upper West Side in which
18 we have people here to testify. So we'll have that
19 presented. We'll let those two people give their
20 testimony and go on their way, and then we'll move
21 onto the items which are in Council Member Brewer's
22 district. We'll do those three together and then
23 take public testimony on those items as well. So,
24 let me welcome Jenny Fernandez [phonetic] from the
25 Landmarks Preservation Commission. It's a little

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while since you've been with us, so we're glad to

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have you back. We're being joined by Council Member

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Jumaane Williams from Brooklyn, also a member of the

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Committee, and we'll start with Land Use 910,

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application 20145012, the New York Public Library

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Seward Park Branch in Council Member Jenny's

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[phonetic] district.

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COUNCIL MEMBER FERNANDEZ: Thank you

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Chair Lander, members of the Committee. My name is

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Jenny Fernandez, Director of Intergovernmental and

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Community relations for the Land Marks Preservation

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Commission. I'm here today to testify on the

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Commission's designation of the New York Public

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Library Seward Park Branch in Manhattan. On April

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2nd, 2013, the Landmarks Preservation Commission held

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a public hearing on the proposed designations and

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landmark of the New York Public Library, Seward

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Branch. A total of 13 witnesses, including

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representatives of the New York Landmarks

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Conservancies of Bowery Alliance of Neighbors, the

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Friends of the Lower Eastside, the Historic Districts

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Council, the Seward Park Co-op Preservation and

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History Club, and the Society for the Architecture of

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the City spoke in favor of the designation. There

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2 were no speakers in opposition to designation. The
3 Commission has received three letters of support for
4 the designation, including a letter from Anthony
5 Marks, President/CEO of the New York Public Library.
6 On June 25th, 2013 the Commission voted to designate
7 the building in New York City individual landmark.
8 The Seward Park Branch of the New York Public Library
9 has served the immigrant community of the Lower
10 Eastside since it opened its doors on November 11th,
11 1909. This building was one of 20 branch libraries
12 in Manhattan and one of a total of 67 in the five
13 boroughs funded by Steel Magnet, Andrew Carnegie's
14 donation of 5.2 million dollars to the New York
15 Public Library in 1901. It was built as a permanent
16 home for the growing needs of the branch, which had
17 originally been the downtown branch of the Aguilar
18 Library established 1886. It was located across the
19 street in the Educational Alliance building. The
20 Seward Park Library was designed by the firm of Bab,
21 Cook and Welch, the leading architectural firm of the
22 day, and with a handful of firms chosen to carry out
23 designs for the Carnegie Libraries. The three story
24 brick and limestone Italian [phonetic] Renaissance
25 Revival style building features a rusticated

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2 limestone base among other features and a copper
3 railing between the piers that supports a canvas
4 awning for an open air reading room on the roof. It
5 is the only surviving roof-top reading room and
6 active use as a library out of five such rooms
7 constructed on library buildings in the early 1900s.
8 The Seward Park Branch has book collections for
9 adults, young adults and children as well as foreign
10 language collections including an extensive Yiddish
11 language collection. It offered classes in English
12 for immigrants and worked in conjunction with the
13 educational alliance, the Henry Street Settlement,
14 the leading Yiddish language newspapers and cultural
15 organizations to provide programs that made it one of
16 the most heavily used of the branches within the New
17 York Public Library system, the major cultural force
18 in the Lower Eastside. Long after the Jewish
19 population of the Lower East side began to disperse,
20 the library's collection of Hebrew and Yiddish
21 literature and lectures by leading Jewish
22 intellectuals and groups like the Yiddish Mother's
23 Club, which met at the library for almost 50 years,
24 made it the center for Jewish intellectual life
25 drawing participants from throughout the city. By

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2 the 1960's the ethnic character of the neighborhood
3 had shifted and the Seward Park Branch was serving an
4 expanding population of Puerto Ricans, African-
5 Americans, and Chinese and Asian immigrants and young
6 artist. Responding to these changes, the library
7 became the center for civil rights and anti-poverty
8 programs, adamant to those in Chinese, Spanish, and
9 other languages and began hosting a Lower Eastside
10 Film Festival. Renovated in 2002-2004, the Seward
11 Park Branch continues to serve a diverse population
12 and is a significant reminder of the Lower East
13 side's rich heritage. The Commission urges you to
14 affirm this designation.

15 CHAIRPERSON LANDER: Thank you very
16 much, and I appreciate that testimony which speaks to
17 all the immigrant Jewish kids in the room and their
18 civil rights longings and their pride in the Lower
19 East side and its cultural and aesthetic history so
20 wonderfully represented by this library. We--let me
21 do one or two pieces of housekeeping. We've been
22 joined by Council Member Margaret Chin, in whose
23 district this wonderful building is in and in just a
24 moment I'll ask her if she has any questions. We're
25 also joined by two other elected officials, so I want

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2 to welcome them, State Senator Brad Hoylman and State
3 Senator Jose Serrano. Welcome, I know you guys are
4 here for the Upper West side, so we'll have you on in
5 just a minute, but thank you for joining us. Council
6 Member Chin, do you have any questions or comments
7 about the Seward Park Library?

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COUNCIL MEMBER CHIN: Thank you, Chair
9 Lander. Thank you for the opportunity to speak.
10 This is a wonderful building. I remember four years
11 ago when I first got elected to the City Council, I
12 was there for the 100 anniversary celebration. I
13 mean, this building should have been landlocked long
14 long time ago, and to this day is still a valuable
15 resource in our community, where children go there
16 especially for the Summer Reading Program and it's a
17 wonderful institution that have a long history in the
18 immigrant community, and I'm so glad that finally
19 it's getting the recognition that is deserved. So, I
20 really urge my colleague on the Committee to support
21 it. Thank you very much, and thank you to the
22 Commission for all your hard work and to all the
23 advocates in the Lower East Side who treasure this
24 building very much. Thank you.

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CHAIRPERSON LANDER: We've been joined as well by Council Member Robert Jackson from Manhattan, welcome. So any questions from colleagues on 910, on the Seward Park Library. I see none. Thank you, Ms. Fernandez, for your testimony. We do have two people signed up to testify in support of this item, Linda Jones from the Seward Park Preservation and Historic Club and Joyce Mendelsohn from Friends of the Lower East side, and Simeon Bankoff from the Historic Districts Council who fills out one card and thinks it should cover multiple items, and then we don't have him on the other items.

LINDA JONES: Shall I go first? I'm Linda Jones. Can you hear me?

CHAIRPERSON LANDER: Push your--

LINDA JONES: I represent the Seward Park Preservation and History Club. We're a small club within the Seward Park Co-op, but I think I can safely speak for all of our 1,700 departments that the Seward Park Library is terribly important to us for many, many reasons. One approaches this handsome brick and--without my glasses--and limestone glasses, climbs the stairs and is welcomed into a beautiful, warm interior that has been and remains the heart of

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2 the surrounding neighborhood, a refuge for
3 generations of children. Although these children can
4 no longer read on the roof, the roof top railing
5 remains as a reminder of the past when children from
6 crowded tenements were in need of fresh air. The
7 library central place in the intellectual, cultural,
8 and artistic history of the Lower East side is
9 unquestioned. In confirming the designation of this
10 handsome building, you will also be honoring that
11 history. Thank you.

12 JOYCE MENDELSON: Good morning Council
13 Members, I'm Joyce Mendelsohn, a founding member of
14 Friends of the Lower East side. Imagine how
15 neighborhood people felt when this splendid building
16 opened, filled with books leading to endless
17 opportunities. A quiet comfortable refuge from
18 dirty, noisy streets and over-crowded tenements, a
19 place for study, for enjoyment, for contemplation,
20 and perhaps for hushed flirtatious conversations.
21 And let's not forget the children, delighting them
22 with stories and opening their eyes to a lifelong
23 love of reading. Here we are 100 years later and the
24 library is still going strong as a place where
25 ordinary people can come free of charge for

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2 knowledge, inspiration, and instruction to be found
3 on the printed page or online. The design of the
4 Seward Park Branch and all the Carnegie Libraries was
5 an expression of the City Beautiful movement, which
6 believed in the idea of morally uplifting
7 architecture. Advocates stress that an aesthetically
8 attractive urban environment based on the great works
9 of classical architecture would foster social
10 cohesiveness and pride. I urge the Council to approve
11 designation of this library. Thank you.

12 CHAIRPERSON LANDER: Thank you.

13 SIMEON BANKOFF: Good morning Council
14 Members. Simeon Bankoff, Executive Director at the
15 Historic Districts Council. It's a pleasure to
16 address you. The day after Andrew Carnegie sold his
17 corporation in 1901 to J.P. Morgan for 500 million
18 dollars, Carnegie announced 5.2 million dollar
19 donation to New York City for the construction of
20 public library buildings. Sixty-seven branches were
21 constructed in New York between 1902 and 1929, 26 of
22 them in Manhattan. Today, 57 Carnegies remain in the
23 five boroughs, 22 of those in Manhattan. The
24 majorities of the--the majority of these buildings
25 are not protected by landmark status and we risk

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2 losing these neighborhood branches whose handsome
3 architecture reflect the importance of the activities
4 that have gone on inside for generations. HGC is
5 very happy to see steps being taken to protect the
6 Seward Park Branch and fully supports its land
7 marking. While we'd like--while we would like one
8 day to see all of the Carnegies land marked, the
9 Seward Park Branch is of particular note. This
10 handsome stone building was designed by Babb, Cook &
11 Welch and opened in 1909. It's unique among
12 Manhattan branches who have been standing in the
13 middle of the block like a row house. The large
14 free-standing library prominently anchors the eastern
15 side of Seward Park. The branch is also rare in that
16 it retains its roof garden as mentioned, although no
17 longer in use. We support its designation.

18 CHAIRPERSON LANDER: Thanks all three of
19 you very much. It's nice to hear your perspective on
20 why this matters and what it stands for, so thank
21 you. Any questions? No, alright. We-- that's the--
22 those are all the people we have signed up to testify
23 on Land Use 910, so we'll close the public hearing on
24 that item and say thank you. We're going to hear all
25 the items today and then we'll see whether we vote on

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2 them all today or at a future date or some of them
3 today. So we're not sure yet. Depends on how long
4 we go and whether we hold our quorum. So thank you
5 on 910. What I would like to do is ask Jenny
6 Fernandez to--and Council Member Chin, thank you.
7 I'll ask Jenny Fernandez to come back up and present
8 us--we have a number of Upper West Side items, Land
9 Use 913, Church of St. Paul the Apostle, application
10 20145015. Since we have Council Member Jackson here
11 with us, I guess let's just do all these items that--
12 so that's Land Use 914, the Beaumont Apartments. Oh,
13 I had one for Chin? Excuse me. I apologize. Oh, I
14 see. Alright, so I apologize. Let's do that one
15 first, Land Use 912, 140 Broadway, the Marine Midland
16 Bank, also in Council Member Chin's district, so we
17 can get all of her business out of the way.

18 COUNCIL MEMBER FERNANDEZ: Thank you,
19 Chair Lander, Members of the Subcommittee. My name
20 is Jenny Fernandez, Director of Intergovernmental and
21 Community relations for the Landmarks Preservation
22 Commission. I'm here today to testify in the
23 Commission's designation of 140 Broadway, originally
24 the Marine Midland Bank building. On April 2nd,
25 2013, the Landmarks Preservation Commission held a

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2 hearing on the proposed designation as a landmark of
3 140 Broadway. Four people spoke in favor of
4 designation, including representatives of the
5 Docomomo US/New York Tri-State, the Historic
6 Districts Council, and the New York Landmarks
7 Conservancy. The second hearing was held on May
8 13th, 2013 in which three representatives of the
9 owner spoke in support of designation. On June 25th,
10 2013, the Commission voted to designate the building
11 in New York City individual landmark. A critically
12 acclaimed example of mid-20th century modernism, the
13 former Marine Midland Bank Building at 140 Broadway
14 was completed in early 1968. Architect Gordon
15 Bunshaft of Skidmore Owings & Merrill was a partner
16 in charge with a minimalist design. A matte blank
17 aluminum and bronze-tinted glass skyscraper that the
18 New York Times architectural critic Ada Louise
19 Huxtable later described as, "not only one of the
20 buildings I admire most in New York, but that I
21 admire most anywhere." Construction began in late
22 1964 and the principle tenants such as the Marine
23 Midland Grace Trust Company started to occupy the
24 structure three years later. The building's smooth
25 minimalist skin was singled out for its remarkable

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2 simplicity and color. In early 1968 in the spacious
3 plaza that adjoins Broadway cube, a 28-foot tall
4 abstract sculpture by the celebrated Japanese-
5 American artist Isamu Noguchi was installed near
6 Liberty Street. Precariously balanced on one corner,
7 the contrasting red-ish cubic form animates the space
8 and helps underscore the dark elegance of the
9 elevations. The renovations in 2000 brought
10 significant changes to the Plaza and public entrances
11 along Cedar Street. 140 Broadway retains much of its
12 original character as well as the commanding presence
13 in Lower Manhattan. The Commission urges you to
14 affirm this designation.

15 CHAIRPERSON LANDER: Thank you very much.
16 Council Member Chin?

17 COUNCIL MEMBER CHIN: Thank you, Chair. I
18 do support the designation. It's a iconic building in
19 Lower Manhattan that everyone kind of know where it
20 is, and so it really deserves this designation and
21 hopefully that we will add another historic
22 preservation in Lower Manhattan. Thank you very
23 much.

24 CHAIRPERSON LANDER: Thank you very much.
25 Alright, we do have one mem--The Historic District,

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Simeon Bankoff from the Historic Districts Council.
Jenny, you can stay there.

COUNCIL MEMBER FERNANDEZ: Thank you,
Chair.

SIMEON BANKOFF: Thank you Council Member
Lander. Simeon Bankoff, Historic Districts Council.
Jenny stole my Ada Louise Huxtable line, so I'm not
going to use it. We do support this designation very
strongly. In fact, in 2002 we proposed of trio of
buildings in the financial district, all designed by
SOM to form an ensemble that could be considered New
York City's international style Historic District.
One of them, the Chase Manhattan Bank was designated
in the individual landmark in 2009, and we're happy
to support the landmarking of the second building,
this one. Today, we also await a hearing for the
last of the group, the 1972 United States Steel
Building at 1 Liberty Plaza. These three buildings
together comprise an essay in architects, materials,
and construction of their time in stand as reminders
of SOM's instrumental work in transforming certain
key areas of the city during this era, this era being
most of the half of the 20th century. Thank you.

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CHAIRPERSON LANDER: Thank you very much.
Alright, we have no one else signed up to testify on
this item, so we'll close the public hearing on it.
And I apologize, we do have one other item before we
get to the West Side, so we're going to turn to
Council Member Robert Jackson's District, that's Land
Use 914, the Beaumont Apartments, application
20145016. Ms. Fernandez, you can present it to us.

