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**Testimony re: Items 2019-89-A and 2019-94-A: the appeal of a New York City Department of Buildings challenge on the validity of a building permit dated April 11, 2019 in the C4-7 and R8 Special Lincoln Square District**

Dear Commissioners:

I write to oppose the currently planned building at 36 West 66th Street (AKA 50 West 66th Street). Building a 775-foot tower on this site is not only inappropriate for this neighborhood, the design of this building flies in the face of zoning text in the Special Lincoln Square District. As was written in the September 2018 letter in support of our challenge by George Janes, a certified planner, "There are several deficiencies in the drawings and designs" of the proposed building. Despite a revised ZD1, I remain concerned about the use of interbuilding voids, shadows cast on neighboring buildings and Central Park, and incongruent zoning approvals with the Special Lincoln Square District.

I would like to reiterate some concerns with the proposed building:

1) The FDNY has unanswered questions regarding the safety of the currently proposed interbuilding voids. Interbuilding voids are still a novel construction technique and at 161 feet floor-to-floor this one is the largest ever proposed. When the Special Lincoln Square District was adopted in 1993, such a concept was never considered because it was inconceivable. New York City codes do not directly address interbuilding voids or their use, and developers, the DOB and the BSA have interpreted them just as they would any other mechanical floor. But, interbuilding voids are not just another mechanical floor. They are a new building technique that are not well addressed in any of the City's regulations and the Commissioners have the ability to override this approval if safety of occupants is at risk. The FDNY has also raised concerns about the accessibility of void space that may contain mechanical equipment for operations.

2) Areas claimed for mechanical exemptions should be proportionate to their mechanical use. The DOB has the responsibility to determine that spaces claimed as exempt from zoning floor area because they are used for mechanicals are, in fact, used for accessory building mechanicals and are reasonably proportionate to their use. If they are not, then the DOB must ask the applicant to redesign these spaces. I believe this is the case with the proposed building.

3) The proposed design would cast a shadow across almost the entire width of Central Park in the early evenings. This shadow will impact neighbors, park-goers, and historic resources. This building's impact on additional public spaces in the area has not been fully studied or considered during the zoning approval process.

4) Tower coverage and bulk packing are calculated on different parts of the zoning lot. They must be linked. Because this zoning lot is split by a zoning district boundary, the applicant, relying upon ZR 77-02, decided that tower coverage is calculated on the C4-7 portion of the zoning lot (35,105 SF), while the area under 150 feet is calculated on the entire zoning lot (54,687 SF), regardless of zoning district. The applicant's reading of 77-02 is in error. While ZR 82-34 instructs that floor area under 150 feet should be calculated on the entire zoning lot, it does not also follow that tower coverage (82-36) should be calculated on a different portion of the zoning lot, as such a reading is contrary to the purpose of the tower-on-base regulations and has led to absurd results. For these reasons and with the support of the community, I ask the Board of Standards of Appeals to uphold our challenge to the Department of Building's zoning approvals for 36 West 66th Street.

Thank you for the opportunity to testify today and for your consideration on this important issue.

Sincerely,



Brad Hoylman  
State Senator  
27th District