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TESTIMONY BEFORE BSA REGARDING 330 WEST 86 STREET –
COUNCIL MEMBER GALE A. BREWER, 6TH DISTRICT, MANHATTAN – JUNE 15, 2010

My name is Gale A. Brewer, and I represent the upper West Side and northern Clinton in the New York City Council. I am testifying at the Board of Standards and Appeals (BSA) on three matters related to 330 West 86th Street, and the developer 330 West LLC.

First, I support the request of the New York City Department of Housing Preservation and Development (HPD) to modify BSA's resolution on this matter. As you know, the City is involved in pending litigation intended to resolve the intent and restrictions included in the Urban Development Action Area Program (UDAAP) at this site. HPD must be given the time and legal purview to resolve the unique controversies that have arisen in the UDAA Program.

Second, it is my understanding that the developer had originally submitted plans to the Department of Buildings with the intent to demolish an existing four story apartment building at 330 West 86th Street and to construct a new apartment building. Although the developer's submitted plans show the proposed apartment building as a four unit dwelling, it is my understanding that a 17 story building is actually intended. As the current City Council Member for the upper West Side, with a long track record of advocating for neighborhood preservation and diversity, I don't believe that this type of building was intended when the City Council, as recommended by HPD, voted for this site to be included in UDAA Program in 1999. The UDAA Program is intended to preserve and revitalize existing buildings by remedying violations and making repairs, and is not intended to create a low-cost incentive to private developers to demolish a viable four unit building so that it could be replaced by a much larger one built by a for-profit developer who is constructing market rate apartments.

Third, I want to express my concern about a reported lack of communication in the proceedings of the Board of Standards and Appeals. As you know, I wrote to you on May 12, and you kindly answered on May 26 regarding the Board's Rules of Practice and Procedure that do not require notification to the Community Board and elected officials for an interpretive appeal application, as they do for variances and special permits. Needless to say, this application at 330 West 86 Street is of great interest to the community – hundreds of people attended a recent meeting on the topic at St. Paul's and St. Andrew's Church – but we were never notified to testify at the BSA hearing on the interpretive appeal application. I would have testified on April 20, 2010, that I oppose the BSA's decision to overrule the Department of Building's restriction on the height and width of 330 West 86 Street.

I am asking the members of the Charter Revision Commission to add notification of all BSA hearings and items to their list of charter changes. The public is not served unless government is fully transparent in its dealings with all parties.

I want to thank Chair Meenakshi Srinivasan and the Board Members for reviewing this decision, and I urge BSA to accept HPD's recommended modifications at the site known as 330 West 86th Street.