COUNCIL MEMBER FERNANDEZ: Thank you,
Chair Lander and members of the Subcommittee. My
name is Jenny Fernandez, Director of
Intergovernmental and Community Relations for the
Landmarks Preservation Commission. I'm here today to
testify in the Commission's designation of the
Beaumont Apartments in Manhattan. On June 18th,
2013, the Landmarks Preservation Commission held a
public hearing on the proposed designation as a
landmark of the Beaumont Apartments. Seven witnesses
spoke in favor of the designation, including
representatives from the Society for the Architecture
of the City, the Historic Districts Council, and
several residents of the Beaumont. In addition, the
Commission has received several letters in support of
designation, and also from Council Member Robert

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2 Jackson, a representative of the owner's spoken
3 opposition to designation. Commission staff has
4 continued to outreach to the owners including several
5 discussions and site visits to provide technical
6 assistance relating to ongoing façade restoration at
7 the property. On June 25th, 2013, the Commission
8 voted to designate the building in New York City
9 individual landmark. The Beaumont Apartments, 191213
10 at Riverside Drive and West 150th Street is a premier
11 example of the arts and crafts style architectural
12 designs of the firm of George and Edward Blum. The
13 Beaumont's textile-like facades feature pattern brick
14 work above the two story limestone base, glazed art
15 tiles, noteworthy iron balconies, fully terracotta
16 bandcourses, and unusual octagonal terracotta
17 medallions with birds in high relief. The Beaumont's
18 location at 150th Street and Riverside Drive is in
19 close proximity to Riverside Park as well as Audubon
20 Park and Terrace, John James Audubon's former estate.
21 The Beaumont's figurative and naturalistic
22 decorations can be interpreted as a tribute to its
23 surroundings. The Beaumont housed a number of famous
24 tenants over the years, including US Representative
25 Jacob K. Javits, architect Alfred Fellheimer,

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2 legendary African-American contralto Marian Anderson,
3 and African-American writer Ralph W. Ellison, author
4 of Invisible Man, who lived in the building for four
5 decades until his death in 1994. The Commission
6 urges you to affirm this designation.

7 CHAIRPERSON LANDER: Thank you very much.
8 Council Member Jackson?

9 COUNCIL MEMBER JACKSON: Thank you, Mr.
10 Chair. As the Council Member that represents the
11 area along with other elected officials and also my
12 understanding the resolution passed by the Community
13 Board in favor of making this a landmark designation,
14 understanding that the beauty of that building, if
15 it's changed, will never be the same, and residents
16 of that area, once the owner started to make some
17 changes, spoke loud and clear to the elected officials
18 and the Landmarks Preservation Commission, and
19 everyone, to my knowledge, is in favor of preserving
20 the integrity and the beauty of that building. And
21 so I ask this Subcommittee to vote unanimously in
22 favor of landmarking the Beaumont Apartments in
23 northern Manhattan. Thank you, Mr. Chair.

24 CHAIRPERSON LANDER: Thank you very much,
25 Council Member. Mr. Bankoff?

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SIMEON BANKOFF: Rather than repeat what the Council Member and what Jenny had said, I'd just like to say it's a real pleasure to see when such an important building, both architecturally and culturally is preserved and especially at the insistence of its residents who had reached out to us as well as to the agencies and to the decision makers on the importance of this building. So we strongly support this. Thank you.

CHAIRPERSON LANDER: Thanks very much. Any questions from any of my colleagues? Alright, seeing none, we have no one else signed up to testify on this item as well. So we'll close the public hearing on it as well. And now we'll move to the West side, and with the willingness and permission of my colleagues I'd like to ask Ms. Fernandez to present both Land Use 913 Church of Saint Paul the Apostle and Land Use 918 the West End Collegiate Historic District Extension. We have a few people signed up who want to testify on both items, and so we'll just go ahead and present them both and hear them--hear them together. Just for those of you who either--who haven't been here before or, you know, so Ms. Fernandez will present, we'll have questions from

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Council Member Brewer and from other members of the

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panel if they have. We'll then invite the elected

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officials and their representatives to testify and

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then we'll start going back and forth between

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supporters and opponents of the District until we've

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had the opportunity to hear from everyone.

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COUNCIL MEMBER FERNANDEZ: Thank you,

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Chair Lander and members of the Subcommittee. I just

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want to preface the testimony I'm about to give.

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It's going to sound a little convoluted 'cause there

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was some back and forth. I'll read it, and then if

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there are any questions, I'm happy to answer those.

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It should be clear, I hope. My name is Jenny

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Fernandez, Director of Intergovernmental and

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Community Relations for Landmarks Preservation

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Commission. I'm here today to testify in the

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Commissions designation, the Church of Saint Paul the

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Apostle in Manhattan. On June 11th, 2013, the

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Landmarks Preservation Commission held a hearing on

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the proposed designation as a landmark of the Church

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of Saint Paul the Apostle. Five people spoke in

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support of designation including representatives of

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New York State, Senator Brad Hoylman, Community Board

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Seven, the Historic Districts Council, Landmark West,

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2 and the Society for the Architecture of the City.
3 One person representing Father Gilbert Martinez from
4 the Church of Saint Paul the Apostle spoke in
5 opposition to designation. On June 25th, 2013, the
6 Commission voted to designate the building in New
7 York into visual landmark. After subsequent
8 discussion with the Archdiocese and church
9 representatives, the Commission held a second public
10 hearing to modify the boundaries of the landmark
11 site. Two people testified in support of
12 modification, including representatives of Community
13 Board Seven and the Historic Districts Council. The
14 Commission received letters from the New York
15 Landmarks Conservancy and also from Father Gilbert
16 Martinez supporting the designation of the Landmark
17 site as modified. The Commission has found that the
18 former convent at 120 West 60th Street did not
19 contribute to the architectural and historical
20 character of the church, and that this five-story
21 yellow brick building should be excluded from the
22 designation. On July 23rd, 2013, the Commission
23 voted to modify the landmark site to exclude the non-
24 contributing convent building. The Church of Saint
25 Paul the Apostle, located at the southwest corner of

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2 Columbus Avenue and 60t Street in Manhattan, was
3 built in 1875 through '85, commissioned by the
4 Missionary Society of Saint Paul the Apostle,
5 commonly called the Paulist Fathers. It is an
6 austere and imposing Medieval Revival style design
7 loosely based on gothic and Romanesque sources. The
8 Paulists trace their origins to 1858 when Isaac
9 Hecker traveled to Rome and received permission from
10 Pope Pius the ninth to organize the American Society
11 of Missionary Priests. The following year,
12 Archbishop John Hughes of New York asked Hecker's
13 group to establish a Parish in Manhattan's Upper West
14 side, and this simple brick church was constructed.
15 The new Parish quickly outgrew this building and the
16 mid--and in the mid 1870s a new structure was planned
17 by Jerimiah O'Rourke, a New York--Jersey architect
18 with various Catholic churches to his credit. George
19 Deshon, a Paulist Priest who trained at West Point as
20 a military engineer, took over the project by 1880s,
21 and probably simplified O'Rourke's original design.
22 The rock-faced grey granite stonework was salvaged
23 from various structures in Manhattan, including
24 sections of an embankment on the Croton Aqueduct that
25 was originally on the Upper West side, and the Croton

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2 distributing reservoir on 42nd street, as well as
3 Booth's Theater, which stood at 6th Avenue and 23rd
4 Street until 1883. When the church was dedicated in
5 January 1885, however, it was far from complete.
6 During the 60's and 70's the Parish struggled
7 financially. With bankruptcy looming in '73, a
8 proposal to demolish the church and replace it with
9 an apartment building was considered. In the mid 80-
10 -1980's, however, only the west portion of the site
11 was sold as well as various development rights in '84
12 and 2000. At this time, a major restoration of the
13 Church of Saint of Paul the Apostle was begun and has
14 been ongoing. The Commission urges you to affirm
15 this designation.

16 CHAIRPERSON LANDER: Thank you very much.
17 Council Member Brewer?

18 COUNCIL MEMBER BREWER: I want to thank
19 Landmarks Preservation Commission. I want to thank
20 the Archdiocese. I want to thank Saint Paul the
21 Apostle, Jesse Bodine from my office, Community Board
22 Seven, 'cause I know there was a lot of discussion.
23 I've had a lot of experience with Landmarks and
24 religious institutions like up to here. So I'm very
25 familiar with these issues, and I think this is a

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2 great resolution, and I want to thank you for coming
3 to this resolution and bringing all the parties
4 together. Thank you, Mr. Chair.

5 CHAIRPERSON LANDER: Thank you very much.
6 So why don't you proceed--will you proceed to do 918
7 and then we can do questions on that.

8 COUNCIL MEMBER FERNANDEZ: Thank you Chair
9 Lander, members of the Subcommittee and Council
10 Member Brewer. My name is Jenny Fernandez, Director
11 of Intergovernmental and Community Relations for the
12 Landmarks Preservation Commission. I'm here today to
13 testify in the Commission's designation of the West
14 End-Collegiate Historic Extension. On June 28th,
15 2011 the Landmarks Preservation Commission held a
16 public hearing on the proposed designation of the
17 West End-Collegiate Historic District Extension.
18 Twenty-two witnesses spoke in favor of the
19 designation as proposed, including Council Member
20 Gale Brewer and State Senator Adriano Espaillat, and
21 representatives of Manhattan Borough President Scott
22 Stringer, State Senator Thomas Duane, State Senator
23 Bill Perkins, Manhattan Community Board Seven,
24 Historic Districts Council, New York Landmarks
25 Conservancy, the West End Preservation Society,

1
2 Coalition for the Upper West side, Landmarks West,
3 Committee for Environmentally Sound Development, and
4 the Collegiate School as well as residents and
5 neighbors. Fifteen witnesses spoke in opposition to
6 the designation, including a Representative of the
7 Real Estate Board of New York, owners and/or
8 representatives of the owners who were opposed to
9 including their specific properties, 11 Riverside
10 Drive, 214 West 72nd, and Rutgers Presbyterian Church
11 in the proposed extensions. Representatives of the
12 owner of 300 West 72nd Street who requested that the
13 building be deemed a no-style building, and the
14 owners of the properties 255 West 70th, 255-269 West
15 71st Street, and 235 West 76th Street who thought the
16 extensions was too large. The Commission received
17 two letters, a petition submitted by the West 80's
18 Neighborhood Association with 43 signatures and 10 e-
19 mails in support of the proposed designation. The
20 Commission received two letters from owners who were
21 opposed to include their specific properties, 231 and
22 233 West 74th Street and 228 and 230 West 75th Street
23 in the proposed extension, and two e-mails including
24 one from an owner who was opposed to including their
25 specific property, 246 West 71st street in the

1
2 proposed extension in opposition to designation. On
3 June 25th, 2013, the Commission voted to designate
4 the West-End Collegiate Historic Extension. The
5 West-End Collegiate Historic Extension consists of
6 approximately 220 residential and institutional
7 buildings and is located west of Broadway between
8 West 70th and West 79th Streets. The boundaries of
9 the extension encompass and extend the boundaries of
10 the West End-Collegiate Historic District, which was
11 designated by the Landmarks Preservation Commission
12 in 1984 and more than doubled the size of the his--of
13 the existing historic district. The buildings and
14 the extension were built primarily between the mid
15 1880's and the late 1920's and were designed by some
16 of the City's most prominent architects such as
17 Clarence True, George Pelham, C.P.H. Gilbert, Henry
18 Hardenbergh, Lammen [phonetic] and Tomin [phonetic]
19 Wilson for single-family row houses and town houses.
20 Elegant apartment buildings, particularly along West
21 End Avenue were designed by such architects as
22 Schwartz and Breaux [phonetic], Guy Tomahayo
23 [phonetic], Rosario Gondella [phonetic], Emily Roth
24 and George Pelham. As the West End-Collegiate
25 Historic District Extension develops schools, houses

1
2 of worship, and clubs were erected to serve the needs
3 of the growing population and its' broad array of row
4 houses, town houses, flats, high rise apartment
5 buildings, schools and churches. The West End-
6 Collegiate Historic District extension represents in
7 microcosm the development of the Upper West side of
8 New York since the mid 19--mid 1880s. Designed by
9 some of the City's most prominent architect and
10 executing the dominant styles of their eras, these
11 buildings form a distinct section of the City that
12 compliments the previously designated West End-
13 Collegiate, West 71st Street, Riverside West End
14 Extension One, and Riverside Drive West 80th through
15 81st Street Historic Districts. The Commission urges
16 you to affirm this designation.

17 COUNCIL MEMBER LANDER: Thank you very
18 much, Ms. Fernandez. I know Council Member Brewer
19 has some questions and then obviously we have a lot
20 of people in the room to testify both on the District
21 as a whole and on a number of specific buildings
22 entered as well. So let me start by turning it over
23 to Council Member Brewer.

24 COUNCIL MEMBER BREWER: Thank you very
25 much, Chair Lander. I think the public may not know,

1
2 but this is part of a much larger potential
3 designation we've already done thanks to the Chair
4 and the City Council, a part--it's a three part
5 designation. So and people should know that there's
6 already, if you look at a map, there's already a
7 Historic District that is adjacent to the one we're
8 considering now. I live in a Historic District on
9 95th Street to the west of this, and my District
10 office is in that same district, so I'm really
11 familiar with the issues that are before us today,
12 and I believe very strongly in the fact that this a
13 great proposal. I want to thank Community Board
14 Seven. I want to thank the Historic District
15 Council, these are all people named by Jenny
16 Fernandez, Landmarks Conservancy, West End
17 Preservation Society also known as WEPS, the
18 Coalition for the Upper West side, Landmark West,
19 Coalition for Environmental Sound development, and
20 Botch [phonetic] Luen [phonetic] all by herself. And
21 I say all this because the work that has gone into
22 hiring architects, doing organizing. Meeting with
23 buildings has been phenomenal and none of this would
24 be happening without Landmarks Preservation
25 Commission designating and at the same time people

1
2 putting in a lot of information, a lot of support
3 work. So, I really thank everybody. There are three
4 things I want to ask you, Jenny Fernandez. Number
5 one, this particular portion of the West End Avenue
6 proposal has engendered more discussion than the
7 other portion. So, if a building wants to become a
8 master plan building, can you describe the process so
9 that people understand that if they want to change
10 the window, they want to change the air conditioner,
11 the door, what the process is if they become a master
12 plan building.

13 COUNCIL MEMBER FERNANDEZ: Sure. When a
14 building seeks to make those type of changes that
15 affect the entire building and it's repetitive
16 elements such as windows, through wall air
17 conditioning units and such, the applicant or the
18 building owners, if it's a co-op or if it's a condo,
19 they get their board together and they can submit a
20 proposal to the Commission to propose a one type of
21 change, you know, one type of window, and it gets
22 approved at a public hearing once, and once that has
23 been approved that becomes a master plan. And then
24 anytime any of the units want to make that change,
25 for example, they want to change their windows, they

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just have to file an application that says that this

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conforms to the master plan, and they'll receive an

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authorization to proceed from the Commission. So

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it's a way to expedite and regularize that type of

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application, making sure that the changes are

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consisted over time and doesn't force the complete

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change of the building at the same time.

9

COUNCIL MEMBER BREWER: And two

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questions; what size buildings usually do this? And

11

second, how long is the time frame usually between

12

once one has a master plan, the submission of the

13

window change, staff review, and then getting back to

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management. What--those are the two questions I

15

have; timing and what size building?

16

COUNCIL MEMBER FERNANDEZ: Usually

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buildings six stories and over--

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COUNCIL MEMBER BREWER: [interposing]

19

What si--how big?

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COUNCIL MEMBER FERNANDEZ: Over six

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stories.

22

COUNCIL MEMBER BREWER: Over six stories,

23

okay.

24

COUNCIL MEMBER FERNANDEZ: Those are the

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ones that usually would request those, but anyone can

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2

apply. And again, if you have this repetitive

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element. Once that master plan has been approved, if

4

one of the unit owners, anyone submits an application

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and everything, you know, coincides with the master

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plan, they can receive a response in as little as ten

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business days.

