



OFFICE OF THE PRESIDENT
BOROUGH OF MANHATTAN
THE CITY OF NEW YORK

1 Centre Street, 19th floor, New York, NY 10007
(212) 669-8300 p (212) 669-4306 f
431 West 125th Street, New York, NY 10027
(212) 531-1609 p (212) 531-4615 f
www.manhattanbp.nyc.gov

Gale A. Brewer, Borough President

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Testimony of Manhattan Borough President to the City Council Subcommittee on Zoning and Franchises on ULURP Application Nos. N170115 ZRM, 170117 ZSM, and 170116 ZSM

27 East 4th Street By Kaladop II Park Corp

Good morning Chair Torres and members of the Subcommittee on Zoning and Franchises and thank you for the opportunity for the opportunity to testify on the proposed project at 27 East 4th Street.

In order to satisfy the requirement of the special permit, the applicant must demonstrate to our satisfaction that the proposed development would have "minimal adverse effects on conforming uses in the surrounding area". The location of this proposed development in an historic district and adjacent to a beloved and fragile landmark makes this very challenging. The proposed project is adjacent to the Merchant's House Museum, a historic landmark which is nearly 200 years old. The age of the building, the structural condition and concern over the impact the construction of the proposed development could have on the exterior and interior of the museum building must be considered carefully.

While the applicant has been working with the museum since 2014 to mitigate any potential damage if its project were to proceed, there is still no agreement on whether or not these efforts would be effective or sufficient given the current condition of the museum building. At the present moment, the museum building's owner, the Parks Department, has not taken on any capital needs assessment of the building and acknowledges that such an assessment is needed. The Borough President believes that before the current application is approved, an independent assessment conducted by an expert in historic properties must be conducted under the auspices of Parks and the application should not move forward unless a construction plan is developed that has an extremely high probability of success without damage to the museum.

However, before those steps are taken, the Borough President believes another route may prove advantageous. During review of this application, it was discovered that the applicant also owns another property within the same zoning lot, 403 Lafayette Street (Block: 544 Lot:5). It is presently a 3-story parking garage. Preliminary conversations between this office and the New York City Department of City Planning indicate that a transfer of development rights is possible depending on what the applicant were to propose to construct. Landmarks Preservation Commission would also need to evaluate whether or not a building at this new site with the transferred development rights would be appropriate. This office believes the location of this alternate site is more appropriate for the hotel use sought by the applicant given the size of the lot and its location on a major street. While this office sympathizes with the applicant at the thought

of starting over with a new site, this alternative could also benefit the applicant as they would be able to build a larger project.

Therefore, the Manhattan Borough President recommends disapproval unless the Applicant makes all reasonable efforts to develop the project at 403 Lafayette Street.

If the applicant is unable to develop on the alternate site after exhausting all efforts, then the City of New York, through the Department of Parks and Recreation, should obtain an independent expert assessment that should result in a plan to ensure the structural stability of the museum building throughout construction of the project prior to final approval of the application. The application approval should require a restrictive declaration as a condition of the special permits. The restrictive declaration should require the developer to adhere to conditions and safeguards to minimize adverse effects on the adjacent Merchant House. The Department of Parks and Recreation should also be responsible for overseeing implementation of the conditions and safeguards to ensure the stability of the museum building as a treasured landmark for generations to come.