



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](http://www.manhattanbp.nyc.gov)

**Gale A. Brewer, Borough President**

**August 6, 2019**

**Testimony of Manhattan Borough President Gale A. Brewer  
BSA Cal. No: 2019-89-A and 2019-94-A - 50 West 66<sup>th</sup> Street**

Good morning Chair Perlmutter and Commissioners. I am Manhattan Borough President Gale Brewer and I am here to oppose the construction of this project at 50 West 66 Street as designed.

Much has been reported about the unprecedented height of its mechanical floor, which some have referred to as a “mechanical void.” On May 29, 2019 the City Council approved an amendment to the Zoning Resolution to address mechanical voids. That amendment may affect this project. In addition, the FDNY raised safety concerns about the developer’s initial 160-foot mechanical floor. The developer addressed these concerns in part by sub-dividing that mechanical portion of the building into three contiguous floors. Those floors are still too tall—in fact, at a collective 176 feet, they are 16 feet taller than the original mechanical floor. However, leaving aside the mechanical void text amendment and the measures the developer took to address the FDNY’s concerns, this proposed building raises specific, critical zoning issues.

First, there is the question about whether or not this space is *truly* being used for mechanical equipment. In total, the proposed mechanical floors in this tower will add up to 229 feet, nearly one-third of the building’s overall height. I’ve yet to hear of a building that needs that much mechanical equipment. What will likely be above the mechanical equipment on these floors is a great deal of empty space—a void. This empty space does not adhere to Section 12-10 of the Zoning Resolution. By any reasonable measure, the empty shell that forms the core of the tower is a subterfuge – it is not a “mechanical void” and the BSA should not allow it to become a precedent.

Second, the tower coverage and bulk packing rules are established by sections 82-36 and 82-34 of the Zoning Resolution. The area of this building occupies two zoning districts. The developer has chosen to use a larger portion of the merged zoning lot to pack more floor area at the base of the tower; the tower itself is configured to rise on a smaller portion of the lot, enabling the developer to pack more FAR within a narrow and excessively tall envelope. The tower coverage and bulk packing rules were enacted specifically to ensure predictable, contextual building heights. The developer’s incorrect interpretation of these zoning requirements has resulted in a significantly taller building than would otherwise have been allowed. The developer needs to follow both the letter and the spirit of the law, and apply it to the entire lot area, as intended by the zoning.

We cannot permit the construction of developments that evade the intent of the Zoning Resolution. The developer needs to follow the rules. The BSA must rule that tower coverage, bulk packing, and the design of mechanical space must conform to existing rules before projects are approved.

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Thank you for your time and consideration.