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COUNCIL MEMBER BREWER: Ten business

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days?

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COUNCIL MEMBER FERNANDEZ: They can

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receive their authorization to proceed.

12

COUNCIL MEMBER BREWER: Okay. Second

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questions is, if a building is in the Historic

14

District and they want to make changes with the

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developer; this is not my choice, but people have

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other opinions in mind in life I've heard.

17

[laughter]

18

COUNCIL MEMBER BREWER: So, if somebody

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wants to make a larger building, they have to go

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through what I believe is called the Hardship

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Proposal. I think it's possible, but can you just

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describe if--when that is granted, when it's not

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granted, or just give us some parameters on hardship?

24

COUNCIL MEMBER FERNANDEZ: Of course, if

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a building in a Historic District which has a style

1
2 and has been deemed of Historical significance in a
3 District, if they wish to demolish their building so
4 that they can replace it with another building, they
5 can go through a hardship procedure; It's part of the
6 Landmarks' law, and the basic premise of the hardship
7 procedure is that the building owner must prove that
8 they cannot make a six percent return on their
9 building. And so numerous factors go into that,
10 different types of research and analysis go into
11 trying to prove that you can't make that six percent
12 return and at that time it's something that would go
13 through numerous reviews at the Commission, several
14 public hearings, and then if it is deemed that they
15 cannot make that six percent return, then the
16 Commission would grant the hardship and they can
17 proceed from there.

18 COUNCIL MEMBER BREWER: Okay, so when you
19 say six percent return that's based on what? In
20 other words, is that the return that--'cause most of
21 the time these are most of West End Avenue, there are
22 rentals but there are also co-ops. How does that get
23 determined in a co-op, for instance?

24 COUNCIL MEMBER FERNANDEZ: I'm not
25 exactly sure who would get determined in a co-op.

1

2 The six percent return is basically a return on--you
3 know, factoring in for the building expenses and what
4 is coming into the building if they can't meet as a
5 minimum that threshold, then they can--they can apply
6 for a hardship.

7

COUNCIL MEMBER BREWER: Okay. Next
8 question is, if you have a building that wants out
9 and promises in the future to do something that is
10 what the community wants, is there any restrictive
11 decedent that could be put on that building. Is that
12 something that is possible, or that's never been
13 done? In other words, I'm going to go out of the
14 designation, but I want to build, you know, something
15 for, God help us, homeless people. You know, I'd
16 probably be shot and killed for doing that, but
17 that's the kind of thing I like. So, would you--is
18 that anything that can be put on a building, a
19 restrictive deck, or is that something that is not
20 possible under historic district designation?

21

COUNCIL MEMBER FERNANDEZ: It wouldn't be
22 under the purview of the Commission itself, the
23 restrictive deck under those conditions. If in fact,
24 the building is taken out of the Historic District or
25 is not designated then the Commission doesn't have a

1

2 jurisdiction over it at that time, but I believe, I
3 mean, that can take various forms, a restrictive
4 deck. I'm not exactly sure of it's happening that
5 way in the past, but I have heard of restrictive
6 decks on buildings that, you know, prevent, but it's
7 a larger sort of restr--from the City Council or--

8 COUNCIL MEMBER BREWER: [interposing]

9 Okay. And then just for a minute, going back to this
10 master plan, do you have a lot of buildings that have
11 a master plan process now that you work under?

12 COUNCIL MEMBER FERNANDEZ: Yes, a lot of
13 buildings specifically on the Upper West side and
14 some--a lot of the existing districts where there are
15 a lot of apartment buildings that, you know, they
16 have these types of repetitive changes. They do have
17 master plans and sometimes they apply to renew the
18 master plans or update them when for example, window
19 technology changes and they want to change the
20 windows that were approved under a previous plan.

21 COUNCIL MEMBER BREWER: And do you know
22 per year if any hardship applications are made and
23 granted, or how--do you have any numbers or cents in
24 terms of hardship?

25

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COUNCIL MEMBER FERNANDEZ: Hardship

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applications are pretty rare. We don't get many of

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those, and over the course of the Commission's

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existence I think there have been maybe a handful of

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hardships that have been granted. Again, the process

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is pretty lengthy and trying to meet that threshold

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of proving that you can't make that six percent

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return again. So there's no--I don't have the exact-

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-

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COUNCIL MEMBER BREWER: [interposing]

12

Okay.

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COUNCIL MEMBER FERNANDEZ: [interposing]

14

numbers right now.

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COUNCIL MEMBER BREWER: I think that's

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it, Mr. Chair. I want to thank Jenny Fernandez in

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particular, she's a real example of what a public

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servant is, and also to thank the Landmarks

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Preservation Commission. Thank you very much.

20

[applause]

21

CHAIRPERSON LANDER: And I publicly also

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want to thank you, Council Member, for doing such a

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good job of helping us understand these issues. I

24

appreciate the advanced briefing from you, and I know

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your constituents here on all sides really appreciate

1
2 both your fierce fighting for their neighborhood and
3 for preservation and for listening to everyone in the
4 district. [applause] That's far less resounding than
5 they did for you last week, but it'll have to do for
6 today. I also want to recognize we were joined
7 briefly by the chair of the Land Use Committee,
8 Council Member Leroy Comrie, and we have been joined
9 by two great champions of preservation, one member of
10 the Committee, Council Member Rosie Mendez from
11 Manhattan; Welcome, and also we are joined by Council
12 Member Letitia James, who though not a member of this
13 Committee is a great friend and champion of Historic
14 Preservation. Welcome and thank you. Does anyone
15 else have questions for Ms. Fernandez on these two
16 items before we move to public testimony? Seeing
17 none. Thank you very much. We do--and stick around,
18 we have a couple other items still on the calendar.
19 Wonderful, okay, great. So now the timing is
20 perfect. We have three esteemed elected officials in
21 the room, and I am going to get to invite them all up
22 to testify. No, no, alright, he's just gonna
23 witness. That's very good. Well welcome to
24 Congressman Serrano, and let me invite State Senators
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2

Serrano and Hoylman to come up and present their

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testimony. Yes, go ahead, yes.

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SENATOR HOYLMAN: Oh, sure, sure.

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CHAIRPERSON LANDER: Please.

6

SENATOR HOYLMAN: Thank you, Chair Lander

7

and members of the Committee and other Council

8

Members who are here. My name is Brad Hoylman and

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I'm a State Senator representing the 27th District,

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which is in the southern tip of the proposed West

11

End-Collegiate Historic District. I wanted to thank

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you for the opportunity to present testimony in here

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and strong support of extending the West End-

14

Collegiate Historic District to include this

15

remarkable concentration of historic buildings.

16

First, I wanted to echo the thanks to the Landmarks

17

Preservation Commission for its June 25th approval of

18

the extension, which as you know, is generally

19

bounded by West 70th Street and West 79th Street along

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portions of West End Avenue, Riverside Drive, and

21

Broadway. I wanted to also extend my hearty thanks

22

to Council Member Brewer for all of her advocacy,

23

Community Board Seven, and Mark Diller [phonetic],

24

the Coalition for Livable West Side, **(inaudible)**

25

Historic District Council, and of course the West End

1
2 Preservation Society; we would not be here today
3 without their efforts, Richard Emory [phonetic],
4 Erica Peterson, and Joset Ammato [phonetic] thank you
5 all so much for you advocacy. I think they are due a
6 round of applause. As you know the extension is a
7 crucial part of the larger stretch that Council
8 Member Brewer mentioned, which reaches from 70th to
9 109th street, and for which preservationist,
10 community advocates, and elected officials have long
11 sought the protections afforded by historic district
12 designation. A study of this area, as I think you
13 know, by Andrew Dolkart found that its buildings have
14 unique architectural and historic merit. The
15 proposed historic district captures a relatively
16 short but significant window of time in late 19th
17 Century and early 20th Century architecture. During
18 this period, economic and social forces largely a
19 result of the introduction of service on the
20 revolutionary IRT line beneath Broadway in 1904,
21 contributed to the redevelopment of West End Avenue
22 and Riverside Drive from low-rise row houses amidst
23 rural landscapes to an enduring chain of grand
24 apartment buildings designed by prominent architects
25 like Rosario Candela, George and Edward Blum, Emery

1
2 Roth, Lam [phonetic] and Rich, Schwartz and Gross; I
3 live in a Schwartz and Gross building. These are
4 among the finest examples of New York City's early
5 20th Century multi-family dwellings and form a
6 cohesive and uniquely New York model for this kind of
7 Upper West side living. As Dolkart describes in his
8 report, "The buildings and the avenues create a
9 tremendous sense of place with consistent height,
10 cladding materials and build out to the lot line.
11 Nestled between these are Neo-flemish [phonetic] West
12 End-Collegiate Church and superlative **[inaudible]**
13 apartment house." I think folks had seen the article
14 in this weeks' or last weeks' New York Times which
15 reviewed the area and said that, "What West End is
16 known for are the type of 14 and 16 story apartment
17 houses, many of them co-ops with stone reliefs above
18 the front doors that march almost uniformly northward
19 from about West 72nd Street." He also said, "But the
20 feature that may say the most about West End
21 timelessness is that there are still surviving phone
22 booths on the avenue, whose dial tones continue to
23 hum." And that's my two year olds favorite--one of
24 her favorite books is called *The Lonely Phone Booth*,
25 which is from that neighborhood. The findings make a

1
2 compelling case for the extensions designation.
3 Unfortunately, Mr. Chair, I think you know that the
4 voracious New York real estate market if left
5 unchecked poses a serious threat to the cohesive span
6 of historic architecture in this neighborhood.
7 Already, Neo-Renaissance row houses at 732 and 734
8 West End Avenue, located in the proposed district
9 have been demolished and the sites owner has obtained
10 a permit from the New York City Department of
11 Buildings to construct a tall residential building
12 that likely will not conform to the areas aesthetic
13 character. The same owner had also sought permits to
14 demolish row houses at 508 and 510 West End Avenue
15 located in the Riverside West End Historic District
16 Extension. These cases, Mr. Chair, illustrate the
17 risk of leaving critical portions of New York's
18 architectural history unprotected. It is essential
19 that the City Council acts now and designates the
20 West End-Collegiate Historic District Extension in
21 its' entirety. I thank you for all of your efforts
22 and very happy to be here today and lend my support.
23 Thank you.

24 CHAIRPERSON LANDER: Thank you very much,
25 Senator Serrano. I think Senator Hoylman has raised

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the bar here. That's amongst the most erudite testimony on the connections between urban history, architectural merit, and certainly old dial tone telephones I think that we've received from any non-expert that I remember--

SENATOR SERRANO: [interposing] It was amazing.

CHAIRPERSON LANDER: Thank you very much.

SENATOR SERRANO: Thank you Senator

Hoylman. And it--

CHAIRPERSON LANDER: [interposing] No, we appreciate it. So, Senator Serrano?

SENATOR SERRANO: Thank you so much, Mr.

Chair. And I want to thank the Committee for giving me the opportunity to come by and say hello and thank my colleague Senator Brad Hoylman. He and I partner on the Upper West side and he's a great colleague to work with, and it's nice to back. You see, I'm getting choked up. It's been a while since I've been here, but it's nice to be here with all of you. And I'm here to speak in support of the proposed West Side Collegiate Historic District Extension, and I want to thank you for providing with the opportunity to testify before all of you here today. My name is

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2 Jose M. Serrano, and I'm the State Senator for the
3 29th Senate District, which encompasses a part of the
4 Upper West side of Manhattan, in particular my
5 District represents a portion of the West Side
6 Collegiate Historic District, which is the subject of
7 today's hearing. Throughout my career in public
8 office I have fought to preserve and enhance the
9 cultural and artistic significance of our great city.
10 The architectural wonders that we see in the
11 buildings on the Upper West Side are part of our
12 cultural fabric and we owe it to the community as
13 well as future generations to preserve them.
14 Therefore, would like to express my full support of
15 the Landmark Preservation Commission's decision to
16 extend the historic district on the Upper West side,
17 and I respectfully urge that this decision be
18 reaffirmed here today by the City Council
19 Subcommittee. As I'm sure you're aware, the
20 extension of the Historic District has long been
21 desired by preservationists, community advocates,
22 community members and elected officials alike. A
23 recent study of the area in question, as mentioned by
24 Senator Brad Hoylman, was conducted by Andrew
25 Dolkart, a leading architectural historian and

1
2 director of Columbia University's Historic
3 Preservation program, Mr. Dolkart concluded that the
4 area's buildings have a unique architectural and
5 historic merit. If we do not act--if we do not act
6 to protect the Upper West side, this unique
7 architectural--this unique architectural merit may be
8 lost to the real estate market which will seek to
9 develop and completely alter the landscape of the
10 area. In fact, we have already seen a significant
11 amount of development in and around the area in
12 question. For instance, Neo-Renaissance row houses
13 at 732 and 734 West End Avenue have been demolished
14 and the site's owner has obtained a permit from the
15 Department of Buildings to construct a large
16 residential building which will alter the aesthetic
17 character of the neighborhood. If such development
18 is continually left unchecked, the entire character
19 of the neighborhood will be transformed from its'
20 current historical state to something much different,
21 something much less unique. We cannot allow this to
22 happen and we must protect the cultural and historic
23 significance that is so engrained in the Upper West
24 side. Therefore, it is essential that the City
25 Council act now to designate the West End-Collegiate

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2 Historic District Extension in its entirety, and I
3 thank you for your consideration of my comments.

4

5 CHAIRPERSON LANDER: Thank you very much
6 Senator. I think you rose to meet the bar; made your
7 father proud.

8

9 SENATOR SERRANO: Exceeded it. Exceeded
10 it.

11

12 CHAIRPERSON LANDER: Thank you, both
13 seriously very much for testifying. It means a lot
14 when elected officials at other levels of government
15 come before us to talk about the ways in which a
16 historic district matters to them and their
17 constituents, so thank you. Any questions for the
18 Senators from my colleagues? Thank you very much for
19 your time. I really appreciate it. Alright. So we
20 will now start alternating back and forth--we have--
21 between people supportive and people opposed in whole
22 or in part to the designation. We'll put two or three
23 or four people on a panel. We will be using the--the
24 timer, and giving everyone two minutes to testify
25 'cause we have about, I don't know, 25 people signed
up to testify on this item. So let me ask for the
first panel in favor to come up, Andrea Goldwin,
Simeon Bankoff, Botya Lewton, and Richard Emory. And

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2 on the first panel in opposition, we'll ask Peggy Ma
3 [phonetic] and Richard Lobell from 214 West 72nd
4 Street; so be ready after that. Oh, I apologize, I
5 skipped--I apologize. You know what, I'm sorry. I
6 didn't see that we have the community--oh, my bad. I
7 apologize. Hang on one minute. We're first going to
8 hear from Communtiy Board Seven, Mark Diller's here
9 on both 913 and 918, and we have two other
10 representatives of elected officials, David Bailey,
11 representing Senator Espaillat, and Paul Soye
12 [phonetic] representing Essembly Member Rosenthal.
13 So let me ask the three of you to come up and then
14 we'll go to the subsequent panels with my apologies.

15 MARK DILLER: Good morning. Shall we
16 give testimony sequentially on each of the--of the
17 two matters? Great, thank you. Good morning, my
18 name is Mark Diller. I am the Chair of Community
19 Board Seven on the Upper West side where both Saint
20 Paul the Apostle Church and obviously the West End
21 Historic District are located. So I'll--if I may,
22 I'll start with Saint Paul the Apostle Church, and
23 then proceed to the West End Historic District. We
24 are grateful to the Committee. Thank you Chair Lander
25 and members of the Committee and other council

1
2 members who are here for hearing us on this. We're
3 also grateful to Landmarks Preservation both for its
4 initial designation and for its process in revising
5 it. We're also grateful to Landmarks Preservation
6 for holding a second public hearing on this matter.
7 The first one was held and CB7 missed it because CB7
8 had not yet been organized. The first public hearing
9 was 45 years ago, and they--and so this has been in
10 the works for a while, but we're glad to see it come
11 to a successful fruition. Much of the virtues of the
12 building have already been extolled and I'll probably
13 denigrate them by trying to emulate that, so instead
14 I'll simply note by adding that while the interior of
15 a church should never be considered as part of the
16 reason for a landmark designation, it's noteworthy
17 that the value of this building to its owners and to
18 the community at large was one that included elements
19 designed and constructed by Stanford White, John
20 Lafarge [phonetic] and August Sangardans [phonetic].
21 We also note with pride that the portions of the
22 former Croton Aqueduct are included in the foundation
23 of the building, thus continuing the West side's
24 history of recycling. The--the decision to separate
25 the Convent Building and designate only the church

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2 building is an apt compromise in this instance. I
3 mention it because ordinarily Community Board Seven
4 is--does not favor the compromises or separation of
5 part of building from another part of a building.
6 Carve outs like that would do violence to the
7 historic fabric. If you think of Saint Bart's Church
8 on Park Avenue or our own Park West Presbyterian
9 Church, the fabric needs to have the whole preserved.
10 If you take a look at the--at this particular Convent
11 building, you'll see that it is--it is as best
12 unremarkable and so this is an exception that prove
13 the rule. Thus, Community Board Seven strongly
14 recommends the designation of Saint Paul the Apostle
15 Church at it's presented to you. This is a calming
16 anchor on the very seam between the residential and
17 the commercial parts of our city, and it should
18 remain for future generations. That concludes my
19 testimony on Saint Paul the Apostle. I'll now move
20 onto the West End Historic District.

21 CHAIRPERSON LANDER: Thank you.

22 MARK DILLER: With again, thanks to the
23 Committee and to Landmarks Preservation. Again, most
24 has already been said about the wonderful buildings
25 that are here. I think you need look no further than

1
2 the new building at 95th and 96th Street on West End
3 Avenue, which again is at best unremarkable and see
4 what happens when the historic fabric is interrupted
5 by the demolition of town houses and period
6 residential buildings and replaced with modern
7 construction that doesn't conform. The West End-
8 Collegiate Extension is really the quintessential
9 part of what we think of as West End Avenue or Upper
10 West side apartments, those ones that we all aspire
11 to, but sadly few of us can actually live in. Those
12 ones with apartments that go on for days and days.
13 It's sort of a platonic ideal of what a residential
14 corridor should be, and it needs to be preserved in
15 tact in order to maintain the sense of place that the
16 historic district statute requires of us. There were
17 some questions and earlier testimony about
18 adaptations and changes and it's worthy to note that
19 recent rule-making of the Landmarks Preservation
20 Commission allows a far greater number of
21 applications for adaptations to be made at staff
22 level, to be approved at staff level. Thus, while
23 there is a minimal burden to maintaining the--their
24 historic district, it is--it is balanced by an
25 appropriate process at each point. The classic Cary

1
2 Grant movie, *Mr. Blanding Builds his Dream House*,
3 describes a young man who moves his family from West
4 End Avenue to a--to build a dream house in
5 Connecticut, and of course all the problems that
6 ensue with new construction. It would be appropriate
7 that when the Mr. Blandings of this world come to
8 their senses and return to New York City, that they
9 find West End Avenue as they left it, which is the
10 pristine and functional residential corridor that it
11 deserved to be. If I may be indulged, a personal
12 note, this--I am term limited as Chair of Community
13 Board Seven, and one of my first votes more than five
14 years ago on the Preservation Committee before I was
15 Chair was on this very matter; CB7 has been proud to
16 support the designation, this entire matter from
17 beginning to end, and we hope to see it through to a
18 successful conclusion. That was--I was welcomed into
19 that Committee by Lenore Norman and we had the--we
20 had Ada Louise Huxtable invoked earlier today. Well,
21 Lenore Norman and Ada Louise Huxtable were legends of
22 moving a functional and appropriate Landmarks
23 Preservation movement in New York, and I'm--while
24 term limited I'm very proud that I am--my last
25 opportunity to come before is to try to see her work

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2 completed. So with respect I urge the adoption and
3 designation of this--of this district with thanks.

4

CHAIRPERSON LANDER: Thank you very much.

5

DAVID BAILEY: Hi, my name's David

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Bailey, I'm here on behalf of State Senator Adriano

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Espaillet who also represents part of this historic

8

district. Good morning and thank you for allowing me

9

to testify before you today. As the State Senator

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for the 31st District, which includes most of West

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End Avenue, Senator Espaillet is proud to support the

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extension of West End, or the extension of the West

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End-Collegiate Historic district. He encourages the

14

City Council's Subcommittee on Landmarks, Public

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Siting, and Maritime Uses to approve this extension.

16

Senator Espaillet would like to thank the Landmarks

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Preservation Commission for approving the proposed

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West End-Collegiate Historic District Extension and

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organizations such as the West End Preservation

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Society, Landmark Quest, and the Coalition for a

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Livable West Side, for their advocacy on this issue.

22

By supporting this extension, the LPC was recognizing

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that this portion of the Upper West Side has

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cultural, architectural, and historic significance.

25

Many of the buildings were constructed at the turn of

1
2 the Century, designed by renowned architects and are
3 greatly appreciated by New Yorkers. By granting
4 approval of this extension they'll further ensure
5 that the Upper West side will retain its beauty. The
6 neighborhood's unique charm, cherished livability,
7 and community oriented nature are qualities worth
8 preserving. I do understand the concerns over the
9 expansion of this historic district during these
10 economic times. While developing opportunities will
11 exist in the neighborhood, this extension will
12 maintain the aesthetic qualities that have made this
13 community desirable and increase property value.
14 Today I join community leaders and residents in fully
15 supporting the West End-Collegiate Historic District
16 Extension, and I encourage this committee to approve
17 this project. It is a respons--as it is the resp--
18 sorry. As it is the responsible course to take in
19 protecting our city. Thank you.

20 PAUL SAWYER: Good morning. My name is
21 Paul Sawyer, I'm here to deliver a testimony on
22 behalf of Assembly Member Linda B. Rosenthal. Good
23 morning, thank you for the opportunity to comment at
24 today's hearing. As the Assembly Member for New
25 York's 67th Assembly District representing

1
2 Manhattan's Upper West Side and parts of Clinton and
3 Hell's Kitchen, a proud member of the West End
4 Preservation Society and a lifetime resident of the
5 neighborhood, I strongly support the proposed
6 landmark designation of the West End-Collegiate
7 Historic District Extension, the second of three
8 proposed such extensions on West End Avenue. I--this
9 proposal would expand the district to include major
10 portions of the West 70th Street up to West 79th
11 Street, from Riverside Drive to Broadway, and I
12 believe that approval of the proposal is crucial to
13 preserving the aesthetic, charm, and historic
14 significance of the area. The proposed historic
15 district extension contains numerous significantly
16 archi--numerous architecturally significant apartment
17 buildings and brownstones dating from the late 19th
18 and early 20th centuries. One of the unique
19 qualities of the avenue is it's incredibly long
20 stretch of pre-war buildings unseen anywhere else in
21 the City. The West End Avenue thoroughfare is
22 renowned for its mostly unbroken street wall of
23 apartment buildings built in complementary
24 architectural styles. These buildings are unique in
25 the City because of their composite structure, and

1
2 although none date before the 19th Century, the
3 buildings feature architectural flourishes that were
4 called the Italian Renaissance and Second French
5 Empire. West End Avenue, its side streets, are home
6 to historically significant styles of architecture
7 and this district will be a logical extension to
8 other landmark districts further up town. As a
9 lifelong Upper West-Sider I have seen our
10 neighborhood change over time in many ways. As a
11 little girl I remember gazing up at the gargoyles and
12 admiring the different textures and colors of the
13 masonry on the buildings along West End Avenue. I
14 was awed by these pretty buildings, but of course,
15 did not understand their importance. Now as an adult
16 I understand that I was looking at historically
17 noteworthy and architecturally significant
18 decorations such as egg and dart molding and keystone
19 detailing. In an ever-changing city the consistency
20 of facades along West End Avenue, Riverside Drive and
21 Broadway warrant protection. If we do not preserve
22 areas of historic value, we leave them open to
23 projects that do not complement the neighborhood's
24 historic character and charm. In recent years, the
25 cohesive appearance of the corridor has faced threats

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of new inappropriate construction and development,
and these threats will no doubt become a reality for
many buildings of proposed extension unless it is
improved in its entirety, leaving the area without
the essential character of the neighborhood for which
the Upper West side, especially West End Avenue is
known.

CHAIRPERSON LANDER: So we need one or
two--

PAUL SAWYER: Sorry. A historic
designation for this unique stretch of West End
Avenue is a means by which to ensure smart and
contextualized development here on the Upper West
side. Preserving the architectural integrity of this
area for future generations will help preserve the
very things that attracted families here in the first
place. Designating this stretch of West End Avenue as
a historic district complements our greater vision
for the city and will preserve the unique beauty of
this area for years to come. I offer my complete
support for the West End-Collegiate Historic District
Extension, and I urge the City Council to approve the
proposed blocks for landmark designation. Thank you.

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CHAIRPERSON LANDER: Thank you, and we're adding to this panel Rebecca Godlewicz from Manhattan Borough President Scott Stringer's office.

5

REBECCA GODLEWICZ: Thank you very much.

6

My name is Rebecca Godlewicz. I'm speaking on behalf of Manhattan Borough President, Scott M. Stringer.

7

8

I'd like to thank Chairperson Brad Lander and the New

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York City Council Subcommittee on Landmarks, Public

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Siting, and Maritime Uses for the opportunity to

11

testify today on the proposed West End-Collegiate

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Historic District Extension. I along with the Upper

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West side community have stood before the Landmarks

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Preservation Commission and City Council in past

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years express our support for the proposed Riverside

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West End Historic District--I'm sorry, for the West

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End-Collegiate Historic District Extension. Today, I

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maintain my support to preserve the physical

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environment and historic character of the Upper West

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side neighborhood through this proposed landmark

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designation. This is the second of three expansion

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areas which will further expand the West End-

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Collegiate Historic District boundaries to include

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buildings that share similar architectural styles and

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materials. Akin to the buildings within the

1
2 designated district, the ones in the proposed
3 district represent the development and housing
4 history of the Upper West Side. The proposed
5 district is currently home to a collection of early
6 row houses built in the late 19th Century in the
7 Italian, French, and Flemish Renaissance stylistic
8 forms as well as some of the finest examples of
9 apartment buildings constructed in the early 20th
10 Century in Manhattan. The evolution of built forms
11 and the preservation of the variety of housing stock
12 very much contribute to the great sense of
13 neighborhood character that exists in the Upper West
14 Side today. The elevation of apartment living has
15 changed the way we live in the City, creating denser
16 neighborhoods that help foster close knit and engaged
17 communities. Therefore, I once again urge the
18 Committee to carry on its efforts to preserve this
19 unique and historic neighborhood. Thank you for
20 giving me the opportunity to speak today.

21 CHAIRPERSON LANDER: Thanks very much to
22 the four of you for testifying, we appreciate it.
23 Any questions? Council Member Brewer?

24 COUNCIL MEMBER BREWER: I have a question
25 for Mark Diller. I think the Community Board did

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have one exemption or discussion of one exemption.

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I'm just wondering if that's true, and if so, could

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you elaborate?

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MARK DILLER: Yes, the--there is one and

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only one exclusion from the proposed district that

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Community Board Seven did support. It was a building

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on--it is a building on West 72nd street at the very

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edge of the district. So it would simply be removing

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one 20 foot wide building from the proposed district.

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The reason for it was that through incredibly

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irresponsible development practices and construction

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practices from a very large building, the Trader Joes

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building, if you will. On that corner the building

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was undermined to a point where it's unsafe, and we

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actually had concerns that the instability of that

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building would affect the building next to it and so

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on down the line. There was also economic

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considerations that influenced us, and I believe some

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of the speakers that will follow will speak to those

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as well. This was the exception, again, that proves

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the rule. The Community Board was moved by the--by

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the incredibly unfair treatment of the building next

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door which literally put construction materials,

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invaded the walls of their building and undermined

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2 it. Also we were moved by the--by the promises
3 undertaken by the applicant, by the owners of that
4 building. They committed to a restrictive declaration
5 that would require them to, in effect, demolish by
6 hand and build an enorm--an enormously and costly and
7 careful way of reconstructing whatever building would
8 follow so that the undermining of their building
9 would not affect the building next door, the building
10 immediately to the west. So, for those reasons my
11 board was convinced in this one small instance that
12 there--that there was room for--and since the
13 economic hardship that had been placed on this
14 building had been--it was so severe and without
15 recourse. There's a--my understanding was that they
16 were forced to sign a release and perhaps didn't even
17 understand what the consequences of that release
18 were, that effectively eliminated their ability to
19 re-coop the damage from the building next door. So
20 for a variety of reasons this was an unusual
21 circumstance. Our general rule is that we believe
22 that the historic districts by their very nature need
23 to be intact, need not to be a crenelated or in and
24 out kind of--of--of **[inaudible]** 'cause the whole
25 point is preserving the whole unique sense of space.

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So this be--so all those reasons, the economic

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hardship, the devastation from the building next

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door, and the fact that it was the very last eastern-

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most building in the proposed portion of the district

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such that moving it back one--one house does not do

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violence to the overall proposal; my board saw fit to

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approve that request.

9

COUNCIL MEMBER BREWER: Thank you.

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CHAIRPERSON LANDER: Thank you, and I

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know, you know obviously, means a lot to us that

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Community Board Seven takes its responsibilities very

13

seriously that it's a very preservation oriented

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board and so we don't take it lightly that you have

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that deliberation.

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MARK DILLER: Thank you so much.

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CHAIRPERSON LANDER: Any other questions

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for this panel, Council Member Arroyo?

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COUNCIL MEMBER ARROYO: Thank you, Mr.

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Chair. Just a point of clarification. What was the

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boar--the Commission's final ruling given the

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recommendation of the board.

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MARK DILLER: I believe that the

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Commission designated the entire district as proposed

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without the carve out.

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COUNCIL MEMBER ARROYO: And you're okay with that?

MARK DILLER: It was an accommodation we made to an applicant, who I believe will be before you. I respect the Landmarks Preservation Commission's determinations. Obviously, in this one tiny instance we had a small just difference of opinion. There are any number of times when LPC and we see things slightly differently. So would I--so, I have to own up to the--I have to acknowledge the position of my board, but the overall point of our board is to designate the entire district, and so we believe the board did in substantial performance what it was that we asked them to do.

COUNCIL MEMBER ARROYO: So despite that the Board's recommendation was not adopted by the Commission, you're asking us to adopt the full district?

MARK DILLER: Actually, I believe that I am constrained by the votes of my Board to recommend the adoption of the entire district and to commend to you the request of the applicant for an exclusion, but just that one.

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COUNCIL MEMBER ARROYO: Thank you, Mr.

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Chair.

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CHAIRPERSON LANDER: And just for folks

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here who--who--who may or may not be aware, we have

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the--you know, we have--it's not an up or down all or

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nothing option at the Committee level. We do have

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before us the power to remove a building. So, that's

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something that's under consideration now and why

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we're here taking testimony. Thanks very much for

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the four you. We're going to have a brief, very

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brief pause. You guys--actually, the next panel that

13

I mentioned before can come up, but we're going to

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lose quorum, I think, and so I'd like to vote the

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three items that we heard while the next panel is

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coming up and just go ahead and vote on those three

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items, and then we'll continue, then we'll resume

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testimony on this one. So unless the--

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COUNSEL: Land Use items 910, 912, and

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914; Chair Lander?

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CHAIRPERSON LANDER: Aye on all three.

22

COUNSEL: Council Member Palma?

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COUNCIL MEMBER PALMA: Aye on all.

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COUNSEL: Council Member Arroyo?

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COUNCIL MEMBER ARROYO: Aye.

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COUNSEL: Council Member Mendez?

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COUNCIL MEMBER MENDEZ: I vote aye.

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COUNSEL: Council Member Williams?

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COUNCIL MEMBER WILLIAMS: Aye.

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COUNSEL: And by a vote of five in the
affirmative and zero in the negative, these three
items are adopted.

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CHAIRPERSON LANDER: Just for those of
you keeping with us--keeping the score card, that
leaves Land Use 911, 913, 915, 16, 17, and 18 from
today's calendar, which are not going to get voted
today and they'll be laid over to our--to Wednesday
morning when we'll have a meeting of the Landmarks
Committee prior to the--Landmarks Subcommittee prior
to the Land Use Committee. Okay, with that we will
now move to the first panel that I have called
before. We have up here Andrea Goldwin, Simeon
Bankoff, Botya Lewton, and Richard Emory. Thank you.

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ANDREA GOLDWIN: Alright. Good day,
Chair Lander and Council Members. I'm Andrea Goldwin
speaking on behalf of--

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CHAIRPERSON LANDER: [interposing] I
apologize, one more thing, we don't have a buzzer.

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2 The buzzer's not working on the time clock, so we'll
3 wave or something.

4 ANDREA GOLDWIN: [interposing] Very fast.

5 CHAIRPERSON LANDER: To let everyone
6 know. We apologize for putting people on a two
7 minute time clock, but we've got a lot of people and
8 we'd like to hear from everyone. Go ahead.

9 ANDREA GOLDWIN: Speaking on behalf of
10 the New York Landmarks Conservancy. Through the
11 years ago the conservancy enthusiastically testified
12 in favor of the West End-Collegiate historic
13 district. We're very pleased to be here today to
14 support the extension. We've listened to the
15 concerns of a few building owners, but believe that
16 the Council should affirm the entire extension. Like
17 the originally district, the extension is composed
18 primarily of structures represented several phases of
19 development designed by prominent architects of the
20 19th and 20th centuries. The extension offers a
21 master class in masonry buildings from those years
22 starting with brownstone and limestone row houses,
23 continuing in two major phases of apartment buildings
24 in limestone and brick and finding a post-war
25 expression in the mid-century Schwab building.

1
2 Styles range from Romanesque and Renaissance Revival
3 to Queen Anne and Neo-Grec to streamline Modern.
4 They're decorated with rustication, sculptural stone
5 details, molded brick and terracotta. Across the
6 district, asymmetrical massing and varied roof lines
7 of the row houses form an attractive complement to
8 the stately symmetry of classical apartment
9 buildings. In total, this district conveys the intact
10 and coherent sense of place. Historic District
11 designation stabilizes communities and improves
12 property values. Just as designation has benefitted
13 the West End-Collegiate District, the extension will
14 enhance the neighborhood ensuring that any
15 alterations are guided by the landmark's law. The
16 Conservancy is pleased to join with neighbors, public
17 officials, Council Member Brewer, and
18 preservationists in support of this designation. In
19 particular we're grateful to the West End
20 Preservation Society for initiating this effort. And
21 as always, we're happy to offer the assistance of our
22 historic properties fund, Secret Sites Program, and
23 Technical Services staff to the owner and users of
24 buildings in the District. Thank you.

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2 SIMEON BANKOFF: Good afternoon Council
3 Members. Simeon Bankoff, Historic Districts Council.
4 I'm actually going to testify on two things, one very
5 briefly, the Church of Saint Paul the Apostle to
6 which we support the designation. I just want to
7 mention that actually, the Historic Districts Council
8 did support the exclusion of the Convent on the site,
9 which is very unusual for us. It was explained to us
10 by the Landmarks Commissioner and by examination of
11 the site, that the building which was non-historical
12 in nature and also not very--and not very prominent
13 from the public way, had certain issues, and we felt
14 that for the greater cause of the church it would be
15 the sensible thing to go with the astonishing
16 building and allow this small unimportant non-
17 significant building to be taken out of Landmark
18 purview. As you know, that is extraordinarily
19 uncharacteristic of us. I was at a meeting the other
20 day, and someone who should really know better just
21 turned around to me and said, "Well, you know,
22 neighborhood preservation takes care of itself."
23 Which this experience of the West End Avenue Historic
24 District proves to be a complete and utter mis-
25 statement. This has been a wonderful and continues

1
2 to be a fantastic master class in community
3 organization and community support and community
4 desire to protect, enhance, and guide the future of
5 the area. This historic districts of the Upper West
6 Side are some of the most desirable, thriving
7 neighborhoods in the City and are clear success
8 stories. It's easy to understand why the residents
9 of these extensions want the same protection as their
10 landmarks neighbor--landmark neighbors. These are
11 areas which have blossomed, prospered organically by
12 growing naturally rather than under the heat lamps of
13 real estate speculation. This is a neighborhood whose
14 value has been accruing for decades. Investment must
15 be protected and future development must be guided
16 into appropriate forms, and that is why we actually
17 strongly support the inclusion of the building on
18 West 72nd Street even if there were a situation where
19 the building would need to be demolished. We believe
20 that the oversight of the Landmarks Commission and
21 the Community Board would be the appropriate method
22 to look at new development on that site, rather than
23 going down the avenue of private resdecks [phonetic]
24 and having to negotiate on the side. We strongly
25 urge the Subcommittee to support this--the important

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work of LPC, uphold these designations, and we look forward to the final piece of the puzzle happening soon.

BATYA LEWTON: Batya Lewton, Coalition for a Livable West Side, I'll be very brief. I want to thank our fabulous Council Woman Gale Brewer for her leadership, for WEPS, Richard Emery, Erica Peterson, and Josette Amato for fashioning this effort on behalf of the entire community and the entire city, and of course, the Landmarks Preservation Commission which has done a fantastic job. They listen to everybody's argument concerning carve-outs. We fully support their designation of this part of the historic district extension as is with no carve-outs.

RICHARD EMERY: Thank you. My name is Richard Emery. I'm co-founder along with Erica Peterson and Josette Amato of the West End Preservation Society, and thanks to Gale Brewer and her enormously powerful and clear leadership there at the founding along with several other elected officials from our area. This has been a community effort that is, I think, more remarkable than any I've certainly ever been involved with and that it

1
2 has a unity and a sense of community about it that is
3 unique. On the merits I think people have spoken. I
4 think Mark Diller was articulate as were many others
5 here today in describing why the merit, the
6 underlying merits of this district are not very
7 controversial actually. But I think there's one
8 point that hasn't been mentioned, which I think Chair
9 Lander would--that would appeal to you directly, and
10 that is that this Council 30 years ago designated a
11 serpentine district that we're simply filling in.
12 This is a simple lift, if you will. This is just
13 completing unfinished work that this Council
14 undertook some time ago, and it makes ultimate sense
15 that this be completed because of the nature.
16 There's no distinguishing between what was previously
17 done and what we're asking the Council to do now,
18 both the Council's already done and the District
19 already approved the district now before you and the
20 district to be before you in the future on the north
21 end. So I really think that this is a, a simple
22 decision. I hope it's a simple decision, and I think
23 also that the proof of this decision in the
24 intervening 30 years is shown in the disconcerting
25 breaks in the district that have occurred, 95th

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2 Street, 81st Street; there are a couple places where
3 you see the scars of development in what otherwise
4 would be pristine pre-war environment and
5 architecture. So the proof is in the pudding, if you
6 will. I also think that we have to trust Landmarks
7 Preservation. We have to trust the LPC and its
8 process, and it's for that reason that we're
9 supporting the designation of the district and the
10 affirmation of that designation as a whole, and we
11 think that the landmarks process has proven itself
12 and where exceptions and changes need to be made,
13 they have proven themselves to be responsible in
14 allowing consistent development, and that's why the--
15 under their methodology, and that's why we should
16 trust the--the legislature should trust the
17 administrative agency to deal with the individual
18 exceptions rather than trying to assess the
19 individual exceptions as a part of a legislative
20 process. That should be part of an administrative
21 process, is our view. And therefore we urge you to
22 designate and move forward with the designation
23 process for the entire district. Thank you very
24 much.

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CHAIRPERSON LANDER: Thank you very much.

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Any questions for this panel?

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RICHARD EMERY: Thank you.

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CHAIRPERSON LANDER: I just really

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appreciate all of your hard work. We know it's a lot

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of wisdom and years of work represented there. So

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thank you. Okay, for the first panel in opposition,

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we're just going to cover 214 West 72nd Street. So

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invite Peggy Ma and Richard Lobel up, and I want to

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flag that I have a few minutes more here, but

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unfortunately, I have a competing appointment and so

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I've asked Council Member Mendez to take the--take

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the gavel in a few minutes. And our next panel in

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favor will be Susan Cotrie [phonetic] Madalynn Morez

16

[phonetic] Michael Meltzer and Judith Love.

17

RICHARD LOBEL: Good afternoon, my name

18

is Richard Lobel. I'm from the law firm of Sheldon

19

Lobel PC, and with me today is Peggy Ma, who is the

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owner of 214 West 72nd Street and we're here today to

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speak to you about this property which obviously has

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engendered some prior conversations with the

23

Committee. I would start by saying that this

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building has been owned by Peggy for a little over 25

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years, and in 2007 as the Committee is now aware

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2 there was a demolition which took place on 200 West
3 72nd Street, and that demolition was not just a
4 standard demolition. For what happened was, during
5 the course of that demolition, half of the parting
6 wall of 214 West 72nd Street was destroyed.
7 Interlocking beams which tied both 212 and 214 West
8 72nd Street were taken down, and in addition to that,
9 as Chair Dillard of Community Board Seven has noted,
10 there was a series of actions which were not
11 neighborly and not akin to other behavior on the
12 Upper West Side. There were construction materials
13 placed on the site. There was extensive demolition
14 damage which started taking place 214 West 72nd,
15 including the installation of metal braces of shoring
16 within Peggy's building that exist to this day. It's
17 really quite extraordinary and actually terrible. So
18 in May 2011 we sat down with Council Member Brewer
19 and the Council Member justly said to us, "You know,
20 the people you really should be talking to here is
21 Community Board Seven." And in October, November,
22 and December of 2011 we sat down with Community Board
23 Seven. We had no fewer than four to five hours of
24 meetings. We had testimony from a structural
25 engineer and an architect who had been working on the

1
2 building for three years. We submitted an
3 engineering testimony and reports. We submitted
4 monitoring data which had been moved from the site
5 since 2008, photographs, affidavits, and personal
6 testimony. And what Community Board Seven found by a
7 vote of 36 to nothing, was that 214 West 72nd Street
8 deserved to be excluded from the district, and I know
9 that I have a limited amount of time. Peggy has
10 kindly seated me her time, but I think that the most
11 telling thing about this, of course, I'd be happy to
12 answer particular and specific questions, is the
13 findings that Community Board Seven made which I
14 summarize as follows: That the reasons why they
15 supported our application for exclusion, number one,
16 when CB7 passed its resolution supporting the
17 original creation of a West End Historic District in
18 October 2010, they did not include this site as part
19 of that district boundary. Number two, that the site
20 has suffered significant structural damage resulting
21 in hardship for the owner. Number three, that the
22 premises is, while not currently uninhabitable, is
23 leaning to the East. Gaps are appearing between its
24 internal stairs and structural walls, and its
25 condition continues to deteriorate. Number four,

1
2 that the premise is the last building on the east end
3 of West 72nd Street to be included within Historic
4 District, making it non-essential to the district as
5 a whole. And number five, that construction of a
6 subsequent building would help mediate between the
7 heights of the 19th story concrete and steel
8 structure which had been built rapidly and to the
9 great dismay of my client and the adjacent row houses
10 to the west. So again, CB7 looked at this. They
11 heard our testimony. They discussed with us the
12 preventive measure that would take place during
13 demolition of our building so that we would not
14 create the same hardships for another building that
15 were created for us, and they felt it compelling.
16 And while I respect all opinions, as I'm sure the
17 committee does, CB7 who had the most invested in this
18 historic district and who also was the agency and
19 board which took the most testimony regarding this
20 particular problem, was the one to vote 36 to nothing
21 unanimously in favor of our exclusion, and I'd be
22 happy to answer any questions.

23 CHAIRPERSON LANDER: Council Member
24 Brewer?

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COUNCIL MEMBER BREWER: So I'm aware of
went on in Board Seven, and we have met other people
living--I know the first floor is a commercial
enterprise, but are people living in the building
now, and if so, how many and is it--you know, it's
not falling down right now.

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RICHARD LOBEL: Correct. There's no
danger of it falling down right now. The discussion
with the engineer as well as engineering reports
which have been issued as recently as the last two
months, right at the beginning. The building
continues to deteriorate. In addition to the
commercial occupant on the ground floor, there are
seven residential units above, and as Peggy has told
me, during the course of the damage and destruction
that took place, Peggy has offered and did offer
incentives to her tenants, had reduced rent, had
reduced the cost of necessary utilities in an effort
to keep the business going on the ground floor, and
to make as many accommodations to the tenants as
possible.

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COUNCIL MEMBER BREWER: Okay. And the
engineers report indicate that--'cause obviously I

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am, you know, if I could preserve the whole city I would. I am not somebody--

RICHARD LOBEL: [interposing] I

understand.

COUNCIL MEMBER BREWER: I believe so

strongly in it. So, you think that if you're not allowed to build above, that the building will fall down? What is your--give me a little bit more as to what the structural challenges are.

RICHARD LOBEL: Sure.

COUNCIL MEMBER BREWER: I have the

report, but I want to hear it from you.

RICHARD LOBEL: Of course. In 2008, in

fear for the condition of her building, Peggy sponsored monitoring reports from an engineer who took seismic reports of the building. At that point in 2008, only a year after the construction, the building was--seemed to have moved at least three-eighths of an inch towards the east, towards this demolished party wall. In addition, there's a two inch seismic gap that's required between any new construction and existing construction as per building codes, and basically, the engineering report has said that due to the nature of the destruction

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2 that took place and the fact that these interlocking
3 beams were cut, that the building would continue to
4 move until it basically bridged that gap, so at least
5 two inches. The joist for the flooring are coming out
6 of their--are coming out of their gaps. The
7 stairwell in the interior of the building has leaned
8 to the point where the stairwell has removed in part
9 from the adjacent wall. There are cracks now in the
10 foundation. There is a gap now between 214 and 216
11 West 72nd Street on the west. All of these factors
12 have basically come to play in the report and in the
13 engineer's opinion that there are serious problems.

14 COUNCIL MEMBER BREWER: And why is it
15 that the insurance from 200 West 72nd Street won't
16 cover any repair to these damages? I understand
17 there was some stipulation, but it's a very
18 intelligent family.

19 RICHARD LOBELL: [interposing]
20 Understood.

21 COUNCIL MEMBER BREWER: And I can't quite
22 understand why they would sign something that wasn't
23 appropriate.

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RICHARD LOBEL: My opinion here, and we were unfortunately retained after the time that these--

COUNCIL MEMBER BREWER: [interposing] and the--

RICHARD LOBEL: [interposing] documents were signed, is that Peggy at the time was panicked. There were construction people from the adjacent site who were coming onto her roof. There was regular construction materials being stored on her roof without her consent. There was metal bracing being put within the building as it still exists today. I think Peggy at the time felt that she needed to do what she could to maintain the existing state of the building to maintain the safety of her tenants and so agreed to certain measures which would maintain the building and keep her tenants safe, and I think unfortunately, that these were done to the detriment of her and her party.

COUNCIL MEMBER BREWER: So what you're saying is there's no more funding to be able to be gathered from 200 West 72nd Street to pay for the repairs, because obviously they were caused--there's no way to undo whatever stipulation was signed.

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RICHARD LOBEL: That's correct.

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COUNCIL MEMBER BREWER: And from the insurance. Was there any money allocated from 200 West 72nd Street to this--

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RICHARD LOBEL: [interposing] I'm not sure of the answer to that question, and when we presented to CB7, I think one of the things that was compelling to them was that in addition to whatever arrangement was made and whatever Peggy has signed, the nature of the construction and the way that it took place was shielded from the street so that the holes which were literally--literally punched into the side of her building where beams had been cut and taken out were plastered over within a matter of days, and there were--there were blockades which went up to basically shield this area from view. It was really quite ugly, and I think that Peggy was very frustrated at the time, but also was very nervous.

COUNCIL MEMBER BREWER: And why would it be a challenge to garner funding from a renovated building that was of the same height as opposed to one that has to go larger in your drawings that I have seen? Why couldn't one just renovate as is and, obviously, garner increased revenue?

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RICHARD LOBEL: In my opinion and in what we discussed together, the nature of the demolition which will take place here and I know that restrictive declarations were talked about before, we're basically going to be hand demolishing this building. There are incredible costs that are required for that.

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COUNCIL MEMBER BREWER: [interposing]
hand demolished this?

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RICHARD LOBEL: Like, yes. We will need to--this is a building that obviously at the time it was built it was pre-dated, the existing building code. It would need to be to code and will need to be additional measures taking place for handicapped accessibility. The cost, and which we went over in some depth with CB7, which basically would be required to put this building back up, in their opinion justified a larger building here, as well as mitigating between the 19-story massive building to the side and the smaller five to six stories adjacent.

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COUNCIL MEMBER BREWER: I mean, it's all hypothetical at this point.

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RICHARD LOBEL: We know.

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COUNCIL MEMBER BREWER: Alright, thank
you very much.

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RICHARD LOBEL: Thank you.

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COUNCIL MEMBER MENDEZ: Okay, thank you
very much for your testimony. We're going to have
the next panel which had been called, but I'll call
the names again; Susan Catrie [phonetic] looks like
Madalynn Morez [phonetic]. I'm sorry if I'm
mispronouncing. Michael Meltzer, and Judith Love,
and then after this panel we will have the next panel
which will be Phil Milbauer and Eric Shefler will be
the panel after this. Okay, if I could just figure
out who's missing from this panel. Susan?

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SUSAN CATRIE: Susan.

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COUNCIL MEMBER MENDEZ: And Madalynn?

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MADALYNN MOREZ: Madalynn.

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COUNCIL MEMBER MENDEZ: Oh, Michael and
Judith, okay. So we're all here. Alright, you can
start giving your testimony.

21

SUSAN CATRIE: Thank you. I am here as
the President of the Board of Directors of Riverside
Towers, which is at 263 West End Avenue and we're
strongly in support of having the historic district
extended to 70th Street. We acknowledge that there

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2 will be some additional expense and difficulty when
3 we do need to maintain our building and we're willing
4 to accept that for the architectural integrity of the
5 area and we really strongly request that there not be
6 carve outs. We understand that one of our
7 neighboring buildings has requested a carve out and
8 we're willing to take on additional responsibilities
9 to maintain the street, but we would like it kept in
10 its entirety. Thank you.

11 COUNCIL MEMBER MENDEZ: Thank you.

12 Whoever is ready?

13 MADALYNN MOREL: Yes, my name is Madalynn
14 Morel, I live at 263 West End Avenue. I've been
15 living there for 20 years. I think West End is unique
16 in Manhattan in terms of having really preserved its
17 architectural and aesthetic integrity and while I
18 recognize that the chances are that the building in
19 discussion will probably be taken down, and frankly
20 it's not a particular pretty building anyway. I
21 really hope that any building that is built in its
22 place fits well into the neighborhood, that it be a
23 low-rise building. We don't have high-rises in the--
24 in the area that's under discussion. And I'm very
25 anxious that the Landmarks Preservation Committee can

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comment on any building that is proposed to be built to make sure that the building stays within the aesthetic requirements of the West End Preservation Society.

MICHAEL MELZER: My name is Michael Melzer [phonetic] I live at 255 West End Avenue. I want to thank the Committee for the opportunity to speak. I want to also confirm my support of all the statements that have gone before. I have little to add, but I wanted to say if a picture might be worth a thousand words, this is a picture of a building just across the street from the southern border of the district that's proposed. I'll pass it forward, but you can see it's one of those chrome and glass towers. It's so tall that I couldn't get the roof nor the street level in the same picture, and this is the area where my building is, and this is the area, an area that is proposed for a carve-out, and I think if you put this next to this, you'll see what damage it would do--and I'll try and hold them up. What effect it would have on the cohesive streets there. So that's all I wanted to say. I'll leave these photos for the panel.

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JUDITH LOVE: My name is Judith Love. I
live at 322 West 72nd Street and everything I wanted
to say has been said, so I'll relinquish my time.

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COUNCIL MEMBER MENDEZ: Thank you.

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Council Member Brewer, any questions?

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COUNCIL MEMBER BREWER: I just want to
thank you all for coming down today. Is it first
time testifying at City Hall?

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SUSAN CATRIE: Yes.

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COUNCIL MEMBER BREWER: So I really
appreciate your making the effort, thank you.

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COUNCIL MEMBER MENDEZ: Thank you all for
your testimony. Paul Milbauer with Eric Shelfler,
and then the next panel that will be on deck, so to
speak, to follow these two gentleman will be Louis
Meridith, Lori Malloy, Joy Wyatt, and Laura
Goldenberg. That will be the panel after these two
gentleman. Can I help you?

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PAUL MILBAUER: Just one question, Ken
Horn who is also on the same topic as this and the
same--but I think his card may have not been read to
speak under the same grouping as ours.

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COUNCIL MEMBER MENDEZ: Okay, he's going
to be on the next panel. I just want to split up

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because there's not enough people testifying against,
so I wanted to split up the testimony.

PAUL MILBAUER: Good afternoon, City
Council Members. Thank you--Good afternoon, City
Council Members. Thank you for having us at the
meeting today. I have some documentary evidence that
I would like to hand up to the City Council Members.
It includes photographic evidence and other
documentary matter. May I have permission to?

COUNCIL MEMBER MENDEZ: The sergeant will
pick it up and give it to us. Thank you.

PAUL MILBAUER: Five copies.

COUNCIL MEMBER MENDEZ: Thank you.

PAUL MILBAUER: My name is Paul Milbauer.
I am the president and a member of the Board of
Directors of 300 West 72nd Street. It's a
cooperative corporation on the southwest corner of
72nd Street and West End Avenue. You'll see in the
photographic evidence that's part of the package that
we're submitting today, that it's the small squat
non-descript building on the corner of 72nd and West
End Avenue with the fire escape. The building has 35
units and is operating under financial distress for
the last several years. Before the Upper West Side

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2 Collegiate District Historic Site was even on the
3 agenda, the shareholders in the building asked the
4 board of directors to pursue the possibility of
5 selling the building because of the financial
6 problems in the building. The building is old. It
7 needs a new boiler, which will be expensive, 150,000
8 dollars. It also needs the replacement of the fire
9 escapes, which ironically enough the landmark
10 commission relied upon as one of the reasons to give
11 the building a designation of modern, which would
12 give the building a style, architectural style such
13 that the building cannot--the exterior cannot be
14 altered, nor can the building be demolished. Again,
15 the--it's a small number of shareholders, 35, and
16 it's--we can't raise any income from any other
17 sources. So it's going to result and has resulted in
18 very hefty assessments for the shareholders to the--
19 up to the situation that several of them have--don't
20 have the ability to afford the assessments and hence
21 we, the Board of Directors has explored selling the
22 building. The co-op does not oppose the Upper West
23 Side Historic District. We're in favor of
24 preservation. We do ask the City Council to
25 disapprove of the designation that's been given to

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2 our building, or alternatively, I believe the law
3 allows the City Council to disapprove or modify the
4 designation. We would ask for if the designation is
5 not disapproved such that we can go forward with the
6 developer who we have reached an agreement with, a
7 contract with and will be testifying today, we ask
8 that the designation be modified so that the
9 Community Board--I'm not sure of the procedure, or
10 the City Council can supervise and oversee the
11 development that will be done at this important site
12 of 72nd Street and West End Avenue. It will be
13 tasteful. It would fit in with the streetscape
14 better than our building, but I'll let the developer
15 speak to that. I testified before the Landmark
16 Commission regarding the designation for our building
17 and we hired an architectural historian who also
18 testified. At the hearing on June 25th where the
19 landmark commissioners debated the designation--

20 COUNCIL MEMBER MENDEZ: [interposing]
21 Sir, if I could ask you to--I let you go beyond the
22 two minutes--

23 PAUL MILBAUER: [interposing] Oh, I'm
24 almost finished.

25 COUNCIL MEMBER MENDEZ: So, yes.

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PAUL WILBAUER: One more minute.

COUNCIL MEMBER MENDEZ: Yes, thank you.

PAUL WILBAUER: I was at that hearing and I have a transcript that the Landmark Commission, Kay Daily [phonetic] and Michael Lohan [phonetic] were kind enough to give to me. On the transcript you will hear as I and another board member who were present heard, there were dissenting members of the Landmark Commission who felt that our building had no specific worthy style worthy of protection and presen--and the building worthy, being worthy of preservation. So, again, just to repeat myself, we would ask the City Council under the law to exercise its power to disapprove of the designation that's been given to our building for the reasons I've stated, the hardship as well as the building not having a contributing element to the community. Thank you.

COUNCIL MEMBER MENDEZ: Thank you. Yes?

ERIC SHEFLER: Thank you. Eric Shefler, and speaking connection also with Ken Horn is going to speak in the next grouping. We are the development company that has reached an agreement with 300 West 72nd Corporation to redevelop the

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2 building. Reiterating what Paul said, We are not
3 seeking to--sorry--we are in approval of the
4 extension of the West End-Collegiate Historic
5 District to encompass this building. We're
6 specifically opposing the contributing factor of this
7 building to the historic district. As Paul
8 indicated, in front of you, you should have the
9 architectural historian which the building engaged
10 opinion that the building is not a contributing
11 factor, and in addition to that as Paul has
12 testified, the building has certain financial
13 hardships that we'll be unable to meet, certain
14 required repairs the building's going to have to
15 undertake in the next very short term to continue as
16 a viable building. We are fully aware of all
17 landmarks requirements and willing to submit all
18 plans to subject to the approval of the landmarks in
19 connection with it if we redevelop on the property.

20 COUNCIL MEMBER MENDEZ: Thank you very
21 much. We will--I don't know if Landmarks
22 Preservation Commission has a copy of this, but if
23 not, we will ensure that they do get one. Council
24 Member Brewer, do you have any questions?

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COUNCIL MEMBER BREWER: I also want to
thank you both for making an effort to meet with me
tom--yesterday, and I look forward to further
discussions. Thank you very much.

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PAUL MILBAUER: Thank you very much, Ms.
Brewer.

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ERIC SHEFLER: Thank you.

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COUNCIL MEMBER MENDEZ: Thank you
gentleman. Okay, so Lois Merideth [phonetic], Lori
Malloy, Joy Wyatt, and Laura Goldenberg. That is the
current panel and the next panel will be Kenneth
Hiern and Susan Strauss-Hauer [phonetic] will be the
panel to follow. If I could just double check, it
seems someone's missing from the panel. Lois?

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?: Lois had to leave, unfortunately.

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COUNCIL MEMBER ARROYO: Excuse me?

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?: Lois had to go to work.

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?: Yeah, she had to leave unfortunately.

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COUNCIL MEMBER MENDEZ: Lois had to go to
work, okay. So Lois is not here. Can Kelly Carrl
join this panel? Okay, whoever is ready you can grab
the microphone and start your testimony.

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LAURA GOLDENBERG: Hello, my name is

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Laura Goldenberg, and I live at 260 West End Avenue.

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2 Thank you very much for giving me the opportunity to
3 speak to you today. I'm here to urge you to approve
4 the West End-Collegiate Historic District Extension
5 as designated in its entirety. As a long time and
6 very proud resident of the Upper West Side, I have
7 cherished and continue to cherish the architectural
8 beauty, charm, and livability of the neighborhood. I
9 vehemently oppose any self-serving carve-out proposed
10 by developers. It will destroy the integrity,
11 history, and charm of the neighborhood, bringing
12 noise, overcrowding, and disruption to many peoples
13 lives. The neighborhood has rightly been identified
14 as a historic one worthy of preservation and
15 protection. I ask you to approve the historic
16 district extension in its entirety, and I thank you
17 for your time and consideration.

18 COUNCIL MEMBER MENDEZ: Thank you.

19 KELLY CARROLL: Good afternoon. My name
20 is Kelly Carroll and I am Director of Preservation of
21 Landmark West, and it is my first time speaking at
22 City Hall, so thank you for having me. Landmark West
23 strongly supports the West End-Collegiate Historic
24 District Extension. There's a reason people chose to
25 live in neighborhoods like the Upper West Side. Local

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2 activists, members of the general public and even the
3 real estate community understand that a big part of
4 that reason is preservation. New York City's far
5 reaching advocacy to protect its landmarks and the
6 character of its world class neighborhoods is a
7 primary reason for our City's sustained vitality.
8 The large majority of stakeholders in the West End
9 Avenue neighborhood welcome landmark designation as a
10 timely recognition of something they have known all
11 along. This area is one of most beautiful, vibrant,
12 livable neighborhoods in New York, and that has a lot
13 to do with the quality and the character of its
14 buildings. The proposed district extension
15 boundaries largely recognize the importance of
16 preserving not just individual buildings or streets,
17 but an entire neighborhood context, not just the
18 cohesive vista of West End Avenue, but also the
19 exuberant skyline of Riverside Drive and the deep
20 sense of place conveyed by row house streets.
21 Landmark West's committee of architectural experts,
22 including Andrew Dolkart, Mosette Broderick, Tony
23 Robbins, Sara Landau [phonetic], Gregory Dietrich,
24 and Francoise Bollack especially applaud the
25 Landmarks Preservation Commissions inclusion of the

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Level Club and Euclid Hall which have been on

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Landmark West's wish list for some time. It is

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reasonable and essential that these buildings and

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others within the boundaries be included to the final

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designation of this extension. We urge the City

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Council to approve the West End-Collegiate Historic

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District today without any carve-outs. Thank you.

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LORI MALLOY: Good afternoon. My name is

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Lori Malloy, and I thank you for your time today.

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I'm elated to be here to express our support that the

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New York City Council is contemplating this

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designation. Our entire family has a rich history in

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New York City real estate through our over a hundred

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year old company, Fredda [phonetic] French, and

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through historic preservation. Architectural

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treasures are indeed a significant part of my

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family's fabric and legacy. In fact, we are fifth

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and sixth generation residents of this West End

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Avenue area. Every one of those generations

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treasured what is now historic architecture. My

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children's great, great grandfather, Captain Joseph

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P. Greenhut [phonetic] a Gettysburg and Civil War

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hero, enjoyed West End Avenue where he lived and he

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enjoyed his retirement on his quiet, spacious, an

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2 uniquely beautiful avenue and it's then up and coming
3 neighborhood. Many of the incredible buildings that
4 were built in that era and throughout the generations
5 of my family and so many others by some of the New
6 York City's greatest architects can be still enjoyed
7 today by historic preservation enthusiast. We often
8 go on sold out historic architecture tours of West
9 End Avenue. But as we've seen and even with this
10 rich legacy at our very feet, some of these treasures
11 on West End Avenue are disappearing. We need to
12 protect the neighborhood aesthetics which form
13 individual and a collective treasure. As said here
14 today by another, on another matter by one of our
15 esteemed legislators, one of the--once the area
16 changes via development it will never be the same.
17 Please vote to approve this West End Avenue
18 Collegiate Historic Extension Designation without
19 exception or carve-out. Thank you.

20 JOY WYATT: Hello, my name is Joy Wyatt,
21 and this is my first time presenting, so thank you
22 very much for giving us the opportunity. I am a
23 resident of 263 West End Avenue and have just given
24 you my letter which complements the 84 other letters
25 that have been written by other members or other

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2 shareholders in our building in support of the
3 designation without any carve-outs. The
4 identification of a whole district for landmarking as
5 opposed to a single building suggests that the city
6 wants to retain the historical quality of an entire
7 community, not just that of individual buildings. If
8 that's the case, then permitting carve-outs of
9 buildings used for residential and commercial
10 purposes would stand to violate the principle on
11 which the landmarking is based. You've chosen to
12 designate a community; designate the whole community.
13 That includes even those buildings which may be
14 described as small and non-descript, as well as those
15 which may be grand and beautiful. Carve-outs could
16 have the effect of owners or developers ignoring the
17 character of the neighborhood, building structures
18 that violate the intent of the historic district.
19 They will only be governed by zoning and building
20 code, not by the principles and guidelines of the
21 Landmarks Preservation Commission and historic
22 preservation in general. This could put at risk the
23 integrity of the historical quality of an entire
24 neighborhood, undoing the good work and the intent of
25 landmarking in the first place. I would like to

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2 offer, since I have a couple seconds left, that I do
3 think special consideration, the city owes it to
4 organizations such as churches, which we discussed
5 earlier, that have I think a particular burden
6 because of the nature of their funding and the nature
7 of their mission. So I put that in parenthesis
8 following my earlier comments, but in the case of
9 building in residential, I believe that--I believe
10 that this whole proposal should be approved without
11 any carve-outs. Thank you very much for the
12 opportunity to speak.

13 COUNCIL MEMBER MENDEZ: Gale?

14 COUNCIL MEMBER BREWER: I just want to
15 thank the first timers in particular. I also want to
16 thank those who are in co-ops or have real estate
17 background, because, you know, it's not something
18 that comes naturally in terms of support. So I
19 really appreciate putting preservation over what
20 might be the shareholders interest. I also think
21 that by the time designation takes place, the
22 apartments are worth more, and you end up with a
23 win/win situation for everyone, and I hope that's
24 clear, 'cause we keep saying it, but I want it to be

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2 said again and again. So, thank you for caring about
3 West End Avenue.

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JOY WYATT: Thank you.

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6 COUNCIL MEMBER MENDEZ: Thank you very
7 much. We'll now hear from Kenneth Horn and Susan
8 Strauss-Hauer [phonetic], and then the last panel,
9 there are five people so I'll call them all together;
10 Brian Hargrin [phonetic], Faith Steinberg [phonetic],
11 Martha Tack [phonetic], Neil McIllvan [phonetic], and
12 Pedro Marcal [phonetic] will be the five people on
13 the last panel. Thank you. Whenever you're ready.

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14 SUSAN STASHAUER: Thank you. My name is
15 Susan Stashauer [phonetic] and I have lived on the
16 Upper West Side at 300 West 72nd Street for close to
17 30 years. I'd like to make clear that I am not here
18 to oppose the district, rather I am here to plead the
19 case for our small building. There are a lot of
20 voices who have looked at the broader issues
21 regarding the establishment of the district, but we
22 are only 34 shareholders, and so what we ask today is
23 that the Commission looks at our situation
24 separately. We opposed being included in the
25 district for the confluence of two factors. One is
architectural style. Mr. Milbauer submitted for the

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2 record several documents where we have--it is our
3 contention that our building does not have
4 significant architectural style rising to the level
5 of requiring historic preservation, and in fact what
6 we would say is that if our building were anywhere
7 else in New York City, no one would be looking to
8 protect it. It is not one of the grand buildings
9 that has--that inspired the historic preservation
10 movement. And in addition, kind of the contribute--
11 the other contributing factor is that we have
12 operated on a shoestring budget for several years.
13 We are facing increasing costs. The building is old.
14 We need to make several repairs. We do not have
15 options for raising funds and so our board has been
16 in discussion with the developer who is here to
17 testify today as well. The final point is that we
18 are not asking for free-reign development. We have
19 actually carefully selected our developer partner as
20 somebody who we feel is looking for responsible
21 development and wants to build something that will
22 actually be more consistent with the character of the
23 neighborhood.

24

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2 COUNCIL MEMBER MENDEZ: Thank you, and
3 just for the record, this is the same building that
4 was in the previous panel?

5 SUSAN STASHAUER: Yes.

6 COUNCIL MEMBER MENDEZ: That we got his
7 report on.

8 SUSAN STASHAUER: YES.

9 COUNCIL MEMBER MENDEZ: Okay, thank you.
10 Sir?

11 KENNETH HORN: Hello, good afternoon. My
12 name is Kenneth Horn, and I'm the President of
13 Alchemy Properties. We're a small development firm
14 located in New York City. We were asked to work with
15 the co-op corporation in terms of potentially coming
16 up with a solution to help them understand what they
17 can do with their building and how it could
18 potentially be developed. So we are not in any way
19 shape or form against creating a historic district or
20 landmark district in this particular area. We have
21 worked on many historic buildings. Currently we are
22 the developer of the Woolworth building, which as we
23 all know has unbelievable historical significance and
24 landmark significance and we're working very
25 carefully with Landmarks on the development of that.

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2 In this particular situation we've noted that there's
3 been a lot of testimony discussing that the buildings
4 in the district were basically constructed between
5 1880 and 1920. This building is a very non-descript
6 building and has--actually was built in 1941, and as
7 previous testimony pointed out, it really has no
8 historical significance whatsoever. As a developer
9 of this particular parcel, however, we will undertake
10 to not only work with the Community Board, but to
11 also work with New York City landmarks in terms of
12 creating a more interesting and more functional
13 building that would fit into the landscape well
14 beyond what the building currently exists in the
15 area. So unlike some of the testimony where there
16 would be un-checked development, we're really
17 looking to do it the opposite way. What we're
18 looking to do is to conceive of a building, to work
19 with a community, and to work with Landmarks to
20 create something that's a little bit more contextual
21 to the district, and more in line with what buildings
22 are being preserved. Along those lines we think we
23 have a good relationship with the co-op and again, I
24 think we were careful to look at trying to develop
25 and create a building that's not going to be an

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2 eyesore, but more or less going to complement a
3 district, as opposed to something that in the future
4 could potentially demean the district because of its
5 lack of ability to maintain its current position as a
6 building in the area.

7 COUNCIL MEMBER MENDEZ: Thank you very
8 much. Council Member Brewer?

9 COUNCIL MEMBER BREWER: I want to thank
10 you both for being here. As you know, when you do a
11 historic district and as I indicated earlier, I live
12 in one, and my district office is one, and you kind
13 of get the good, bad, and the ugly. In other words,
14 everything is in it. So it's more like the history
15 and feeling of a district along with the overall
16 composition. I'm just pointing out the historic
17 district is not that every single building has to fit
18 into a criteria. I think you know that.

19 KENNETH HORN: Yes.

20 COUNCIL MEMBER BREWER: But I just wanted
21 to throw that out. And second, I know that you have-
22 -know there are financial issues and I understand
23 that. That may not be in my opinion a reason for a,
24 a pull-out, a carve-out, but it is something that I

25

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2 am concerned about, and I understand that concern.

3 Thank you.

4 KENNETH HORN: Thank you.

5 COUNCIL MEMBER ARROYO: Thank you, and
6 now we will go to the last and final panel on this
7 item; Brian Hargrins [phonetic], Faith Steinberg,
8 Neil Mcilvain [phonetic], Maclavain [phonetic] and
9 Pedro Marcal, which means will need to just bring
10 another chair to the table if all five people are
11 here.

12 ?: You want us in order the way you
13 said, or does it matter?

14 COUNCIL MEMBER MENDEZ: Doesn't matter.
15 Just take any chair, and now we got extras. That's
16 okay.

17 ?: Alright.

18 COUNCIL MEMBER MENDEZ: I only see four
19 people. Brian?

20 BRIAN HARGROVE: I'm Brian.

21 COUNCIL MEMBER MENDEZ: Okay. Faith?

22 BRIAN HARGROVE: I think we lost
23 somebody.

24 COUNCIL MEMBER MENDEZ: Martha?

25 MARTHA: Here.

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2 COUNCIL MEMBER MENDEZ: That's Martha,
3 okay. So Faith is not here. Okay. So they'll only
4 be four people on this panel. Okay, whenever you're
5 ready, whoever's ready just grab the microphone,
6 identify yourself for the record.

7 BRIAN HARGROVE: Hi, my name is Brian
8 Hargrove. I live at 260 West End Avenue. This is my
9 first time testifying. As a matter of fact, I didn't
10 know where City Hall was; now I do. I--260 is right
11 across the street from 300 West 72nd Street, and just
12 for full disclosure, I want to be honest and say, I
13 would lose my view or some of my view and I would
14 live through all the construction, but I'm a big boy
15 and I can deal with that. That's not why I'm here
16 today. I also agree with them; it's not the most
17 beautiful building in the world, however, he made a
18 face when he said Modairned [phonetic] and it is a
19 represent of that kind of architecture. It's not my
20 favorite, but then I didn't like Lincoln Center
21 either, and it's grown me. I'm glad they didn't turn
22 it down. What I'm concerned about is what are they
23 going to build. Without landmark protection, they
24 could build a building twice as high as it is now.
25 They are 50 percent underdeveloped as it is. There's

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2 also across, diagonally across the street from them,
3 there are airites [phonetic] that are available.
4 I've looked into this. And they could go three times
5 as tall as they are now, or four. No matter how big
6 a--how beautiful a building they build, it's still
7 going to affect the character of the neighborhood.
8 And it could be made out of glass and steel or some
9 kind of plastic. I mean, I know what they're saying,
10 and I'm not saying I don't believe them, but without
11 landmark preservation, without that status, we have
12 no control over what they build. It's completely--
13 we'd have to depend on their word, and I for one
14 don't want to depend on the good faith and tasteful
15 decisions of a developer for my neighborhood. Thank
16 you.

17 NEIL MACLAVAIN: My name's Neil
18 Maclavain, I've lived in the Upper West Side for--
19 press the button. My name's Neil Maclavain. I've
20 lived on the Upper West Side for 35 years now. I'm
21 not native to New York. Where I came from, I've very
22 proud of the history of the region. I'm raising a
23 family now. My son wears the t-shirt with the zip
24 code on it. He's proud to be an Upper West-sider.
25 The people that build this neighborhood, they took

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2 the skills to their grave. We can't do it again, so
3 I think it would be a shame to lose it, and the
4 neighborhood as a whole. It's really one. So if
5 they start cuttin' it up, you know, you're going to
6 lose the beauty of this neighborhood. That's it.
7 I'm going to try to be short. Thank you.

8 PEDRO MARCEL: You sure? You going to
9 let me go, okay?

10 COUNCIL MEMBER MENDEZ: Thank you.

11 PEDRO MARCEL: Hi, I'm Pedro Marcel, and
12 I recently moved from California where we don't have
13 historic communities, and I know you know this
14 neighborhood is special and historic. I incidentally
15 have a letter here and Council Member, I e-mailed it
16 to you this morning. I don't know if you had the
17 opportunity to read it, but I've given you copies
18 right now.

19 COUNCIL MEMBER MENDEZ: I can assure you
20 that since it's Gale Brewer, she has already read it.

21 PEDRO MARCEL: She's already read it.

22 [laughter]

23 PEDRO MARCEL: So then you'll know that
24 my situation is somewhat more unique. While I love
25 the history and, you know, we lived in one of the

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2 more modern Trump buildings on Riverside Boulevard
3 before deciding we wanted to live in a historic pre-
4 war building, and we moved into 260 a little over a
5 year ago. And my son, he's two and a half years old,
6 has got leukemia, and so for us, if you allow a
7 building across the street to be torn down, and
8 another one built, it will be like years of noise,
9 which will not be good for him. And so from our
10 point of view, kind of we view that if you do a huge
11 tear down of a building across the street and rebuild
12 something else, that you're essentially evicting us
13 because he needs to be able to nap in the afternoon,
14 and he is undergoing chemotherapy, and from our point
15 of view, we would just have to leave probably. So,
16 you know, so that's it. So my sort of situation is a
17 little different, and I understand that other people
18 have hardships, but as father; I'm here as a father
19 and also as a resident of the building and a owner.
20 And that's pretty much it. And all the other
21 reasons, I mean, are so clear that, you know, why
22 have a historic district and then exclude and carve
23 out things. It just doesn't seem to make a lot of
24 sense to us. So, anyways, we want to thank you guys
25 for hearing us and Council Member Brewer, thank you

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2 for all your, you know, efforts and yours as well.

3 That's all.

4 MARTHA TACK: Subcommittee members,
5 friends, and champions, my name is Martha Tack. It's
6 a pleasure to be here. I have lived on the Upper
7 West Side, specifically West End Avenue all my life,
8 and its beauty and elegance never cease to amaze me.
9 Each building in its unique way contributes to the
10 charm and dignity of the neighborhood. Even now, I
11 continue to make new discoveries about the
12 architecture and design of the buildings and learn
13 their fascinating history. Sadly, in recent years
14 some buildings have been demolished and replaced by
15 huge monstrosities that are out of place and
16 contribute nothing positive to the neighborhood.
17 That's why I applaud the Landmarks Preservation
18 Committee's decision to designate the West End-
19 Collegiate Historic District Extension and urge you
20 to affirm that decision as it stands. It has come to
21 my attention that some building are requesting
22 exclusion from the landmark designation. Granting
23 such requests would be disastrous because it would
24 ease the way for even more demolitions and more
25 construction of ugly high rises that would destroy

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2 the elegance of the district. In addition to the
3 architecturally cold and steely, such high rises
4 would block sunlight, obstruct views, turn broad and
5 bright thoroughfares into narrow, dark caverns, and
6 increase congestion on the street, in the parks, and
7 in the schools. It would also increase noise
8 pollution, because new buildings lack the sound
9 proofing so characteristic of the older buildings on
10 West End Avenue. The landmark designation as it
11 stands would preserve the dignity and serenity that
12 define the district. Please protect and preserve our
13 history and heritage. Designation of the entire
14 district will increase its sense of cohesion,
15 community, and stability. Designation of the entire
16 district will increase economic and property values
17 and enhance our quality of life. I'd also like to
18 point out that there is a song called "West End
19 Avenue" from the show, The Magic Show, from the
20 1980's. I certainly hope that songs about West End
21 Avenue will continue to be written. Thank you.

22 [applause]

23 COUNCIL MEMBER MENDEZ: Council member
24 Brewer?

25

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2 COUNCIL MEMBER BREWER: I also want to
3 thank you for being here. I think Martha may have
4 been here before, but the others may not, and I also
5 hope your son does better. Thank you.

6 PEDRO MARCEL: I voted for you. I'm not-
7 -I'm not sucking up. Just wanted to thank you.

8 COUNCIL MEMBER MENDEZ: I want to thank
9 this panel for your testimony, and Mr. Marcel, I want
10 to thank you for your heartfelt testimony. Even
11 though this is the last panel, if anyone else would
12 like to testify on this issue we want to ensure that
13 you have the opportunity to do so. If that's the
14 case, please raise your hand 'cause we're going to
15 need to you fill out one of these. Please step up
16 and the sergeant will give you one of these to fill
17 out and you can identify yourself for the record. Do
18 we need the sheet? Okay, you can give your testimony
19 and give it to us after.

20 DANIELLE LEWKETTO: I'm Danielle
21 Lewketto, and I live at 260 West End Avenue and my
22 husband just spoke, and I feel for everyone here. I
23 grew up, born and raised in Manhattan. I'll be
24 brief. I've lived in the West Village and the Upper
25 West Side. I want to rebut a little of what the

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2 developer said. I work in real estate myself.

3 Although the building is modairn [phonetic] as they
4 said, a more modern building would not be better.

5 What we need is all of the elegance, spaciousness,
6 sunlight, the views that all of these buildings put

7 together when you look up and down West End Avenue

8 impart to you. You are walking through history and

9 those include 1800's, 1900's and 20th Century

10 buildings. There is no one building that is better

11 than another. If there's no one part of the city

12 that's better than another. It is a city. It is a

13 community. They are neighborhoods, and we're all

14 one, and we need the people to value where they live.

15 We don't need four business to value those

16 neighborhoods more than we do. We live here. We own

17 these areas, and we own them in our hearts. So I

18 wish that the--everyone here would vote for the

19 extension, no carve-outs. We do not need to make

20 excuses for buildings that may not be, you know, a

21 Candela building. We need to look at West End Avenue

22 in it's own beauty and vote for that. Thank you.

23 [applause]

24 COUNCIL MEMBER MENDEZ: Thank you. So,

25 Land Use items, we are now finished with this part of

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2 the testimony, Land Use items--the Landmarks
3 Preservation Commission. Okay, Land Use items 910,
4 912, and 914 were voted on earlier and the Land Use--
5 Landmarks Preservation Commission will now be giving
6 testimony on four--will be presenting on four other
7 items, LU 911, which is in Council Member Mendez
8 district, that's me. 915 which is in Council Member
9 Jackson's district in Manhattan. 916 which is in
10 Council Member Crowley and Delaune's district in
11 Queens, and 917 in Genarro's district, also in
12 Queens. If we can have a little quiet folks.

13 ? : Keep it down, please. Let's keep it
14 down. Meeting is not over yet. Thank you.

15 COUNCIL MEMBER MENDEZ: So, Ms. Fernandez
16 are you ready?

17 COUNCIL MEMBER FERNANDEZ: Yes.

18 COUNCIL MEMBER MENDEZ: Thank you.

19 ? : Quiet please, thank you.

20 COUNCIL MEMBER MENDEZ: So I want to
21 thank everyone as you exit quietly, and whenever
22 you're ready to give your presentation on these four
23 items.

24

25

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2 COUNCIL MEMBER FERNANDEZ: Yes, my
3 apologies. Council Member Mendez, which item did you
4 want me to start with? The--

5 COUNCIL MEMBER MENDEZ: [interposing]
6 which ever one you like. You have 911, which is me,
7 so you can sort of start with me if you like.

8 COUNCIL MEMBER FERNANDEZ: 911?

9 COUNCIL MEMBER MENDEZ: Or you can end
10 with me.

11 COUNCIL MEMBER FERNANDEZ: We can do--we
12 can do that one.

13 COUNCIL MEMBER MENDEZ: Okay.

14 COUNCIL MEMBER FERNANDEZ: Thank you
15 Council Member Mendez, acting Chair, and the rest of
16 the Committee. My name is Jenny Fernandez, and I'm
17 the director of Intergovernmental and Community
18 Relations for the Landmarks Preservation Commission
19 here to testify today on the Commission's designation
20 of the St. Louis Hotel, now Hotel Grand Union in
21 Manhattan. On May 14th, 2013 the Landmarks
22 Preservation Commission held a public hearing on the
23 proposed designation as a landmark, the St. Louis
24 Hotel, and now Hotel Grand Union. There were three
25 speakers in favor of designation including two

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2 representatives of the owner, and a representative of
3 the Historic Districts Council. No one spoke in
4 opposition to designation. On June 25th, 2013, the
5 Commission voted to designate the building in New
6 York City individual landmark. The St. Louis Hotel
7 constructed in 1903-05 is part of the mid-town hotel
8 district was built at a time of great expansion and
9 development in mid-town Manhattan. Close to shopping
10 and entertainment districts, this area was also well
11 served by a variety of transit lines. In the early
12 20th century their neighborhood was being redeveloped
13 from single family homes to stores, institutions, and
14 lofts. Many hotels were built at this time for
15 transient guests as well as apartment hotels for
16 residents of longer duration, all taking advantage of
17 the convenience of this location. The designer of
18 the St. Louis Hotel was Frederick Browne, a New York
19 City architect who designed numerous hotels and small
20 apartment buildings in Manhattan. The façade of this
21 distinctive Beaux-Arts style building is faced in red
22 brick and limestone with projecting bay windows in a
23 lively arrangement that creates a striking façade on
24 this narrow street. This distinguished building has
25 been used a hotel for more than 100 years, and

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2 continues to be used as a hotel today. The
3 Commission urges you to affirm this designation.

4 COUNCIL MEMBER MENDEZ: Just for the
5 record, the Council Member of that district happens
6 to support that.

7 COUNCIL MEMBER FERNANDEZ: Thank you,
8 Council Member Mendez, for your support. Land Use
9 915. My name is Jenny Fernandez, Director of
10 Intergovernmental and Community relations.

11 COUNCIL MEMBER MENDEZ: It would be 915?

12 COUNCIL MEMBER FERNANDEZ: 15.

13 COUNCIL MEMBER MENDEZ: We just--we just
14 had the hearing on 913, which is Gale Brewer.

15 COUNCIL MEMBER FERNANDEZ: Did I say 913?

16 COUNCIL MEMBER MENDEZ: You said 913.

17 COUNCIL MEMBER FERNANDEZ: My apologies.

18 Correction, 915.

19 COUNCIL MEMBER MENDEZ: Yes.

20 COUNCIL MEMBER FERNANDEZ: Catherina
21 Lipsius House. My name is Jenny Fernandez, Director
22 of Intergovernmental and Community relations for the
23 Landmarks Preservation Commission. I'm here today to
24 testify in the Commission's designation of the
25 Catherina Lipsius House in Brooklyn. On June 18th,

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2 2013, the Landmarks Preservation Commission held a
3 public hearing on the proposed designation as a
4 landmark. The Catherina Lipsius House, aka Doctor
5 Frederick A. Cook House. There were two speakers in
6 favor of designation including the owner and a
7 representative of the Historic Districts Council.
8 The Commission received a letter from Council Member
9 Diana Reyna in support of designation. There were no
10 speakers in opposition to designation. On June 25th,
11 2013, the Commission voted to designate the building
12 in New York City individual landmark. This
13 impressive mansion and the American round arch style
14 was constructed for Catherina Lipsius and her family
15 in 1889-90. They were the prosperous owners of the
16 Claus Lispius Brewing Company, one of the numerous
17 German Brewers in Bushwick Brooklyn at the end of the
18 19th Century. The German community thrived in the
19 eastern district of Brooklyn during the second half
20 of the Century, bolstered by numerous immigrants
21 fleeing the unsuccessful revolutions in Germany.
22 This elaborate American round large style house was
23 designed by prominent Brooklyn architect Theobald
24 Engelhardt, whose work was popular in this German
25 immigrant community. Examples of his work include

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2 buildings for the William Ulmer Brewery Company
3 complex in Bushwick, which is designated, as well as
4 for the Eberhard Faber Pencil Company, now within the
5 Eberhard Faber Pencil Company Historic District.
6 This House constructed of red brick with stone and
7 terracotta trim features a dramatic rounded corner
8 tower that is defining feature of this building. The
9 style combines elements from medieval and classical
10 architecture. The Lipsius family sold the house in
11 1902 to Doctor Frederick Cook and his wife, a
12 successful physician and later arctic explorer. Cook
13 became well known for his claim that he was the first
14 man to reach the summit of Mount McKinley, and his
15 subsequent claim that he had reached the North Pole
16 before Robert Peary in 1908-09. Despite some
17 alterations over time, the house remains remarkable
18 intact and serves as a rare surviving reminder of the
19 late 19th Century period when the German immigrant
20 community flourished in Bushwick and the manufacture
21 and consumption of beer was a major part of the lives
22 of the people of this community. The Commission
23 urges you to affirm this designation.

24 COUNCIL MEMBER MENDEZ: Thank you.

25

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2 COUNCIL MEMBER FERNANDEZ: Land Use 916,
3 the Forest Park Carousel. My name is Jenny
4 Fernandez, Director of Intergovernmental and
5 Community Relations for the Landmarks Preservation
6 Commission. I'm here today to testify in the
7 Commission's designation of the Forest Park Carousel
8 in Queens. On June 11th, 2013, the Landmarks
9 Preservation Commission held a hearing on the
10 proposed designation as landmark of the Forest Park
11 Carousel. Four people spoke in support of
12 designation, including City Council Member Elizabeth
13 Crowley, representatives of New York City Parks and
14 Recreation, the Historic District's Council and the
15 Society for the Preservation of the City. The
16 Commission has also received numerous letters and
17 support of designation. On June 25th, 2013, the
18 Commission voted to designate the Carousel, a New
19 York City individual landmark. The Forest Park
20 Carousel is located within Forest Park near Woodhaven
21 Boulevard in Central Queens. All but three of the
22 Carousel's wood figures are believed to have been
23 carved by D.C. Miuller & Brother in 1903 or 1910. A
24 leading member of the Philadelphia school of carousel
25 carving, this firm's highly realistic work is

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2 celebrated for its expressive anatomical detail and
3 unusual attention to military fittings. Frederick
4 Freed [phonetic], the pioneering expert on American
5 folk art and a co-founder of the national Carousel
6 association described Muller's figures as the best
7 carved and most magnificent. Like many of their
8 peers, Daniel and Alfred Muller immigrated to the
9 United States from Germany settling in Philadelphia
10 in mid-1880s where they began working for Gustav
11 Denesel [phonetic]. Daniel Muller also trained at
12 the Pennsylvania Academy of Fine Arts, making him one
13 of the few carousel carvers with an academic
14 background. The Forest Park Carousel contains 46
15 wood horses and three menagerie animals arranged in
16 three rows at two levels. Two of the horses are
17 attributed to the prolific Brooklyn carver, Charles
18 Carmel [phonetic], and another to William Densel, who
19 employed the Mullers in their later years. Dedicated
20 in November 1973, Muller's carousel welcomed riders
21 until about 1985. Of the estimated 12 to 16
22 carousels produced by Daniel Muller & Brother, only
23 two are known to remain in operation. The Forest
24 Park Carousel is consequently one of the firms last
25 surviving works as well as an exemplary example of

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2 American carousel carving and design. The Commission
3 urges you to affirm this designation.

4 COUNCIL MEMBER MENDEZ: Thank you and the
5 last item, 917.

6 COUNCIL MEMBER FERNANDEZ: Thank you,
7 Council Member Mendez. My name is Jenny Fernandez,
8 Director of Intergovernmental and Community Relations
9 for the Landmarks Preservation Commission. I'm here
10 today to testify in the Commission's designation of
11 Jamaica High School, now Jamaica Learning Center in
12 Queens. On May 14th, 2013, the Landmarks
13 Preservation Commission held a public hearing on the
14 proposed designation as a landmark of the Jamaica
15 High School, now Jamaica Learning Center. There was
16 one speaker in favor of designation, a representative
17 of the Historic Districts Council, and there were
18 letters in favor of designation from Council Member
19 James Genarro, and a representative of the Queens
20 Preservation Council. There were no speakers opposed
21 to designation. On June 25th, 2013, the Commission
22 voted to designate the building a New York City
23 individual landmark. The Dutch Revival style Jamaica
24 High School was built in 1895-1896 originally as a
25 combined grammar and high school and named PS47. The

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2 school was constructed for the growing town of
3 Jamaica in Queens County before consolidation of the
4 City of New York. The building replaced a much
5 smaller simpler school building located close to the
6 center of town, and was constructed in a rapidly
7 developing area. Its large scale and more elaborate
8 style expressed the town's optimism about its future
9 development. By 1909, this building had become so
10 crowded that the grammar school department was moved
11 elsewhere, and this structure renamed Jamaica High
12 School was devoted to high school education. This
13 site served the older students in the rapidly
14 expounding borough until the current and much larger
15 Jamaica High School was constructed on Gothic Drive
16 in 1927, a designated New York City landmark. The
17 Jamaica Board of Education hired renowned Brooklyn
18 architect William Tubby, who designed this three-
19 story building with a red and tan brick with
20 contrasting decorative details which displayed
21 [inaudible] and a large modified stepped gable. The
22 tall hipped roof is highlighted by an unusual witch's
23 hat dormers and high chimneys. Upon completion of
24 the larger Jamaica High School in 1927, this building
25 became a vocational school. It has served in several

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2 other capacities for the board of education. Since
3 that time, it is now an alternative high school
4 called the Jamaica Learning Center. The school
5 building continues to serve as a reminder of a much
6 earlier period and the history of Jamaica Queens.
7 The Commission urges you to affirm this designation.

8 COUNCIL MEMBER MENDEZ: Thank you. Just
9 correct something I said earlier. I said Land Use
10 item 915 was in Council Member Jackson's district,
11 and it's actually in Council Member Reyna's district.
12 And there--and also just to sum up, Land Use items
13 910, 912 and 914 were voted and adopted earlier. And
14 Land Use items 911, 913, 915, 916, 917 and 918 are
15 laid over. Public hearing on all items is closed and
16 this meeting is recessed to Wednesday morning prior
17 to the Land Use Committee hearing, 9:45 a.m.
18 promptly, 'cause we always do things promptly, right?
19 Thank you everyone. Thank you Ms. Fernandez, and
20 thank you all of the staff for being here and our
21 Sergeant at Arms, Raphael. Thank you.

22 [gavel]

23

24

25

C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify there is no relation to any of the parties to this action by blood or marriage, and that there is no interest in the outcome of this matter.



Date 09/23/2013